

# Delmore

Fast Track Approval Application

Assessment of Environmental Effects and Statutory Analysis

7 July 2025

**B&A**

Urban & Environmental

Prepared for:  
Vineway Limited

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## 2.0 Applicant and Property Details

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To:	Environmental Protection Authority
Site Address:	88, 130, 132 Upper Ōrewa Road and 53A, 53B and 55 Russell Road, Ōrewa
Applicant Name:	Vineway Limited
Address for Service:	Barker & Associates Ltd PO Box 1986 Shortland Street Auckland 1140 Attention: Charlotte MacDonald
Legal Description:	Lot 2 DP 418770, Lot 2 DP 153477, Lot 1 DP 153477, Lot 1 DP 497022, Lot 2 DP 497022 and Lot 1 DP 336616 (refer to Records of Title as <b>Appendix 1</b> )
Site Area:	109.18ha
Site Owner:	Refer to <b>Table 1</b> below.
Unitary Plan:	Auckland Unitary Plan (Operative in Part) ('AUP (OP)')
AUP (OP) Zoning:	Future Urban Zone ('FUZ')
AUP (OP) Precinct:	N/A
AUP (OP) Overlays & Controls:	Significant Ecological Areas Overlay - Terrestrial Macroinvertebrate Community Index – Native Macroinvertebrate Community Index – Exotic Macroinvertebrate Community Index – Rural
Designations:	NoR 6 - New Connection between Milldale and Grand Drive, Ōrewa (AT)
Additional Limitations:	Flood prone areas Flood plains Overland flow paths Archaeological site (R10/776) – shell midden Archaeological site (R10/1573) – shell midden
Locality Diagram:	Refer to <b>Figure 2</b>

**Brief Description of Proposal:**

The development of 109.18 hectares of FUZ land into a comprehensively planned development, including up to 1,217 dwellings, one super-lot, a commercial area, supporting infrastructure, as well as associated works as described in the application material

**Summary of Reasons for Consent:**

AUP (OP): Non-complying activity overall under the AUP (OP) for urban development within the FUZ

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('NES-F'): restricted discretionary activity

## 3.0 Executive Summary

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This report is submitted in support of the substantive application to the Environmental Protection Authority ('EPA') by Vineway Limited ('applicant') to construct a comprehensively planned residential development at 88, 130, 132 Upper Ōrewa Road and 53A, 53B and 55 Russell Road, Ōrewa (the 'site'). The development will involve the construction of up to 1,217 dwellings, one unserviced residential superlot, one commercial superlot, two neighbourhood parks, open space areas, areas of protected vegetation, roads including a significant portion of the NoR 6 road, supporting infrastructure and other associated works. Works will be undertaken in two primary stages. Once completed, the development is intended to be called Delmore.

This report has been prepared in accordance with the requirements of the Fast-track Approvals Act 2024 ('FTAA'). The FTAA is intended to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

The legislation establishes an Expert Consenting Panel ('panel') to determine applications for approvals ordinarily sought under a number of different statutes. The approvals relevant to Delmore are resource consents and changes of conditions to a consent notice ordinarily sought under the Resource Management Act 1991 ('RMA'), and archaeological authorities ordinarily sought under the Heritage New Zealand Pouhere Taonga Act 2014 ('HNZPTA'). The panel replaces the role of local authorities and Heritage New Zealand Pouhere Taonga ('Heritage NZ') under those statutes. Two categories of projects can use the FTAA and be considered by a panel: Listed Projects and Referred Projects. This application is for a Listed Project in Schedule 2 of the FTAA. As such, this application is being made in accordance with the FTAA instead of the RMA and HNZPTA.

The proposal requires resource consent under the AUP (OP), and NES-F, for a change of conditions to consent notices under the RMA, and an archaeological authority under the HNZPTA. It also seeks approval for a nominated person to undertake the activities set out in the archaeological authority. This application and Assessment of Environmental Effects ('AEE') have been prepared in accordance with sections 43 and 44 of the FTAA, Clauses 5-8 and 10 of Schedule 5 of the FTAA, and Clause 2 of Schedule 8 of the FTAA, and provides a description of the proposal together with an assessment of actual and potential effects on the environment.

The actual and potential adverse effects on the environment are assessed in detail throughout this report, together with the comprehensive suite of technical reports included with the application. Having assessed the effects against the relevant statutory framework, it is considered that any adverse effects will be appropriately avoided, remedied or mitigated to be no more than minor. There will be significant positive effects on the environment by enhancing the social, cultural and economic wellbeing of people and communities, restoring and enhancing degraded ecosystems, providing for enhanced public access to the Nukumea Scenic Reserve, delivering a significant portion of the regionally significant NoR 6 road, and constructing up to 1,217 new homes. The proposal is considered to be consistent with the Treaty settlements and iwi planning documents relevant to the site, and the applicant has undertaken, and continues to undertake, extensive engagement with iwi. The application is also considered to be generally consistent with, and will give effect to, the relevant objectives and policies of the National Policy Statement - Urban Development ('NPS-UD'), National Policy Statement for Freshwater Management ('NPS-FW'), National Policy Statement for Indigenous Biodiversity ('NPS-IB'), NPS-F and AUP (OP). While there are some inconsistencies with the Future Urban Zone ('FUZ') provisions of the AUP (OP), our

analysis demonstrates that the proposal, as a whole and on balance, will not be contrary to all of the objectives and policies.

To inform the urban outcomes sought by the proposed development, the proposal has been designed to be consistent with the outcomes associated with the Residential – Mixed Housing Suburban ('MHS') Zone and Subdivision - Urban Chapters of the AUP (OP). This is reflected in the lot layouts, access arrangements, and general bulk and location of the proposed dwellings. The approach to an assessment of objectives and policies with regard to the MHS Zone and Subdivision – Urban Chapters is outlined in Section 13.1.1.

It is considered that the proposal meets the purpose of the FTAA as it will deliver an infrastructure and development project with significant regional benefits. The proposal will deliver a regionally significant increase in Auckland and the Hibiscus Coast's supply of housing, with the type of housing proposed responding directly to demand for stand alone, 'affordable' homes. Up to 1,217 dwellings are proposed to be delivered as part of this proposal. This project will deliver a significant portion of regionally significant roading infrastructure, as it will fund and deliver the portion of NoR 6 which runs through the site and that will connect the Ōrewa SH1 interchange at Grand Drive with Wainui Road. The project will see ecological protection, restoration or enhancement through the retention, covenanting, planting, and pest plant management across an area of approximately 55.3ha, and the creation of new wetland environments. Restoration, enhancement, and re-creation of these types of ecological areas is a national priority (cl 3.21 NSP-IB), and the overall ecological gains the proposal includes will make a regionally significant contribution to responding to the significant environmental issue of biodiversity loss. The project will have significant economic benefits for people and industries with an estimated contribution of \$304.2 million to Auckland's GDP, and will create approximately 2,290 full time equivalent jobs within the construction sector. The combination of roading, housing, economic and ecological benefits will make a regionally significant contribution to ensuring Auckland has a well-functioning urban environment.

## 4.0 Introduction

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This substantive application is submitted in support of Vineway Limited's proposal for the development of 109.18 hectares of FUZ land into a comprehensively planned development, including up to 1,217 dwellings, one residential super-lot, a small commercial area, two neighbourhood parks, open space areas, supporting infrastructure, and associated works as described in the application material at 88, 130, 132 Upper Ōrewa Road and 53A, 53B and 55 Russell Road, Ōrewa.

This proposal is a Listed Project in Schedule 2 of the FTAA. As such, this application is being made in accordance with the FTAA instead of the RMA and HNZPTA. This substantive application and AEE is provided in accordance with the requirements of sections 42 and 43 of the FTAA, the applicable Schedules, and the relevant provisions of the RMA and HNZPTA. An FTAA checklist, as provided by the EPA, is provided as **Appendix 2**.

In accordance with Section 46 of the Act, the information provided in this application complies with Section 42, Section 43 and Section 44, relates solely to a listed project, and does not seek approval for an ineligible activity.

As per Section 44 of the Act, the information provided in this application is sufficiently detailed to correspond to the scale and significance of the matters that will be assessed in considering whether to grant the approvals sought, including any adverse effects of the activities to which the approvals relate. This takes into account any proposal by the applicant to manage the adverse effects of an activity through conditions.

#### 4.1 Introduction to the Applicant

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The applicant and authorised person under Section 42 of the FTAA for this application is Vineway Limited. Vineway Limited is a special-purpose entity that was incorporated in September 2023 and this proposal is its sole development. This proposal is being undertaken by Vineway Limited, but overseen by a related entity, Myland Partners (NZ) Limited ('Myland').

In the past twelve years, Myland has made a significant contribution to housing supply in the Auckland region through completed or currently under construction developments. Recent examples of master-planned greenfield residential subdivisions completed or currently under construction by Myland in Auckland are:

- Cardinal West is located in the suburb of Westgate and has delivered 470 lots and over 20 typologies, with the majority of houses constructed and sold. The project involved the protection and enhancement of streams, stream-edge walkways, cycleways and landscaped ponds;
- Manawa is located within the suburb of Hobsonville. This project delivered 327 lots and dwellings on a site of 15 hectares; and
- Strathmill is currently under construction and located in Ōrewa, within proximity to the proposed Delmore development. The Strathmill project was consented under the Covid-19 fast-track process will deliver 433 homes and involves protected and enhanced streams, three landscaped ponds, retained native species and two stream edge roads.

## 5.0 Background

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### 5.1 Schedule Application

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An application for Delmore to be listed in Schedule 2 to the FTAA was lodged on 3 May 2024 and approved on 6 October 2024. The Schedule application set out Vineway Ltd's seven objectives for Delmore which combined to provide multiple regionally significant benefits. The Schedule application has been attached as **Appendix 3** for reference and the appendices can be provided upon request.

### 5.2 Notice of Requirement

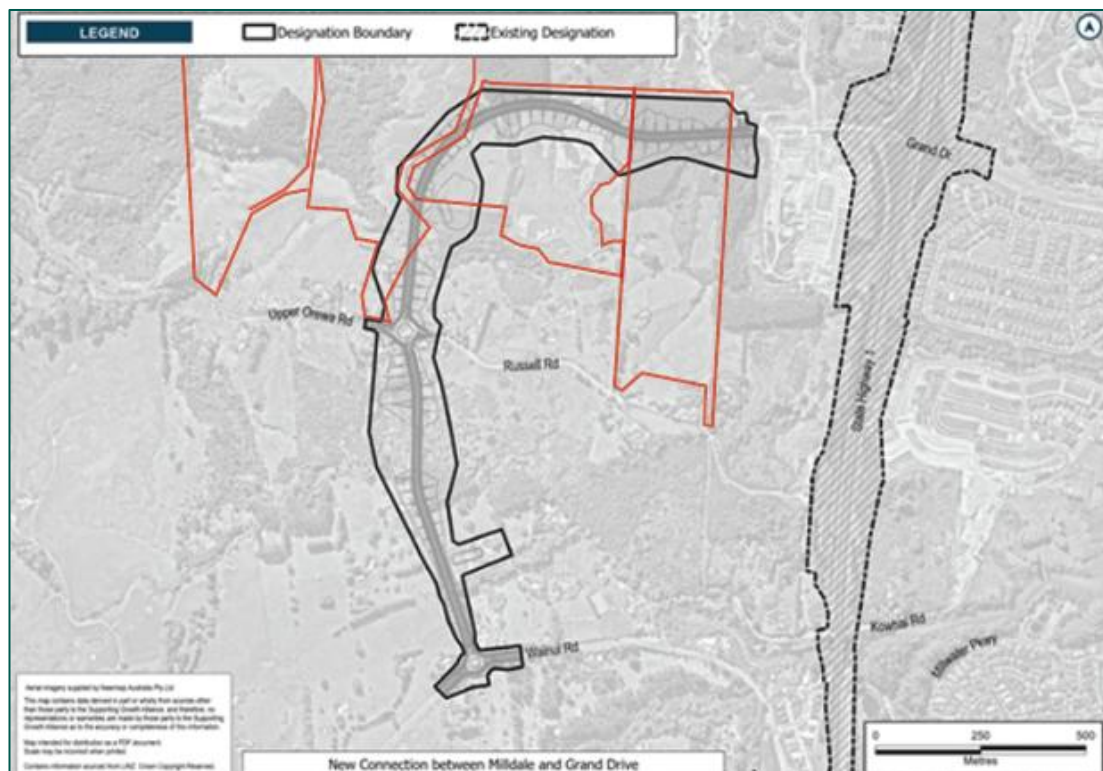
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On the 20 October 2023, Auckland Transport ('AT') via the Supporting Growth Alliance ('SGA') lodged a notice of requirement for a designation for a new two-lane urban arterial road with active mode facilities running from State Highway 1 and Grand Drive through the site and connecting to Wainui Road ('NoR 6' road designation). **Figure 1**, below shows the NoR 6 road designation extent. A decision by AT under s171 of the RMA to confirm the NoR was made on 23 January 2025. The appeals period closed on 14 February 2025. One appeal was lodged before the appeal period



closed by Northridge2018 Ltd. Northridge2018 Ltd owns property to the south of the site, further down the NOR 6 road designation. This appeal relates primarily to the effects of the NOR 6 designation on 379 Wainui Road. Changes to resolve the appeal have been agreed in principle and consent documentation is expected to be put before the Environment Court soon. These do impact the designation footprint on the Delmore site.

Earthworks are proposed within the extent of the NoR 6 road designation as it applies to the project area to establish suitable grades for the Grand Drive to Milldale Connection, design levels for the residential lots, and infrastructure servicing. As such, separate approval will be sought from AT for works within the designation in accordance with s 176 of the RMA. An arterial road within the NoR 6 road designation has been incorporated into the Delmore Masterplan. This generally follows the alignment of the NoR 6 road as shown within the “NoR 6 road designation general alignment plans”, with modifications reflecting the detailed design analysis undertaken by McKenzie & Co. As set out in Appendix 51.4 the modifications to the alignment of the southern part of this portion of the NOR 6 road are expected to reduce the incursion into the existing native vegetation when compared with the AT alignment in the concept plan referred to in the designation. Vineway Limited will fund and deliver the arterial road within the subject site.



**Figure 1: NoR 6 General Alignment Plan in reference to the subject site (parcels in red). Note, this is not included in the designation. Instead a higher level ‘concept plan’ is included in the designation. Source: Auckland Transport.**

## 6.0 Scope of Application

This application seeks resource consents that would otherwise be applied for under the RMA 1991 and an archaeological authority under 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 in accordance with Schedule 8 clause 9. The scope of this substantive application for a listed project under the FTAA is as follows.

Resource consent under the NES-F and AUP(OP) is sought to establish and subdivide up to 1,217 dwellings, as well as one un-serviced super-lot, across a site area of approximately 109 hectares in the FUZ. The architectural drawings provided with the application show 1,217 dwellings however, the suite of technical documentation provided with the application has assessed and provides for approximately 1,250 dwellings. This takes into account the servicing and infrastructure requirements that would be required to develop the un-serviced super-lot in the future.

Resource consent is also sought to undertake associated works including bulk earthworks, and provide infrastructure including a local road network, local parks, a commercial area, wastewater treatment infrastructure and an on-site wastewater treatment plant and stormwater discharges. Resource consent to change consent notice conditions is also sought.

The subject site contains two recorded archaeological sites. Whilst works will avoid both recorded sites, other, currently unidentified archaeological sites may be encountered during works. Therefore, an authority to modify or destroy from Heritage NZ is sought under this application.

## 7.0 Site Context

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This section of the application is provided in accordance with clause 5, 8 and 10 of Schedule 5 and clause 2 of Schedule 8 of the Act.

Copies of Records of Title for the site are attached at **Appendix 1**. A broad summary of the site and locality details is provided below.

### 7.1 Site Description

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The subject site is comprised of six contiguous lots located at 88, 130 and 132 Upper Ōrewa Road and 53A, 53B and 55 Russell Road, Ōrewa, as shown in **Figure 2** below. The site is irregularly shaped, with a total area of approximately 109.18ha. **Table 1** below summarises the addresses and legal descriptions for each site included in the application.



**Figure 2: Locality Plan. Source: eMaps.**

Property Address	Legal Description	Site Area (ha)	Owner	Occupier
88 Upper Ōrewa Road	Lot 2 DP 418770	15.7286	[REDACTED]	Owner occupied
130 Upper Ōrewa Road	Lot 2 DP 153477	42.2	[REDACTED]	Owner occupied
132 Upper Ōrewa Road	Lot 1 DP 153477	20.522	[REDACTED]	Owner occupied
53A Russell Road	Lot 1 DP 497022	1.0963	[REDACTED]	Unoccupied
53B Russell Road	Lot 2 DP 497022	14.8825	[REDACTED]	Owner occupied
55 Russell Road	Lot 1 DP 336616	14.7674	[REDACTED]	Owner occupied

**Table 1: Subject site area property addresses, legal descriptions and owners.**

Vineway Ltd is the signatory to sale and purchase agreements for all of these properties which are conditional on it securing the approvals necessary to deliver Delmore. It is on that basis that the schedule application and this substantive application are being lodged. This was addressed in detail in the schedule application provided in **Appendix 3**.

The site is currently used for pastoral and agricultural production purposes, and consists predominately of open paddocks, with a number of dwellings and other accessory buildings supporting these uses. Interspersed across the site are pockets of indigenous vegetation (mostly in gullies), specimen trees of varying quality, boundary planting, shelterbelts and some small pine

plantations. Dissecting the site is a network of streams with some adjoining natural inland wetlands.

Whilst the subject site is not subject to any statutory overlay as identified in Section 11 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011, there are several Treaty settlements that apply to the subject site. These settlements are identified in Section 11 of this AEE in further detail.

### 7.1.1 Topography

The topography of the site rises and falls between a series of ridgelines and gullies, with steeper areas concentrated closer to waterbodies, and being generally located within the northern portion of the site. Much of the site in between the waterbodies is land which could be best described as rolling, with a general fall to the south-east towards the Ōrewa River. Neighbouring sites to the west and south share similar topographical characteristics. Refer to **Figure 3** below, which demonstrates typical topography of the eastern part of site.



**Figure 3: Stage 1 area of the subject site, looking eastward. Source: B&A site visit, 21/11/2024.**

Typical topography of the western part of site, which has generally steeper undulations than the eastern area, is illustrated in **Figure 4** below.

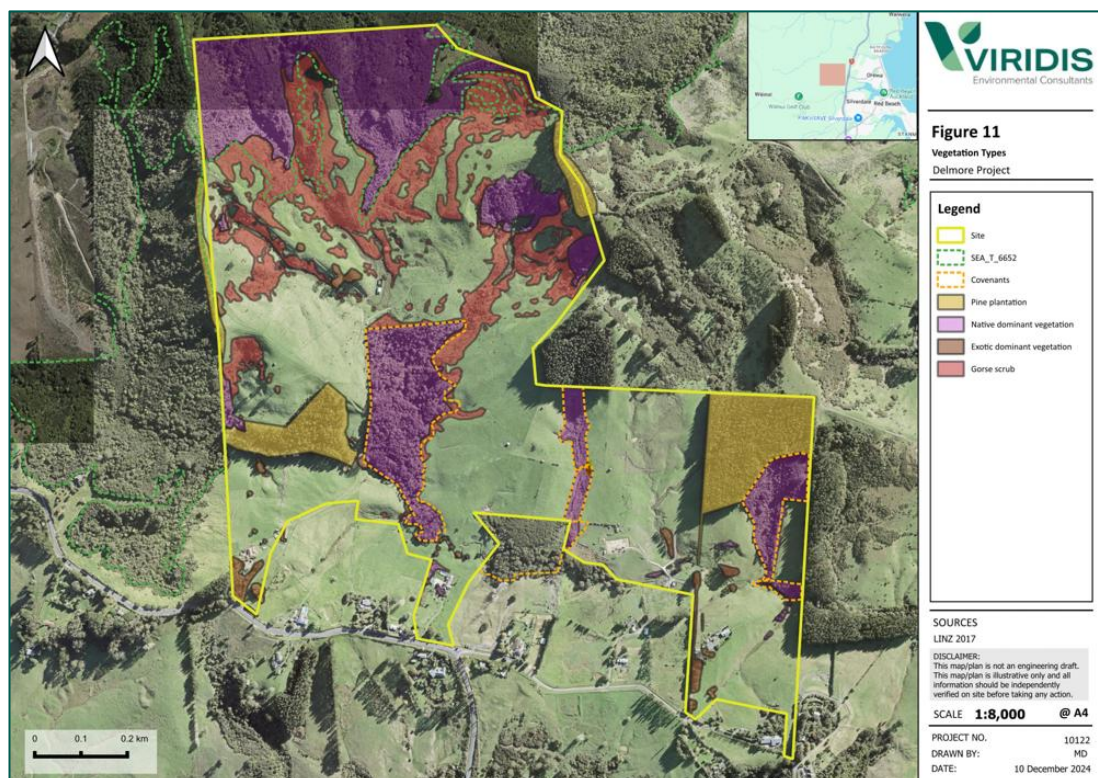




**Figure 4: Stage 2 area of the subject site, looking northward. Source: B&A site visit, 21/11/2024.**

### 7.1.2 Vegetation and Terrestrial Ecology

The majority of the site is covered in managed pasture. Outside of the pasture, several pine plantations, exotic vegetation, and gorse scrub are present. Relatively large areas of native vegetation are also present on the site, associated predominately with areas subject to consent notice conditions and a Significant Ecological Area – Terrestrial ('SEA-T') Overlay. Vegetation within the site has been classified and mapped within the Ecological Impact Assessment provided in **Appendix 4**, and the Arboricultural Assessment provided in **Appendix 5**. **Figure 4** below illustrates the types and location of vegetation present throughout the site.



**Figure 4: Types of vegetation across the subject site. Source: Viridis Ecological Impact Assessment.**

As shown in **Figure 4**, native vegetation is predominately present within the areas of the site subject to the SEA-T, and three vegetated areas shown in orange dashed lines, that are captured by the following consent notices (provided with **Appendix 1**):

- Consent Notice 10576706.2 for wetland and planting area maintenance relating to 53B Russell Road;
- Consent Notice 6079871.2 for bush protection at 55 Russell Road; and
- Consent Notice 7405348.2 for native bush and riparian vegetation protection at 88 Upper Ōrewa Road.

The Ecological Impact Assessment (**Appendix 4**) identifies the following with respect to ecological values:

- The two eastern-most consent notice areas consist of young planted native vegetation and are considered by Viridis to have moderate current ecological value;
- The native vegetation within the SEA-T in the northern part of site, and the western-most consent notice area consists of a diverse range of native species. These areas are considered to have a high current ecological value, as they are dominated by a native canopy and understory, function as ecological corridors and buffers, and are only subject to edge effects around their perimeter;
- Other identified areas of native vegetation within the site typically consist of pockets of mature mānuka and kanuka. These areas are considered to have moderate current ecological value; and
- The ecological value of exotic trees present on the site is considered to be low.



**Figure 5: Pocket of existing vegetation protected by environmental covenant within Stage 1 area. Source: B&A site visit, 21/11/2024**



### 7.1.3 Hydrology

The site contains a network of 39 intermittent and permanent streams. An example of a typical stream within the site is provided as **Figure 6** below.

Of note is the permanent stream (identified as ‘stream 38’ within the Ecology Report) that traverses the site, which is a tributary of the Ōrewa River and drains directly to the Ōrewa River estuary. Stream 38 captures flows from all other streams within the site.

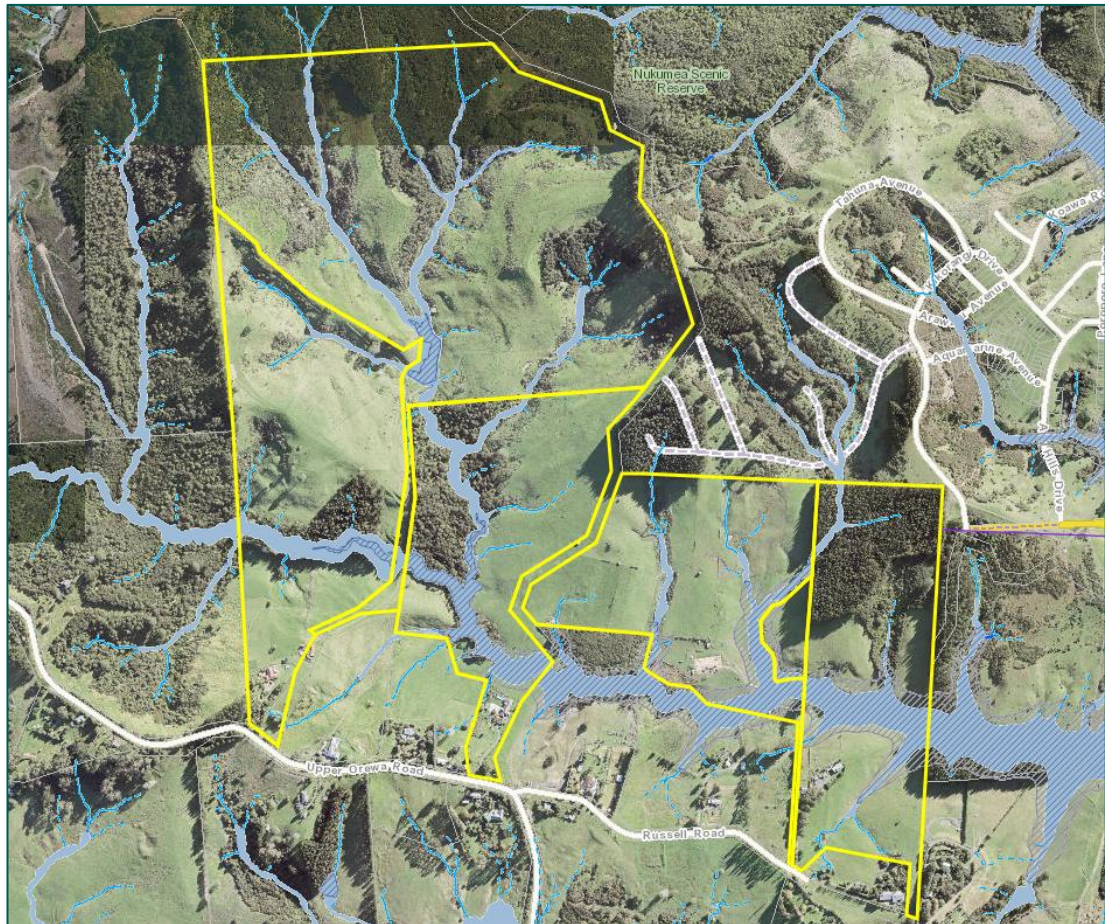
The current ecological values of the streams are assessed within the Ecological Impact Assessment as ranging from moderate to high. The range in value is predominately dependent on the amount of effective riparian vegetation present along the stream banks.

Several existing farm crossings and culverts are present throughout the site. No fish surveys have been undertaken within the catchment of ‘stream 38’, however the presence of several species of fish can be expected based on surveys within adjacent catchments, as identified within Section 5.1.2 of the Ecological Impact Assessment (**Appendix 4**).



**Figure 6: Typical stream within the subject site. Source: B&A site visit, 21/11/2024**

The site is subject to a series of flood hazards in the form of flood plains, overland flow paths, flood prone areas and flood sensitive areas. As shown in **Figure 7** below, the flood hazards are generally located in association with the existing waterways traversing the site.

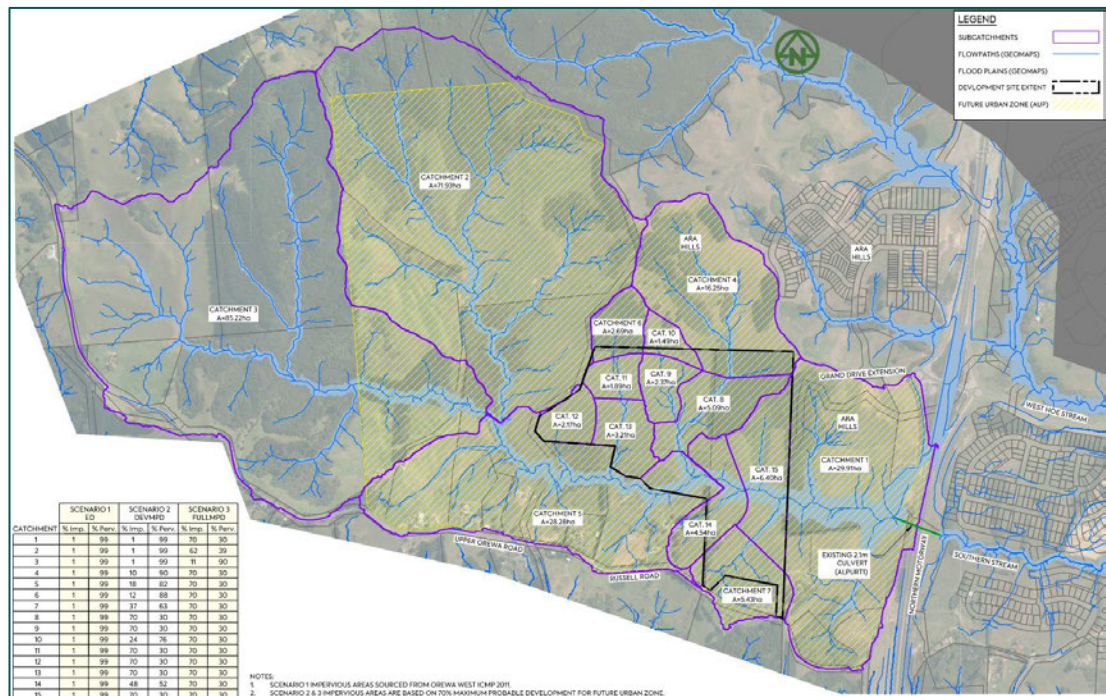


**Figure 7: Flooding hazards affecting the site. Source: Auckland Council Geomaps.**

The stormwater hydrology and catchments relevant to the site are described by McKenzie & Co in its Stormwater Management Plan ('SWMP') attached as **Appendix 6** with reference to **Figure 8** below as follows:

*"The site sits within a contributing catchment size of 266.86 ha. The contributing catchment is comprised of five sub-catchments. Two large sub-catchments (catchment 2 and 3), 157ha located northwest of the development site feed into Streams 31 & 38 through the subject site. The remaining catchments within the northern portion of the subject site (catchments 8, 9, 11 12, part-of 6, 10, 14 and 15) drain south toward the main overland flow path running through the site, then discharges to the "main overland flow path" flowing in the easterly direction. The site's southern boundary straddles several catchments and is bounded by Upper Ōrewa Road/Russel Road. Catchments 5, 7 and part of catchment 14 drain toward the 'main overland flow path' which discharges to the east through the subject site."*





**Figure 8: Sub-catchment map. Source: McKenzie & Co Draft Stormwater Management Plan, Appendix 6.**

#### 7.1.4 Wetlands

The Ecological Impact Assessment (**Appendix 4**) identifies a total of 34 natural inland wetlands as being present within the site. Both palustrine and riverine wetland hydro systems are present, consisting of both marsh and seepage wetlands. The natural inland wetlands range in size from 16m<sup>2</sup> to 2,533m<sup>2</sup>. With regard to the condition of the wetlands, the Ecological Impact Assessment notes the following:

*“All wetlands have been degraded through historical and current agricultural practices. With the exception of the wetlands located within the SEA or covenant areas, stock had access to wetlands and damage, such as grazing, pugging and erosion, was evident... given the degraded nature of these features, the ecological value of the wetlands (and associated habitat) was conservatively assessed as moderate.”*

A typical natural inland wetland for the site is illustrated in **Figure 9** below.



**Figure 9: Typical wetland within the subject site. Source: Viridis Ecological Impact Assessment, Appendix 4.**

Five ponds constructed for agricultural purposes are also present on-site. These ponds are not considered to qualify as natural inland wetlands for the reasons given in the Ecological Impact Assessment. Post-lodgement, additional wetland delineation was requested by Auckland Council Freshwater Ecology. The AC Freshwater Response Memorandum provided by Viridis (**Appendix 42.3**) confirms that following further assessment, no additional areas meeting the definition of a 'wetland' have been identified.

#### 7.1.5 Access

The site is currently accessed via several private crossings from Upper Ōrewa Road and Russell Road to the south.

There is a paper road located between 88 Upper Ōrewa Road and 53B Russell Road that bi-sects the overall subject site, an application for works within the paper road will be made to Auckland Council concurrent with this application, and a pre-application meeting on this has already been held. An application for road stopping will be made to Auckland Council closer to when works begin in Stage 2.

#### 7.1.6 Contamination

A Preliminary Site Investigation ('PSI') provided by Williamson Water & Land Advisory ('WWLA') as **Appendix 7** concludes that no potentially contaminating activities under the Ministry for the Environment's (MfE's) Hazardous Activities and Industries List (HAIL) have been undertaken on the site. Areas which may contain contaminants at levels that exceed background (clean fill) ranges are limited to around existing buildings.

#### 7.1.7 Geotechnical

Riley Consultants Ltd ('Riley') have prepared a Geotechnical Report which is included as **Appendix 8**, and Geotechnical Memorandum (**Appendix 43**). This provides a detailed description of the geology and geomorphology of the site.

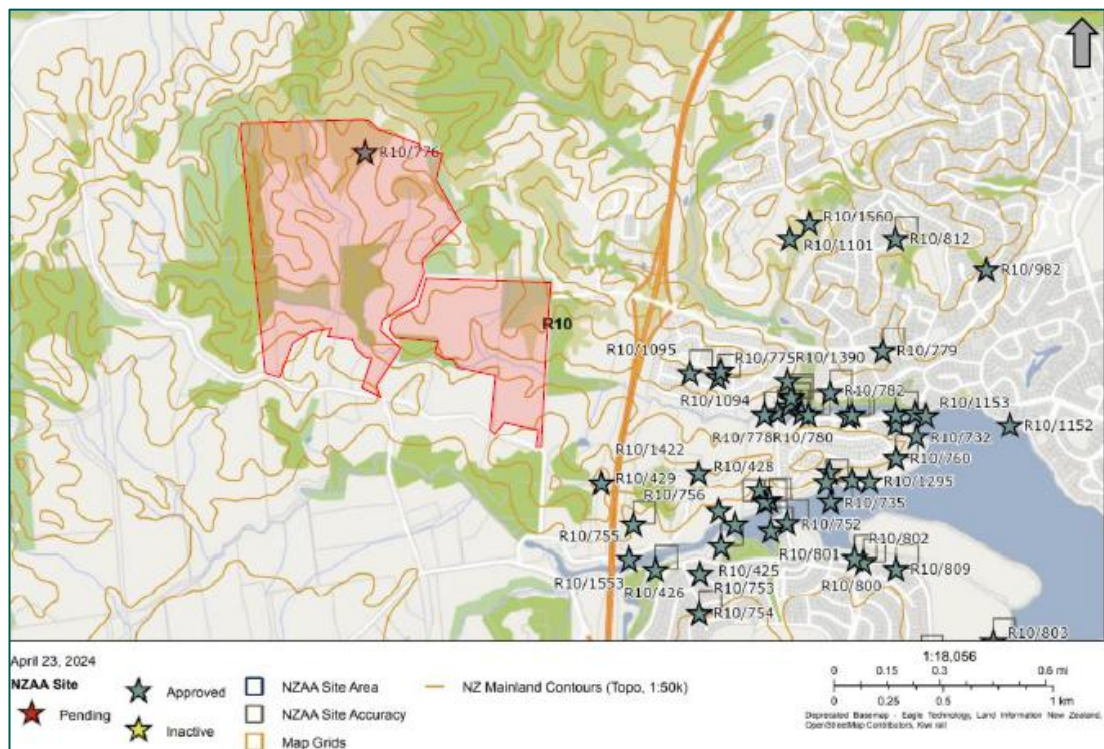


The Geotechnical Report notes that the site is underlain by the Waitemata Group and Northland Allochthon geological units. The geomorphology of the site typically slopes between 5° and 15° but steepens into the gullies, particularly in the west, where some slopes have a gradient of up to 45°. Numerous localised instability features are present across the site, in the form of localised slumping on steeper slopes and gulley heads, and erosion at stream edges. It is noted that there are also localised areas that are free of observed existing instability features.

Groundwater has been detected during site investigations by Riley's in several locations, at depths ranging between 2m and 5.2m below existing ground level.

### 7.1.8 Archaeology

The Archaeological Assessment prepared by Clough and Associates (**Appendix 9**) confirms that there are two recorded archaeological features on the site (R10/776 and R10/1573), both being a shell midden). Archaeological site R10/776 (see **Figure 10** below) was identified in the NZAA database prior to an on-site survey undertaken by Clough and Associates. Archaeological site R10/1573 was identified by Clough and Associates during a site survey on 21 November 2024, and was subsequently entered into the NZAA database.



**Figure 10: Map showing archaeological site R10/776 in relation to subject site (in red). Source: Clough & Associates**

The general location of the archaeological site R10/1573 in relation to R10/776 is shown in **Figure 11** below.



**Figure 11: Map showing archaeological site R10/1573 in relation to R10/776. Source: Clough & Associates**

The Archaeological Assessment identifies that as there are two recorded archaeological sites within the subject site, there is the potential for other sites associated with Māori settlement to be present.

#### 7.1.9 Existing Infrastructure

The Water, Wastewater and Utilities Report as **Appendix 10** and Stormwater Report as **Appendix 12** detail the existing infrastructure within the subject site and a summary is provided below.

- There is currently no stormwater reticulation infrastructure within the subject site;
- The site is not currently serviced with regard to wastewater infrastructure. A Watercare gravity network connection is located approximately 200m to the east of the site at Grand Drive. A 1050mm diameter transmission gravity network is located 600m south of the site in proximity to Wainui Road. Refer to the Delmore Capacity Memorandum provided as **Appendix 45.1** and **Appendix 45.2** for confirmation that there is sufficient capacity within the public network to serve the site at least once the Army Bay stage 1 upgrade is complete and possibly before. As explained below, if there is an interim period where there is no capacity within the network wastewater will be managed on-site;
- There is an existing 355mm diameter Watercare water supply main at Grand Drive, approximately 200m east of the site. Refer to the Delmore Capacity Memorandum provided as **Appendix 45.1** and **Appendix 45.2** for confirmation that there is sufficient capacity within the public network to serve the site; and
- With regard to power, the existing dwellings are serviced by overhead powerlines. With regard to gas, medium pressure piped gas supply is present within Wainui Road. In terms of telecommunications, discussions with Chorus indicate that ADSL/VDSL are available at the development site boundary. Fibre is currently laid in the Grand Drive extension.



## 7.2 Surrounding Locality

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The site is located approximately 3.2km west of the Ōrewa Town Centre and 2.3km north-east of the emerging Milldale Local Centre with access via Howard Road and Upper Ōrewa Road, via Wainui Road. The site is also located within close proximity to State Highway 1 and the Ōrewa interchange which provides direct access to the Albany Metropolitan Centre, 16km south of the site. Refer to **Figure 12** for a high-level surrounding locality plan.

As can be observed in the site location plans provided with the architectural drawings in **Appendix 15** and also in the **Appendix 13** Structure Plan prepared post-lodgement (**Appendix 47.1**), the site is also located in close proximity to a number of existing or proposed amenities including schools, open spaces and commercial centres. The latter includes two proposed neighbourhood centres, one directly adjacent to the site in the Ara Hills development that is consented, and one approximately 800m south of the site within the Milldale North Private Plan Change area, which was lodged with Auckland Council in March 2024. The site is also located approximately 600m north of a proposed education campus intended to include a primary, intermediate and secondary school on Upper Ōrewa Road. This has been identified in the Wainui Future Urban Structure Plan and will be subject to the Ministry of Education designation process.

The main employment areas in proximity to the Site are located in Ōrewa Town Centre, the Highgate Industrial area (1.6km south of the Site) and Silverdale Town Centre / Industrial area (3km south of the Site). The proposed Milldale Rapid Transit Station lies adjacent to the Highgate Industrial Area. A major new industrial employment area, Silverdale West, is also proposed and is subject to a lodged Private Plan Change application, south of Dairy Flat Highway approximately 3.2km south of the Site.

The structure plan supporting text and the connectivity and accessibility analysis in **Appendix 47** provide further graphical and written information.

As can be seen in **Figure 13** below, immediately to the north, west and south of the site are sites zoned Rural Production and contain rural dwellings, pockets of planting and paddocks. Land immediately adjacent to the north of the site is zoned Open Space – Conservation Zone and contains the Nukumea Scenic Reserve. To the north, east, and south of the site are properties zoned as FUZ.

The Ara Hills residential development is located to the north-east and has been granted consent on FUZ land. The broader Ara Hills development is set over 84 hectares and currently has approval for 575 residential lots. Further to the east, the Strathmill residential development (a Myland project) is under development.

Immediately adjacent to the south of the site is a mixture of Rural Production and FUZ land, which currently contains paddocks, rural dwellings and pockets of vegetation. Further to the south of the site, Plan Change 103 (Silverdale West Industrial Area) to rezone 107ha of FUZ land to Business – Light Industry zoning has recently been lodged and notified. Beyond this is Milldale, where residential development is currently under construction.



### 7.3 Owner and Occupiers

In accordance with clause 5(1)(d) of Schedule 5 and clause 2(1)(b) of Schedule 8 of the FTAA, the names and addresses of owners and occupiers of the site and land adjacent to the site (where

occupiers were identifiable after reasonable inquiry) are provided within either within Section 7.1 above or within the Neighbour and Central Government Consultation Summary as **Appendix 14**. Responses to those neighbours that provided comments to the panel about the project are provided in **Appendix 54**.

## 8.0 Proposal

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This section of the application is a summary of the key elements of the proposal provided in accordance with clause 5(1)(a), 8 and 10 of Schedule 5 and clause 2(1)(f) of Schedule 8 of the FTAA.

More detailed descriptions on particular aspects of the proposal are set out in the specialist reports and drawings accompanying the application and this AEE.

For completeness, the following approvals are sought under Section 42(4):

- A resource consent (as an approval under section 42(4)(a) that would otherwise be applied for under the RMA);
- A change of consent notice conditions (as an approval under section 42(4)(a)) that would otherwise be applied for under the RMA); and
- An archaeological authority described in Section 44(a) or (b) of the Heritage New Zealand Pouhere Taonga Act 2014 that would otherwise be applied for under HNZPTA.

### 8.1 Overview

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Vineway Limited seek to construct up to 1,217 residential lots and dwellings, a 9,400m<sup>2</sup> super-lot, one commercial super-lot, jointly owned access lots (JOALs) and roads to vest, two neighbourhood parks and open space areas, as well as associated site preparation works, construction of civil infrastructure and landscaping on the site. This is shown on the Final Architectural Drawings by Terra Studio (**Appendix 48.1**) **Appendix 15** and shown in the Masterplan as **Figure 14** below. The proposed development will be undertaken in two primary stages. As shown in the staging plan as **Figure 15** below, Stage 1 will be located within the eastern part of site, and Stage 2 within the west. Further staging detail is outlined in section 8.5.1 below.





A complete list of all key post-lodgement design changes are provided within the Terra Studio 'Key Changes' Memo, provided as **Appendix 48.2**. For ease of reference, a summary is provided below:

- In response to Council's requests, the insertion of a new 3,100m<sup>2</sup> Neighbourhood Park into the Stage 1 area meeting all of Parks' key metrics. This additional park has resulted in the removal of 12 residential lots and 1 JOAL. A condition of consent is proposed that if Council does not choose to acquire this park, the proposal will revert to the original plans and it will be developed into the 12 residential lots. This shall be determined at survey plan approval stage (section 223 of the RMA);
- In response to Council's requests, the redesign of the Stage 2 Neighbourhood Park to meet the minimum 3,000m<sup>2</sup> area, provide a 30m x 30m kickable ball area, and exclusion of utilities and structures within the park boundaries. The only metric that is not met is the requirement for surrounding land outside of the kick-ball area to maintain gradients not exceeding 5%. Given the topographical constraints in Stage 2, the proposed park achieves approximately 2,200m<sup>2</sup> of flat land, with an additional 1000m<sup>2</sup> required for 1:3 planted batter slopes along the western and southern boundaries adjoining private lots. The expansion of this park has resulted in the removal of 1 residential lot;
- In response to Council's requests, a new 1,000m<sup>2</sup> commercial superlot has been proposed in Stage 2, resulting in the removal of 3 residential lots and 1 JOAL;
- In response to Council's requests, four additional key pedestrian connections have been introduced, and two roading connections to external site boundaries; and
- The total dwellings now proposed is 1,217 and one unserviced super-lot, which reduces to 1,205 dwellings if the Stage 1 Neighbourhood Park is acquired by Parks.

## 8.2 Site Works

### 8.2.1 Bulk Earthworks

The proposal involves the removal of all existing buildings and structures from the properties subject to this application.

It is proposed to undertake bulk earthworks over a total area of 58.4 hectares to establish proposed design levels for the residential lots, infrastructure servicing, road reserves, jointly owned access lots (JOALs), landscaped areas and in some cases, retaining walls. Although the total earthworks area is 58.4 hectares, the bulk earthworks will be undertaken in stages and the proposed conditions of consent require that a maximum of 30 hectares is exposed at any one time.

Further detail is provided in Section 5 of the Earthworks Report and Drawings attached as **Appendix 16**, and Earthworks Update Table (**Appendix 49.2**). A summary of approximate earthworks figures is provided in **Table 2** below.

Type	Approximate total volume
Cut	1,213,000m <sup>3</sup>
Fill	1,014,000m <sup>3</sup>
Balance	199,000m <sup>3</sup>
Total	2,227,000 m <sup>3</sup>



**Table 2: Summary of cut and fill balances. Source: McKenzie & Co.**

A maximum cut depth of 15m and maximum fill height of 15m is proposed. An average topsoil scrape to a depth of 200mm is proposed across the site. Cut and fill drawings have been prepared by McKenzie & Co and included as Appendix A of **Appendix 49.3**.

A significant portion of the earthworks will be re-profiling the existing ground. This primarily involves cutting and lot shaping along the spines of each of the proposed earthwork's sub-catchments, then relocating the cut material for engineered fill along the periphery of the streams. The final earthworks design will form flat lot areas following the road grade, with steeper batters adjacent to the stream areas. In order to form these batters, some earthworks will be required within the riparian margins across the site. The generally undulating nature of the site will be retained.

Earthworks are required to facilitate the construction of the proposed roading network, including the construction of culverts. This will see earthworks undertaken within existing natural wetlands, and areas of vegetation subject to existing consent notice conditions. Details of these earthworks are shown on Updated Earthworks Drawings prepared by McKenzie & Co as **Appendix 49.3**.

It is envisaged that earthworks will generally progress from east to west, with the Stage 1 area to be completed first. Erosion and sediment control ('ESC') measures are proposed, as shown on the erosion and sediment control plan ('ESCP') prepared by McKenzie & Co and addressed in Section 6 of the Earthworks Report. These measures include clean and dirty water diversions, decants and sediment detention ponds. It is confirmed that all works will be designed in accordance with Auckland Council's Guideline Document 2016/005 Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region ('GD05'). Other devices and systems will be included as required to achieve ESC requirements. Areas of the site will be stabilised as soon as possible to prevent sediment runoff. Stabilising measures are likely to be topsoiling and an application of straw mulch.

A series of retaining walls are required to support the proposed earthworks (predominantly cuts) and are shown on the Updated Earthworks Drawings in **Appendix 49.3**. Additional information relating to these retaining walls are provided within the Rileys Response to AC Geotechnical (**Appendix 43.2**).

### 8.2.2 Dewatering

In terms of groundwater, preliminary groundwater monitoring to date by Riley Consultants confirms that the proposed bulk earthworks are expected to encounter the groundwater table. It is anticipated that permanent dewatering will be required. Refer to the Rileys Response to AC Groundwater (**Appendix 43.1**) and Rileys Response to AC Geotechnical (**Appendix 43.2**) for further detail.

### 8.2.3 Site Remediation

The PSI as **Appendix 7** outlines that no specific soil remediation requirements have been identified for the site. Soil and debris around existing dwellings and associated structures (generally a 1-2 m wide halo) should either be tested for suitability for reuse, or removed for disposal to appropriate facilities, during the demolition and clearance process.



#### 8.2.4 Wetlands and Stream Works

As identified in Section 7.1.4 there are 34 wetlands meeting the definition of natural inland wetlands in the NPS-FM -within the site. These are identified in the Ecological Impact Assessment (**Appendix 4**) as Wetlands A to AJ.

As noted in the Ecological Impact Assessment (**Appendix 4**), the proposal has been specifically designed to protect and enhance natural inland wetlands to the maximum extent practicable. Incursions are limited to those required to deliver crossings essential for access the different parts of the site. As detailed within the Stormwater Report attached as **Appendix 12**, the stormwater solution for the development has been designed to mimic pre-development conditions and to maintain flows to streams in order to support wetland health.

The proposal involves earthworks within natural inland wetlands in order to construct culverts 1, 5, 7, 9 and 10. The extent of works is shown on the McKenzie & Co Stormwater Drawings attached as part of **Appendix 58**. In all instances, it is proposed to retain the associated wetland, however small areas of wetland will be permanently lost to construct culverts 7 and 9.

Creation of new natural inland wetland areas are being provided to offset any adverse effects associated with these areas of loss, this is described in depth within Section 12.5.2 below and within the Viridis Response to AC Freshwater (**Appendix 42.3**). Further, it is noted that existing culverts will be removed and streams daylighted, providing benefits to existing wetland areas. Hydrological impacts associated with this are addressed in the culvert memo in **Appendix 42**.

#### 8.2.5 Vegetation Removal

It is proposed to clear existing vegetation comprising of pasture, shelterbelts, pine plantations and other rural amenity vegetation from the site, as detailed within the vegetation clearance drawings prepared by McKenzie & Co as **Appendix 16**. In order to form batter slopes, some vegetation removal will be required within the riparian margins and within 20 metres of a natural inland wetland, further details of this are described within the Arboricultural Assessment provided by Peers Brown Miller attached as **Appendix 5**.

The site contains three bush areas protected by existing consent notice conditions, which in some instances, will require some vegetation clearance to provide for culverts and pipe bridges. The extent of this clearance is shown in the Vegetation Removal Drawings, attached as part of **Appendix 16**. Further, wastewater irrigation lines will be located within one of these areas, with further detail provided within the Ecological Response to Terrestrial Ecology (**Appendix 42.2**).

A Draft Tree Management Plan ('TMP') has been prepared and outlines guidelines to minimise effects on all vegetation proposed to be retained. This is attached as part of **Appendix 5**.

### 8.3 Buildings and Dwellings

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Vineway Limited is seeking consent for up to 1,217 residential lots and dwellings as per the following:

#### Stage 1

- 461 residential lots and dwellings; and

- 12 residential lots and dwellings if Council does not acquire the Stage 1 park (this is known as the “Alternative Design” as described below)<sup>1</sup>; and
- 10 residential lots and dwellings if the Wastewater Treatment Plant is not developed<sup>2</sup>, or in the future once the Wastewater Treatment Plant is decommissioned; and

### Stage 2

- 734 residential lots and dwellings; and
- One 9,400m<sup>2</sup> super-lot which is unserviced but earmarked for future residential use; and
- One super-lot if Council does not acquire the Stage 2 park.

It is proposed to construct one dwelling per residential lot. The dwellings will comprise a combination of detached and zero lot dwellings, with 1,066 detached dwellings and 139 ‘zero-lot’ dwellings. The Alternative Design comprises an additional 12 detached dwellings.

The dwellings will range from three to five bedrooms in size (refer to the typology plans within Architectural Drawings as **Appendix 48**). A total of 500 single-storey dwellings and 705 two-storey dwellings are shown within the architectural drawings. The Alternative Design comprises an additional nine two-storey dwellings and three single-storey dwellings.

A total of 71 different unit types are proposed, the distribution of the typologies across the development are shown within Sheet A-S-1-05 and Sheet A-S-1-06 included in the Final Architectural Drawing set attached as **Appendix 48.1**. Of the 71 typologies, 22 are standard typologies and 49 are bespoke typologies. Each standard typology has options for elevational treatments, which are proposed to provide flexibility and ensure that a diverse range of materiality is achieved across the site.

The development of all dwellings has been based on the Residential – Mixed Housing Suburban Zone provisions of the AUP(OP).

## 8.4 Transport

### 8.4.1.1 Proposed Rooding

A total of 28 roads are proposed to be constructed and vested with Auckland Council, as shown on the Updated Scheme Plans attached as **Appendix 50**.

The proposed roads comprise one arterial road and 27 local roads. Typical road cross sections are provided in the Access and Rooding Report and Drawings prepared by McKenzie & Co within **Appendix 18** and Updated Rooding Plans and Cross-Sections (**Appendix 51.1**) and are summarised within **Table 3** below. The roads will be formed and constructed to the relevant Auckland Transport standards, except where noted in the Transport Assessment attached as **Appendix 28**. Vineway Limited will be responsible for all funding associated with construction.

Road Hierarchy	Road Name/Reference	Road Design
Arterial Road	One arterial road is proposed, known as the NoR 6 Road/ Grand Drive extension.	The steepest grade of the arterial road is 8%. The design speed for the arterial road is

<sup>1</sup> An alternative Scheme Plan and Architectural Drawings have been provided for this situation.

<sup>2</sup> If an immediate connection can be provided to the public wastewater system.

		60 km/h. As shown on the road cross sections at <b>Appendix 18</b> , this road will have a typical legal road width of 24m providing for two traffic lanes, each typically 3.8m in width, a 2.8m raised median, and on both sides of each traffic lane, a 2.3m berm, 2m cycle lane and 2m footpath. For further detail on road design see <b>Appendix 51.4</b> .
Local Road	A total of 27 local roads are proposed.	The steepest grade of local roads will be 12.5%. The design speed for local roads is 30km/h. Local roads will have road reserve widths of 16m. Local roads will typically have two-way 3m vehicle carriageways, and on both sides of each carriageway, local roads will typically have 2.25m of berm, 1.8m of footpath and 0.95m of berm.

**Table 3: Proposed Roding.**

The roading network within the site has been designed on the basis of a road being provided within the property to the east of the site, connecting the site's eastern boundary to the Grand Drive interchange. This connection is an essential part of the regionally significant NoR6 road, the majority of which is being delivered as part of Delmore. This connection falls within the NoR 6 designation and is shown on the NoR 6 concept plan produced by AT. This connection will be delivered via the proposed conditions of consent. Refer to **Appendix 54.2** for further detail.

#### 8.4.1.2 Jointly Owned Access Lots (JOALs)

A total of 45 private JOALs are proposed throughout the site. A complete list of proposed JOALs is provided with the Commute PC79 Memo (**Appendix 51.3**). These will have varying formed and legal widths. These will be privately held by the residential lot owners and one or more residents' associations will be formed to ensure on-going maintenance requirements are met.

JOAL street lighting will be achieved through the use of solar lights and poles. As such, no connection to the electrical network is proposed.

#### 8.4.1.3 Access and Parking

Access to each dwelling is provided directly to the road via vehicle crossings, combined vehicle crossings, or JOALs. Where possible, vehicle crossings have been combined to minimise crossing points and maximise crossing separation.

## 8.4.2 Landscaping

An Updated Landscape Plan has been provided by Greenwood Associates and is attached as **Appendix 44.4**. The Updated Landscape Assessment Report by Greenwood Associates in **Appendix 44.3** explains and illustrates the overall landscaping strategy for the project. The overall design philosophy is to create a connected, green and engaging public domain that appropriately responds to the site and context.

With reference to this report, the key landscape design moves are as follows:

- Street trees are to be installed on all local roads, using a native planting strategy. Changes to species have been made in response to the Council's comments.
- Each residential lot will contain at least one tree.
- Open spaces are proposed in this project as below:
  - A 3,200m<sup>2</sup> Neighbourhood Park allotment within Stage 2, and a 3,100m<sup>2</sup> Neighbourhood Park allotment within Stage 1 - these have been provided as 'Balance Lot 5020' and 'Balance Lot 1800' respectively. Vineway Limited are in on-going discussions with Auckland Council regarding the potential acquisition of these parks. Should an agreement be reached, this can be subsequently vested to the Council. In the event that no agreement is reached, the land will be used for development as described in Section 8.3 above;
  - A total of 20 open space 'drainage reserve' areas which will be vested to Council;
  - Walking tracks within the existing consent notice areas. These areas would either be owned by the lots making up the area but managed by a Residential Society (or equivalent) or owned by a Residential Society (or equivalent), with a public pathway easement over them would see the pathways managed by Auckland Council;
  - Walking tracks and lookout points within proximity to the neighbouring Nukumea Scenic Reserve, which is proposed to be owned and managed by the Residential Society.

### 8.4.2.4 Restoration and Enhancement Planting

Restoration and enhancement planting is proposed to provide for a post-development increase in vegetation cover. This will offset the proposed removal of vegetation within the riparian margins and the consent notice areas, and increase indigenous biodiversity and ecological values of the site.

A total area of approximately 55.3 hectares (approximately 50% of the entire site) of native vegetation will form part of the final development. This comprises existing native vegetation that is retained, protected, preserved and enhanced through the protection of vegetation, and new native vegetation through revegetation planting. This includes revegetation comprising an area of 32.8 hectares, including the planting of riparian margins, the enhancement of the existing consent notice areas, and the planting of new areas to be protected by consent notice. A wetland offset area totalling 3,258m<sup>2</sup> in area is located within the south-eastern corner of the Stage 1 area, with specific detail provided within the Viridis Response to Freshwater Ecology (**Appendix 42.3**) prepared by Viridis.



### 8.4.3 Infrastructure and Servicing

The proposed servicing of the site (stormwater, wastewater, supply and utilities) is detailed in the Water, Wastewater and Utilities Report attached as **Appendix 10**, the Stormwater Report attached as **Appendix 12** and the further responses contained within **Appendix 45**, **Appendix 46** and **Appendix 52**. A summary is provided as follows:

### 8.4.4 Stormwater

A new primary reticulated network of catchpits and pipes will manage flows up to the 10% AEP event, directing stormwater to treatment devices including gross pollutant traps and raingardens. A new secondary stormwater network is proposed within road carriageways to cater for 1% AEP events. These secondary flows will generally be contained within the road carriageway and will discharge stormwater from the 1% AEP event to adjacent streams, which will then eventually discharge under the northern motorway through a culvert, and out to the upper reaches of the Ōrewa Estuary.

The requirements for stormwater discharges under the Auckland Council Regionwide Stormwater Discharge Consent (NDC) will be achieved. It is noted a private discharge consent is required as FUZ land is not covered by the region-wide discharge consent. Water quality treatment and SMAF retention/detention for impervious area will be provided for roads, JOALs, and residential lots as outlined in the Draft Stormwater Management Plan as **Appendix 52.5**.

### 8.4.5 Wastewater

A Watercare gravity network connection is located approximately 200m to the east of the site at Grand Drive. A 1050mm diameter transmission gravity network is located 600m south of the site in proximity to Wainui Road. These networks have been identified within the Delmore Capacity Memo (**Appendix 45.1** and **Appendix 45.2**) as having capacity. These networks discharge to the Army Bay Wastewater Treatment Plant ('Army Bay WWTP').

The proposal includes three wastewater solutions, with the conditions enabling either to be adopted. These are discussed below. A suite of solutions, and flexibility for the applicant to select a solution at a later date is provided to respond to the limited capacity current available at Army Bay and the fact that the date for the Army Bay upgrade is not yet set in stone. Watercare has publicly announced the upgrade will be complete 2031, although its current consent conditions contemplate earlier delivery given the short-lived nature of its temporary discharge limits and Army Bay is approaching its 13,500m<sup>3</sup> Average Dry Weather Flow (ADWF) threshold for their discharge consent, with upgrades under its consent required before that occurs.

#### 8.4.5.1 Connection to Public Wastewater Network

The primary and preferred solution is to connect to the Watercare network. According to McKenzie & Co's assessment there is sufficient capacity remaining at Army Bay now for approximately 3000 dwellings. With Delmore comprising 1,217 dwellings, there is the potential for there to be capacity within Army Bay's current flow limits to accommodate those homes. This is dependent on how many of those remaining connections are taken up before Delmore's homes are ready to connect. However, McKenzie & Co has also assessed capacity after the Stage 1 upgrade to Army Bay. Its analysis demonstrates that there is ample capacity at that time.

The timing of Delmore Stage 2 means that it aligns with Watercare's publicly stated date for completing the Army Bay upgrade. As a result, an interim solution is not considered necessary. (Refer **Appendix 45.2**).

This solution would see the construction of a new gravity network to service the proposed dwellings and a pumpstation within the southeastern portion of the site, to be vested to Watercare. If this option is pursued for Stage 1, the proposed WWTP/holding tank solutions would not be required and this area will be developed into residential lots as described in Section 8.3 above.

#### 8.4.5.2 Construction of a Wastewater Treatment Plant

Notwithstanding the above, alternative and interim wastewater solutions for the site have been designed and are to be consented as part of the proposal. The first solution would be used for Stage 1 only, given the upgrades to the Army Bay will provide more than sufficient capacity for Stage 2 and temporally align with construction of Stage 2. This sees provision of an on-site WWTP as described in the Wastewater Design Report prepared by Apex as **Appendix 30**, and further response memos attached as **Appendix 46**. In summary, this wastewater method would involve the following:

- The WWTP would use a modular, hybrid system combining Membrane Bioreactor (MBR), Membrane Aerated Biofilm Reactor (MABR), and Reverse Osmosis (RO) membranes for high-quality wastewater treatment.
- The treated wastewater would be discharged to land via an irrigation field or infiltration bed.
- During the summer months, only 20% of flows will be direction to the irrigation field and 80% of total treated wastewater flows for the full Stage 1 development would be trucked off-site<sup>3</sup>. Treated wastewater would be pumped to a filling station on Russell Road, whereby trucks would load the treated wastewater into truck and trailer units to be transported and disposed of at an appropriate facility.

Although the WWTP has been sized to accommodate wastewater flows from Stage 1 of the proposed development, due its modular nature, the WWTP is readily able to be scaled to accommodate the additional flows from Stage 2, should this be required.

The WWTP would be decommissioned at such time capacity became available at Army Bay. At this point, the WWTP site would be developed into residential lots as described in Section 8.3 above.

#### 8.4.5.3 Contingency Option

As a contingency option, a third solution enabling untreated wastewater to be taken off-site, without the WWTP in operation is proposed. The proposal includes a 1,000m<sup>3</sup> balance tank, which could connect directly to the wastewater load-out tankering system on Russell Road, without going through the WWTP. Odour control units would be installed to manage the effects of odour on adjacent dwellings. This option is needed to manage the financial realities of constructing the on-site WWTP. For example, if only a small portion of the Stage 1 houses need to have on-site

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<sup>3</sup> Note: The 80% figure relates to the total treated wastewater flows for all of the Stage 1 development. This means that in the earlier stages of the development, a smaller percentage of wastewater flows is required to be trucked off-site.

servicing, either because others are serviced by the existing network capacity or because of the timing of the Army Bay upgrade, it is not economical or efficient to construct the on-site WWTP.

#### 8.4.6 Water Supply

As established in the Delmore Capacity Memo (**Appendix 45.1** and **Appendix 45.2**) prepared by McKenzie & Co, water supply capacity from the Grand Drive watermain is estimated to be sufficient for up to 1,000 houses (including dwellings in the Ara Hills development) before Watercare requires a loop for redundancy and network resilience perspective. This means that the Grand Drive watermain capacity is considered to be insufficient to cater for the entire development. It is therefore proposed to extend the 355mm water main westward along Grand Drive until a total of 1,000 dwellings within the subject site and Ara Hills site are serviced. Once Grand Drive's watermain reaches capacity, it is proposed to service the remaining dwellings by extending the watermain southward along Upper Ōrewa Road to connect to the existing 250mm main at Wainui Road, providing security of supply via dual supply mains to the development area. Internal watermains will be provided for potable/firefighting purposes. On-lot water retention and detention tanks will be provided for each dwelling, with internal re-use optional for each dwelling.

Hydraulic modelling and hydrant testing show sufficient pressure is available for all of Stage 1. The upper reaches of Stage 2 will require either a booster pump or a reservoir at the top end of the site to provide the necessary pressure to the upper reaches of Stage 2. This is proposed as a condition of consent.

#### 8.4.7 Utilities

Indicative positions for electricity and telecommunications utilities are shown on the Infrastructure Drawings in **Appendix 10**.

Regarding power, initial discussions have been held with Vector, who has stated that the site area currently has limited capacity, but that Vector is planning a new local substation to meet the supply requirement. This can be constructed at a time complementary to the proposal based on the number of lots planned. Piped medium pressure gas supply is present in Wainui Road and no upgrade work is required to supply the development.

Initial discussions have been held with Chorus & Tuatahi Fibre. Both providers have confirmed the fibre network has capacity and is able to be extended to provide connections for the development.

### 8.5 Subdivision and Development Staging

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This section of the application and the subdivision Updated Scheme Plans prepared by McKenzie & Co enclosed as **Appendix 50** is provided in accordance with clause 8 of Schedule 5 of the Act in respect of the proposed subdivision within the project area.

Construction is proposed to be undertaken in two overarching stages, with multiple sub-stages within each stage. The position of all new boundaries, areas of all new allotments and areas of land to be set aside for new roads are all illustrated on the subdivision scheme plans. With reference to the Scheme Plan, the proposed subdivision is detailed as follows:

- 1,205 residential lots, with the ability to revert to the Alternative Design, should Auckland Council choose not to acquire the Stage 1 park. This would result in a total of 1,217 residential lots;

- 1 non-serviced residential super-lot;
- 1 commercial super-lot;
- 45 JOALs;
- 28 roads to vest;
- 20 drainage reserves;
- 1 utility reserve;
- 2 balance allotments, each to be vested in Auckland Council as a Neighbourhood Park should an agreement be reached; and
- Areas of protected vegetation including Lots 1901, Lot 1904, 1905, 1908, 1910, 1920 and 1922.

The proposal will see a Residential Society created for both Stage 1 and Stage 2 in order to manage the following:

- JOALs would be a sub-group within the Residential Society, whereby the lots that access and adjoin the relevant JOAL would manage and contribute to the funds for that JOAL;
- The WWTP would be owned by the consent holder, but leased to and managed by the Residential Society within Stage 1;
- New Lots 1901, Lot 1904, 1905, 1908, 1910, 1920 and 1922 comprise the areas of new vegetation to be protected via a consent notice. These areas would be owned and managed by the relevant Stage 1 or Stage 2 Residential Society;
- Residential lots that contain existing consent notice areas would remain in private ownership, however the overall maintenance and management of the protected vegetation would be a responsibility of the relevant Stage 1 or Stage 2 Residential Society.

Within the southern portion of the Stage 2 area, a pocket of land subject to the NoR 6 designation has been identified (shown as 2D on the Updated Scheme Plan). The extent of earthworks required to develop the NoR 6 road in this area is currently unquantified. As such, detailed design of this area is currently not possible, and so this pocket of land is proposed as a non-serviced residential super lot.

### 8.5.1 Staging

Subdivision and release of titles are proposed to be undertaken in two principal stages and five substages. The Stage 1 works will be primarily located at 53A, 53B and 55 Russell Road.

The Stage 2 works will be primarily located at 88, 130 and 132 Upper Ōrewa Road, with some proposed Stage 2 development occurring on the western part of 53B Russell Road.

The proposed subdivision and release of titles are intended to be staged, as shown on the Scheme Plans. Provided that appropriate legal access and infrastructure servicing is delivered for each stage, the individual substages are not proposed to be undertaken in any particular order. Appropriate conditioning to ensure the provision of relevant legal access and servicing is outlined in the Proposed Draft Conditions attached as **Appendix 57**.



### 8.5.2 Vesting Strategy

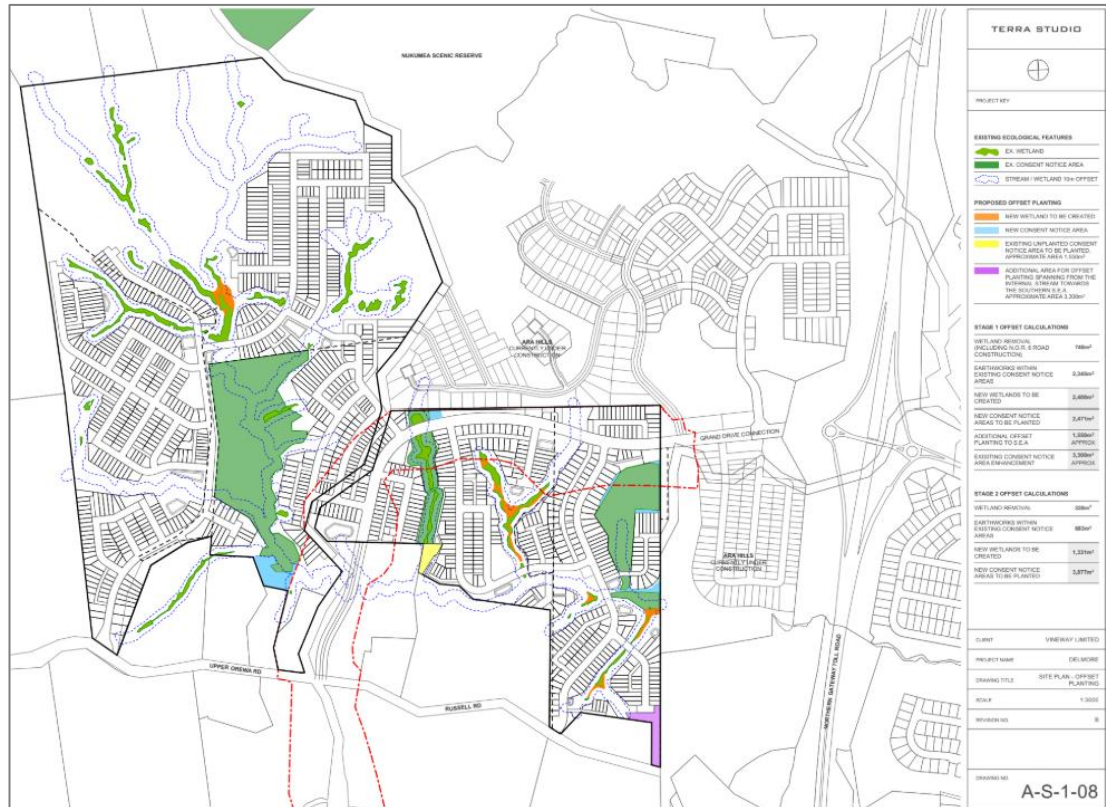
Several assets developed under this application are proposed to be vested. As noted in the consultation overview attached as **Appendix 20**, consultation regarding the proposed vesting is ongoing with Auckland Council. A post-lodgement summary is as follows:

- **Roading:** All public roads (not including JOALs) are proposed to be vested to Auckland Transport.
- **Drainage Reserves:** Where these contain a public raingarden, these are proposed to be vested with Healthy Waters.
- **Neighbourhood Parks (Lots 5020 and 1800):** This will be vested to Auckland Council Parks ('Parks') if a sale and purchase agreement can be reached, prior to survey plan approval.
- **Wastewater:** The proposed gravity network, gravity pumpstation and rising mains are to be vested to Watercare. Should the WWTP be constructed, it is proposed to be owned and operated by the Residential Society until such time as capacity becomes available at the Army Bay WWTP. A contract between Watercare and the Residential Society shall be put in place to ensure the satisfactory operation of the WWTP.

It is noted that all streams within the site have a width of less than 3-metres and therefore no esplanade reserves are required to be vested under section 230 of the RMA. The stream survey certificate is included as **Appendix 49.7**.

### 8.5.3 Consent Notices

As noted in Section 7.1.2 above, the site is subject to several existing consent notices relating to the protection of native vegetation. Works to establish culverts which require vegetation removal are proposed within the extent of these covenanted areas, as identified within the red areas of **Figure 16** below, which is provided within the Final Architectural Drawings as **Appendix 48.1**. An irrigation field comprising surface irrigation lines discharging from the proposed WWTP is proposed to be installed and located within the Consent Notice area 6079871.2 (Lot 5001). No canopy or substantial vegetation removal is proposed to accommodate this. Refer to **Appendix 42.2** for an overview of installation methodology (installation is by hand) and analysis of effects.



**Figure 16: Consent notice areas. Source: Vineway Limited**

Approval is sought under 42(4)(b) of the FTAA, which would otherwise be sought under section 221 of the RMA, to vary conditions of consent notices as follows.

- **Consent Notice 10576706.2**

- The First Schedule of Consent Notice 10576706.2 states that the site owners shall not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council) cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the area to be protected.
- It is proposed to vary this First Schedule to enable vegetation removal and earthworks within the specified extent of the covenanted area, as authorised by this consent.
- The proposed amendments to the consent notice conditions to provide for the changes set out above are set out below (deletions shown as ~~strike through~~ and additions as **bold underlined**):
- *“Pursuant to Section 221 of the Resource Management Act 1991 THE AUCKLAND COUNCIL HEREBY GIVES NOTICE that its subdivision consent given in respect of the land in the Second Schedule as shown on Land Transfer Plan 497022 is conditional inter alia upon the compliance on a continuing basis by the Subdivider and the subsequent owners of the land in the Third Schedule hereto with the conditions set forth in the First Schedule hereto **unless authorised by (BUNXXX).**”*

- **Consent Notice 6079871.2**

- The First Schedule of Consent Notice 6079871.2 states that the existing native bush to be protected shall be protected in perpetuity, and that the owners shall not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council) cut down, damage or destroy, or permit the cutting down, damaging or destruction of, any such natural landscape trees, vegetation or areas of bush.
- It is proposed to vary this First Schedule to enable vegetation removal, earthworks and a wastewater irrigation field within the specified extent of the covenanted area, as authorised by this consent. The proposed amendments to the consent notice conditions to provide for the changes set out above are set out below (deletions shown as ~~striketrough~~ and additions as **bold underlined**):

*“Pursuant to Section 221 of the Resource Management Act 1991 THE RODNEY DISTRICT COUNCIL HEREBY GIVES NOTICE that its subdivision consent given in respect of the land in the Second Schedule as shown on Land Transfer Plan 336616 is conditional inter alia upon the compliance on a continuing basis by the Subdivider and the subsequent owners of the land in the Third Schedule hereto with the conditions set forth in the First Schedule hereto **unless authorised by (BUNXXX).**”*

- Consent Notice 7405348.2

- The First Schedule of Consent Notice 7405348.2 states that existing native bush to be protected shall be protected in perpetuity, and shall not do anything that would prejudice the health of any such natural landscape trees, vegetation or areas of bush and riparian areas.
- The First Schedule also states that any buildings erected on the building site on Lot 1 shall be subject to a specified Geotechnical Report. Further, the consent notice outlines that a maximum impermeable area of 455m<sup>2</sup> is not to be exceeded unless specific design for stormwater disposal is prepared, and that stormwater control is undertaken in accordance with a specified report.
- It is proposed to vary this First Schedule to enable vegetation removal and earthworks within the specified extent of the covenanted area. It is proposed to alter the wording of the building restriction so that the specified Geotechnical Report is superseded by the Geotechnical Report provided by this application. Regarding the limit on impermeable area and stormwater control, it is proposed to alter the wording so that the stormwater disposal design is in accordance with GD01, and the Draft Stormwater Management Plan as authorised by this consent, as opposed to the stormwater guideline and report specified in the consent notice.
- The proposed amendments to the consent notice conditions to provide for the changes set out above are set out below (deletions shown as ~~striketrough~~ and additions as **bold underlined**):

*“Pursuant to Section 221 of the Resource Management Act 1991 THE RODNEY DISTRICT COUNCIL HEREBY GIVES NOTICE that its subdivision consent given in respect of the land in the Second Schedule as shown on Land Transfer Plan 267330 is conditional inter alia upon the compliance on a continuing basis by the Subdivider and the subsequent owners*

*of the land in the Third Schedule hereto with the conditions set forth in the First Schedule hereto unless authorised by (BUNXXX).*"

## 8.6 Any Other Activities

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This section is provided in accordance with clause 5(1)(e) of Schedule 5 and clause 2 of Schedule 8 of the FTAA. There are no other activities that are part of the proposal to which the consent application relates.

## 8.7 Other Approvals

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In accordance with clause 5(1)(f) of Schedule 5 of the FTAA, the following approvals may be required, and will be sought separate to this FTAA application:

- Regulation 42 of the Freshwater Fisheries Regulations 1983;
- Road stopping is required under the Section 116 of the Public Works Act; and
- Section 176 Approval is required for works within the NoR 6 designation.

A memorandum reviewing the legal interests for the site has been prepared by Alexander Dorrington as part of the schedule application, for completeness, this is included as **Appendix 38**.

## 8.8 Information Requirements

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### 8.8.1 Schedule 5(5)(1), 5(8)(1) and 8(2)(1) of the Act

Clauses 5, 8 and 10 of Schedule 5 of the Act and Clause 2 of Schedule 8 of the Act sets out specific information to be submitted to the Panel. These requirements are addressed throughout the consent application and supporting technical documents. A checklist is attached as **Appendix 2** which sets out how and where this information has been provided.

### 8.8.2 Auckland Unitary Plan – Special Information Requirements

The following special information requirements relevant to the reasons for consent are required under the AUP(OP):

- E11.9(1), an erosion and sediment control plan must include the matters listed in clauses (a) to (g); and
- E36.9, a hazard risk assessment is required when subdivision, use or development requiring resource consent is proposed on land subject to natural hazards.

An erosion and sediment control plan is contained within **Appendix 16** and addresses all of the matters listed in clauses (a) to (g) as required by E11.9 of the AUP.

A E36.9 Hazard Risk Assessment is required because the proposal involves earthworks subject to the 1% AEP flood plain, overland flow paths, and land instability. A Hazard Risk Assessment has been prepared and is included as part of the Flood Assessment Report attached as **Appendix 29**. An Overland Flow Path Memorandum has also been produced by McKenzie & Co, attached as **Appendix 52.1**. A Hazard Risk Assessment has also been provided as part of the Geotechnical Report attached as **Appendix 8** to assess potential land instability hazards.



## 8.9 Proposed Consent Conditions

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This section of the application is provided in accordance with clause 5(1)(k) and clause 18 of Schedule 5 and clause 5 of Schedule 8 of the Act. These clauses require that an application provide resource consent conditions. With specific reference to clause 18 of Schedule 5, conditions have been drafted with reference to Section 108, which relate to Part 6 and 10 of the RMA. The proposed conditions of consent relating to necessary mitigation and monitoring, as identified within the technical assessments, are appended to this AEE as **Appendix 57**.

In accordance with clause 5(1)(k) of Schedule 5, the conditions are proposed to:

- Appropriately manage adverse effects, including providing mitigation to prevent or reduce adverse effects during and after construction in accordance with Clause 6(1)(d) of Schedule 5;
- Provide for monitoring as required by Clause 6(1)(g) of Schedule 5; and
- Give effect to those matters that the Panel must consider under Section 81(2)(a).

The conditions are not considered to be more onerous than necessary and comply with Section 83 with reference to Section 81(2)(d). It is considered that they meet the requirements of the Act and that the Panel may grant the resource consent subject to the conditions in accordance with Section 81(1)(a) of the Fast-track Approvals Act 2024.

## 9.0 Approvals Required

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### 9.1 Overview

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This section of the application is provided in accordance with clauses 5(1)(h), 5(2) and 5(3)(a) of Schedule 5 of the Act, and clause 2(2) of Schedule 8.

The site is zoned FUZ under the AUP (OP), as illustrated in **Figure 13**. The site is subject to the following overlays/controls under the AUP (OP):

- SEA-T;
- Macroinvertebrate Community Index – Native;
- Macroinvertebrate Community Index – Exotic; and
- Macroinvertebrate Community Index – Rural.

The site contains natural inland wetlands, overland flow paths, floodplains and two recorded archaeological sites.

The PSI for the site identified that the subject site does not contain activities on the HAIL register and is not considered to be a 'piece of land' under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

The site also contains 34 NPS-FM qualifying natural wetlands.

The proposal requires consent for the matters outlined below. A detailed rules assessment against the applicable provisions of the AUP (OP) and NES-F is attached as **Appendix 23**. Additional reasons for consent have been identified by AC specialists during post-lodgement correspondence. These

have been incorporated with **Section 9.5** below and take precedence over the Rules Assessment attached as **Appendix 23**.

## 9.2 National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health 2011

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The NES-CS is a nationally consistent set of planning controls and soil contaminant values. It seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

Resource consent is not required under the provisions of the NES-CS as detailed in the PSI prepared by WWLA as **Appendix 7**.

## 9.3 National Environmental Standards for Freshwater 2020

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The NES-F regulates activities that pose risks to the health of freshwater and freshwater ecosystems such as farming activities reclamation of streams and wetlands, and the passage of fish affected by structures.

Resource consent is required under the provisions of the NES-F as follows:

- The proposal involves vegetation clearance and land disturbance within, and within a 10m setback from a natural inland wetland, land disturbance outside a 10 but within a 100m setback, and diversion and discharge for the purpose of urban development. These are **restricted discretionary activities** under regulation 45C(1) to 45C(5).
- The proposal involves culverts which do not comply with the conditions in regulation 70(2). This is a **discretionary activity** under regulation 71(1).

## 9.4 Other National Environmental Standards

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The proposal does not require resource consents under any of the other National Environmental Standards, including:

- National Environmental Standards for Air Quality;
- National Environmental Standards for Sources of Drinking Water;
- National Environmental Standards for Telecommunication Facilities;
- National Environmental Standards for Electricity Transmission Activities;
- National Environmental Standards for Plantation Forestry; and
- National Environmental Standards for Marine Aquaculture.

## 9.5 Auckland Unitary Plan – Operative in Part Version

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Reasons for consent under the Auckland Unitary Plan (Operative in Part) in accordance with clause 5(1)(f) of Schedule 5 of the Act are as follows:

### E3 Lakes, Rivers, Streams and Wetlands

- Any new structures and associated diversion of water not complying with the general permitted activity standard E3.6.1.14 is a **discretionary activity** pursuant to E3.4.1(A44) as follows:
  - E3.6.1.14 Standards for activities involving the disturbance and the associated sediment discharge:
    - Scour management works (riprap) will exceed 5m in length on one or both sides of proposed culverts 3, 4, 5, 6, 8, 9 and 11.
- All proposed culverts do not comply with Standard E3.6.1.14(1)(c) and are a discretionary activity under Rule E3.4.1(A44);
- The removal of constructed ponds is required under Rule E3.4.1 (A49) as a non-complying activity
- New reclamation of a natural inland wetland is a **non-complying activity** pursuant to E3.4.1(A49).

### E6 Wastewater Network Management

- The discharge of treated wastewater into water from a wastewater treatment plant is a **discretionary activity** pursuant to E6.4.1(A6).

### E7 Taking, Using, Damming and Diversion of Water and Drilling

- Temporary diversion of surface water for urban development purposes not otherwise listed is a **discretionary activity** pursuant to E7.4.1(A13).
- The diversion of groundwater caused by excavation that does not meet the permitted activity standards is a **restricted discretionary activity** pursuant to E7.4.1(A28).

### E8 Stormwater Discharge and Diversion

- The proposal involves the discharge of stormwater runoff from impervious areas not otherwise provided for by Table E8.4.1. This is a **discretionary activity** pursuant to E8.4.1(A10); and
- The proposal involves the diversion and discharge of stormwater runoff from a new stormwater network. This is a **discretionary activity** pursuant to E8.4.1(A11).

### E9 Stormwater Quality – High Contaminant Generating Carparks and Roads

- The proposal involves the construction of a new high use road greater than 5,000m<sup>2</sup> in area. This is a **controlled activity** pursuant to E9.4.1(A7).

### E11 Land Disturbance - Regional

- The proposal involves approximately 39.9 hectares of earthworks where land has a slope less than 10 degrees outside the SCPA in the FUZ. This is a **restricted discretionary activity** under E11.4.1(A5).
- The proposal involves general earthworks of approximately 19.1 hectares, being greater than 2,500m<sup>2</sup>, where land has a slope equal to or greater than ten degrees. This is a **restricted discretionary activity** pursuant to E11.4.1(A8).

- The proposal involves general earthworks of approximately 308,011m<sup>2</sup>, being greater than 2,500m<sup>2</sup>, within the SCPA in the FUZ. This is a **restricted discretionary activity** pursuant to E11.4.1(A9).

#### E12 Land Disturbance – District

- The proposal involves general earthworks of approximately 584,000m<sup>2</sup>, being greater than 2,500m<sup>2</sup>, in the FUZ. This is a **restricted discretionary activity** pursuant to E12.4.1(A6).
- The proposal involves general earthworks of approximately 2,227,000m<sup>3</sup>, being greater than 2,500m<sup>3</sup>, in the FUZ. This is a **restricted discretionary activity** pursuant to E12.4.1(A10).
- The proposal involves the following non-compliances with general standards which requires resource consent as a **restricted discretionary activity** pursuant to Rule C1.9(2) as follows:
  - Earthworks exceeding 5m<sup>2</sup> and 5m<sup>3</sup> are proposed within riparian yards where up to 5m<sup>2</sup> or 5m<sup>3</sup> is permitted under Standard E12.6.2(1); and
  - Approximately 64,553m<sup>3</sup> of fill is proposed within flood plains which will raise ground levels by more than 300mm where fill volume up to 10m<sup>3</sup> and ground level change of up to 300mm is permitted under E12.6.2(11).

#### E14 Air Quality

- Discharge of contaminants into air from treatment of municipal wastewater in the medium quality air – dust and odour rural area is a **discretionary activity** under E14.4.1(A163)

#### E15 Vegetation Management and Biodiversity

- The proposal involves the removal of vegetation within 20m of rural streams. This is a **restricted discretionary activity** pursuant to E15.4.1(A16).
- The proposal involves the removal of vegetation within 20m of a natural wetland and in the bed of a stream. This is a **restricted discretionary activity** pursuant to E15.4.1(A18).

#### E25 Noise and Vibration

- Construction works are anticipated to exceed the applicable maximum 75dB LAeq long-term construction noise limits under Standard E25.6.27. This is a **restricted discretionary activity** under E25.4.1(A2).

#### E26 Infrastructure

- Aboveground pipelines and attached ancillary structures for the conveyance of wastewater are a **restricted discretionary activity** pursuant to E26.2.3.1 (A50).
- Wastewater treatment plants are a **restricted discretionary activity** pursuant to E26.2.3.1(A54).
- Stormwater ponds and wetlands are a **controlled activity** pursuant to E26.2.3.1(A55).

#### E27 Transport

- Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access is a **restricted discretionary activity** under E27.4.1(A2):



- E27.6.3.4 Reverse Manoeuvring: A total of 73 new vehicle crossings will reverse onto a road within a VAR; and
- E27.6.4.2 Width and Number of Vehicle Crossings: The proposal does not comply with rural access width dimensions.
- E27.6.4.4 Gradient of vehicle access:
  - The following Lots in Stage 1 do not comply with the 1 in 20 (5%) maximum gradient for parking pads:
    - Lots 6–11, 17–18, 26–27, 32–45, 47, 49, 51, 53, 56–74, 97–105, 143–149, 170–185, 187, 189, 209, 225–226, 229–242, 270, 272, 274, 276, 279, 308–314, 323–326, 328–331, 338–353, 373, 391, 393, 410–411, 424, 426, 428, 439, 441, 443, 445–460, 461–466.
  - The following Lots in Stage 2 do not comply with the 1 in 20 (5%) maximum gradient for parking pads:
    - Lots 600, 603, 627, 629, 631, 633, 636, 650–654, 668–672, 674, 675, 677, 682–695, 717–739, 764–769, 770–774, 809–826, 870–878, 952–965, 975–976, 980–981, 995–998, 1000, 1047, 1048, 1092–1096, 1108–1112, 1138–1141, 1152–1160, 1175–1187, 1189, 1226, 1301–1303, 1330–1337, 1346–1353.
- The proposal exceeds trip generation standards set out in Standard E27.6.1 and is a **restricted discretionary activity** pursuant to E27.4.1(A3).
- Construction of new vehicle crossings where a vehicle access restriction applies under Standard E27.6.4.1(3) is a **restricted discretionary activity** under E27.4.1(A5).

### E31 Hazardous Substances

- Hazardous facilities that store or use hazardous substances above the specified thresholds for controlled activity and restricted discretionary activity status in the activity tables or are not otherwise provided for are a **discretionary activity** under E31.4.1(A7).

### E36 Natural Hazards and Flooding

- Construction of stormwater management devices in the 1 per cent annual exceedance probability (AEP) floodplain is a **restricted discretionary activity** pursuant to E36.4.1(A33).
- The proposal involves piping an overland flow path. This is a **restricted discretionary activity** pursuant to E36.4.1(A41).
- The proposal involves the construction of infrastructure such as roads and infrastructure servicing on parts of the site which are located within the 1% AEP flood plain. This is a **restricted discretionary activity** pursuant to E36.4.1(A56).

### E39 Subdivision – Rural

- The proposal involves the subdivision of land within the 1% AEP floodplain. This is a **restricted discretionary activity** pursuant to E39.4.1(A8).
- The proposal involves subdivision which does not meet the standards in E39.6.1. This is a **discretionary activity** pursuant to E39.4.1(A9).

- The proposal involves subdivision for open spaces, reserves and roads in the FUZ. This is a **discretionary activity** pursuant to E39.4.3(A28).
- The proposal involves subdivision in the FUZ not provided for in Tables E38.4.1 or E39.4.3. This is a **non-complying activity** pursuant to E39.4.3(A29).

#### E40 Temporary Activities

- The proposed construction activity associated with the proposed development will exceed 24 months. This is a **restricted discretionary activity** pursuant to E40.4.1(A24).

#### H18 Future Urban Zone

- As new buildings have the same activity status and standards as applies to the land use activity, new dwellings are a **non-complying activity** pursuant to H18.4.1(A2);
- Retaining walls greater than 1.5m in height or within 1.5m of a public place are considered 'buildings' and carry the same activity status as applies to the land use activity that the new buildings are accommodating. This is a **non-complying activity** under H18.4.1(A2);
- For completeness and in response to requests from Auckland Council, whilst not forming a reason for consent due to the underlying FUZ Zoning, the following MHS H4.6.7 Yard non-compliances are noted with regard to all retaining walls meeting the AUP (OP) definition of a 'building':
  - Lots 1, 18-26, 28-76, 96, 97, 124, 130, 155, 183-203, 210-249, 256-276, 280-291, 300-314, 320-371, 377-379, 381-384, 386-414, 416-467, 474-614, 624-672, 676-700, 703-763, 770-852, 870-892, 906-918, 932-951, 959-966, 968, 982-1059, 1073, 1080-1149, 1152-1201, 1203-1213, 1218-1243, 1249-1277, 1283-1294, 1304-1353 have a retaining wall meeting the definition of 'building' located within the 3m front yard setback;
  - Lots 1-10, 26, 87-92, 101-105, 173-194, 234-242, 249, 269, 270, 277, 322-334, 338-350, 381-385, 387-392, 395, 396, 470, 472, 653, 654, 660, 661, 1087-1096, 1103-1112, 1152-1160, 1166-1200, 1320-1353 have a retaining wall meeting the definition of a building' located within the 1m rear yard setback; and
  - Lots 28, 63, 64, 69, 76, 106, 124, 169, 189, 190, 242, 268, 270, 277, 308, 309, 321, 351, 381, 421, 422, 470, 472, 654, 711, 1087, 1103, 1166, 1275, 1276 have a retaining wall meeting the definition of a building' located within the 1m side yard setback.
- Dwellings that do not comply with Standard H18.6.8 are a **non-complying activity** pursuant to H18.4.1(A28); and
- The proposal involves use and development that does not meet the following core standard and is a **restricted discretionary activity** under Rule C1.9(2):
  - H18.6.3 Yards in respect of:
    - Front yards (arterial roads): All dwellings fronting an arterial road will have a minimum front yard setback of 3m where a 20m setback is required, which is a maximum encroachment depth of 17m;
    - Front yards (all other roads): All dwellings fronting a road will have a minimum front yard setback of 3m where a 10m setback is required, which is a maximum encroachment depth of 7m. The exception to this is where a dwelling has two road

frontages, whereby the second frontage will have a minimum setback of 1m, which results in a maximum encroachment depth of 9m;

- Rear yards: All dwellings will have a minimum rear yard of 1m, where a minimum 6m rear yard is proposed. This is a maximum encroachment depth of 5m;
- Side yards: Zero-lot dwellings will not provide a side yard setback where 6m is required, which is a maximum encroachment depth of 6m. All detached dwellings will provide a minimum of a 1m side yard setback where 6m is required, which is a maximum encroachment depth of 5m; and
- Riparian yards: A minimum 10m riparian yard setback is provided on each lot subject to a riparian yard, where a minimum 20m riparian yard setback is required. This is a maximum encroachment depth of 10m.

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### E27 Transport

- The proposal exceeds trip generation standards set out in Standard E27.6.1 and is a **restricted discretionary activity** pursuant to E27.4.1(A3).
- E27.6.6 Design and location of pedestrian access in residential zones:
  - All proposed JOALs serve more than two dwellings, do not have frontage to a local road and only provide pedestrian pathways of 1.2m in width where a minimum width of 1.8m is required.
- Standard E27.6.3.2(A) Accessible Parking:
  - A total of 51 accessible parking spaces are required, where no formal spaces are provided.

### E38 Subdivision – Urban

- Subdivision not meeting the standards in E38.8 Standards for subdivision in residential zones is a discretionary activity under Rule E38.4.2 (A30):
  - Non-compliance with E38.8.1.2.1 as follows:
    - Stage 1: JOALs 1, 2, 3, 4A, 4B, 5A, 5B, 6, 9, 10, 11, 30, 40, 40A; and
    - Stage 2: JOALs 16, 21, 22, 26, 27, 29, 35, 36, 39.

## 9.6 Change of Conditions to Consent Notices

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Approval is sought under Section 42(4)(b) to change a resource consent condition that would otherwise be applied for under the RMA – specifically, to change the conditions of consent notices, which are part and parcel of the relevant conditions and ensure they are complied with on an on-going basis. The proposal involves changes to conditions of consent notices 10576706.2, 6079871.2 and 7405348.2. This is a **discretionary** activity resource consent pursuant to section 87B in accordance with section 221 of the RMA, which specifies that a change to or cancellation of consent notice shall be processed in accordance with sections 88 to 121 and 127 to 132 of the RMA.

## 9.7 Archaeological Authority to Modify

Clough and Associates consider that the site has the potential to contain unrecorded archaeological sites. An authority to undertake works that will or may modify or destroy the whole or any part of any archaeological site (whether or not a site is a recorded archaeological site) that would otherwise be sought under section 44(a) of the HNZPT Act is sought under section 43 of the FTAA. An archaeological authority to modify is not sought for the two recorded archaeological sites, (R10/776) and (R10/1573), which are located outside of the proposed works.

This proposal also includes an application for approval of any person nominated to undertake an activity under the authority (Ellen Cameron) under Clause 7(2)(a) of Schedule 8 of the FTAA.

## 9.8 Activity Status

If this application were being considered under the RMA it would be for a **non-complying** activity. However, s104D which applies to decisions on non-complying activities under the RMA does not apply under the FTAA (Sch5, cl17(1)(b)). As a result, the application is, practically speaking, considered as a **discretionary activity**.

## 10.0 Consultation Undertaken

This section of the application is provided in accordance with Section 11 and 29 of the Act. Under Section 29 of the Act, before lodging a substantive application for a Listed Project, the authorised person for the project must consult the persons and groups referred to in Section 11, and outline how the consultation informed the project.

*Section 11: Before lodging a referral application, the applicant must consult:*

*(a) the relevant local authorities; and*

*(b) any relevant iwi authorities, hapū, and Treaty settlement entities, including—*

- (i) iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements; and*
- (ii) the tangata whenua of any area within the project area that is a taiāpure-local fishery, a mātaimai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996; and*

*(c) any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana Act) 2011; and*

*(d) ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou; and*

*(e) the relevant administering agencies; and*

*(f) if the proposed approvals for the project are to include an approval described in section 42(4)(f) (land exchange), the holder of an interest in the land that is to be exchanged by the Crown.*

A Consultation Overview Report has been prepared which sets out the consultation that has been undertaken in order to understand the views of stakeholders, those directly affected by the



project, and the wider community as **Appendix 20**. The feedback received has informed the final the design of the development and in preparing conditions. The specific way in which feedback has been responded to and incorporated is recorded within the supporting technical documents. In many cases, the consultation is ongoing, so will continue to feed into the detailed design as the project proceeds towards physical delivery.

Under clause 6 of Schedule 5 of the FTAA, persons who may be affected by the proposal must be identified and any response to the views of any such person must be provided. Responses to those persons identified as potentially affected persons have been provided within **Appendix 14**. The applicant's responses to persons invited to comment on the application under s53 are provided as **Appendix 54**.

The applicant has had a number of pre-application meetings with Auckland Council (including Parks and Healthy Waters) and Auckland Transport to discuss the infrastructure proposed (in particular transport and stormwater) to service the proposed development. Records and details of those meetings are outlined in the Consultation Overview Report at **Appendix 20**. Further meetings were held with relevant Council specialists as part of the preliminary Request for Information period. During that non-statutory engagement the applicant also prepared detailed written responses to the Council's initial comments and information requests.

Engagement was also undertaken with relevant iwi authorities with the details provided in **Appendix 24**.

The iwi approached by Vineway Ltd were those shown as having the site within their area of interest by Te Kāhui Māngai. They are Ngāi Tai ki Tāmaki; Ngāti Manuhiri; Ngāti Maru; Ngāti Paoa; Ngāti Tamaoho; Ngāti Tamaterā; Ngaati Te Ata; Ngaati Whanaunga; Ngāti Whātua o Orakei; Ngāti Whātua o Kaipara; te Runganga o Ngāti Whātua; Ngātiwai; Te Akitai Waiohua; Te Kawerau a Maki; Te Patukirikiri; Te Uri o Hau; Hauraki Māori Trust Board; Te Kupenga o Ngāti Hako.

The iwi authorities and/or Treaty settlement entities associated with each iwi are identified in the iwi consultation record in **Appendix 24**. These were used by Vineway Ltd as the point of contact for each iwi and thus were also identified by Vineway Ltd as likely to be affected by Delmore. A total of 20 entities were approached by Vineway Ltd.

With reference to the other components of s 13(4)(j), the following are not persons or groups likely to be affected by the project:

- Protected customary rights groups. This is because the site is not within the “common marine and coastal area” as defined in s 9 of the Marine and Coastal (Takutai Moana) Act 2011, and so does not and cannot have a protected customary rights group with protected customary rights over the site (as those terms are defined in s 9 of Marine and Coastal (Takutai Moana) Act 2011).
- Customary marine title groups. This is because the site is not within the “common marine and coastal area” as defined in s 9 of the Marine and Coastal (Takutai Moana) Act 2011, and so does not and cannot have a customary marine title group with customary marine title over the site (as those terms are defined in s 9 of Marine and Coastal (Takutai Moana) Act 2011).
- Applicant groups under the Marine and Coastal (Takutai Moana) Act 2011. This is because the site is not located in the “marine and coastal area” as defined in s 9 of that Act.
- Ngā hapū o Ngāti Porou. This is because the site is not within or adjacent to, and would have no effect on, ngā rohe moana o ngā hapū o Ngāti Porou.

A record of the consultation Vineway Ltd has undertaken with iwi entities is provided in **Appendix 24**.

Consultation undertaken in accordance with, and is considered meet the requirements of sections 11, 13, and 43, Schedule 5 clause 6, and Schedule 8 clause 2.

## 11.0 Statutory Requirements Relating to Iwi Authorities

### 11.1 Treaty Settlement Provisions and Redress

Clause 5(1)(i) of Schedule 5 of the Act requires an application to provide:

- Information about any Treaty settlements that apply in the project area, including:
  - (a) the identification of the relevant provisions in those Treaty settlements; and
  - (b) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area.

There are nine Treaty settlements applying to the site. These are:

- Ngāti Manuhiri Claims Settlement Act 2012 (associated Deed of Settlement signed on 21 May 2011). The related iwi authority is Ngāti Manuhiri Settlement Trust. The Trust has prepared a cultural impact assessment, see **Appendix 25**
- Te Kawerau a Maki Claims Settlement Act 2015 (associated Deed of Settlement signed on 22 February 2014). The related iwi authority is Te Kawerau Iwi Settlement Trust. The Trust has prepared a cultural investigation report, see **Appendix 25**.
- Ngā Tai ki Tāmaki Claims Settlement Act 2018 (associated Deed of Settlement signed on 7 November 2015). The related iwi authority is Ngā Tai ki Tāmaki Trust;
- Te Patukirikiri Deed of Settlement 2018 (signed on 07 October 2018). The related iwi authority is Te Patukirikiri Iwi Trust;
- Ngāti Whātua o Kaipara Claims Settlement Act 2013 (associated Deed of Settlement signed on 9 September 2011). The related iwi authority is Ngā Maunga Whakahii o Kaipara Development Trust. Although the Trust has not responded to correspondence from Vineway Ltd, te Runanga o Ngāti Whatua has confirmed it will prepare a cultural impact assessment;
- Ngāti Paoa Deed of Settlement 2021 (signed on 20 March 2021). The related iwi authorities are Ngāti Paoa Trust Board and Ngāti Paoa Iwi Trust;
- Te Ākitai Waiohua Deed of Settlement 2021 (signed on 12 November 2021). The related iwi authority is Te Ākitai Waiohua Iwi Authority;
- Marutūāhu Collective Redress Deed (signed 24 September). This provides collective cultural and commercial Treaty redress in respect of the shared interests of the Marutūāhu iwi: Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukirikiri. All iwi have been contacted by Vineway Ltd about Delmore;
- Hauraki Māori Trust Board Act 1988. Ngāti Paoa and Te Patukirikiri are member iwi of the Hauraki Māori Trust Board which was established under the Act. Both iwi have been contacted by Vineway Ltd about Delmore; and

- The Ngā mana whenua o Tāmaki Makaurau Collective Redress Deed (signed 5 December 2012 and amended 23 August 2013) and related Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed and related Act 2014, do not apply to Delmore because the site is located outside the Tāmaki Makaurau Area to which both the Deed and the Act apply (as shown in the Attachment 1 to the Deed). Even if it did apply, it would not be relevant to Delmore and the site because it only relates to specific maunga in Auckland, none of which are at or near the site, and to various areas of Crown land and the site is not Crown land.

For completeness, it is noted that as defined by the FTAA a Treaty settlement deed does not include an agreement in principle or any document that is preliminary to a signed and ratified deed. There are four documents falling within this exclusion potentially relevant to the project site: The Deeds of Settlement initialled by Ngaati Whanaunga; Ngāti Maru (Hauraki) and Ngāti Tamaterā according to the record on the Māori Crown Relations office website; and the agreement in principle to settle historical claims signed by the Crown and Ngāti Whātua.

Despite these not being Treaty settlements for the purposes of the FTAA definition, Vineway Ltd has contacted these iwi about Delmore and Ngaati Whanaunga has prepared and provided a cultural impact assessment. For completeness it is noted that te Runānga o Ngāti Whātua had originally indicated they thought a cultural impact assessment would be necessary, however this has not eventuated.

Cultural impact assessments were also provided by Te Kawerau a Maki and Ngāti Manuhiri. The applicant prepared detailed responses to the recommendations in these assessments.

A summary of the relevant provisions and principles of the nine Treaty settlements applying to the site have been set out in **Appendix 39**, and Delmore is consistent with these.

## 11.2 Planning Document Recognised by a Relevant Iwi Authority

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Clauses 5(1)(h) and 5(2)(g) of Schedule 5 of the Act requires an application to provide an assessment against a planning document recognised by a relevant iwi authority and lodged with a local authority.

On request, a list of all planning documents recognised by an iwi authority and lodged with Auckland Council was provided by the Council's Team Leader Māori Heritage. A list of 16 documents was provided.

Nine of those documents are considered to have no provisions relevant to this application for the reasons below:

- The Waikato-Tainui Environmental Management Plan: Tai Tumu Tai Pari Tai Ao Our Plan our Environment your Future (August 2013). This is because the site is not within Waikato Tainui's rohe.
- Te Pou o te Kahu Pōkere Iwi Management Plan for Ngāti Whātua Ōrākei (2018). This is because the site is outside Ngāti Whātua Ōrākei's rohe as shown at para 2.1 of the Plan.
- Ngaa Tikanga o Ngaati Te Ata Tribal Policy Statement. Awaroa ki Manuka (1991) and Ngāti Te Ata Waiohua Issues and Values: A Paper Prepared by Ngāti Te Ata Waiohua to Assist the Auckland Council. 29 Whiringarangi (2011). This is because these documents are only available on request from the Ngāti Te Ata Waiohua and Mr Karl Flavell has advised that Ngaati Te Ata Waiohua did not want to engage in the project and did not provide the plans for assessment.

- Te Uri o Hau Kaitiakitanga o te Taiao (2011) and Environs Holdings Limited Cultural Assessment and Monitoring Protocols and Policies (2021). This is because Ms Katherine Fletcher has advised that the site is outside Te Uri o Hau's rohe.
- Makaurau Marae Māori Trust - Te Ahiwaru Strategic Management Plan (2019-2029) and Makaurau Marae Māori Trust - Ngāti Te Ahiwaru Environmental Plan 2019 Te Whakawhanake o to tatou iwi, hapu, whanau (2019). This is because the Trust represents the coming together of Ngāti Rori, Ngāti Tangiaro, Ngāti Peehi and Ngāti Kaiaua, hapu of Ngāti te Ata whose rohe covers the south of Tāmaki Makaurau, and Ngāti Te Ata has advised that no engagement is required about Delmore.
- Ngāti Rehua Ngātiwai ki Aotea Trust 2013 Hapū Management Plan prepared by Ngāti Rehua Ngātiwai ki Aotea because it applies to Great Barrier Island and surrounding islands, the ancestral lands of Ngāti Rehua Ngātiwai ki Aotea.

Consequently, 7 of the iwi planning documents lodged with Auckland Council have, or may have, provisions relevant to this application. These relevant provisions, including objectives, policies, rules, permissions, conditions, and requirements, are summarised below and the application is assessed against them.

#### Kawarau ā Maki Trust Resource Management Statement (1995)

The Statement outlines the concerns and goals the Kawarau ā Maki Trust have with regard to sustainable management of taonga within the tribal area of Te Kawarau. An assessment against the sections of the Statement is provided the table below.

Plan Section	Assessment
2 Kaitiakitanga	<p>Vineway Ltd has worked with Te Kawarau ā Maki on the project. Its cultural investigation report included 40 detailed recommendations for both construction and final design, which Vineway Ltd has worked through and responded to carefully. Some of the responses relate to practical environmental management actions (e.g. erosion and sediment control), others propose ways to enable Te Kawarau ā Maki to ensure cultural values are understood and respected during the project (e.g. cultural induction and cultural monitoring), or to enable cultural values to be respected and acknowledged in the long term (e.g. opportunity for cultural harvest, road naming, including cultural markers within the development). Delmore is considered to be consistent with these objectives and policies.</p> <p>Section 3 of the Plan then sets out a process for engagement on resource consent processes.</p>
3 Consents, Plans and Policies	<p>Vineway Ltd first contacted Te Kawarau ā Maki when Delmore was being initially conceived, and it was beginning to prepare a schedule application. It has worked closely with Te Kawarau ā Maki since, assisting as needed for it to prepare its cultural investigation report about the project. It has prepared detailed and considered responses to the 40 recommendations in that report. It sees engagement as ongoing, and will continue to work Te Kawarau</p>



	with ā Maki. Delmore is considered to be consistent with the direction in Section 3.
4.1 Social, Economic and Cultural Well-being	Vineway Ltd has engaged with Te Kāwarau right from inception of the project. It has received and responded carefully to the 40 recommendations in its cultural values report. Those responses consider all potential effects raised by Te Kāwarau, which could combine to result in adverse outcomes, and propose/identify measures for controlling them based on the observations in Te Kāwarau's report and technical advice. They also provide opportunities for Te Kāwarau to show its spiritual and historical connects with the land through cultural harvest, road names, and cultural markers. Delmore is considered to be consistent with this objective and its policies.
4.2 Heritage	Vineway Ltd has acknowledged and respect Te Kāwarau's role as kaitiaki, and, after on-site confirmation the development would be acceptable with proper design and management, has seen its cultural investigation report as a critical input into those things. It has responded carefully to its recommendations. Its responses are intended to facilitate and respect Te Kāwarau's role as kaitiaki by inviting it to undertake cultural monitoring, and to identify road names, and cultural markers. Delmore is considered to be consistent with this objective and its policies.
4.3 Kōiwi and Artefacts	A detailed archaeological site investigation has been undertaken. This identified one other Māori historical site, alongside the one already know to be present. The development is designed to avoid these areas, and conditions are proposed to ensure they are not impacted by adjacent works. A heritage authority is still sought for the site in case other sites are uncovered, and archaeological monitoring is proposed in areas where the chance of discovery is higher, specifically along waterway edges. Conditions are also proposed to enable cultural monitoring of earthworks and for immediate notification of Te Kāwarau if anything further is discovered. Delmore is considered to be consistent with this objective and its policies.
4.4 Water	Delmore has been designed to avoid existing riparian areas unless there is no practical alternative location for a crossing. It includes extensive riparian planting to significantly offset any planting lost. All riparian areas that are not already subject to protection via consent notice, will be through the conditions of consent. Earthworks during construction will be managed to minimise sediment and erosion through extensive sediment and erosion controls, and through progressive implementation around the site. Development within the steepest reaches has also been avoided, with the north western corner left undeveloped, and steep areas extending into gullies being planted instead. A site-wide stormwater network has been designed to manage stormwater using water sensitive design principles. It is anticipated that wastewater will go into the Watercare network however, if this is not possible, a wastewater system has been designed and will be built on-site. The discharges will be treated and if discharged on site, discharged

	via irrigation into vegetation or via land through a trench system. They will be managed to ensure aquatic fauna present within the site stay healthy. Delmore is considered to be consistent with this objective and its policies.
4.5 Coastal Marine Area	As well as ensuring a healthy freshwater environment, the design and construction management features described above will also ensure that the ultimate receiving environment – te moana – will be healthy and prosperous. Delmore is considered to be consistent with this objective and its policies.
4.6 Waste	As set out above, it is anticipated that wastewater will go into the Watercare network however, if this is not possible, a wastewater system has been designed and will be built on-site. The discharges will be treated and if discharged on site, discharged via irrigation into vegetation or via land through a trench system. Discharges will be managed to ensure aquatic fauna present within the site stay healthy. Any discharges that cannot be discharged to land on-site, for example during summer, will still be treated extensively and managed in other ways, including through potential reuse for garden irrigation on site. Delmore is considered to be consistent with this objective and its policies.
4.7 Land and Landscape	Delmore has been designed to respect the natural contours of the landscape. It retains the undulating shape of the land and avoids its gullies and steepest areas. Instead of developing these areas, it includes extensive replanting with native vegetation as well as wetland re-creation in appropriate areas. In response to recommendations from Te Kāwarau it proposes to offer any trees removed for construction to Te Kāwarau for cultural use, and to invite it to provide cultural monitoring and assist with road name selection and putting in place cultural markers. Delmore is considered to be consistent with this objective and its policies.
4.8 Flora and Fauna	As noted, it is proposed to include a condition of consent requiring Vineway Ltd to offer any trees removed to Te Kāwarau for cultural use. As also already described, removal of native vegetation is limited to that needed for essential crossings within the site, with the largest area being to facilitate the NoR 6 road of regional significance. The areas to be removed have been minimised through design and extensive areas of replanting, well in excess of what is lost, will be undertaken across the site. There will also be wetland re-creation. Species used will be native, eco-sourced, and specific to the ecosystem in which they are being planted. Most of the existing areas of native vegetation are already subject to pest management through consent notices. It is proposed that analogous consent notices apply to the new extensive areas of vegetation. Delmore is considered to be consistent with this objective and its policies.
4.9 Design	As already stated, a condition of consent is proposed requiring Vineway Ltd to invite Te Kāwarau to decide on proposed road names, and also to work on

	including cultural markers in public spaces throughout the site. Delmore is considered to be consistent with this objective and its policies.
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### Te Kawerau ā Maki Claims Settlement Act 2015

The purpose of the Act is to record the acknowledgements and apology given by the Crown to Te Kawerau ā Maki in the deed of settlement and to give effect to certain provisions of the deed of settlement that settles the historical claims of Te Kawerau ā Maki (s 3).

Te Kawerau ā Maki's area of interest for the purpose of the Act includes the project site (s 13 and Attachments to Deed).

Under Part 2 subpart 1 of the Act the Minister for Arts, Culture, and Heritage must issue a protocol on the terms set out in the Deed and the Crown must comply with the protocol while it is in force. The protocol in the Deed requires the chief executive of the Ministry for Culture, and Heritage to (among other things) notify Te Kawerau ā Maki of any Taonga Tūturu found within the Protocol area (which includes the project site), and provide for the care, recording and custody of any that are found. If Te Kawerau ā Maki lodges a claim of ownership with the Chief Executive and there are no competing claims for any Taonga Tūturu found within the Protocol Area or identified as being of Te Kawerau ā Maki origin found anywhere else in New Zealand, the Chief Executive will, if satisfied that the claim is valid, apply to the Registrar of the Māori Land Court for an order confirming ownership of the Taonga Tūturu. If there are competing claims a process for managing these applies.

The application is consistent with the intent of this Protocol. It includes detailed conditions providing for oversight of excavations by an archaeological expert and Te Kawerau ā Maki (and other iwi with an interest in the project site), and for Te Kawerau ā Maki to be advised if any discoveries are made. Refer to conditions (8), (9), (133).

Part 2 subpart 2 provides for statutory acknowledgement areas. These areas are described in Schedule 1 to the Act and are areas of particular cultural, historical, spiritual, and traditional association to Te Kawerau ā Maki. Subpart 3 provides for whenua rāhui which are identified in Schedule 2. The project site is not within or adjacent to a statutory acknowledgement area or a whenua rāhui and so is consistent with their protection.

Part 2 subpart 4 provides for the use of official geographic names. The project has no impact on these provisions.

Part 2 subpart 5 provides for vesting of cultural redress properties which do not include the project site.

Part 3 subpart 1 provides for the transfer of commercial redress property and deferred selection properties. The project site is not one of these properties.

Part 3 subpart 2 provides for the transfer of license land which is Crown forest land to Te Kawerau ā Maki. The project site is not land of this type.

Part 3 subpart 3 provides for access to protected sites by the owners and occupiers of the land on which the state is located. There are no protected sites on the project site.

Part 3 subpart 4 provides for a right of first refusal over certain land. The project site is neither exclusive nor non-exclusive right of first refusal land. However, Nukumea Reserve adjacent to the project site is non-exclusive right of first refusal land. This means that Te Kawerau ā Maki, through

the Settlement Trust or Marutūāhu Iwi collective, has a right of first refusal to purchase the Reserve.

The application is consistent with these rights and interests because it protects and enhances the Reserve's ecological values.

Houses are set back and down from the reserve. There is then extensive planting between built development and the Reserve itself. The lower setting of the houses minimises the risk of adverse effects from light. The northern part of the stage 2 area, adjacent to the reserve, is then set aside as a large area of restoration planting which provides a buffer and extension to the Reserve itself. All planting has been chosen with DOC input and is designed to return these parts of the site back to its original ecosystem WS11. This accords with the ecological classification of the Reserve itself.

Based on the analysis above, the project is considered by the applicant to be consistent with the Te Kawerau ā Maki Claims Settlement Act 2015

#### Ngaati Whanaunga Environmental Management Plan (2020)

The plan sets out a number of visions and goals and to achieve a healthy and prosperous environment, each containing a list of focus areas; and a description of the state; pressures; impacts and measures of success. The relevant provisions are identified and assessed within the table below.

Vision	Assessment
Healthy and prosperous land	The Delmore master-plan has been designed to respect the underlying contours and typography of the site, and to retain the numerous gully systems and enhance them through extensive planting. Controls developed with experienced technical experts will be in place to ensure that any contaminated soils discovered on site are removed and to protect and conserve surrounding soils, and that hazardous substances for the on-site wastewater treatment plan, if one is required, are stored safely. Delmore is considered to be consistent with this goal and its related actions.
Healthy and prosperous freshwater	As explained in the Ecological Impact Assessment and the Earthworks Report provided with the application, the development has been designed to avoid existing riparian areas unless there is no practical alternative location for a crossing. It includes extensive riparian planting to significantly offset any planting lost. The total about of revegetation planting is approx. 32.8ha. All riparian areas that are not already subject to protection via consent notice, will be through the conditions of consent. Earthworks during construction will be managed to minimise sediment and erosion through extensive sediment and erosion controls, and through progressive implementation around the site. Development within the steepest reaches has also been avoided, with the north western corner left undeveloped, and steep areas extending into gullies being planted instead. A site-wide stormwater network has been designed to manage stormwater using water sensitive design principles and in a way that respects natural flow paths and uses native vegetated rain gardens. It is anticipated that wastewater will go into the Watercare network, however, if this is not possible, a wastewater system has



	<p>been designed and will be built on-site. The discharges will be treated and if discharged on site, discharged via irrigation into vegetation or via land through a trench system. They will be managed to ensure the aquatic fauna present within the site stay healthy. Delmore is considered to be consistent with this goal and its related actions.</p>
<p>Healthy and prosperous coastal and marine areas</p>	<p>As well as ensuring a healthy freshwater environment, the design and construction management features described above will also ensure that the ultimate receiving environment – te moana – will be healthy and prosperous. Delmore is considered to be consistent with this goal and its related actions.</p>
<p>Healthy and prosperous biodiversity</p>	<p>Delmore includes extensive enhancement planting across the entire site (approx 32.8ha), which is further supported by on-street and on-lot planting. This has been designed with ecological and landscape input, with a focus on restoring degraded and threatened wetland ecosystems, and creating ecological corridors between surrounding significant natural areas and the Nukumea Scenic Reserve. As also already described, removal of native vegetation is limited to that needed for essential crossings within the site, with the largest area being to facilitate the NoR 6 road of regional significance. The areas to be removed have been minimised through design and extensive areas of replanting, well in excess of what is lost, will be undertaken across the site. Delmore is considered to be consistent with this goal and its related actions.</p>
<p>Healthy and prosperous air</p>	<p>Any nuisance dust from construction will be managed using best practice techniques set out in the construction management plan. The potential odour effects from the on-site wastewater treatment plant (if used) have been assessed by Air Matters, and are considered de minimus provided they are managed according to best practice, which they are. Delmore is considered to be consistent with this goal and its related actions.</p>
<p>Healthy and prosperous culture and heritage</p>	<p>Vineway Ltd has been careful to respond to each recommendation provided to ensure that cultural values and associations with the site are respected. Conditions are proposed that require Vineway Ltd to invite Ngaati Whanaunga to provide attend the pre-start meeting when works begin, and to monitor key stages of the construction process. Others are proposed that require Vineway Ltd to invite Ngaati Whanaunga to work with it to select road names and to identify opportunities for cultural markers throughout the development. Delmore is considered to be consistent with this goal and its related actions.</p> <p>A detailed archaeological site investigation has been undertaken. This identified one other Māori historical site, alongside the one already know to be present. The development is designed to avoid these areas, and conditions are proposed to ensure they are not impacted by adjacent works. A heritage authority is still sought for the site in case other sites are uncovered, and archaeological monitoring is proposed in areas where the</p>

	<p>chance of discovery is higher – specifically along waterway edges. Conditions are also proposed to enable cultural monitoring of earthworks and for immediate notification of Ngaati Whanaunga if anything further is discovered. Delmore is considered to be consistent with this objective and its policies.</p> <p>Ngaati Whanaunga expressed strong support for the project. 17 recommendations, relating broadly to general matters, design, pre-commencement, earthworks, archaeology, vegetation restoration and enhancement, employment, and housing, were provided. Vineway Ltd has prepared a detailed response to each recommendation, either identifying or proposing specific ways each is or can be responded to.</p>
Principles for engagement	<p>In adopting an iterative engagement process, Vineway Ltd has strived to promote effective engagement and environmental outcomes that align Ngaati Whanaunga’s sustainable management mission and goals, and to design and manage the project in accordance with Ngaati Whanaunga tikanga. Vineway Ltd is committed to continuing to engage with Ngaati Whanaunga. Its assessment and understanding is that Delmore is consistent with the Ngaati Whanaunga Environmental Management Plan.</p>

### Ngaati Whanaunga Strategic Management Plan

The above assessment also applies to the Ngaati Whanaunga Strategic Management Plan as the relevant parts of that Plan are the same as included in the Environment Plan. Although this plan has not been lodged with Auckland Council, it is addressed because it was identified by Ngaati Whanaunga in its CIA.

### Ngātiwai Iwi Environmental Policy Document (2015)

The Policy Document identifies the specific environmental issues of concern to Ngātiwai and then sets out objectives, policies, and methods for each of those issues. The issues relevant to Delmore air quality, water, indigenous flora and trees, indigenous fauna, matauranga ngatiwai are assessed in the table below.

Plan Issue	Assessment
Air quality	<p>The response relating to air set out under the Ngaati Whanaunga Environmental Management Plan (2020) also speaks to the issues, objectives, policies, and methods in this Plan. In addition, Delmore includes the new NoR6 road which will improve efficient transport throughout north Auckland with a consequential reduction in emissions. The road has also been designed to accommodate bus services in the future to enhance public transport through Wainui south and east. Delmore is considered to be consistent with these objectives, policies and methods.</p>
Water	<p>The response relating to water set out under the Ngaati Whanaunga Environmental Management Plan (2020) also speaks to the issues, objectives, policies, and methods in this Plan. In addition, earthworks will be</p>

	<p>restricted to summer months unless an exception is applied for and approved by Auckland Council. The development involves small areas of earthworks within wetlands or streams to enable crossings with no practicable alternative location. Except for the NoR road, and one other crossing with a minor permanent intrusion, the crossings used entirely traverse the waterbody so that it can continue to function as part of the wider ecosystem. The NoR 6 road crossing does not entirely traverse the wetland because of its size, but it has only minimal intrusion, so that there is no loss of connectivity. The other crossing with a minor permanent intrusion is because of very challenging topography. The vegetation and area lost will be offset by extensive planting and wetland re-creation designed after extensive on-site assessment as explained in the Ecological Impact Assessment (<b>Appendix 4</b>). Delmore is considered to be consistent with these objectives, policies and methods.</p>
Indigenous flora	<p>The response relating to biodiversity set out under the Ngaati Whanaunga Environmental Management Plan (2020) also speaks to the issues, objectives, policies, and methods in this Plan. In addition, eco-sourced species are used and the NZ Biodiversity Strategy and NPS-IB priorities for restoration (specifically wetland and enhancing connectivity and stepping stones) have guided the approach to vegetation enhancement and ecosystem re-creation on-site. Delmore is considered to be consistent with these objectives, policies and methods.</p>
Indigenous tree	<p>The starting point for Delmore's design was that areas of native vegetation and trees would be avoided unless there was no practical alternative location. This means that the loss of native vegetation has been minimised and is only that needed for essential road crossings, with the NoR 6 road of regional significance resulting in the most vegetation loss. A full-site arboricultural assessment has been undertaken and recommendations have been made to avoid remedy or mitigate adverse effects from works on trees to be retained and to address the loss of vegetation removed. Setbacks from existing vegetation to protect the root zone will be employed and a detailed TMP prepared and overseen by an arborist. Any loss will be offset by extensive new planting of native vegetation. Delmore is considered to be consistent with these objectives, policies and methods.</p>
Indigenous fauna	<p>Extensive on-site fauna assessments have been undertaken. Native birds, bats, and lizards have been identified as potentially affected. A fauna management plan is proposed to be prepared which will include detailed steps for preventing negative impacts on these species, including pre-construction roost, nest and lizard assessments with specific protective and preventative actions applying if any are found, and a bat management protocol being adopted to minimise the risk bats are present when vegetation is felled. Delmore is considered to be consistent with these objectives, policies and methods.</p>

Ngātiwai rohe	Vineway Ltd has taken multiple steps to engage with Ngātiwai. It initially contacted Ngātiwai when preparing its schedule application and did so again as part of preparing its substantive application. It has had no response but has ensured that a careful assessment of this Plan has been undertaken in lieu of direct feedback. It has engaged and continues to engage with Ngāti Manuhiri, Ngaati Whanaunga, Te Kawarau ā Maki, and te Runanga o Ngāti Whātua as tangata whenua. Delmore is considered to be consistent with these objectives, policies and methods.
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#### Ngāti Tamaterā Asset Management Strategy (2019)

Vineway Ltd has not been able to access this document. Ngāti Tamaterā was contacted prior to lodgement of the schedule application, again after it was included in the schedule and started to prepare the substantive application for Delmore, and later to specifically request this document. No responses have been received. Vineway Ltd requested the document from Auckland Council but it was unable to be provided because it is held by Auckland Council on the basis it will be internally used only, and others wanting to see the document will be directed to request it directly from Ngāti Tamaterā. Vineway Ltd sees iwi engagement as an ongoing responsibility, and will work with Ngāti Tamaterā if a response is received.

#### Ngāti Tamaterā Mātauranga Innovation & Digital Strategic Framework Toikuranui (2022)

The same situation applies to this document as set out under the Ngāti Tamaterā Asset Management Strategy (2019).

#### Rautaki mō mātou kāinga Housing Strategy Ngāti Tamatera Treaty Settlement Trust (2023-2026)

The same situation applies to this document as set out under the Ngāti Tamaterā Asset Management Strategy (2019).

#### Interim Ngāti Paoa Regional Policy Statement (31 May 2013).

The same situation applies to this document as set out under the Ngāti Tamaterā Asset Management Strategy (2019).

#### Mana whakahono a rohe

There are no manawhaka hono a rohe applying to the site as far as Vineway Ltd is aware.

#### Summary

If Vineway Ltd's application were assessed under the RMA, the decision-maker would be required to "have regard to" iwi management plans under s 104(1)(c). This requires careful attention to be paid to the direction provided in the various provisions, and to apply and reconcile those provisions according to their terms.

Similarly, if the application for a heritage authority were considered under the Heritage New Zealand Pouhere Taonga Act 2014, it would be able to "have regard to" iwi management plans under s 59(1).



The detailed analysis provided above confirms that Delmore is consistent with the relevant provisions of the applicable iwi management plans. “Having regard to” those provisions is considered to support granting the approvals sought

### 11.3 Cultural Impact Assessments and Iwi Consultation

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Clauses 6(1)(e) and 6(1)(f) of Schedule 5 of the Act requires that an assessment of environmental effects under the FTAA must include the following information:

- Identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal; and
- If iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision.

The iwi identified as likely to be affected are listed in section 9 above. A summary of the consultation undertaken is included as **Appendix 24** and Cultural Impact Assessments (CIAs) received are included as **Appendix 25**. A copy of documents detailing the applicant’s response has been included with each CIA document in **Appendix 25**. Ngāti Manuhiri and Ngaati Whanaunga have confirmed that the the responses to their recommendations are acceptable. Te Kawerau a Maki has generally confirmed the responses to their recommendations are acceptable, requesting further information in response to two matters. The applicant has provided this information but has and no further comment from Te Kawerau a Maki. Iwi engagement is considered to be ongoing at the time of lodgement and it is expected that consultation will continue in parallel with the application being processed.

### 11.4 Customary Marine Title Groups

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Clause 5(5)(b) of Schedule 5 of the Act requires that if an activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under Section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under Section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document must be provided.

This information requirement is not relevant to Delmore as the site is not within the “common marine and coastal area” as defined in s9 of the Marine and Coastal (Takutai Moana) Act 2011, and so does not and cannot have a customary marine title group with customary marine title over the site (as those terms are defined in s9 of Marine and Coastal (Takutai Moana) Act 2011. In addition, the site is not within or adjacent to, and would have no effect on, ngā rohe moana o ngā hapū o Ngāti Porou.

### 11.5 Protected Customary Rights

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Clause 6(1)(h) of Schedule 5 of the Act requires an application to include an assessment of any effects of the activity on the exercise of a protected customary right.

There are no protected customary rights that relate to the site and as such an assessment under clause 6(1)(h) of Schedule 5 is not required.

## 12.0 Assessment of Effects

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### 12.1 Framework

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This section of the report is provided in accordance with clauses 6 and 7 of Schedule 5, and clause 2 of Schedule 8 of the Act.

These provisions require an assessment of the actual or potential effects on the environment. Clause 6 of Schedule 5 sets out information required to assess environmental effects. Clause 7 of Schedule 5 sets out the matters to be covered in the assessment of the environment effects. Clause 2 of Schedule 8 requires an assessment of the proposal on archaeological values of the site.

The existing environment, in particular the existing land uses and allotment areas of the subject site, as well as sites in the surrounding environment, are a relevant consideration to the proposal and are set out in Section 7.0. The activities which are permitted on the site under the AUP (OP) are identified in the Rules Assessment as **Appendix 23**.

An assessment of all actual and potential effects on people and the environment is set out below, as well as within the supporting specialist reports. It is considered that effects in relation to the following matters are relevant:

- Positive effects;
- Earthworks and construction activities;
- Archaeological values;
- Ecological values;
- Urban form and neighbourhood character;
- Built form and appearance;
- Transportation and roading;
- Landscape and visual;
- Stormwater and flooding;
- Operational noise and vibration;
- Reverse sensitivity; and
- Mitigation and monitoring.

These matters are set out and discussed below.

### 12.2 Positive Effects

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It is considered that the proposal will result in positive effects including:

- The delivery of an infrastructure and development project with significant regional benefits, through funding and delivery of a significant portion of NoR 6 which runs through the site and connects the Ōrewa SH1 interchange at Grand Drive with Wainui Road;

- A regionally significant increase in Auckland and the Hibiscus Coast's supply of housing, through construction of up to 1,217 proposed dwellings. The Hibiscus Coast is experiencing greater housing demand than much of wider Auckland (**Appendix 53.2**);
- As outlined in the Updated Economic Report attached as **Appendix 53.1** and UE Response to AC Economics attached as **Appendix 53.2**, an increase in the supply of affordable dwellings with high-quality dwellings proposed within a price bracket that is lower than the average price for stand-alone homes within both the wider Hibiscus Coast area and the Auckland Region as a whole;
- More efficient cost recovery associated with development now, which provides a regionally significant economic benefit (**Appendix 53.2**).
- A significant contribution to regional GDP and job availability, though the creation of approximately 2,200 full-time equivalent jobs in the construction sector and the contribution of approximately \$292.9 million to the construction sector's GDP. The proposal will also make an indirect impact toward primary industry GDP of approximately \$67.6 million as a result of the purchasing of raw materials to construct the dwellings;
- Ecological protection, restoration or enhancement through the retention, maintenance, planting, and pest plant management across an area of approximately 55.3ha or 50% of the site area. Additional wetland areas are also proposed with an area of 3,258m<sup>2</sup>. Page 12 of the Viridis Response to Terrestrial Ecology (**Appendix 42.2**) explains how the proposal provides a regionally significant contribution to addressing the significant environmental issue of native biodiversity decline.
- Ensuring that the final piece of the development puzzle on the western side of SH1 results in a well-functioning urban environment (refer to **Appendix 47**).

## 12.3 Earthworks and Construction Activities

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### 12.3.1 Sediment and Erosion Control

Extensive earthworks and excavations across the site are proposed to recontour the land to the proposed design levels, for the installation of roading and civil infrastructure and to prepare the necessary building platforms for development.

During construction it is proposed to install Erosion and Sediment Control (ESC) measures to mitigate any adverse environmental effects. An Earthworks Report detailing the proposed bulk earthworks and ESC measures has been prepared by McKenzie & Co and is supported by a draft ESCP contained in the civil drawings. A finalised ESCP has been conditioned. The proposed measures for ESC have been designed in accordance with the guidelines prescribed in Guideline Document 2016/005 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region' (GD05). Key elements include clean and dirty water diversion bunds, super silt fences and sediment retention ponds. Areas of the site will be stabilised as soon as possible to prevent sediment runoff and a maximum of 30ha of earthworks will be exposed at any one time (refer to Earthworks response memo **Appendix 39.1**).

With respect to effects on freshwater, The Ecological Impact Assessment (**Appendix 4**) concludes that the ESC controls and ESCP will ensure that sedimentation effects on freshwater are mitigated to be low.

It is anticipated that regular site visits, weekly contractor meetings, and meetings with the council officers will ensure that the ESC measures planned on site are robust, and up to date with the works program.

In summary, the overall management strategy and ESCP controls for the bulk earthworks and construction phase of the project includes minimising disturbance as far as practicable and staging construction of the project to limit the area of exposed surfaces that could be sources for erosion and sediment.

On the basis of the above, it is considered any adverse effects associated with sediment runoff and erosion control, including the resulting effects on water quality, will be less than minor and acceptable.

### 12.3.2 Dust

Due to the nature and scale of the proposed development, there is the potential for the generation of dust during earthworks and construction activities.

A Construction Management Plan (CMP) is proposed to be provided by way of a consent condition. This will detail the measures that will be undertaken during construction to ensure that the discharge of dust from the site does not adversely affect the wider environment or any persons. Methods to manage dust may include the staging of earthworks across the site, controlling vehicle speeds on site, and providing shelter from the wind for stockpiles. These measures will be confirmed once a contractor for the works has been appointed.

It is considered that the implementation of these methods under the CMP will ensure that the emission of dust to air does not cause adverse effects beyond the site.

### 12.3.3 Stability

The Geotechnical Report prepared by Riley attached as **Appendix 8** provides a detailed analysis of subsurface conditions beneath the site. Further assessment of geotechnical effects has also been addressed by Riley in **Appendix 43**.

The reports conclude that parts of the site comprise land with moderate or high geotechnical constraints, due to existing instability features such as steep slopes and saturated groundwater conditions. As such, Riley recommends the use of stability improvement measures including subsoil drainage beneath all engineered fill, shear keys, palisade retaining walls, buttress fills, and mechanically stabilised earth fills are required. To ensure that the stability improvement measures are undertaken in accordance with the recommendations provided by Riley, a condition of consent is proffered, requiring that:

*The placement and compaction of fill material, construction of geogrid reinforced slopes, retaining walls and subsoil drainage works must be supervised by a SQEP. In supervising the works, the SQEP must ensure that they are constructed and otherwise completed in accordance with the recommendations contained within the Geotechnical Report (reference: 240065-F) and Letter by Riley Consultants (reference: 240065-M), approved under Condition 1, relevant engineering code of practice, and the detailed plans forming part of the application and approved under Condition 1.*

A Geotechnical Completion Report (GCR) is proposed as a condition of consent, to confirm that works have been completed in accordance with the recommendations outlined above and that the residential lots are stable and suitable for development. The recommendations of the GCR will be registered as a consent notice on residential lots.

In reliance on this advice from Riley, and noting the recommendations are endorsed by the applicant, it is considered any land instability effects will be managed to ensure that building platforms, homes, and supporting infrastructure making up the development are stable and safe.

#### 12.3.4 Groundwater Diversion

The assessment by Riley notes that groundwater level monitoring to date indicates that groundwater is likely perched on top of shallow rock that is present throughout the site. The proposed earthworks generally involve cutting from the elevated ridge lines and filling on their side slopes as well as across the gullies to construct accessways. Subsoil (underfill) drains will be installed as part of the earthworks. Any groundwater intercepted by these will be returned to the streams/wetlands in the gullies and will not be diverted to other catchments. As such, Riley considers that the proposed excavations should not alter the receiving flows for the downstream catchments. Accordingly, for the bulk of the development there should be no groundwater drawdown effects that extend beyond the site boundaries with respect to the downstream receiving environments.

Nevertheless, there are some areas where it is proposed to form cut batters adjacent to the external boundary of the development and where the groundwater table is likely to be intercepted. These are primarily proposed along the northern and eastern boundaries of Stage 1, where cuts of up to approximately 9m and 8m respectively are proposed. There are also some smaller cuts of approximately 4-5m proposed along the southern boundary of Stage 1. Within Stage 2 there are cuts of up to 13m proposed in the north-eastern corner and mid-way along the western boundary. Elsewhere, where there are boundary cuts proposed on the eastern and southern boundaries, the cuts range between 5m and 8m in depth. Groundwater measurements indicate that the proposed excavations could induce groundwater drawdown of up to 6m in the vicinity of the northern boundary of Stage 1 and southern boundary of Stage 2. Riley has assessed the magnitude of the associated settlement at the location of maximum groundwater drawdown (being at the base of the deepest excavations adjacent to the site boundary). Because of the slope of the cut batters, the location of maximum drawdown is more than 5.4m inside the site boundary. Accordingly, Riley considers that there should be no influence on the groundwater table extending beyond the site boundary. There are no existing structures within the zone of influence so the drawdown effect on neighbouring sites is expected to be negligible. To ensure this, several conditions of consent has been proposed in **Appendix 57** which require monitoring to be undertaken, including contingency measures in the event that alert and alarm levels are exceeded. These conditions have been developed in consultation with Auckland Council.

Based on Riley's assessment and the adoption of its recommended conditions of consent, it is considered that effects relating to the proposed groundwater diversion will be less than minor.

#### 12.3.5 Surface Water Diversion

Temporary diversion of surface water within existing streams is required to construct new culverts. A memorandum has been prepared by McKenzie & Co (refer **Appendix 49.4**) which details the methodology proposed for the temporary diversion, including the proposed management measures.

As noted in the Management Plan Tracker (**Appendix 55**) prepared by B&A, it is proposed that a Streamworks Management Plan ('SWMP') will be prepared as part of a resource consent condition. The SWMP will detail ESCP measures proposed, how contaminants will be managed, how fish



passage is to be maintained, and the final methodology for diverting flows and for the construction of structures. This will ensure the works are managed in accordance with best practice.

### 12.3.6 Construction Noise and Vibration

An assessment of the construction noise and vibration effects of the proposal has been undertaken by SLR in its Noise Assessment Report attached as **Appendix 26**. This assessment concludes that the AUP (OP) permitted activity standards for construction noise (E25.6.27) cannot be met at a small number of surrounding properties due to their proximity and the nature of the required works. In particular, the standards will not be met for the properties located to the south at 19A Kowhai Road, 59 Russell Road, and 90 Upper Ōrewa Road. The effects on these adjacent properties are summarised below:

*"Noise mitigation measures to control noise levels generated by construction works have been recommended for three receivers during works planned in the adjacent areas only. With mitigation measures in place, including acoustic screening, long-term construction noise limits may be temporarily exceeded by 5dB at one receiver only during works in the proximity, being 59 Russell Road. The effects of this infringement can be described as reasonable as the duration of infringement is less than one week. Further, concentration may be affected but residential and office activities can generally continue at the resultant internal noise levels during the infringement."*

The report also notes that through the use of vibration monitoring and careful compaction methods, construction vibration can be managed to comply with construction vibration limits. Vibration monitoring has been recommended where vibration intensive construction activity (rock breaking or compaction) is required to be undertaken at locations close to two receivers (being 59 Russell Road and 90 Upper Ōrewa Road).

Given the nature, limited duration of these exceedances, and the proposed management measures to be set out in the Construction Noise and Vibration Management Plan (CNVMP), including advising neighbours in advance of the works, it is considered that adverse effects on the environment and neighbours can be appropriately managed.

Overall, having regard to the above, it is considered that the construction noise and vibration effects associated with the development will be less than minor.

### 12.3.7 Construction Traffic

Construction traffic effects have been assessed within Section 12.1 of the Transport Assessment provided by Commute as **Appendix 28**. This section notes that the construction activities associated with the development will be temporary in nature and consistent with construction activities anticipated by the Plan. Construction activities can be appropriately managed by a Construction Traffic Management Plan ('CTMP') and are considered by Commute to be minimal.

It is proposed that a CTMP is prepared and submitted to Auckland Council to be certified prior to works commencing on the site. It is considered that the mitigation provided within the CTMP will adequately manage the traffic effects associated with construction activities.

### 12.3.8 Summary

On the basis of the above, and subject to a SWMP, CNVMP and a CTMP being prepared, it is considered that any adverse effects associated with earthworks and construction will be less than minor and appropriate. Furthermore, there are no significant geotechnical constraints that would preclude the type of development proposed.

## 12.4 Archaeological Values

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In accordance with clause 2(1)(h)-(i) of Schedule 8 of the Act, an assessment of the effect of the proposal on the archaeological, Māori and other related values has been undertaken by Clough & Associates and its Archaeological Assessment is attached as **Appendix 9**. Consultation with tangata whenua and any other person likely to be affected is also addressed in that report, and detailed responses to archaeology related recommendations in the CIAs that have been received are shown in **Appendix 24**.

As discussed within Section 7.1.8, there are two recorded archaeological sites present within the subject site, one which was identified as a result of site assessments undertake for this project.

As the Archaeological Assessment identifies there may be further archaeological sites present within the subject site, so an authority to modify or destroy is sought under the FTAA for the proposed works.

The Archaeological Assessment notes the following with regard to any unrecorded sites that may be encountered during site works:

*“Based on the findings of this assessment complex archaeological sites are not expected to be encountered during the works and the recorded sites have been evaluated as having overall limited archaeological values with some moderate value with respect to information provided from obtaining radiocarbon dates for the sites. Any additional sites encountered during the works are expected to have similar values and the effects if any sites cannot be avoided are expected to be minor.”*

The Archaeological Assessment identifies specific areas within the site where a discovery is more likely and works within these areas will be undertaken with archaeological oversight. Similarly, works within a specified distance of the identified sites will be undertaken with archaeological oversight. In accordance with the recommendations set out in the Archaeological Assessment, any additional archaeological remains encountered will be avoided where practical, and where this is not possible, will be recorded and sampled.

The iwi who prepared CIA's will be notified if any Māori archaeological discoveries are made. Those iwi will also be invited to provide cultural monitoring during specific stages of construction.

Overall, relying on the advice of Clough & Associates, it is considered that any potential adverse effects on unrecorded archaeological sites will be no more than minor.

## 12.5 Servicing and Infrastructure

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Details of the proposed infrastructure services such as stormwater, wastewater, water supply and utilities, are outlined in Section 7.1.9 above and are further detailed in McKenzie & Co's Reports, Memorandums and Drawings. Its engineering reports confirm that the development is able to be adequately serviced in terms of wastewater, water supply, stormwater and utilities.

### 12.5.1 Water Supply

McKenzie & Co's Water, Wastewater and Utilities Report (**Appendix 10**) and McKenzie Delmore Capacity Memo (**Appendix 45.2**) confirms that the proposed development can be provided with adequate water supply utilising the 355mm Grand Drive main, until network capacity is reached. Once capacity has been reached, the Report confirms that the remaining dwellings can be sufficiently serviced by the 250mm main at Wainui Road.

Local water reticulation will be designed and constructed in accordance with The Auckland Code of Practice for Land Development and Subdivision Water and Wastewater Code of Practice for Land Development and Subdivision Chapter 6: Water, and in accordance with the standard Engineering Plan Approval process. Internal watermains will be provided for firefighting purposes. As such, McKenzie & Co consider that the proposed development can be adequately serviced with regard to water supply.

## 12.5.2 Stormwater and Flooding

### Stormwater Design

The stormwater management approach and design for the site is detailed in the Draft Stormwater Management Plan ('SMP') and Stormwater Report by McKenzie & Co as **Appendix 58** and **Appendix 12**. Post-lodgement responses to stormwater and flooding are also provided in **Appendix 52**. The Draft SMP by McKenzie & Co has been updated post-lodgement and provides a detailed assessment of the anticipated effects on the environment from the proposed stormwater discharge.

The SMP outlines the proposed stormwater management requirements and proposed BPO to achieve the requirements. In accordance with the BPO framework, the following mitigation is to be provided as necessary:

- Within roads and JOALs:
  - Catchpits with sumps;
  - Pipes for conveyance of the 10% AEP event;
  - Communal raingardens; and
  - Conveyance of overland flow paths within road reserves.
- Within residential lots:
  - Use of inert building materials;
  - Rainwater tanks;
  - On-site raingardens;
  - T-bar discharge to streams where practical (preferred), or pipes for 10% conveyance to public system where not possible; and
  - Floodplain to be avoided, freeboard to be maintained above 1% AEP levels.

In summary, public roads and JOALs will connect and discharge runoff via trunk mains to GD01-designed bio-retention devices (raingardens). These raingardens will provide for capacity in the 10% AEP event, and will provide water quality mitigation, retention and detention requirements suitable for the development proposal. Runoff will then be discharged from the raingardens via outlet to the stream within the site. Velocity reduction measures will be employed to prevent scouring and erosion. With regard to residential lots, these will have on-lot rain tanks which will attenuate to 10% AEP. Each lot will be provided with a T-bar discharge, to discharge directly to streams. Where this is not possible, lots will discharge to the public pipe network, which will have capacity for the 10% AEP event.

## Hydrological Mitigation and Treatment

The proposed hydrological mitigation seeks to mitigate the effects of development through the use of detention and retention devices. The stormwater system will be designed in accordance with Stormwater Management Flow (SMAF 1) requirements of the AUP in terms of GD01 and providing hydrological mitigation for all impervious surfaces. Stormwater retention and detention will be provided for via on site in tanks and bioretention devices, including raingardens. Through the use of such devices, an equivalent hydrology to pre-development (5mm retention, 95th percentile detention) is provided for as part of the proposal stormwater network.

Regarding stormwater quality treatment, a water sensitive design philosophy in accordance with GD01 (treatment for all impervious areas) is proposed for the project. The details of this approach are set out in Table 4 of the Draft SMP. In summary, inert building materials will be used to address stormwater contamination effects as close to the source as possible. Both communal and private rain gardens are proposed for treatment where stormwater is discharged to the stream network within the site. In addition to the above, all catch pits will have sumps to capture gross pollutants and particular matter.

The stormwater approach for the site utilises the existing landform and stream network as far as practicable, by mimicking the existing catchments, and providing communal devices in the low points of the catchments. Where lots are directly adjacent to streams, treated stormwater will discharge to the stream, in order to maintain stream flows and minimise flows entering the public system where possible. Considering this approach, it is considered that the proposal can protect and enhance the receiving environment, and provide for a stormwater system that will adequately service the site.

## Flood Management

A Flood Hazard Assessment has been undertaken by McKenzie & Co within its Flood Assessment Report attached as **Appendix 28**. Post-lodgement Flood Assessments are also provided in **Appendix 52**. The Flood Hazard Assessment assesses the flood hazards and effects on the 2, 5, 10, 20, 50 and 100-year ARI flood levels from the development of the overall site.

The proposal has been modelled using HEC-HMS to understand the overall flood hazard effect of the development. The flood analysis shows that the proposed flood flows through the site are managed safely, with dwellings providing a minimum floor level above the 1% AEP flood level.

In terms of flooding within the site, this is found to be contained within the existing streams and channels. No buildings, parking, egress routes or roading will be located within any flood extent. As confirmed in the Overland Flow Path Memo (**Appendix 52.1**), the overland flow paths will be channelled within the road network and will avoid habitable areas.

In terms of off-site flooding effects, there are no major increases in flood risk as a result of the proposed development. Post-lodgement flood modelling has been undertaken which identifies an increase in flood depth of 140mm at residential properties on the Ara Hills site. Further detail on this is provided within the AVJ Response Memo at **Appendix 54.1**. 140mm is considered to be generally imperceptible to pre-development levels and this will not increase the flood risk to habitable floor levels or pedestrian and vehicle egress. Therefore, the increase is considered by McKenzie & Co to result in less than minor risk to the neighbouring properties, and no mitigation is considered to be necessary.

The development will adhere to the flood management and mitigation recommendations as set out in the McKenzie & Co reports to ensure that potential flood hazard effects are appropriately managed.

In terms of overland flow paths, the Flood Assessment Report and Overland Flow Path Memo confirm that the capacity of these will be maintained.

### Stormwater and Flooding Summary

The Flood Assessment Report (and appended Flood Hazard Assessment) and Overland Flow Path Memo concludes that flood risk associated with the proposed development will be less than minor. The SMP considers the design of the proposal has applied the Best Practicable Option (BPO), and the Stormwater Report notes that the development has incorporated the required integrated stormwater management. Taking the conclusions in the Flood Assessment Report into account, it is considered that any stormwater will be able to be managed effectively, efficiently and safely and any environmental effects will be no more than minor.

## 12.5.3 Wastewater

Three different wastewater options have been designed for Delmore, as described within Section 8.4.5. The preferred method of wastewater servicing is to connect into the Watercare network, however if this is not possible, the conditions of consent provide the ability for Vineway Ltd to discharge treated wastewater on-site and/or truck wastewater off-site. The proposed conditions of consent require that provision is made for a connection into the public wastewater system, so that when a connection can be made available in the future, the required infrastructure will be in place.

The effects of each of the wastewater servicing options are discussed below.

### 12.5.3.1 Connection to Public Wastewater Network

The Water, Wastewater and Utilities Report (**Appendix 11**) states that the proposed on-site reticulated gravity wastewater network will be designed and constructed in accordance with The Auckland Code of Practice for Land Development and Subdivision Water and Wastewater Code of Practice for Land Development and Subdivision Chapter 5: Wastewater. Subsequent approval and vesting of the reticulated gravity wastewater network would be in accordance with the standard Engineering Plan Approval process. As such, McKenzie & Co considers that the proposed development can be adequately serviced by the proposed pipe network.

As part of the proposed wastewater infrastructure, a pump station will be required to provide flow to the proposed wastewater network. McKenzie & Co has calculated the required minimum storage under both Stage 1 and Stage 2 and confirms that the proposed pump station has been designed to meet the relevant requirements. Prior to construction, Engineering Approval from Watercare will be sought for the pump station. As such, it is considered that the pump station will be adequate to service the proposed development.

Should a connection not be provided to the public wastewater network, the pump station will be used to pump wastewater to the proposed WWTP (as per below).

### 12.5.3.2 Wastewater Treatment and Discharge

As detailed within Section 8.4.5, alternative wastewater treatment solutions have been designed for the site. One solution is on-site treatment as outlined in the Wastewater Design Report as



**Appendix 30** and on-site Wastewater Appendices (**Appendix 46.1 – Appendix 46.7**). In summary, this wastewater method would involve the following:

- The WWTP would use a modular, hybrid system combining Membrane Bioreactor (MBR), Membrane Aerated Biofilm Reactor (MABR), and Reverse Osmosis (RO) membranes for high-quality wastewater treatment.
- The treated wastewater would be discharged to land via an infiltration bed, with supplementary irrigation in designated vegetated areas.
- During the summer months, at least 80% of treated wastewater flows would be trucked off-site. Treated wastewater would be pumped to a filling station on Russell Road, whereby trucks would load the treated wastewater into truck and trailer units to be transported and disposed of at an appropriate facility.

Effects associated with the operation of the WWTP are detailed under the sub-headings below:

### Operational Noise

The Noise Assessment Report by SLR as **Appendix 26** and SLR Truck Tank Memo (**Appendix 46.4**) confirms that the WWTP will be designed and constructed to comply with the noise and vibration limits. The Report also states that potential future upgrades to the WWTP can also be designed to maintain compliance.

To ensure compliance with the relevant noise limits from the truck filling point on Russell Road, an acoustic fence is required to be constructed along the boundary of Lot 203. This has been included as a condition of consent.

### Traffic

A Traffic Assessment has been prepared by Commute and is attached as **Appendix 46**. The Assessment confirms that the increase in traffic to Russell Road as a result of the filling of wastewater will generally be two truck movements per hour (one in and one out), increasing at peak times to a realistic maximum of three truck movements per hour. This level of increase is considered negligible and will not alter the performance of the roading network in any noticeable way. Smaller trucks will be required to access the WWTP (for chemical delivery and sludge removal), however this is only required approximately once per week which is considered negligible.

The Traffic Assessment notes that further assessment will be required at detailed design stage to ensure that Russell Road is capable of accommodating truck and trailer units. Should localised road widening be identified at that stage, these upgrades would be undertaken by Vineway Limited. A condition of consent is proposed to reflect this.

### Water Quality

The discharge of treated wastewater is proposed to occur primarily via land application to a vegetated irrigation area, with supplementary discharge to a subsurface infiltration bed. The irrigation approach is expected to reduce discharge volumes through evapotranspiration and soil uptake, with modelling conservatively assuming that all discharge from the infiltration bed ultimately enters an adjacent unnamed tributary of the Ōrewa River (refer Viridis Memo (**Appendix 42**)). Apex considers in their Apex Response Memo (**Appendix 46.2**) that the proposed treated wastewater discharge will be of sufficient quality that it will meet World Health Organization

Standards requirements for bathing quality water and Australian guidelines for Grade A recycled water. Conditions of consent have been proposed in consultation with Auckland Council which will ensure that the discharge will have a less than minor adverse effect on the receiving environment.

### Air Quality

Air Matters Limited (Air Matters) has prepared an Air Discharge Assessment attached as **Appendix 31** and AirMatters Truck Tank Memo (**Appendix 46.3**). Air Matters concludes that the WWTP will be designed to mitigate potential odour effects, and is considered to meet the best practical option for eliminating and minimising odour. A 'Frequency, Intensity, Duration, Offensiveness and Location' ('FIDOL') assessment found that based on the modern plant design and odour mitigations employed, the generation of odour from the WWTP beyond the site boundary is not anticipated to occur. Whilst during abnormal conditions, the WWTP can generate elevated acute odour, potential effects on amenity values on the surrounding land use are considered by Air Matters to be acceptable and will remain less than minor for the duration of the consent. A set of proposed consent conditions, including the preparation of an Odour Management Plan, have been included to ensure any adverse effects can continue to be managed to an acceptable level.

With regard to operational dust effects, the proposal includes management measures to address dust generation from the additional trucks travelling along Russell Road to service the wastewater filling station. These measures are proposed as a condition of consent.

Based on the above, it is considered that any adverse odour effects can be appropriately mitigated on the site through the design and management of the WWTP and truck filling station.

### Storage of Hazardous Substances

A Hazardous Substances Assessment has been prepared by Williamson Water & Land Advisory (see **Appendix 32**) and Hazardous Substances Memo (**Appendix 46.7**) which provides an assessment of effects on people, property and the environment arising from the use hazardous substances within the proposed WWTP. This assessment notes that it is very unlikely that hazardous substances will be released from the site, and since the consequence of a release is low to moderate, the operation of the WWTP presents a low risk overall.

The Assessment concludes that the implementation of the proposed conditions of consent will ensure that the design and management of the proposed WWTP with regard to hazardous substances will avoid or adequately mitigate any adverse effects, including risks to people, property and the environment.

#### 12.5.3.3 Wastewater Contingency Option

As a contingency option, untreated wastewater could be taken off-site, without the WWTP in operation. The proposal includes a 1,000m<sup>3</sup> balance tank, which could connect directly to the wastewater load-out tankering system on Russell Road, without going through the WWTP. The following conditions are proposed to ensure adverse effects are at an acceptable level:

- The consent holder must design and construct an odour control system for air that is displaced from the tankers during filling. Detailed design of the odour control system must be submitted to Council for certification. The consent holder must provide evidence to Council that the discharge will not cause odour that is noxious, dangerous, offensive or objectionable to any residential dwellings.

- The consent holder must design and construct an odour control system for vented emissions from the holding tank at the WWTP site. Detailed design of the odour control system must be submitted to Council for certification. The consent holder must provide evidence to Council that the discharge will not cause odour that is noxious, dangerous, offensive or objectionable to any residential dwellings.
- The above measures must be incorporated into the Odour Management Plan and submitted to Council for certification. The Odour Management Plan must:
- Include details of monitoring to be undertaken by the consent holder, to ensure odour is not noxious, dangerous, offensive or objectionable to any residential dwellings.
- Identify contingency measures to remediate any significant odour identified during monitoring.
- The WTPEMP and Spill Response Plan must be amended to include the filling activity. The Spill Response Plan must include management measures to disinfect small spills or drops that may occur during filling (such as the use of sodium hypochlorite spray).
- The WTPEMP must be certified by Council before the commencement of the filling activity.
- The load out area must be designed to drain to a single stormwater drain / catchpit, with the ability to isolate this drain from stormwater during filling operations (for example: with a resilient sealed gate valve). The area must be designed to either pump out or drain the catchpit back to the sewer network, or empty it via vacuum truck, if it becomes contaminated by a spill.

#### 12.5.4 Utilities

As detailed within the Water, Wastewater and Utilities Report as **Appendix 11**, the proposed development is able to be adequately serviced in regards to electricity and telecommunications.

#### 12.5.5 Summary

In summary, based on the recommendations and conclusions set out within the various reports summarised above, it is considered that the proposed development can be adequately serviced

### 12.6 Vegetation and Ecology

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An Ecological Impact Assessment has been prepared by Viridis and is attached as **Appendix 4**, and additional Ecological Response Memorandums have been provided. This assessment considers in detail the impacts of the development on ecological values. An Arboricultural Assessment outlining and assessing the proposed vegetation removal has been prepared by Peers Brown Miller and is attached as **Appendix 5**.

#### 12.6.1 Terrestrial Ecological Values

Overall, the Ecological Impact Assessment and Pages 12-13 of the Viridis Response to Terrestrial Ecology (**Appendix 42.2**) concludes that through the proposed protection and enhancement of the SEA-T and other NPS-IB priority restoration areas, the riparian and natural inland wetland buffer planting, and the natural inland wetland recreation proposed, the proposal presents a significant opportunity for indigenous biodiversity gain within the region and that the gains would be regionally significant.

With regard to vegetation removal, the following is noted:

- The removal of low-value vegetation, such as pasture, plantation and amenity plantings for future developments is considered by Viridis to be appropriate for the site and will not result in a significant loss of ecological function or terrestrial habitat.
- Of the vegetation removal within the riparian margins, only 3% of this is permanent and is required for the construction of road crossings, the remainder of the area where riparian vegetation removal is occurring will be revegetated, alongside an additional 6.2 hectares of riparian planting where the margins are in currently pasture.
- The only vegetation proposed for removal within the SEA is the removal of pest plant species.
- The proposal will require the removal of vegetation within existing protected consent notice areas totalling an area of 2,345m<sup>2</sup>, which is required to facilitate the construction of:
  - Culvert 7, which is required to facilitate the construction of the NOR6 Road.
  - Riprap associated with Culvert 11, which is required to facilitate the construction of Road 17.
  - A Pipe Bridge, connecting infrastructure between Stage 1 and Stage 2.

An assessment of the proposed works within the consent notice areas has been undertaken by Viridis within their Ecology Report as **Appendix 4**. Viridis conclude the following:

*The existing consent notices for these areas of removal require that the health, ecological value, long term viability and sustainability of these area is not prejudiced. While there will be a loss of native vegetation in the short term, it is in our opinion that, provided the offset measures and recommendations are undertaken, there will be no loss of health or ecological values in the long term within the consent notice areas and that their long-term viability and sustainability will not be compromised. In fact, we consider that there will be a net gain in ecological value.*

The effects of vegetation removal within the consent notice area to provide for an irrigation field has been concluded within the Viridis Memorandum as “comparable to that which would occur under the required pest plant management practices”, and as such, they will not “compromise the ecological health, values, or long-term viability of the area.”

A revegetation plan has been prepared by Greenwoods with input from Viridis and is provided within the landscape drawings as **Appendix 44.3**.

Overall, and as outlined in the Ecological Impact Assessment **Appendix 4** and Viridis Response to Terrestrial Ecology (**Appendix 42.2**), the proposed revegetation planting will achieve a net gain in riparian and wetland vegetation and habitat and a net gain in vegetation associated with SEA-Ts. The total revegetation area is approximately 32.8ha. This revegetation planting will be supported by the amenity planting within the site. This significant increase in vegetation cover anticipated to greatly enhance the native vegetation values by creating a greater abundance and diversity of native vegetation, providing additional buffering to existing established ecosystems, improving the site’s role as an ecological corridor and stepping stone between habitat within the site and habitat provided by SEA-T areas to the north, west, and south. Overall, it is expected to lead to more sustainable ecosystems. This is such that the development will make a significant contribution to addressing the critical environmental challenge of national biodiversity loss and degradation.

As discussed in depth within Ecological Impact Assessment as **Appendix 4**, the site contains habitat for fauna, including birds, bats and lizards. In order to ensure that effects on indigenous bats, birds and lizards and their habitat during the construction are adequately managed, a Fauna

Management Plan has been proposed as a condition of consent. The proposed conditions of consent are consistent with the existing conditions relating to the NoR 6 within the site.

Taking the above into account, it is considered that the proposal will, as far as practicable, minimise impacts on terrestrial habitats and fauna, while providing the opportunity to enhance terrestrial ecological values across the site and provide for a large net gain in biodiversity, such that, overall, any adverse effects will be less than minor.

## 12.6.2 Freshwater Ecological Values

### Stream works

The proposed development will see the construction of 12 culverts. The construction of these culverts will require the temporary diversion of the streams along the culvert alignment. Once the culverts are constructed, the water will return to the natural channel. Effects associated with the construction of the culverts and associated diversion have been discussed in Section 12.3.5 above, and additionally assessed within the WW&LA Culvert Memorandum, which concludes that the proposed culverts have been appropriately designed to avoid and minimise potential impacts on wetland hydrology, and that a natural bed is expected to establish over time.

The removal of existing farm culverts and reinstatement of natural channels in their place are also proposed. These works seek to restore watercourses back to their original state and to provide improved connectivity of fish habitat. These works are detailed in the Ecological Impact Assessment and are expected to improve stream hydrology and reduce localised flow disruptions. A Streamworks Management Plan has been proffered as a condition of consent to ensure effects of stream works are managed during construction in accordance with best practice.

The Ecological Impact Assessment concludes that, with the appropriate mitigation in place, the effects on freshwater fish are 'low' and 'positive following improving fish passage', and the effects of the proposed culverts are 'low'.

### Wetlands

As identified in Section 7.1.4, there are 34 NPS-FM qualifying natural inland wetlands within the site.

As a result of the extensive ecological features across the site, culverts are required to facilitate the construction of roads throughout the development. This will see earthworks occurring within wetland extents. With specific reference to the Culvert Memorandums provided by McKenzie & Co (**Appendix 49.6**) and WW&LA (**Appendix 42.4**), WW&LA Hydrology Memorandum (**Appendix 42.5**) and Viridis Response to AC Freshwater Ecology (**Appendix 42.3**) the following is noted in this regard:

- Box culverts (aside from Culvert 10 which is a round culvert) have been chosen as this will ensure that the function of the wetlands is retained, with hydric soils remaining.
- Culvert 1 will see temporary earthworks and drainage of 45m<sup>2</sup> within Wetland B in order to facilitate construction of Road 8. There is no practicable alternative location that would enable development within the southeastern corner of the site that would not also cross the wetland, due to this extending the entire length of the gully. Whilst there is an existing culvert located further south, it is not practicable to use this as there are two culverts located at the confluence of two streams, due to the confluence, two wetlands would be affected by the works instead



of only one. It is therefore proposed to construct a new culvert at the proposed location and to return the existing culvert crossings further south to a natural flow state rather than extend the culverts.

- Culvert 5 will see temporary earthworks and drainage affecting 172m<sup>2</sup> of land within Wetland G in order to facilitate construction of Road 2. There is no practicable alternative location of this crossing that would avoid the wetland, as an east to west road in this part of the site is required for the development to function.

Whilst there is a small break in the wetland to the north of the crossing, this is an unsuitable location as the road is required to be located as low in the catchment as possible to provide sufficient space for the wastewater system to meet minimum pipe grade requirements outlined in the Auckland Wastewater Code of Practice.

Aligning this road at the bottom of the catchment also allows significant areas of upstream wetland reinstatement and revegetation to occur.

Further, there are urban design benefits arising from the location of this road at the stream edge, including passive surveillance of these open spaces and contributing to a natural outlook for pedestrian and road users.

- Culvert 7 will see earthworks of 531m<sup>2</sup> within Wetland L to facilitate the construction of the arterial road within the NoR6 designation. This is a regionally significant piece of roading infrastructure required to support future urbanisation and growth in North Auckland. The earthworks in this wetland involve temporary earthworks and drainage of 295m<sup>2</sup> and an area of 236m<sup>2</sup> being permanently drained.

There is no practicable alternative location or alternative realignment as this arterial road must be located within the designation boundaries. Due to the required width of the road, there is no alternative but to cross the wetland. Whilst alternative designs have been considered, such as a full spanning bridge, this is cost prohibitive and not economically feasible for the developer. It is understood the cost of such a structure would be in excess of \$10,000,000.

In order to minimise the extent of wetland loss, the road batters have been steepened to near vertical earth reinforced walls. This minimises the extent of encroachment required into the wetland.

- Culvert 9 will see earthworks of 199m<sup>2</sup> within Wetland V in order to facilitate construction of Road 14. This sees 158m<sup>2</sup> of temporary works and an area of 41m<sup>2</sup> being permanently drained. In this instance, the location of an existing farm crossing is utilised.

There is an existing area of protected vegetation to the south of this road, and there are two raingardens proposed to be located at the low point of the catchment which sits between road and the protected vegetation. These are required to be located at the low point to meet the stormwater treatment requirements outlined in the Auckland Stormwater Code of Practice. An alternative alignment to the north would increase the level of works occurring within the wetland.

It is also noted that the proposed culvert will be located where there is an existing farm culvert. An alternative alignment would necessitate the removal of this farm culvert, which would have the potential to result in drainage of the wetland. Rather, the invert of the proposed culvert will ensure the current standing water level within the wetland is maintained.

- Culvert 10 will see temporary earthworks and drainage of 139m<sup>2</sup> within Wetland AG to facilitate the construction of Road 17. The proposed location of the crossing is the most suitable, as it represents the narrowest part of the wetland.

There is no practicable alternative location as the wetland extends the full length of the gully. Whilst an alternative alignment along the western boundary and looping at the top was considered, this was rejected as a result of the potential adverse effects on the SEA to the west and to the north. In addition, this part of the site contains challenging topography resulting in significant additional earthworks and risks of instability. Without this road, a significant portion of the site would be rendered undevelopable.

In order to mitigate the effects of the works within wetlands, it is proposed that new wetlands are created at a 3:1 ratio, with 2,244m<sup>2</sup> of new wetland created in Stage 1 and 1,014 m<sup>2</sup> of new wetland created in Stage 2. This sees a total of 3,258m<sup>2</sup> across the development.

The Ecological Impact Assessments states that while there will be a temporary loss of wetland extent and value, the newly created wetlands will offset for the loss of wetland area at the impact sites, ensuring at least a no net loss of 1,086m<sup>2</sup> of wetland extent and value in the medium to long term. Moreover, the offset measure will result in a net gain of 2,173m<sup>2</sup> of wetland habitat and increase additional ecological values of connectivity and reduce edge effects.

It is also noted that the location of the new wetland area is focussed on re-connecting historically connected wetlands or increasing the size of existing wetlands to provide for increased habitat values and resilience.

The Ecological Impact Assessment concludes that, with the appropriate mitigation in place, the effects on wetlands are 'low' and 'positive following revegetation and wetland creation'. The WW&LA Hydrology Memo (**Appendix 42.5**) and Viridis Response to Freshwater Ecology (**Appendix 42.3**) both support this conclusion.

### Conclusion

Taking into account the assessment above, and the conclusions drawn within the Ecological Impact Assessment, the proposal is considered to have less than minor adverse effects on freshwater ecological value.

## 12.7 Urban Form and Neighbourhood Character

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An Urban Design Assessment has been prepared by Barker & Associates and is attached as **Appendix 27**. This report sets out the design response and assessment against key urban design principles. An Upper Ōrewa Concept Structure Plan is attached as **Appendix 47.1**, which provides detailed response to comments by Auckland Council and the Panel.

It is not intended to repeat the Urban Design Assessment but a summary of key findings is provided as follows:

### 12.7.1 Design and Layout

The layout proposed is the logical response to the site based on its size, shape, and identified constraints. Key influences which have informed the development of the street network and overall block structure are the presence of several streams, natural wetlands, SEA and bush areas protected by consent notices, as well as the NoR 6 road.

The proposed layout responds to the site's specific context, providing for integrated watercourses, ecological consent notice and riparian areas, stormwater ponds and open spaces. This will provide for an integrated and cohesive public and private realm that is considered to enhance amenity, outlook, and the overall spatial quality of the site.

The blocks themselves have largely adopted consistent depths and regular shapes to provide an efficient and connected network of streets. Deeper blocks and lots have been used strategically to aid in the transition of heights across the site.

Dwelling typologies have been selected strategically in relation to the features of the site. For example, in areas with less level terrain and more topographical constraints, split-level typologies have been selected. This provides for a contextually responsive dwelling design and layout.

For the reasons above, it is considered that the proposed development pattern is contextually responsive, and provides for an appropriate and logical layout.

### 12.7.2 Built Form and Appearance

The overall built form appearance for the site is considered to be generally consistent with the anticipated outcomes of the Residential – Mixed Housing Suburban Zone. The development area will be characterised by one to two storey dwellings, predominately standalone buildings, and appropriate setbacks from site boundaries with landscaped gardens. The proposed residential blocks are considered to be consistent with similar block patterns of developments within the surrounding area. The proposed apportionment of dwelling typologies throughout the development area will provide for a varied streetscape character and appearance.

The appearance of proposed roads and JOALs has been considered within the Urban Design Assessment. The proposed street tree strategy has been thoughtfully designed and is contextually responsive. The selection and location of species is considered to improve visual legibility, with strategically positioned trees defining key movement corridors and offering shade, enclosure and wayfinding cues. A diverse mix of species provides for a dynamic and evolving canopy over time. Where possible, vehicle crossings have been combined allowing for a greater number of street trees and maximising green infrastructure benefits, including shade provision, urban heat mitigation, and improved air quality.

The on-lot landscaping strategy integrates a diverse mix of specimen trees, hedging, and groundcover, enhancing the relationship between built-form, private outdoor spaces, and the streetscape. A good level of front yard landscaping is proposed, providing a soft green edge to dwellings, and creating a visually balanced development.

In terms of materiality, a diverse mix of materials, such as timber vertical weatherboards, grooved sheet products, brick and aluminium joinery, combined with varied roof profiles and architectural features, adds visual interest and amenity when viewed from the public realm. These design elements collectively contribute to a positive built form. Multiple typologies are distributed throughout the development so as to provide for variation in built form, and also provide for a diverse range of housing outcomes that cater to a broad demographic.

### 12.7.3 Residential Amenity and CPTED

A good level of streetscape safety and amenity is achieved throughout the development through the proposed landscaping and fencing response. The Urban Design Assessment considers that

typologies have been designed to establish a strong active frontage to the public/common realm, incorporating sufficient glazing on facades to ensure a high level of passive surveillance over streets and JOALs, in accordance with CPTED principles. All dwellings are provided with a dedicated pedestrian access and front door to the street. This provides for wayfinding and is considered to activate the streetscape, contributing to a safer and more engaging public environment. To support safe sightlines and meet CPTED, all street trees (with the exception of Nīkau) will be crown-lifted to a minimum of 1.5m to ensure clear visibility for pedestrians and vehicles.

The on-lot planting strategy prioritises rear yard privacy, outlook, and amenity, incorporating a mix of specimen trees, native planting and structured hedging in a contextually sensitive manner. Canopy cover is provided by specimen trees, and mass native planting is provided in lots with steeper gradients, reducing maintenance demands for residents.

With regard to recreational amenity, open space areas, the proposal delivers a high level of visual and recreational amenity for residents, balancing open spaces for community use with more enclosed, immersive bush settings. The integration of planting with walkways, look out areas, and passive recreation spaces supports both structured and informal activities, creating a diverse and engaging landscape experience. Where retaining walls are located adjacent to street frontages or public spaces, heights have been kept to a minimum to mitigate potential visual effects. Retaining walls will be constructed from keystone or masonry materials, ensuring a cohesive and visually integrated public realm interface.

The Urban Design Assessment notes that where primary outdoor living spaces are oriented in a southerly direction, front yard patios are provided as an alternative outdoor living option accessible from the living room, ensuring reasonable sunlight access.

For the reasons outlined within the Urban Designed Assessment, it is considered that the proposal will provide for a quality urban environment, with a good level of amenity and positive urban design outcomes.

Indicative retaining wall cross-sections have been provided by Greenwood Associates (refer **Appendix 44.4**) and visual renders have been provided by Terra Studio Architecture (refer **Appendix 44.5**). Retaining walls have been updated from the lodged package to mitigate potential height effects, with measures including reducing heights, stepping, planting, battering, or changing landscape fence heights, where combination walls are proposed. It is therefore considered that the conclusion reached above, that the proposal will provide for a quality urban environment, with a good level of amenity and positive urban design outcomes, remains applicable.

## 12.8 Transportation and Rooding

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Transport matters, including traffic, access and parking, have been considered in the Integrated Transport Assessment Report prepared by Commute (**Appendix 28**) and Commute Response to Comments (**Appendix 51.2**).

Commute's assessment considers effects with respect to the road network, public transport, safety, trip generation, modelling, parking, servicing, access and construction. The key conclusions with respect to traffic related matters are as follows:

- A road safety analysis was undertaken where it was concluded that there are no significant safety issues arising from road or intersection designs;

- With regard to the safety of the road network to pedestrians and vehicles, it is considered that the proposal achieves a safe network. Vehicle speed calming will be provided in the form of speed tables at approximately 60m intervals on the local roads. Further, intersections will provide sight distances that generally meet minimum sight distance requirements. Where these requirements cannot be achieved, the Transport Assessment finds that the sight distance provided will be acceptable. Pram crossings will be provided at all key intersections and other main pedestrian routes throughout the site. In terms of the proximity of vehicle crossings to intersections, a total of 73 vehicle crossings are proposed within a 'vehicle access restriction area'. The Transport Assessment concludes that provided the recommendations within the Assessment are adopted, the proposed crossing locations are considered to be acceptable;
- Vehicle crossings onto roads have generally been minimised where possible, and have been designed to meet the AUP (OP) width requirements for urban crossings. Access to individual lots have been provided directly onto roads via individual vehicle crossings, combined vehicle crossings, or via JOALs. Vehicle crossings have been combined to minimise crossing points and maximise crossing separation. Vehicle access gradients are considered by the Transport Assessment to be appropriate. JOALs have been provided on higher volume roads to minimise the number of vehicle crossings. The proposed JOALs have been designed to comply with the AUP (OP) access width requirements for urban accessways, except where noted in the Commute PC79 Memo attached as **Appendix 51.3**. It is considered by Commute that the JOAL gradients are appropriate;
- It is noted that the NoR 6 arterial road will allow for potential future public transport. In 2027, a new connector bus service is planned to run between Orewa, West Hoe Heights, Ara Hills and Hibiscus Coast Station. The provision of NoR 6 road within the site is considered to improve the feasibility of public transport services in the future relating to the subject site;
- Modelling undertaken by Commute confirms that the proposed design of the intersections will be able to operate within an acceptable level of service in both the AM and PM peak such that the additional traffic generated by the proposed development are able to be accommodated within the road network. Specifically, a condition of consent is proposed that will require the connection between Road 17 and Upper Orewa Road to be constructed prior to the occupation of more than 750 dwellings to reduce congestion at the Grand Drive Intersection; and
- On-site parking for one-two cars is to be provided within the residential lots. Commute considers that the proposed access gradients and vehicle crossings are acceptable. With regard to any driveways that require reverse manoeuvring, these will be restricted to those serving less than four vehicles, and, in all cases, will be less than 30m from the road boundary. Whilst some dwellings will have vehicle crossings within 10m of an intersection, Commute's Assessment notes that provided visibility splays are provided, it is considered acceptable for vehicle to reverse manoeuvre from these crossings.

In conclusion, Commute considers that the proposal will provide good pedestrian, cyclist and potentially public transport connectivity. With regard to the surrounding context, the proposed road network is considered to integrate effectively with the existing network without producing adverse safety effects. Intersection modelling demonstrates that proposed roundabouts will be able to accommodate the anticipated generated trips. The internal road and JOAL layout, crossing locations, widths and gradients, and on-site parking and access are considered to be safe and



appropriate. The site is considered to be able to be serviced by on-street public collection. Construction effects are anticipated to be acceptable with the adoption of the CTMP.

Traffic, access and parking matters have been considered in the Commute PC79 Memo. This report concludes that:

*“In regard to the non-compliance of vertically separated pedestrian access or accessible parking, it is not anticipated to affect existing and future traffic conditions.”*

With specific regard to the new provisions under PC 79 DV, the following comment is made by Commute in respect to the proposal:

*“It is therefore considered that the proposed non-compliance of reversing onto the local road network, maximum access gradients of 1 in 20, 1.4m vertically separated pedestrian access and accessible parking is satisfactory.”*

For the reasons outlined above and within the Transport Assessment Memorandum, it is considered that the proposed parking and access provided as part of the development will not compromise the safe and efficient functioning of the transportation network. It is therefore considered that any adverse effects with respect to transport will be less than minor.

Overall, for the reasons outlined in detail in the Transport Assessment, it is considered that any potential adverse effects with respect to transport will be less than minor.

## 12.9 Landscape and Visual

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### 12.9.1 Landscape Character

The effects of the development on rural landscape character have been assessed in the Updated Landscape Assessment ('LA') prepared by Greenwood Associates as **Appendix 44.3**.

In terms of existing landscape values, the LA notes that the site is currently rural in character, with urban influences from an ongoing change in adjacent land use patterning. With respect to the loss of rural character, the LA notes that such change in character will occur as land use changes from rural to urban. The LA considers that the applicant will manage the transition from the existing rural character to an urban character by retaining the majority of the existing native riparian planting and enhancing this through revegetation planting. The applicant has also proposed a series of walking tracks at the upper reaches of the site to open access to this landscape asset (including the wider ranging views to the south) to the wider community.

With regard to changes in natural character, the LA notes that the effects of the proposal on the prevailing landscape character values is considered to be 'low', given the context of the wider landscape, which has been undergoing constant change from a traditional rural character to a modern urban character for the past ten years. It is noted that the Future Urban zoning of the land contemplates that the land will be developed for urban purposes.

Overall, for the reasons outlined in detail in the LA, Greenwood Associates consider that the level of cumulative adverse landscape character effects generated by the proposal will be 'low'. Based on the assessment in the LA, the proposal is considered to have less than minor effects on landscape character values. As noted, these effects are anticipated in this location and are therefore considered to be appropriate.

### 12.9.2 Visual Effects

The Updated Landscape Assessment attached as **Appendix 44.3** also assesses the visual effects of the development. The assessment identifies key viewing audiences as those in:

- ‘Close proximity views’, including residents of neighbouring properties, local roads within proximity; and
- ‘Wider views’, including West Hoe Heights, Metro Park and Colin Chester Drive, Wainui Road and Silverwater Drive.

For these audiences (with the exception of residents of neighbouring properties) the assessment notes that, given that the development will be viewed in the context of an urbanising landscape, the extensive planting proposed, and reduced sensitivity (due to exposure to constantly changing landscapes or significant separation distances), the visual effect on ‘wider views’ is considered to be very low to low-moderate.

Neighbouring properties will be most sensitive to the visual change as their outlook will permanently change from a predominantly rural outlook to one which is urban. The visual effects for this viewing audience are assessed as follows. The LA notes that the applicant has ensured that the placement of dwellings on the southern and eastern boundary of the site will have minimal effects on neighbouring properties by restricting the number of dwellings directly on these boundaries and interspersing them with open spaces, vegetation screening, and allowing for deeper rear yards to allow for informal screening. As such, the visual effect of the proposal on ‘close proximity views’ is considered to be low.

Based on the assessment in the updated LA, and additional comments above, it is considered that the development has been designed in a manner which ensures that effects in terms of visual amenity are appropriately mitigated and will be less than minor.

### 12.9.3 Summary

Overall, based on the above, it is considered that the actual and potential character and amenity effects of the proposal will be minor and appropriate, given the site is earmarked for urbanisation.

### 12.10 Reverse Sensitivity

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As illustrated on the AUP Zoning Map as **Figure 13**, immediately to the north, west and south of the site are sites zoned Rural Production and contain rural dwellings, pockets of planting and paddocks. Land immediately adjacent to the north of the site is zoned Open Space – Conservation Zone and contains the Nukumea Scenic Reserve. To the north, east, and south of the site are properties zoned as Future Urban.

The proposed master planned comprehensive residential development is not considered to create or give rise to adverse reverse sensitivity effects on character and amenity values. In particular, for the most part, the adjacent activities include comprehensive residential developments, low-intensity lifestyle rural activities, and reserves, which are not considered to be incompatible with the proposed development. To the extent that there are rural activities in the area, it is considered that adequate buffers utilising vegetation or riparian areas from neighbouring properties will be provided. Further detail of this separation, particularly on western neighbours, from a Landscape and Ecological effects perspective is contained within the Greenwoods Response to AC Landscape (**Appendix 44.2**) and Page 5 of Viridis Response to AC Terrestrial Ecology (**Appendix 42.2**). As such,

it is considered that the development will not give rise to any adverse reverse sensitivity effects in relation to existing neighbouring rural activities or infrastructure.

## 12.11 Subdivision

It is proposed to undertake freehold subdivision around the development to contain each dwelling on its own lot and provide JOALs for vehicle access to several dwellings. Further detail is provided in the Updated Scheme Plan included as **Appendix 50**. The following comments are made with regard to potential effects of the subdivision:

- Physical and legal access is provided to each allotment to be created by the subdivision. A total of 40 JOALs are proposed to provide vehicular access, in addition to a number of local roads and an arterial road. Pedestrian access is also provided to each of the dwellings as illustrated on the site plan (refer **Appendix 48.1**);
- For the reasons set out in **Section 12.7**, it is considered that the lot layout will provide for a well-functioning urban environment. The proposed subdivision will not result in the fragmentation of FUZ land and will provide for a comprehensive urban outcome for the site;
- For the reasons set out in **Section 12.5** and Civil Memorandums it is considered that the proposed subdivision can be adequately serviced;
- For the reasons outlined within **Section 12.2** above and the Geotechnical Report and Response Memorandums, it is considered that any land instability effects will be controlled so that the proposed sites, supporting infrastructure, and development as a whole, are stable and suitable; and
- The site is in a flood prone area, and is subject to flooding from overland flow paths and associated 1% AEP flood plains. All dwelling lots have been designed to ensure that they are free from any inundation. As noted in the OLFP Memorandum as **Appendix 52.1**, overland flow paths will be conveyed within the proposed road network. Based on the advice provided by McKenzie & Co within the Flood Assessment Report, it is considered that the proposed subdivision will not affect the function of any floodplain or overland flow path or worsen the risk associated with any natural hazard.

Rear lots serving more than ten dwellings, or serving more than two dwellings and not meeting the minimum access standards, will be created post-subdivision in accordance with an approved land use consent. The Transport Assessment relating to the safety of the proposed JOALs has considered this post-subdivision non-compliance. The assessment considers the following:

*“In regard to safety of pedestrians in and around trafficable areas, trafficable areas within JOALs have been designed to be low-speed environments as PC79 compliant speed management measures being provided to enforce lower vehicle speeds. All proposed accessways provide a downgrade from the site to the fronting Road/JOAL ensuring adequate pedestrian-vehicle visibility. 1.2m pedestrian footpaths are provided on both sides of all JOALs where required which does comply with NZS 4121 for accessible users and reduces the need to cross trafficable areas. It is considered to be unlikely for conflict between pedestrians and vehicles to occur and therefore no safety concerns are anticipated for pedestrians.”*

In terms of subdivision effects, as noted above, it is considered that the proposed subdivision will be undertaken in accordance with an approved land use consent. With regard to access, legal

mechanisms in the form of easements have been provided such that each lot is provided with legal access to a public road.

Taking the above into account, it is considered that any potential adverse effects arising from the proposed subdivision will be less than minor and acceptable.

### 12.12 Mitigation and Monitoring

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Clause 6(1)(d) of Schedule 5 of the Act requires that an assessment of an activity's effects on the environment must include a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity.

A description of the mitigation measures proposed is provided in the technical assessments appended to this AEE, summarised in the preceding subsections, and are also documented in the consent conditions appended to this AEE.

Clause 6(1)(g) of Schedule 5 of the Act also requires that if the scale and significance of the activity's effects are such that monitoring is required, an AEE assessment of effects includes a description of how the effects will be monitored and by whom, if the activity is approved.

In this case, conditions are proposed to ensure that monitoring is undertaken as part of the construction of the development, in accordance with monitoring recommendations made in the technical assessments. These conditions are consistent with those that would usually apply to developments of this kind. Beyond the construction phase of the project, ongoing monitoring will be required with respect to the wastewater discharge quality.

### 12.13 Summary of Effects

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Overall, it is considered that the actual and potential effects on the environment relating to this proposal will be minor and appropriate.

## 13.0 Assessment of Relevant Statutory Considerations

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This section of the application is provided in accordance with clauses 5(1)(h), 5(2) and 5(3) of Schedule 5 of the Act. The Act requires that applications must include an assessment of the activity against the relevant provisions and requirements of those documents listed in clause 5(2) being:

- (a) a national environmental standard:
- (b) other regulations made under the Resource Management Act 1991:
- (c) a national policy statement:
- (d) a New Zealand coastal policy statement:
- (e) a regional policy statement or proposed regional policy statement:
- (f) a plan or proposed plan; and
- (g) a planning document recognised by a relevant iwi authority and lodged with a local authority.

### 13.1.1 Objectives and Policies Approach

A comprehensive assessment of all objectives and policies considered to be relevant to this proposal is provided within **Appendix 33**. Given the significant number of objectives and policies to be assessed, a summary of the key objectives and policies is provided in the sections that follow.

In terms of the AUP (OP), an assessment of both the FUZ, and the Mixed-Housing Suburban Zone objectives and policies are provided (along with those relating to both Rural and Urban subdivision). This provides the panel with an assessment against both the current zoning, and the urban zoning that Delmore has been designed to accord with.

## 13.2 National Policy Statements

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### 13.2.1 National Policy Statement on Urban Development 2020

The NPS-UD recognises the national significance of:

- Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future;
- Planning decisions to improve housing affordability by supporting competitive land and development markets;
- Providing sufficient development capacity to meet the different needs of people and communities; and
- Improving how cities reposed to growth to enable improved housing affordability and community wellbeing.

The NPS-UD contains objectives and policies that require councils to carry out long term planning to accommodate growth and ensure well-functioning cities. There is an emphasis on allowing for growth 'up' and 'out' in a way that contributes to a quality urban environment and to ensure their rules do not necessarily constrain growth. The NPS-UD also requires Tier 1 authorities to provide *at least* sufficient development capacity to meet expected demand for housing over the short, medium and long term. It is important to note that capacity should not be observed as a target, rather, more development capacity is better when contributing to realisable development capacity and competitive land markets. Councils must also enable higher density development in areas close to employment, amenity, infrastructure and demand and in some instances remove minimum car parking requirements.

A detailed assessment of the proposal against these objectives and policies is included as Section 1.0 of **Appendix 33**, which demonstrates that the proposal is considered to be in keeping with the NPS-UD. In summary, the proposal will:

- Provide for medium intensity development which has been comprehensively planned, is proximate to planned public transport, and is located within a part of Auckland that is earmarked for future urbanisation (refer to the structure plan and supporting text and other documents in **Appendix 47**);
- The project will deliver an accelerated supply of dwellings to the market, which will be serviced by infrastructure and roading infrastructure (including provision of active transport facilities).



The dwellings are considered to support competitive land and development markets they are also needed to address demand (refer economics assessments in **Appendix 52**);

- The proposal, which is located in proximity to other areas currently undergoing urbanisation, will provide for the social, economic, and cultural wellbeing of both the applicant and future residents, and for the health and safety of residents both now and into the future. The Connectivity and Accessibility Analysis prepared by Cam Wallace of Barker and Associates (**Appendix 47.3**) demonstrates the extent to which dwellings are located within proximity to parks, open space areas, schools, shops frequent transit network and schools.
- The proposal will deliver a master-planned residential development which, together with other developments already underway, will become a key focal point providing dwellings and amenity for the wider Hibiscus Coast area. It will deliver a range of typologies and sizes which will contribute to the already emerging diverse and vibrant community. This will also assist in responding to the changing needs of people, communities and future generations;
- The proposal has been developed with active and on-going engagement with iwi authorities to ensure that the principles of the Treaty of Waitangi are taken into account;
- The development of housing will be coordinated with the delivery of all of the necessary infrastructure (including roading and active transport facilities, stormwater, wastewater, water supply, electricity, gas and telecommunications). All of the necessary infrastructure to accommodate the proposal is either already in place, near completion, (or in the case of wastewater network and treatment and the stormwater network, will be established) and will be funded by Vineway Limited;
- The proposal will likely contribute to an overall reduction in greenhouse gas emissions across the Auckland region, by delivering a large number of houses within close proximity to both existing and planned employment areas. The proposal will reduce travel distances from places of employment through an increase in housing stock in North Auckland. The proposal incorporates new transport infrastructure including walking and cycling facilities to encourage active transport modes, thereby reducing reliance on and use of cars. The proposal provides efficient accessibility to the wider Hibiscus Coast and Auckland region via multiple transport modes through funding and delivering part of the NoR 6 Milldale to Grand Drive arterial connection as it relates to the site, as well as upgrading parts of the existing road network. The proposal will also contribute towards climate change mitigation and a reduction in greenhouse gasses through the significant and expansive areas of vegetation (approximately 43.7ha) that will be protected and restored or enhanced; and
- The proposal will involve a significant change to the amenity and character of the area, with the landscape shifting from rural to urban. However, future urban development of the sites is anticipated by the FUZ under the AUP(OP) and therefore a change in amenity values is expected. The proposal will improve amenity values appreciated by future residents due to the comprehensively planned nature of the proposal.

### 13.2.2 National Policy Statement on Freshwater Management 2020

The NPS-FM requirements include:

- Managing freshwater in a way that 'gives effect' to Te Mana o te Wai;
- Improving degraded water bodies, and maintaining or improving all others; and

- Avoiding any further loss or degradation of wetlands and streams, map existing wetlands and encourage their restoration.

A detailed assessment of the proposal against these objectives and policies is included as **Appendix 33**, which demonstrates that the proposal is in keeping with the NPS-FM. In summary:

- The protection and enhancement of the health and well-being water bodies, streams and freshwater ecosystems has been a core design principle for the development. This is evident through the subdivision and roading layout which has been purposely located and designed to maintain the existing extents of streams. The overall approach to finished contours and stormwater management has been designed to maintain the hydrology of these streams. The proposed enhancement of existing degraded streams via riparian planting also demonstrates the commitment of the proposal to the health and well-being of water bodies and freshwater ecosystems (refer **Appendix 4** and **Appendices 42.1, 42.3**);
- The proposal is considered to be consistent with the hierarchy of obligations in Te Mana o te Wai. Vineway Limited has engaged with mana whenua and those discussions have included matters relating to freshwater values, stream works, riparian protection, stormwater and wastewater management principles and the applicant has incorporated feedback from tangata whenua into the proposal;
- The proposal has been designed with a strong focus on ensuring freshwater is managed in an integrated way, and which considers activities and development on a whole-of-catchment basis. This is evident through the protection and enhancement of streams (refer to the Ecological Impact Assessment attached as **Appendix 4**), as well as through the stormwater management approach for the development (refer to SMP attached as **Appendix 58**. The development provides for water quality treatment of impervious area runoff, followed by capture and treatment via retention/detention, and then enhancement of receiving environments via planting to enhance their stormwater management function. This demonstrates that the freshwater is managed in an integrated and whole-of-catchment manner;
- As explained within the Flood Assessment Report attached as **Appendix 28**, climate change has been considered in all aspects of the stormwater management approach for the site (see also further flooding information in **Appendix 52**;
- Whilst two natural inland wetlands will be reduced in extent, additional wetland areas of 3,258m<sup>2</sup> are being provided to offset any adverse effects associated with the reduction in wetland area (refer **Appendix 42.3**). In addition, extensive planting is proposed which will increase the values of the wetlands within the site. The consequence of this is that further loss and degradation are avoided, because wetland extent and riparian vegetation extent will in fact be greater than prior to the development being undertaken. Further, it is noted that existing culverts will be removed and streams daylighted, providing benefits to existing wetland areas. An in-depth assessment of wetland values has been undertaken within Ecological Impact Assessment (**Appendix 4**); and
- The proposal maintains and enhances all permanent streams within the proposal area. These will be retained and planted with native riparian vegetation to enhance river values.

### 13.2.3 National Policy Statement for Indigenous Biodiversity

An updated NPS-IB assessment is included at **Appendix 42** and supersedes the assessment within **Appendix 33**. This relies on the assessments in **Appendix 4** and **Appendix 42.2**.

The objective of the NPS-IB is to maintain indigenous biodiversity across New Zealand so that there is no overall loss in indigenous biodiversity from the commencement date – 4 August. According to clause 1.7 Maintaining indigenous biodiversity at least not overall reduction in: size of populations of indigenous species; indigenous species occupancy across their natural range; the properties and function of ecosystems and habitats use or occupied native species; the full range and extent of ecosystems and habitats; connectivity between and buffering of ecosystems, and the resilience and adaptability of ecosystems. It also, includes, where it is necessary, the restoration and enhancement of ecosystems and habitat.

The NPS-IB then sets out different management approaches for achieving that outcome for areas identified as significant natural areas in a planning document and areas not identified as significant. It also includes detailed restoration and enhancement provisions.

The project site includes some areas identified as significant natural areas in the AUP(OP) - SEA-T, and some areas that are not.

The project avoids all of the effects listed in cl 3.10(2) on the SEA-Ts within the site. This is achieved by setting development back from these areas. The TMP will apply to works close by to ensure any potential effects on the protected root zone are identified and managed to protect the SEA-T vegetation.

Outside the SEA-T's effects are managed in accordance with the mitigation hierarchy, and in such a way that the overall maintenance of indigenous biodiversity is achieved (per cl 3.16).

For NPS-IB purposes the effects management hierarchy requires that adverse effects are avoided where practicable; effects that cannot be avoided are minimised where practicable; adverse effects that cannot be minimised are remedied where practicable, and any more than minor residual adverse effects are offset if this is possible and other compensated for.

Delmore has been designed to avoid adverse effects on native vegetation to the maximum extent practicable. Encroachment into these areas is limited to providing for access to the site's various parts, and where no other practicable option exists. Where encroachment is required, effects have been minimised through the specific location chosen and adopting a TMP to reduce edge effects on vegetation that is not removed, some of the replacement vegetation will remedy adverse effects through direct replacement of lost area after construction, some will offset the vegetation lost through new, extensive planting. Not only will this planting ensure biodiversity is maintained through replacing what is lost with equivalent vegetation, with an increased ratio to cover any unsuccessful specimens, but it is specifically targeted at the restoration priorities in clause 3.21. Some areas to be planted to help to restore degraded edges of the SEA-T, some will restore threatened wetland ecosystems, all will contribute to improved buffer of existing on-site native vegetation, and to providing connectivity through the site to the SEA-Ts to the west, north, and south.

The approach to managing fauna effects is similar. The native terrestrial fauna identified as potentially present on site are particular bird species, bats, and lizards. The fauna management plan that is required focuses on avoidance as a first step through pre-works bat, lizard, and bird surveys and subsequent actions to remove any specimens found or protect them until they move

themselves. The fauna management plan then includes actions to minimise and mitigate effects through further actions if specimens are found on-site during construction despite pre-construction surveys.

Impacts on biodiversity was also raised as a key issue in the cultural impact assessments, and the recommendations in those assessments have informed the approaches described above.

#### 13.2.4 New Zealand Coastal Policy Statement 2010 (NZCPS)

The site is not located with the coastal environment, however the Hauraki Gulf is the ultimate receiving environment for any discharges emanating from the development, both during construction and afterwards.

Based on the technical assessments undertaken no adverse effects on the Hauraki Gulf, its waters and ecosystems are expected (refer **Appendix 42.1**). Discharges during construction will be comprehensively using best practice ESC measures, with monitoring in place to ensure any failures are identified promptly and remedied. The development's stormwater and wastewater management approaches are designed to ensure all water is treated before it discharges into the wider receiving environment.

#### 13.2.5 Other National Policy Statements

- National Policy Statement for Renewable Energy Generation – this NPS provides guidance for local authorities on how renewable energy generation (including the construction, operation and maintenance of structures associated with renewable energy generation) should be dealt with in RMA planning documents. The Proposal does not include the construction or operation of renewable energy generation structures or related activities. Therefore, an assessment of this NPS is not required.
- National Policy Statement on Electricity Generation – this NPS sets out the objectives and policies for managing the electricity transmission network. There are no electricity transmission lines or transmission network structures within the site, and therefore an assessment of this NPS is not required.
- National Policy Statement on Highly Productive Land ('NPS-HPL') – this NPS sets out the objectives and policies for the protection of highly productive land for land-based primary production. The site is zoned FUZ and therefore the NPS-HPL does not apply.

### 13.3 Regional Policy Statement

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#### 13.3.1 Auckland Unitary Plan (Operative in Part) 2016

The AUP (OP) comprises Auckland's Regional Policy Statement (RPS), and regional and district plans. A detailed assessment of the proposal against the relevant objectives and policies of the AUP (OP) is included at **Appendix 33**, and a summary is provided below.

##### 13.3.1.1 Regional Policy Statement

The RPS sets out the overall strategic statutory framework to achieve integrated management of the natural and physical resources of the Auckland Region. The RPS broadly gives effect to the strategic direction set out in the Auckland Plan.

Of particular relevance to this proposal are:

- B2.2 Urban Growth and Form;
- B2.3 Quality Built Environment;
- B2.4 Residential Intensification;
- B6 Mana Whenua; and
- B7 Natural Resources

### B2.2 Urban Growth and Form

The relevant objectives and policies of B2 Urban Growth and Form seek to achieve a quality compact urban form with urban growth contained within the Rural Urban Boundary (RUB). Sufficient development capacity and supply of land for urban development is required to accommodate residential and commercial growth with social facilities to support this growth. There is an emphasis on achieving a higher quality urban environment and better use of existing infrastructure, through enabling higher residential intensities in areas closest to centres, the public transport network, open space and social amenities. The proposal is considered to be consistent with this policy direction as it provides for a quality, compact residential neighbourhood on land that is located within the RUB which has been strategically identified as appropriate to accommodate urban growth through the application of the Future Urban zone, to provide much needed residential capacity in Auckland and in an accessible location to a potential future public transport network. Importantly, the objectives and policies of B2 Urban Growth and Form do not preclude resource consents for urban land use in the Future Urban zone prior to the land being rezoned.

The comprehensive development, which has been informed by a Structure Plan (**Appendix 47.1**), will deliver additional housing stock to accommodate residential growth and support the provision of sufficient development capacity through the delivery of a range of housing typologies surrounded by quality open spaces for amenity and recreation. The proposal will support the Councils requirements to provide sufficient development capacity and supply of land for urban development, of which, at any one-time sufficient land which enables a minimum of seven years' projected growth in terms of residential, commercial and industrial demand should be available. Currently, there are limited opportunities for growth in the Hibiscus Coast area through live zoned land, despite there being significant market demand. The development of the site will be integrated and delivered with the required transport and servicing infrastructure upgrades. As demonstrated throughout the AEE and supporting technical documents, the proposed activities on the site will deliver the planned and anticipated urban use of the land, and will contribute to the provision of sufficient development capacity and much needed land supply to accommodate and support growth that is integrated with the provision of appropriate infrastructure, and hence the proposal is considered to be consistent with the relevant objectives and policies of B2 Urban Growth and Form

### B2.3 A Quality Built Environment

The relevant objectives and policies within B2.3 A Quality Built Environment seek to achieve a quality-built environment by ensuring that development responds to the qualities and characteristics of the site. There is an emphasis on achieving a high level of amenity and safety for pedestrians and cyclists, contributing to the safety of the site, street and neighbourhood,



contributing to a diverse mix of choice for people and communities, and maximising resource and infrastructure efficiency.

The proposal is considered to be consistent with this policy direction as the development has been comprehensively master planned and designed to result in a quality-built environment. The development has been designed to respond to the intrinsic qualities and physical characteristics of the site, including natural watercourses and the natural topography of the site. Although the proposed earthworks will disrupt the landform during construction, the general overall topography and low points (including stream gullies) of the site will be maintained.

The subdivision layout is also considered to be legible and provides a high level of amenity for pedestrians and cyclists with the proposed roading design incorporating generous footpaths, cycleways and landscaping. CPTED principles have been considered throughout the design of the development to ensure the development provides an environment which is safe for residents. In particular, passive surveillance is provided for street and public open spaces throughout the development.

The project will deliver a range of dwelling sizes and typologies to support choice and meet the needs of Auckland's diverse population.

#### B2.4 Residential Intensification

The relevant objectives and policies within B2.4 Residential Intensification seek to provide for residential intensification which supports a quality compact form. There is an emphasis on residential areas being attractive, healthy and safe and in keeping with the planned built character of the area, increasing housing capacity and choice to support the provisions of sufficient, feasible development capacity for housing and ensuring development is adequately serviced by infrastructure.

The proposal is considered to be consistent with this policy direction as it will deliver additional residential capacity and support a range of housing choice to help meet the varied needs of Auckland diverse and growing population, within a quality compact urban form, for the reasons set out in the B2.2 Urban Growth and Form assessment above. The project will deliver a range of standalone and attached dwelling typologies and sizes in keeping with the existing built character of the wider area, including Millwater and Ōrewa, and the planned built character of the surrounding area, including the nearby Ara Hills, Milldale North and Strathmill.

The proposal supports the provision of sufficient and feasible development capacity for housing and in turn will assist the **minimum** dwelling targets set out in Table B2.4.1 of the RPS being achieved, through the delivery of additional housing in an area where there is significant market demand, on land that has been identified as appropriate for future urbanisation through the provision of the Future Urban zoning being applied. The development will be adequately serviced by infrastructure to be provided prior to, or at the same time as the delivery of residential intensification.

#### B6 Mana Whenua

The relevant objectives and policies set out in B6 Mana Whenua seek to ensure that the principles of Te Tiriti o Waitangi are recognised and provided for in the sustainable management of natural and physical resources. There is an emphasis to provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources, the mauri of and

relationship of Mana Whenua with natural and physical resources are enhanced and the holistic nature of the Mana Whenua world view is taken into account.

The proposal is considered to be consistent with this policy direction as the proposal recognises the unique relationship between Mana Whenua and natural and physical resources. Consultation has been undertaken with Mana Whenua, and feedback from Mana Whenua has been considered in the design of the proposal. The holistic nature of the Mana Whenua world view and opportunities to enhance the mauri of freshwater ecosystems has been taken into account in the proposed development, particularly in terms of the landscaping and proposed stormwater management.

### B7 Natural Resources

The relevant objectives and policies of B7 Natural Resources seek to ensure that degraded freshwater systems are enhanced and the loss of freshwater systems is minimised. There is an emphasis to integrate the management of subdivision, use and development and freshwater systems, identify degraded freshwater systems and to avoid the permanent loss and significant modification of lakes, rivers, streams and wetlands unless no practicable alternatives exist or mitigation measures are implemented to address the adverse effects arising from the loss in freshwater system functions and values.

The proposal is consistent with this policy direction. Although the proposal involves the immediate loss of wetland vegetation and to a very small degree extent, the loss is offset to achieve a no-net-loss outcome for both through planting and wetland re-creation. The proposal involves the restoration of degraded waterways through the extensive planting within riparian margins, and 3,258m<sup>2</sup> of wetland creation.

Further, it is noted that existing culverts will be removed and streams daylighted, providing benefits to existing wetland areas. An in-depth assessment of wetland values has been undertaken within Ecological Impact Assessment as **Appendix 4** and is supplemented by the further analyses in **Appendix 42**.

In addition, adverse effects will also be avoided by implementing best practice erosion and sediment control in accordance GD05 to minimise sediment discharge and providing quality treatment of stormwater prior to discharge. These mitigation measures are also consistent with GD01 in terms managing the effects of discharge on water quality and with managing sediment runoff from land disturbance.

### Summary

Based on the foregoing, the proposal is considered to be consistent with the policy direction of the RPS.

## 13.4 Auckland Unitary Plan

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### E3 Lakes, Rivers, Streams and Wetlands

An assessment against the objectives and policies of the NPS-FM has been provided further above, with regard to the protection and enhancement of streams and wetlands. The conclusions from this assessment are considered to be applicable to the objectives and policies of Chapter E3. In particular, the proposal will result in the permanent loss of wetland extent only where there is no

practicable alternative or the practicable alternative would result in equal or greater adverse effects, and will be offset by the provision of new wetland areas. Existing degraded wetlands and waterways will be enhanced as a result of the proposed vegetation planting and water quality enhancement. As such, it is considered that the proposal accords with the objectives and policies of E3.

### E11 Land Disturbance – Regional and E12 Land Disturbance – District

A combined assessment against Chapter E11 and E12 is provided below given the similarities between the provisions for regional and district land disturbance. The common outcome sought is to ensure that land disturbance is undertaken in a manner where the safety of people is protected and adverse effects on the environment are avoided, remedied or mitigated. This is supported by a range of policies which, generally, seek to manage the adverse effects of a sediment discharge on the environment, avoid adverse effects on natural, cultural and historic heritage where practicable, and design and undertake earthworks in a manner that ensures the stability and safety of surrounding land and buildings.

The proposal is considered to be consistent with these provisions for the following reasons:

- The land subject to earthworks is not located within any overlays associated with natural heritage, mana whenua, natural resources, historic heritage or special character. Accordingly, it is considered that the bulk earthworks will not adversely affect the matters associated with these overlays;
- A suite of erosion and sediment control measures in line with GD05 will be implemented on site to manage any potential adverse sediment discharge effects on the environment. Such measures include, but will not be limited to, super silt fence, sediment retention ponds, and clean water diversion bunds;
- The earthworks will be undertaken in a staged manner during the earthworks season, except where approval for winter works is sought and approved by Auckland Council, to minimise the overall duration of exposed areas. Together with the implementation of appropriate erosion and sediment control measures, it is considered that sediment runoff or discharge will be suitably mitigated and minimised;
- Earthworks are anticipated to maintain the stability of surrounding land and structures as assessed in the Geotechnical Report; and
- There are two recorded archaeological sites in the development area. Investigations and research undertaken by Clough & Associates note that there is potential for the site to contain additional sites associated with Māori settlement. In this regard, archaeological monitoring is proposed during earthworks within these areas. Archaeological monitoring will ensure any potential archaeological remains/evidence can be investigated.

Overall, it is considered that the proposal accords with the objectives and policies of the regional and district land disturbance provisions.

### E15 Vegetation management and biodiversity

The relevant provisions of E15 Vegetation management and biodiversity seek to ensure that indigenous biodiversity is restored and enhanced in areas where ecological values are degraded, or where development is occurring. There is an emphasis to manage the effects of activities to

avoid significant adverse effects on biodiversity values as far as practicable. Where avoidance is not practicable then significant adverse effects should be minimised. The provisions also seek to avoid, remedy or mitigate any other adverse effects on indigenous biological diversity and ecosystem services including soil conservation, water quality and quantity management, and the mitigation of natural hazards.

Approximately 55.3ha of vegetation will be protected and restored or enhanced as part of this proposal. This includes the enhancement of the land adjoining the Significant Ecological Area, existing consent notice bush areas, and existing degraded waterways and wetlands. The proposal is considered to be consistent with this policy direction. Variations to consent notices to enable the removal of protected vegetation will be offset with native planting as outlined in the Ecological Impact Assessment in **Appendix 4** and further in **Appendix 42.2**. Updated Landscape Plans (see **Appendix 44.4**) demonstrate that a significant amount of riparian planting and revegetation is proposed, which contributes to the overall ecological restoration and enhancement of the site. The proposal will contribute to improved ecosystem services and indigenous biological diversity values in this part of Auckland and make a regionally significant contribution to the significant environmental issue of indigenous biodiversity loss.

### E27 Transport

The relevant transport objectives and policies seek to encourage that land use and transport (including public transport, walking and cycling) is integrated in a manner that enables adverse effects of traffic generation on the transport network to be managed. In addition, the objectives and policies ensure that parking and access is designed, located and accessed safely and efficiently for pedestrians and vehicles within and outside the site. The objectives and policies relating to E27 under PC79 seek to provide for greater parking safety and accessibility.

The proposal is considered to meet these objectives and policies as it provides for an integrated transport network with public, vehicular, cycling and walking transport modes provided for within the development. The development has also been comprehensively designed to provide cycling and walking connections beyond the site through the provision of the NoR 6 arterial road. All parking and access will be designed to comply with the AUP (OP) requirements, except where noted and assessed within the Transport Assessment. Commute have reviewed the proposed parking and access for the development with respect to formation and gradient, and confirm that the proposal will function safely and efficiently.

The ITA prepared by Commute confirms that the key intersections proposed will perform satisfactorily and operate within an acceptable level of service in both the AM and PM peak. On this basis, it is considered that the safe and efficient operation of the transport network will not be unreasonably compromised in the future, that the proposal is consistent with the outcomes sought by the AUP (OP) and will not be contrary to relevant objectives and policies that relate to transport.

### E36 Natural Hazards and Flooding

The relevant objectives and policies seek to ensure that use and development does not increase the overall risk of adverse effects from natural hazards to people, buildings, infrastructure and the environment, and where practicable adverse effects are reduced or minimised. The design and construction of buildings and structures should assess whether the effects of flooding are avoided or mitigated through site layout and management.

The proposal is considered to be consistent with these objectives and policies as the risk from natural flood hazards has been assessed in the Flood Assessment Report at **Appendix 28** where it was confirmed that significant adverse effects will be avoided through the design of the development. Where the development increases flood levels, the Flooding Assessment and AVJ - Engineering Response Memo (**Appendix 54.1**) considers that given the extent and location of these increases, flood risk effects on these properties will be less than minor. Land within the 1% AEP flood plain will form part of the proposal's open space network. The flooding modelling undertaken by McKenzie & Co also confirm that any changes to the flood depths is marginal and would be contained within existing flood depths. The Geotechnical Report and Geotechnical Response Memorandums confirms that any land instability effects will be avoided or mitigated.

Overall, it is considered that the proposal is not contrary with the relevant objectives and policies that relate to flooding hazards.

### E38 Subdivision – Urban

The relevant objectives and policies of E38 Subdivision – Urban seek to ensure that land is subdivided to achieve and support the objectives and policies of the zones, the relevant overlays and Auckland-wide provisions, and in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment. There is an emphasis on ensuring that subdivision has a safe, efficient, convenient and accessible layout and maintains or enhances the natural features and landscapes that contribute to the character and amenity values of areas.

It is considered that the proposal is consistent with these objectives and policies. The proposal provides for subdivision around a master planned comprehensive residential development which is considered to achieve the purpose of the Residential – Mixed Housing Suburban Zone and Auckland-wide provisions. The road network and residential lot layout will provide for a safe, efficient, convenient and accessible layout that has been designed to respond to the intrinsic qualities and physical characteristics of the site. The proposed subdivision layout is urban in nature and has been designed to integrate with existing and planned urban environments within proximity, and will be appropriately serviced. The risk of adverse effects arising from natural flooding hazards are managed through the overall layout and design of development and open space across the site. As noted in the Geotechnical Report as **Appendix 8**, the development provides safe and stable building platforms and vehicle access.

Overall, it is considered that the proposal accords with these objectives and policies for urban subdivision.

### E39 Subdivision – Rural

The relevant objectives and policies of E39 Subdivision – Rural seek to ensure that land is subdivided to achieve and support the objectives and policies of the zones, the relevant overlays and Auckland-wide provisions, and in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment. There is an emphasis on ensuring infrastructure is in place to support the proposed subdivision or development, subdivision has a safe, efficient, convenient and accessible layout and maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.



Holistically, the subdivision of the site is considered to achieve the purpose of the FUZ, which is assessed below, and the Auckland-wide provisions above, which are not repeated here.

The proposal will provide for the long-term needs of the community through the provision of high-quality housing stock within an area which has been signalled for residential development by the Future Urban zoning under the AUP (OP). The assessment in Section 12.0 above demonstrates that the development appropriately minimises adverse effects of development on the environment.

The infrastructure required to support the subdivision (and associated development) will be in place at the time of subdivision/development and as such the proposal is considered to meet the E39 objectives and policies related to the provision of infrastructure.

The subdivision layout is considered to be safe, efficient, convenient and accessible as it has specifically been designed to minimise the number of intersections on roads through the provision of JOALs, thereby improving the safety and efficiency of the road network. The development layout also provides multiple accessways for pedestrians and cyclists to improve the convenience and accessibility for active transport modes. These design factors are all considered to contribute to a subdivision layout which is safe, efficient, convenient and accessible.

With regard to objective E39.2(8) and E39.2(15), it is recognised that the proposal will change the character and amenity values of the site, noting that the site has been identified as an area that will transition from rural to urban through the FUZ zoning. The subdivision has been designed to maintain and enhance the natural features on the site, including existing watercourses. Existing natural wetlands will be landscaped with riparian planting and wetland extents protected. Existing watercourses on the site, which are highly modified and degraded, will be daylighted, naturalised and riparian planting undertaken to enhance ecological values and instream health.

As part of the subdivision, approximately 55.3ha of vegetation is to be retained, protected, restored or enhanced. The subdivision layout has been designed to respond to the intrinsic qualities and physical characteristics of the site, including providing for a development layout and road network that complements the natural contouring, watercourses, vegetation and open space.

The risk of adverse effects arising from natural flooding hazards are managed through the overall layout and design of development and open space across the site. The development provides safe and stable building platforms and vehicle access.

Overall, it is considered that the proposal is not contrary to the relevant objectives and policies that relate to rural subdivision.

#### H4 Residential – Mixed Housing Suburban Zone

The objectives and policies for the MHS zone are contained in Sections H4.2 and H4.3 of the AUP (OP). The objectives aim to provide for increased housing capacity and intensity within the zone that is in keeping with the planned urban character of predominantly one and two-storey buildings in a variety of forms, that provides high quality on-site amenity for future residents, adjoining sites, and the street. The policies reinforce the objectives and also aim to achieve attractive and safe streets and open spaces through passive surveillance, front yard landscaping, and minimising dominance of garage doors; and to manage built form to maintain a reasonable standard of sunlight access and privacy to neighbouring sites, as well as to minimise visual dominance effects. On-site amenity is also included with respect to privacy, outlook, access to daylight and sunlight,

amenities, and useable and accessible outdoor living space. The proposal is considered to accord with these objectives and policies, as follows.

The proposed master planned comprehensive residential development will provide a variety of typologies including both standalone and attached dwellings. The dwellings will be up to two storeys in height, are generally compliant with the MHS Zone bulk and location controls and are therefore considered to be in keeping with the nature of built form sought for the zone. For those reasons they are also considered to provide for good quality on-site amenity for residents and the street. For the reasons outlined in Section 12.7, the proposal is considered to be in keeping with the planned built character sought for the Mixed Housing Suburban Zone. Provision of reasonable quality front yard landscaping will contribute to the amenity value of the streetscape. The proposed dwellings are of a sufficient size and of a functional layout so as to provide for the day-to-day needs of future occupants. The Water, Wastewater and Utilities Report as **Appendix 11** and Stormwater Report as **Appendix 12** confirms that the development can be appropriately serviced. This is confirmed by the memorandums provided as part of **Appendix 46** and **Appendix 47**.

Overall, it is considered that the proposal accords with the objectives and policies for the Mixed Housing Suburban Zone.

#### H18 Future Urban Zone

The relevant objectives and policies of the FUZ seek to ensure that land is used and developed to achieve the objectives of the Rural – Rural Production Zone until it has been rezoned for urban purposes. There is an emphasis on requiring subdivision, use and development to maintain and complement rural character and amenity and avoiding subdivision that will result in the fragmentation of land and compromise future urban development.

With regards to objective H18.2(1), whilst this proposal urbanises the subject land without a formal structure plan process and rezoning as contemplated by the AUP(OP), it is considered that this proposal nevertheless demonstrates that the key elements of the substance of structure planning (as articulated in Appendix 1 of the AUP(OP)) have been observed. While the proposal is not rural and does not achieve all of the Rural – Rural Production zone objectives and policies, it is not inconsistent with the FUZ objectives and policies assessed below.

With regards to objective H18.2(2) and corresponding policy H18.3(2) this proposal proposes to urbanise the land by way of resource consent application for land use and subdivision. Whilst the proposal is not necessarily consistent with the process which this objective and policy prescribes, it is considered to achieve the outcome of avoiding ad hoc/compromising development that is intended by the wider objective and policy framework for the Zone. As such, it is considered that the proposal is not contrary with this objective and policy.

The intent of objective H18.2(3) and corresponding policy H18.3(4) is to prevent ad hoc development or subdivision in the FUZ that will result in the fragmentation of land and which compromises future urban development and in turn hinders achieving the ultimate outcome for the land under the AUP (OP). The proposal will not compromise future urban development, rather, it is expediting the delivery of urban development of a significant landholding by a credible developer with a track record of delivering new large-scale residential developments in the wider area, which is anticipated by the provisions of the AUP (OP) (including the FUZ) and other resource management documents and will support Auckland's growing population. The proposal will not result in fragmentation of land that will compromise or undermine future urban development in

this location, rather it will bring forward development that is both anticipated and appropriate at this site, along with the integrated delivery of appropriate and sufficient infrastructure. The proposal is consistent with the Structure Plan (**Appendix 47.1**) which demonstrates how this development will integrate with planned and existing development (including residential and business development as well as key strategic transport routes) in the wider area.

With respect to objective H18.2(4), while urbanisation is not avoided until the site is rezoned for urban purposes, the outcome that the objective is concerned with (i.e. preventing ad hoc development that hinders future urban development – see Policy B2.2.2(8)) will not eventuate and, as such, the proposal avoids the outcomes that the objectives and policies are seeking to avoid. The development of the sites would not result in any of the situations in (a) to (g) of policy H18.3(6) as noted in **Table 4** below:

**Table 4: FUZ Policy Assessment.**

Policy H18.3(6)	Assessment
(a) Structures and buildings of a scale and form that will hinder or prevent future urban development.	For the reasons noted in H18.2(3), the proposal is not considered to compromise future urban development.
(b) Compromise the efficient and effective operation of the local and wider transport network.	The ITA attached as <b>Appendix 28</b> and Transport Memorandum concludes that the proposed development will not compromise the efficient operation of the local and wider network. The development involves the necessary upgrades to the transport network to accommodate the proposed development, which will contribute not only to the accessibility of the application site, but through the NoR 6 connection, the wider Ōrewa and Hibiscus Coast area
(c) Require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure.	This project will be adequately serviced utilising both existing bulk infrastructure in place, and through the delivery of new infrastructure where existing infrastructure is at capacity. Upgrades of infrastructure are proposed where existing networks do not have capacity. Several options for infrastructure have been considered and the proposed servicing strategy is considered to be the most efficient. Existing water supply mains will be extended where capacity allows. The existing road network will be retained and upgraded as necessary. Local water supply, stormwater and wastewater infrastructure within the project area itself will need to be constructed and installed by the applicant, which is to be expected in this location.
(d) Inhibit the efficient provision of infrastructure	
(e) Give rise to reverse sensitivity effects when urban development occurs.	The proposed master planned comprehensive residential development is not considered to create or give rise to adverse reverse sensitivity effects, with compatible on-site

	<p>uses provisioned, and adjacent activities including comprehensive residential developments, low-intensity lifestyle rural activities, and reserves, which are considered to be not incompatible with the proposed development.</p> <p>When surrounding FUZ sites are developed in the future, no reverse sensitivity effects are anticipated.</p>
(f) Give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure.	<p>The proposed development will avoid reverse sensitivity effects, with vegetation or riparian separation from neighbouring properties provided throughout the proposed subdivision. Further, the development will not give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure as the wider environment is predominantly comprised of rural-residential land uses.</p>
(g) Undermine the form or nature of future urban development.	<p>The proposal, as a master planned, comprehensive residential development is considered to represent the 'future' urban development envisaged by is Future Urban zoning. The development will integrate with future development of surrounding land. In particular, it will connect to the Ara Hills development through the provision of potential connector roads, the delivery of NoR 6, and careful consideration of the residential interface as noted in the Urban Design Assessment as <b>Appendix 27</b>. As such, it is considered that the proposed masterplan has been designed to integrate with existing and future development and is not considered to compromise any future urban development.</p>

With regard to policy H18.3(3), the proposal will involve a significant change to the amenity and character of the area, with the landscape shifting from rural to urban. However, future urban development of the sites is anticipated by the Future Urban zoning under the AUP (OP) and therefore a change in amenity values is expected. The proposal will improve amenity values appreciated by other people, communities and future generations due to the comprehensively planned nature of the proposal. The layout and design of the development has been specifically designed to reduce adverse environmental effects, including maintaining and enhancing natural watercourses. The subdivision will retain natural features such as contouring, waterbodies and vegetation where possible. The development layout has been designed to respond to the intrinsic qualities and physical characteristics of the site, including providing for a development layout and road network that complements the natural contouring, watercourses, vegetation and open space, minimising effects on the rural character of neighbouring areas.

Overall, it is considered that the proposal is not contrary to the relevant objectives and policies of the FUZ.

## Summary

It is understood that the evaluation of the policy framework is not whether the proposal complies entirely with each and every relevant objective and policy, but rather whether, reading the relevant objectives and policies in the round, it can be said that the proposal is not contrary to them as a whole. In addition, the absence of support for an activity in the objectives and policies of a plan does not equate with “contrary to”, which requires repugnancy or opposition. Therefore, it is considered that the assessment of the relevant objectives and policies should be taken as a whole, rather than considering whether the activity is not contrary to each and every relevant objective and policy.

Based in the above assessment, while there are some inconsistencies with the Future Urban Zone provisions, it is considered that the proposal will not be contrary to the objectives and policies overall.

## Relevant Rules and Assessment Criteria of the AUP (OP)

Non-complying activity consent is required for the proposal overall, so the assessment of this application is not limited to matters over which Auckland Council has reserved its control or restricted its discretion. However, the assessment has given regard to the relevant assessment criteria and have concluded that the adverse effects on the environment will be avoided or mitigated to be minor.

Overall, it is considered that the proposal meets the assessment criteria of the AUP (OP) for the reasons described in Sections 12.0 and 13.3.1 above.

### 13.5 Iwi Management Plans

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Iwi management plans have been assessed in **Section 11.2** above.

### 13.6 Other Plans

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#### 13.6.1 Auckland Plan 2050

The Auckland Plan is the key strategic document which sets Auckland Council’s social, economic, environmental and cultural objectives. A key component of the Auckland Plan is the Development Strategy which sets out how future growth will be accommodated up to 2050. The Auckland Plan focusses on a quality compact approach with future development focused within Auckland’s urban footprint, meaning most growth will occur in existing urban areas.

In terms of the form of development, the Auckland Plan takes a quality compact approach to growth and development. The Auckland Plan defines this as:

- (a) *Most development occurs in areas that are easily accessible by public transport, walking and cycling;*
- (b) *Most development is within reasonable walking distance of services and facilities including centres, community facilities, employment opportunities and open space;*
- (c) *Future development maximises efficient use of land; and*

(d) *Delivery of necessary infrastructure is coordinated to support growth in the right place at the right time.*<sup>4</sup>

The proposal is considered to provide for a quality, compact neighbourhood within close proximity to SH1 and both existing and planned centres.

With regard to public transport, the development through the delivery of the arterial road within NoR 6, will have the capability of being serviced by a bus service. Regarding walking and cycling, it is considered that the proposal will provide for a network that provides for a good level of internal connections, as well as connections to other nearby centres and developments through the delivery of the NoR 6 arterial road. The proposed development will provide dwellings at walkable distances to the NoR 6 arterial road, which will provide access to existing and future centres, community facilities and employment opportunities through potential provision of public transport, alongside active modes. Open space areas will be provided throughout the site.

The necessary bulk infrastructure will be constructed by the applicant where existing infrastructure capacity is not adequate. Additionally, the necessary transport infrastructure to service the project will be delivered by Vineway Limited.

Overall, the proposal is considered to be consistent with the strategic direction of the Auckland Plan and will contribute to achieving a quality compact approach to urban growth, while ensuring that good design is embedded throughout the development. These strategic objectives of the Auckland Plan are reflected in the AUP (OP) objectives and policies, which are assessed in detail further above.

### 13.6.2 Future Development Strategy 2023-2053

Auckland Council's Future Development Strategy (FDS) was published in 2023 and gives effect to the NPS on Urban Development by identifying a programme to sequence future urban land over 30 years, in line with its purpose to promote long-term strategic planning, within which it identifies broad locations in which development capacity will be provided.

The FDS informs the Council's infrastructure funding priorities and feeds directly into the Council's long term plans, annual plans and other strategic documents.

In relation to the subject site, the FDS signals an indicative sequencing of 2050+. However, that timing is indicative, not determinative. For example, when preparing and changing planning documents under the Resource Management Act 1991, the FDS is a matter the local authority must *have regard to*, and local authorities are encouraged to have it inform decision-making on other strategies and plans (cl. 3.17 NPSUD). This flexibility is consistent with its status as a high-level strategic document, within which change can, and should, be contemplated as more information comes to light and as specific development proposals come forward. One such matter may be information regarding development capacity (being the capacity for land to be developed for housing or business -cl 1.4 NPS-UD). The FDS acknowledges the uncertainty in relation to predicting development capacity and states that:

*Rather than viewing capacity as a target to meet, it is helpful to recognise that relatively more capacity means more development opportunities, and more competition among developers to respond to demand... the capacity requirements of the NPS-UD have been exceeded (including that*

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<sup>4</sup> Auckland Plan 2050, pg. 206.



*enabled by Plan Change 78 to the Auckland Unitary Plan), however, Auckland would benefit from more capacity for growth.*

It is evident from the analysis in the Updated Economic Report as **Appendix 53.1**, that there is insufficient greenfield development capacity in the Hibiscus Coast part of Auckland in which the project site is located. Since 2019, only 50 greenfield dwellings have been brought to market in the area. The FDS anticipates that 280 dwellings will be brought to market per annum. As the Economic Assessment report details, this greenfield development capacity shortfall has a negative flow on effects for house pricing and market competition, given the comparatively lower prices of greenfield housing. These factors in turn have negative flow on effects for population demographics and growth, as younger members of the community cannot meet increasing house prices. This project will deliver approximately 1,250 residential lots to the area at pace, in a strategic location anticipated for urbanisation, with infrastructure solutions to enable urbanisation. The project poses a regionally strategic opportunity to contribute towards the growth challenge within Auckland's North as this development will make a significant contribution to development capacity within North Auckland.

### **FDS – Strategic Spatial Framework**

The FDS incorporates a strategic framework which identifies spatial outcomes and principles for growth and change which underpin and inform the spatial response. To achieve a well-functioning urban environment with a quality compact urban form, the following principles are identified:

- Principle 1: Reduce greenhouse gas emissions
- Principle 2: Adapt to the impacts of climate change
- Principle 3: Make efficient and equitable infrastructure investments
- Principle 4: Protect and restore the natural environment
- Principle 5: Enable sufficient capacity for residential and business growth in the right place at the right time

This project is consistent with the spatial principles set out in the FDS. In particular:

**Reduction in Greenhouse Gas Emissions:** The project will contribute to a reduction in greenhouse gas emissions by delivering a compact urban form and a comprehensive and integrated development over a large land holding that is contiguous with the existing urban development in Ara Hills and proximate to the planned urban development in Milldale North and existing urban development in Milldale. The development will incorporate a network of pedestrian and cycle paths, including providing cycling infrastructure along the Milldale and Grand Drive connection (NoR 6), connecting through to Grand Drive, and beyond to the Grand Drive local shops, the future commercial centre consented at Ara Hills next door to the east, and through to Orewa. There is also a bus planned to connect to Ara Hills in the near future, which can be extended along the NoR6 road, supporting a shift to public and active modes.

The proposal provides social infrastructure within the development itself including two neighbourhood parks, recreational trails and neighbourhood shops that will provide for the day-to-day needs of future residents. This creates opportunities for residents of the Delmore development to live locally and access most of their daily needs by active modes and public transport.

In addition, the 32.8 hectares of native planting and net gain of 2,172m<sup>2</sup> of wetland habitat will contribute to an offset in carbon emissions from the development and contributes to carbon sequestration.

**Adapt to the impacts of Climate Change:** The Flooding Assessment has assessed the potential for natural hazards which will be exacerbated by climate change. The project is not located within an area where hazards have been identified as preventing development. Rather, it is identified as appropriate for urban development, with management measures being the method for managing any hazard risks. Flood hazards including overland flow paths, flood plains and flood prone areas have been mapped and incorporated into the subdivision layout, with reserves and roads located to maintain overland flow routes and dwellings kept out of these areas. Finished floor levels and infrastructure design will ensure resilience to increased rainfall intensity expected with climate change. The proposal incorporates a comprehensive stormwater management system which manages flows up to the 1% AEP (100-year) storm event. Green infrastructure, including rain gardens and riparian planting will support increased infiltration, reducing peak flows, and improving the catchment's resilience to storm events.

In addition, the project includes the protection and enhancement of approximately 55.3 hectares of native vegetation, reducing urban heat island effects.

**Efficient and Equitable Infrastructure Investments:** The development can be efficiently and effectively serviced by infrastructure that will be delivered as part of this project by Vineway Limited. Vineway Limited will fund and deliver the section of the Milldale and Grand Drive connection (NoR 6) that runs through the site, a key strategic connection between SH1 and Wainui Road, benefiting the wider Hibiscus Coast and North Auckland region. The proposed development also provides all local public roads, drainage reserves, and utility reserves, infrastructure which will ultimately be vested with Auckland Council. The development can be serviced by the public wastewater and water supply networks within existing capacity, alongside existing homes and consented homes and therefore does not demand a diversion in infrastructure funding.

**Protect and Restore the Natural Environment:** The project will protect and restore the natural environment through the 32.8ha of native revegetation planting proposed to restore degraded pasture, riparian margins and previously grazed consent notice areas. In addition, approximately 22.5 hectares of the site will be protected through consent notices and covenant mechanisms, including areas within Significant Ecological Area – Terrestrial (SEA-T) overlays. The proposal will retain and protect the majority of the natural inland wetlands across the site and will enhance the health of the awa through riparian planting along the streams and wetland margins, daylighting existing piped streams and offset planting and wetland creation to mitigate unavoidable wetland loss from essential infrastructure.

**Enable sufficient capacity for growth in the right place at the right time:** There are limited opportunities for growth in the Hibiscus Coast area, despite there being significant market demand. The FDS acknowledges the uncertainty in relation to predicting development capacity, stating that Auckland would benefit from more capacity for growth and that rather than viewing capacity as a target to meet, it is important to recognise that more capacity means more development opportunities, and in turn more competition among developers to respond to demand. The FDS also acknowledges that legislation requires Auckland Council to be responsive to unanticipated or out-of-sequence development (principle 5(a)). That requirement is triggered by Delmore being listed in the Fast-track Approvals Act 2024, providing it with the ability to secure

approvals to develop the land now because of the regionally significant benefits this will provide. The economics assessments prepared by Urban Economics show that there is a shortfall in the type of housing that Delmore provides and that the Hibiscus Coast is facing significant demand over and above other areas in Auckland. In short, developing Delmore is providing for growth in the right place at the right time.

### **FDS – Spatial Response**

The FDS spatial response is underpinned by a continuation of the quality compact approach to accommodate growth as set out in the principles for growth and change discussed above. The FDS identifies four main spatial environments being existing urban, future urban, rural and business areas. This project falls within the future urban area as it is zone Future Urban in the AUP.

The spatial response seeks to:

- Focus growth within the existing urban area at a regional level;
- Move towards a multi nodal model which grows the roles of Albany, Westgate and Manukau in relation to sub-regional sustainability at a sub-regional level; and Neighbourhoods will offer a wider range of services and non-residential land uses to create greater sustainability at a local scale.

This project is consistent with the spatial response at a regional, sub-regional and local level for the following reasons:

- The regional focus for growth seeks to phase growth in future urban areas over an extended timeframe. This proposal has infrastructure solutions to enable urbanisation, many of which have already been developed or will be developed and funded by the applicant.
- The development will be well connected to both the City Centre and the Albany Centre node, and these nodes will support in servicing future Delmore residents in relation to employment opportunities as well as regional amenities, supporting sub-regional sustainability. The project will support the growth of the Albany node, through providing an increased residential capacity within 15 minutes of Albany.
- The project will also support planned development within the Upper Ōrewa vicinity, through the provision of additional residential capacity ensuring greater sustainability at a local scale, with existing and planned Business zoned land within proximity of the site helping service the existing and future residents with amenities and facilities.

The subject site has been identified for future development, and this project will help contribute towards the growth challenge within Auckland North, through the efficient delivery of approximately 1,250 new homes, a significant portion of the Grand Drive extension as well as all other servicing required to enable development of this area, in an area that has a high, and rapidly increasing demand for residential capacity.

This proposal will contribute to a quality compact approach to accommodating growth by enabling development in an area already zoned Future Urban, that is adjacent to the existing Ara Hills development and proximate to the existing Milldale development that is nearing development capacity. This proposal has infrastructure solutions to enable urbanisation.

### 13.6.3 Auckland Council Long Term Plan 2024-2034

The Council's Long-Term Plan ('LTP') 2024-2034 provides a ten-year budget to implement the Council's strategic direction. The LTP highlights that Auckland's population continues to grow and as such, there is significant demand for new infrastructure and quality compact growth. The investment approach for long-term growth is aligned with the FDS, with investment tagged for development planned in spatial priority areas or of a regional benefit, including bulk infrastructure. It is considered that the construction of the NoR 6 arterial road within the site, and the provision of affordable housing within an area with high demand for such housing, will contribute to the delivery of bulk infrastructure and housing supply of a regional significance.

### 13.6.4 Rodney Local Board Plan (2050)

The key outcomes from the 2023 Rodney Local Board Plan that are relevant to the proposal are set out below:

- Outcome 1: Our people - *Our people support each other, have what they need to live well and are able to adapt to change.*
- Outcome 2: Our environment - *Our land, waterways and coastlines are cared for and protected*
- Outcome 3: Our Community: *Our community facilities, libraries and parks are great places to connect, play and learn.*
- Outcome 4: Our Places: *Our towns, villages and rural areas are vibrant, prosperous, and liveable.*
- Outcome 5: Our Transport: *Our transport networks are safe, accessible, and well maintained.*

The proposal has taken into account these desired outcomes and it is noted that they are generally addressed by the statutory planning documents applying to the area.

### 13.6.5 Supporting Growth – Delivering Transport Networks

Supporting Growth is a collaborative document prepared by Auckland Council, Auckland Transport and the New Zealand Transport Agency to provide a coordinated approach to land use and transportation infrastructure delivery necessary to support planned urban growth within Future Urban areas in Auckland.

High frequency bus routes and adjacent walking and cycling paths will connect Silverdale to Ōrewa via the Hibiscus Coast Highway and Grand Drive. New or improved crossings over State Highway 1 will provide additional connectivity to key destinations on either side of the motorway, in the form of designations including NoR 6.

This proposal presents an opportunity for part of the key NoR 6 arterial connection to be delivered, providing significant infrastructure for both existing and planned future development within the wider area.

### 13.6.6 Regional Land Transport Plan 2024-2034

The Auckland Regional Land Transport Plan (2021-2031) sets out the funding programme for Auckland's transport services and activities over a 10-year period. Planned transport activities for the next three years are provided in detail while proposed activities for the following seven years

are outlined. The Regional Land Transport Plan is jointly delivered by Auckland Transport, Waka Kotahi and KiwiRail, and forms part of the National Land Transport Programme.

The key directions of the Regional Land Transport Plan include to:

- Better connect people, places, goods and services;
- Increase genuine travel choices for a healthy, vibrant and equitable Auckland; and
- Maximise safety and environmental protection.

In respect of the proposed development, the project will deliver a road network that will provide enhanced access through delivery of part of the NoR 6 arterial road, and internal safety as outlined in the Transport Assessment (**Appendix 28**). The proposed development is considered to be compatible with the surrounding transport environment and provides for connections via a section of the arterial road within NoR 6.

### 13.6.7 Regional Public Transport Plan 2023-2031

The Auckland Regional Public Transport Plan 2023-2031 (RPTP) describes the public transport network proposed by Auckland Transport over the next ten years and identifies the services integral to that network. The plan outlines a hierarchy of service layers and aspirational levels of service for each service layer.

The vision of the RPTP is to “massively increase public transport use to reduce congestion, improve access for Aucklanders, support the economy and enhance the environment.”

To achieve this vision, the RPTP features five focus areas:

- (1) Services providing an excellent customer experience;
- (2) Enhancing the environment and tackling the climate emergency;
- (3) Safe and accessible transport for everyone;
- (4) Integrating public transport into a growing Auckland; and
- (5) Funding and delivering public transport transparently

The plan identifies a new connector bus service running between Ōrewa, West Hoe Heights, Ara Hills and Hibiscus Coast Station, planned to begin from 2027. Locating development adjacent to these suburban areas is considered to improve the feasibility of more frequent public transport services in the future.

### 13.6.8 Watercare’s Asset Management Plan 2021-2041

Watercare’s Asset Management Plan (2021-2041) shows how it will operate, maintain and renew existing water and wastewater assets, and provide new assets to meet future demand as Auckland grows. The location, size and timing of new development directly influence the infrastructure required to service that development.

The Plan identifies that Army Bay WWTP upgrades will be timed to accommodate growth based on the limits of its discharge consent. Correspondence with and public statements from Watercare indicates that the Army Bay WWTP has capacity for 4000 new homes, which is expected to enable connections to the network for new homes out until sometime in 2027. An upgrade is expected in the early 2030s. The timing of Delmore’s two stages should enable both to connect to the Watercare network, with Stage 1 coming with the 4000 connections still available, and Stage 2

being covered by the upgrade. However, as already discussed in this AEE, the development includes the provision of an on-site WWTP to manage wastewater treatment and discharge in the interim option for either or both Stage 1 and Stage 2 if this is required.

### 13.7 Statutory Considerations Summary

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Overall, the application is considered to be consistent with, and not contrary to, the applicable provisions of the NES-F, NPS-IB, NPS-UD, NPS-FM, AUP (OP), relevant iwi authority documents, and any relevant regional or local plans.

## 14.0 The Fast-Track Approvals Act Decision Making Framework

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In considering whether to grant the approvals sought in this application the panel must meet the requirements of Section 81, which includes applying the specific decision-making clauses in Schedule 5 and Schedule 8.

### 14.1 Approvals Relating to Resource Consents Ordinarily Sought Under the RMA 1991 – Schedule 5

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Clause 17 of Schedule 5 outlines that when considering a consent application and setting conditions, the Panel must take into account the following:

- The purpose of the FTAA;
- The provisions of Parts 2, 3, 6 and 8 to 10 of the RMA that direct decision making on an application for a resource consent (but excluding s104D); and
- The relevant provisions of any other legislation that directs decision making under the RMA.

The Panel must give the greatest weight to the purpose of the FTAA.

The reference to Part 2 excludes Section 8 of the RMA and the reference to Part 6 excludes Section 104D. Any provision in Parts 2, 3, 6 and 8 to 10 that would require a decision-maker to decline an application for resource consent under the RMA, “but must not treat the provision as requiring the panel to decline the application”.

Consideration of Section 104(1)(c) of the RMA must include consideration of any mana whakahono a rohe or joint management agreements. This application has been prepared on the basis that Treaty settlements (as defined by the FTAA) and iwi planning documents lodged with the Council, would also be matters considered under this section.

Clause 18 of Schedule 5 outlines that Parts 6, 9 and 10 of the Resource Management Act 1991 relevant to setting conditions on a resource consent apply to the Panel.

### 14.2 Approvals to Change Conditions Ordinarily Sought Under the RMA 1991 – Schedule 5

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Clause 23 of Schedule 5 outlines that Section 127(1) and (3) of the RMA are applied for the assessment of the proposed change of consent notice conditions. Section 127(3) must be read as if it referred to Part 6 of the RMA. The panel must also consider any mana whakahono a rohe or joint management that is relevant to the approval. The clause 17 analysis also applies.



### 14.3 Approvals Relating to HNZPT 2014 – Schedule 8

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Clause 2 of Schedule 8 relates to information that is required for an application for an archaeological authority. This information has been provided by Clough and Associates, as referenced in this AEE.

Clause 4 of Schedule 8 says that for the purposes of the Panel's decision under Section 81, the Panel must take into account the following:

- The purpose of the FTAA;
- The matters set out in Section 59(1)(a) of the HNZPT Act;
- The matters set out in Section 47(1)(a)(ii) and (5) of the HNZPT Act; and
- A relevant statement of general policy confirmed or adopted under the HNZPT Act.

The Panel must give the greatest weight to the purpose of the Fast-track Approvals Act.

Clause 5 of Schedule 8 relates to imposition of conditions for an archaeological authority.

### 14.4 Declining an Approval under Section 85

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The Panel must decline an approval if 1 or more of the situations in s 85(1). The situations relevant to all types of approvals that can be sought under the FTAA are:

- The approval is for an ineligible activity;
- The Panel considers that granting the approval would breach obligations relating to Treaty settlements and recognised customary rights;
- In the case of an approval to change a condition, an approval must be declined if required by clause 23 Schedule 5; and
- In the case of an approval for a resource consent, the approval must be declined if it is in an area covered by clause 17(5) Schedule 5 in an area.

The Panel may also decline an approval if the Panel forms the view that:

- The activity or activities for which the approval is sought would have one or more adverse impacts; and
- Those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the Panel has considered, even after taking into account any conditions that the Panel may set in relation to those adverse impacts, and any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.

In subsections (3) and (4), adverse impact means any matter considered by the Panel in complying with Section 81(2) that weighs against granting the approval.

## 15.0 Assessment of the Proposal Against the Fast-track Approvals Act Decision Making Framework

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### 15.1 Information Considered

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This AEE, and Section 14 in particular, has been prepared considering the information referred to in s 81(2)(a) of the FTAA to the extent it is currently available. Specifically:

- All the technical reports supporting the application, including those lodged with the substantive application and those prepared subsequently to respond to feedback in accordance with s 55;
- Information from MFE relating to the Schedule application and information from Heritage NZ received in response to engagement undertaken as the substantive application was prepared, and the reports prepared by MFE and Heritage NZ in accordance with ss 51 and 52 of the FTAA;
- The CIAs prepared about the project and the careful analysis of Treaty settlements and iwi planning documents as prepared for the application. This was prepared with reference to the comments about these matters in MFE's feedback on the Schedule application;
- Feedback received from engagement; and
- The written feedback provided to the panel in accordance with s 53.

### 15.2 Situations Where the Panel Must Decline an Approval

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None of the situations where the Panel must decline an approval apply to the application.

- The application does not seek approval for an ineligible activity as defined in Section 5 of the FTAA. For completeness it is noted that this was the conclusion also reached by MFE in its assessment of the Schedule application.
- The detailed assessment of the Treaty settlements that apply to the site provided in Section 11 and **Appendix 39** confirms that granting the approvals sought would be consistent with obligations arising under existing Treaty settlements, and so not breach Section 7 of the FTAA. This conclusion is supported by the support for the project expressed in the CIAs that have been prepared.
- There is nothing in clause 23 Schedule 5 or Part 6 of the RMA that requires the decline of the approval to change of consent notice conditions sought in this application. Consequently, whether the approval is granted is a discretionary assessment to be made in accordance with the provisions of the FTAA addressed below.
- Clause 17(5) Schedule 5 does not apply to the resource consent approvals sought because they do not include an application for a coastal permit for aquaculture activities.

### 15.3 The Purpose of The Fast-Track Approvals Act

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Assessment of the proposal against the purpose of the FTAA is undertaken first because it is relevant to all of the approvals sought in this application, and is to be given the most weight by the Panel in its decision on all approvals.

The purpose of the FTAA is (Section 3 of the FTAA):

*“The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits”*

What constitutes a significant regional or national benefit is not defined in the FTAA. However, the considerations in Section 22(2)(a) have been used as a reference point for the purposes of this analysis.

Delmore, and the specific approvals sought to enable its development, is considered to meet the purpose of the Act for the following reasons:

- Delmore will deliver a critical part of an infrastructure and development project with significant regional benefits. This project will deliver a significant portion of regionally significant roading infrastructure, as it will fund and deliver the part of NoR 6 which runs through the site and connects the Ōrewa SH1 interchange at Grand Drive with Wainui Road. It is Vineway Ltd’s understanding that the small part of the NoR 6 road required to make it connect from the Delmore site boundary to the interchange is being delivered as part of the conditions of consent applying to the neighbouring development (Ara Hills) to the east. As part of Auckland Transport’s ‘North Projects’, the delivery of the NoR 6 road will provide transport choice and provide safe and efficient options for future public transport and active transport in addition to private vehicles. Users will have an opportunity to be more active and connect to places by active transport modes such as walking or cycling. The road will provide a new transport corridor that connects the growth areas of Milldale, Ara Hills and Ōrewa and is integrated with the surrounding urban growth areas. It will enable access to economic and social opportunities by providing an integrated multimodal corridor. It will integrate and support the future transport network including other ‘North Projects’, and support the development of an efficient, resilient and reliable multi-modal transport network for Hibiscus Coast area. The NoR 6 road is also considered to have positive impacts on the efficiency of freight in the area, improving the way businesses operate, providing potential further economic benefits to the region. As such, the delivery of the NoR 6 road as it relates to the site is considered to provide a regionally significant benefit. The importance of the NoR 6 road is addressed in the Integrated Traffic Assessment in **Appendix 28**, the Commute Response Memo in **Appendix 51.2**, and the McKenzie AT Response in **Appendix 51.4**.
- As noted in the Updated Economic Report attached as **Appendix 53.1** and Economic Memorandums (**Appendix 53.2-53.4**), Delmore will deliver a regionally significant increase in Auckland and Hibiscus Coast’s supply of housing through affordability, location and design of 1up to 217 dwellings. Currently greenfield development within Auckland generally and the Hibiscus Coast specifically (the wider part of Auckland in which the project site is located) is falling substantially short of meeting demand levels set out in both the Auckland Plan 2050 and the Future Development Strategy 2023-2053, which is in the order of 230-700 dwellings per annum. Since 2019, only one greenfield development has entered the Hibiscus Coast market and it has supplied only 50 dwellings per annum to the market. That being the case, this proposal is considered to contribute toward both reducing the greenfield dwelling shortfall in the Hibiscus Coast, and meeting the requirement for an additional 1-2 medium to large scale greenfield developments in the subject area, in order to meet the greenfield dwelling demand outlined in the FDS. The proposal will deliver approximately 1,250 homes, over an approximately eight-to-nine-year period. This will make a significant contribution to filling the shortfall in demand for housing.

- Delmore will make a regionally significant contribution to addressing Auckland's housing needs. The proposal will not only provide Auckland with more dwellings, it will provide more affordable dwellings for households who would otherwise likely relocate outside of Auckland due to increasing unaffordability of new housing supply. Currently, there is a significant regional shortfall in affordable dwellings (particularly 'family' sized dwellings), which is considered likely to deteriorate further. When compared against the key surrounding developments of Ara Hills, Millwater and Milldale, Delmore is considered to provide more affordable dwellings, within a unique location surrounded by and with extensive access to natural outdoor spaces. The proposal will provide approximately 643 new relatively affordable dwellings to the market, which is less than the average sale price of standalone dwellings in the study area identified in the Updated Economic Report (**Appendix 53.1**) over the 2022-2024 period. As such, the project will provide high-quality dwellings within a price bracket that is lower than the average price for stand-alone homes within both the wider Hibiscus Coast area and the Auckland Region as a whole, providing a significant contribution towards retaining population that may otherwise be forced to relocate to other regions across the country, therefore providing a regionally significant benefit in responding to an addressing this significant environmental issue.
- The Updated Economic Report attached as **Appendix 53.1** demonstrates that Delmore will provide for regionally significant economic benefits through the creation of approximately 2,200 full-time equivalent jobs in the construction sector and the contribution of approximately \$92.9 million to the construction sector's GDP. The proposal will also make a contribution toward towards primary industry GDP of approximately \$67.6 million as a result of the purchasing of raw materials to construct the dwellings.
- Delmore is considered to support climate change mitigation through removal of greenhouse gas emissions. It is acknowledged that developing the site will involve more people with vehicles which has an increase in emissions associated with it. However, the urbanisation of this area is expected which puts the focus on mitigating and reducing emissions associated with urban living. Support for climate change mitigation is provided firstly by virtue of Delmore being a comprehensive and integrated development over a large land holding that is contiguous with existing urban development in Ara Hills, as well as proximate to the planned urban development in Milldale North, and the existing urban development in Milldale. The scale of this development will support nearby social amenities including the nearby neighbourhood centre at Ara Hills, as well as open spaces and ecological corridors proposed through this development. This creates opportunities for residents of the Delmore development to live and work closer to home (with existing and planned business areas proximate to this development), thereby reducing the need for travel to nearby centres. Secondly, includes the delivery of major and regionally significant road infrastructure, linking the Grand Drive West extension to Upper Ōrewa Road (including active mode facilities) which has been notified through a Notice of Requirement by Auckland Transport (approved in January 2025)). This project will act as a catalyst for active mode facilities within an area which is currently deficient in those areas, providing increased and safer opportunities for walking and cycling to contribute to the health and well-being of people and communities as well as supporting a reduction in greenhouse gas emissions. The NoR6 road is also designed to accommodate future bus routes which will further support reduction in greenhouse gas emissions.
- Delmore will support primary industries through purchase of raw materials required for construction of dwellings. As the Economics Report explains it is estimated to result in a total

contribution to primary industry GDP of \$67.6 million which would support an estimated 510 full time equivalent primary industry jobs.

- Delmore will make a regionally significant contribution to addressing Auckland’s significant environmental issue of indigenous biodiversity loss and degradation. It does this through ecological protection, restoration, enhancement, and reconstruction through maintenance, planting, pest plant management, and wetland reconstruction/creation across an area of approximately 50% of the site area. Restoration and enhancement of these types of ecological areas is national priority (cl 3.21 NPS-IB – refer to Section 13.2.3 above and **Appendix 44**). The planting undertaken also focuses on helping recreate the original WS11 habitat within the wider area, which has been significantly degraded regionally in recent times. To this end, with reference to the Ecological Impact Assessment attached as **Appendix 4**, Pages 11-13 of the Viridis Response to AC Terrestrial Ecology attached as **Appendix 42.2**, and the assessment in Sections 12.2.2 and 12.2.3 above:
  - The proposal will see approximately 52ha of native vegetation across the site on completion. This will see a net gain in riparian and wetland vegetation, and a net gain in vegetation that is part of /contiguous to identified SEA-T’s. It will also providing an important buffering function for existing areas of established vegetation, enabling a greater central area to thrive. As well as this, the revegetation, improves the ecological corridor functionality of the vegetation within the site, and connecting that vegetation to SEA-T vegetation to the north, west, and south (refer **Appendix 42.2**)
  - New wetlands are created at a 3:1 ratio, with 2,244m<sup>2</sup> of new wetland created in Stage 1 and 1,014m<sup>2</sup> of new wetland created in Stage 2, resulting in a total of 3,258m<sup>2</sup>, and a net gain of 2,173m<sup>2</sup> of wetland habitat, increasing ecological values of connectivity and reducing edge effects for existing wetlands (refer **Appendix 42.3**).
- As the analysis in this AEE demonstrates, Delmore is consistent with local and regional planning documents, including iwi planning documents lodged with the Council in all but one respect. The one exception is inconsistency with policy direction in the AUP(OP) providing for FUZ land to be used for urban development after rezoning has been progressed. Although this application is not a plan change, and which is how land is rezoned in a planning instrument, it essentially provides for the rezoning of the site through a master-planned development which results in a comprehensive urban outcome. Delmore is therefore considered to be consistent with the intent sitting behind these provisions, being to ensure a comprehensive, integrated development, that fits with surrounding development and is properly serviced. Delmore has been designed to achieve all of these things, and the design process has essentially included the steps that would be undertaken if a plan change was prepared with development of a Structure Plan (**Appendix 47.1**), and design in accordance with an established urban zoning.
- The consequence of the strategic and integrated approach taken to designing Delmore is that it will also make a regionally significant contribution to a well-functioning urban environment (refer to documents in **Appendix 47** with the connectivity and accessibility assessment specifically addressing well-functioning urban environment matters). The combination of the roading, housing, and ecological benefits as a result of the project, along with its careful integration with and support of the surrounding urban development, means the project will make a regionally significant contribution to ensuring Auckland has a well-functioning urban environment, and in turn gives effect to the National Policy Statement on Urban Development

2020 as well as the Auckland Regional Policy Statement. The project provides for a significant number of new homes that meet the demand for stand-alone homes in the Hibiscus Coast at an accessible price point. By funding and delivering a critical part of the NoR 6 road and undertaking supporting existing network upgrades, it provides efficient and safe accessibility for its residents and also those of other urban developments to the west of SH1, to the wider Hibiscus Coast and Auckland region via multiple transport modes. This is expected to contribute to reduced transport and greenhouse gas emissions. The development has been carefully designed to give its residents multiple different natural spaces in the form of extensive native vegetated areas, a neighbourhood walking networks, and direct access to the neighbouring scenic reserve, as well as on-lot outdoor space. It has been designed with neighbouring developments (e.g. Ara Hills, Milldale, Strathmill) directly in mind, to ensure a seamless 'fit' and integration with wider urban development in the area.

- Realising the development now also results in more efficient and significant cost recovery, which, according to Urban Economics constitutes a significant economic benefit (**Appendix 52**).

The regionally significant benefits of the project are extensive and weigh in favour of the approvals sought being granted.

#### 15.4 Resource Consent and Change of Condition Approvals Sought: Parts 2, 3, 6 and 8 to 10 of the RMA and Relevant Provisions of Any Other Legislation Directing Decision-making on an application for resource consent (excluding s 104D) Under the RMA

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15.4.1.2 Clause 17(1)(b) requires the same assessment usually undertaken under s 104 RMA. It is this assessment that is then taken into account. Our assessment below considers all of Parts 2,3,6, 8, and 10 applicable to a resource consent assessment, although given the above, the critical components are that relating to Part 6 which contains s 104 and to Part 2 which contains the purpose and principles.

##### 15.4.1.3 Part 2 of the RMA

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment. It is considered that the proposed development is consistent with sustainable management as defined by the RMA. It will provide for the social and economic well-being of people and communities by increasing expenditure, employment and income within the local economy and up to 1217 new, healthy homes to assist with Auckland's housing shortage. The preceding assessments demonstrate that the design adopted and the methods proposed for managing construction effects will ensure that the site's native flora and fauna, and its extensive network of waterways will be sustained and enhanced for future generations to ensure, and their life-supporting capacity protected. Adverse effects are avoided, remedied, or mitigated.

Delmore provides for all parts of Section 6 RMA that are relevant to the site.



- It preserves the natural character of the wetlands and permanent rivers within the site. Some wetlands and streams are impacted by development, but their natural character is retained and values that are impact, or extent lost, are offset through extensive planting and wetland re-creation. It also enhances the natural character of waterways through removal of numerous existing farm culverts. With regards to the application to change consent notice conditions specifically, the natural flow of the waterways over which the culverts traverse will be preserved as will the connectivity of wetlands over which they traverse. Natural character associated with vegetation will be preserved through minimising what is removed and the undertaking significant replanting to replace and extend what is lost with planting mixes designed to support return of the historic WS11 ecosystem.
- It also protects the SEA-T's within and adjacent to the site, enhances them through revegetation planting, and provides support to their inhabitants through improving the corridor of vegetation within the site and through to site to SEA-T's surrounding it.
- The proposal includes carefully located walkways along riparian edges, and it will enhance public access to the coast and the coastal marine area for current and new Wainui (and surrounding area) residents through providing a key part of the NoR 6 road connection.
- Vineway Ltd has undertaken extensive engagement and carefully responded to feedback received to ensure that the whakapapa relationship between Te Kāwarau ā Maki, Ngaati Whanaunga, Ngāti Manuhiri, and te Runanga o Ngāti Whātua and the site's taonga, lands and waters are provided for. This is achieved through actions like the extensive planting proposed, avoiding areas of native vegetation, the comprehensive approach taken to managing discharges, and providing for cultural monitoring, input into road names, and opportunity to explore installation of cultural markers, pou, or other works. For the purposes of the approval to change conditions, it is recorded that this engagement covered the works in the relevant vegetated areas.
- The design also protects sites of Māori historic heritage, avoiding the 2 identified sites and taking a conservative approach to earthworks across the site by seeking an authority under the HNZTP and adopting extensive archaeological monitoring.
- Delmore has also been designed to manage significant risks from natural hazards, basing its design off the technical advice of McKenzie & Co and Riley to ensure flooding and stability hazards will not impact on the safety of the final development.

Delmore is also consistent with the parts of Section 7 of the RMA that are relevant to the site.

- Particular regard has been given to kaitiakitanga through the engagement process and the subsequent actions in response to the recommendations in the cultural impact assessments including through providing for cultural monitoring and incorporating recommendations relating to planting.
- The approach taken to designing Delmore is reflective of a strong stewardship ethic and with particular regard to the intrinsic values of ecosystems, the finite nature of natural and physical resources, and the maintenance and enhancement of the quality of the environment. The focus has been on avoiding existing native vegetation and waterways, with any points that cannot be avoided offset by extensive revegetation planting and also wetland re-creation; this is relevant to both the resource consent approval and the approval to change consent notice conditions, with incursions into the protected areas minimised to the maximum extent possible

while providing the access that is required to different parts of the site. Impacts resulting from incursions that cannot be avoided, and for which this is no reasonably practicable and/or functional alternative, are proposed to be offset by extensive native planting across the entire site and recreation of wetland ecosystems. Significant work has gone into ensure onsite discharges are managed so that the health of waterways is retained. All native birds, bats, and lizards potentially on site will be covered by a Fauna Management Plan with actions pre and during construction to minimise effects.

- Amenity values of surrounding residents and internal residents are maintained through carefully landscape design and architecturally designed homes. The development offers a urban home and lifestyle surrounding by green space, combining to provide an enhanced urban environment. With respect to the approval to change consent notice conditions, amenity associated with the protected vegetated areas will be maintained through extensive planting to replace and extend what is lost.

#### 15.4.1.4 Part 3 of the RMA

Part 3 of the RMA relates to the duties and restrictions under the RMA. It is considered that the proposal meets Part 3 of the RMA because:

- The approvals sought are all approvals required under Sections 9, 11, 13, 14, and 15 of the RMA.
- Construction noise and vibration effects have been assessed (**Appendix 26**) and the noise limits set in the AUP(OP) can be met at nearly every adjoining property. The specific properties at risk of an exceedance are to be covered by the CNVMP, which will specific methods for managing noise and vibration on those properties. Post construction, the on-site WWTP has been identified as a potential source of noise if constructed. Again, this has been assessed and provided it is constructed in accordance with the recommendations in the relevant technical reports. As a result, Section 16 of the RMA has been complied with.
- As has been set out in the earlier sections of this AEE, the development, including the culverts to which the application to change consent notice conditions relates, has been designed to minimise effects on the natural environment, and any effects that remain are proposed to be managed through a comprehensive suite of conditions. As a result, Section 17 of the RMA has been complied with.

#### 15.4.1.5 Part 6 of the RMA

Part 6 of the RMA relates to resource consents. It sets out how decisions on applications for resource consents are considered if applied for under the RMA. The relevant sections in Part 6 are addressed below:

- The primary decision-making section applying to both consents and changes to conditions is Section 104 of the RMA. Section 104 requires decision-makers to, subject to Part 2 and s 77M,<sup>5</sup> “have regard to” the actual and potential effects on the environment of allowing the activity; any measure proposed by the applicant to offset or compensate for adverse effects; any relevant provisions of RMA policy statements and plans; and any other matter that is considered relevant and reasonably necessary to determine the application.

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<sup>5</sup> Which we have not considered because the application is not for an activity to which the MDRS are proposed to apply.

- A comprehensive assessment against Section 104 has been undertaken above. The effects on the environment have been assessed, alongside the design features and measures proposed by the applicant to avoid, remedy, mitigate, and offset those effects. The relevant provisions of the applicable policy statements and plans from national to district level have been analysed and the project has then been considered against them. The FDS has been carefully considered as another relevant matter.
- Based on that assessment our assessment concludes that the resource consent and change to condition approvals sought are consistent with all of the planning instruments to which regard must be had when read as a whole. The design and management measures proposed mean that environmental effects are addressed in the way those instruments contemplate. There is apparent tension with the policy direction in H18 that urbanisation of FUZ land is avoided until the land is rezoned for urban use. However, when the national, regional, and district plan provisions are read as a whole, those instruments, on our assessment, provide a pathway for urban development on FUZ land in circumstances where there is demand and further supply is needed to ensure sufficient housing capacity; the development can be serviced; the development has been comprehensively planned to ensure it integrates with the surrounding, wider urban environment and responds to and respects the environmental qualities and characteristics of the site. The existence of this pathway is underscored by the fact that urban development in the FUZ is not a prohibited activity. The AUP therefore contemplates there will be circumstances where urbanisation is appropriate and meets its objectives and policies when read as a whole.
- For the reasons set out in this AEE (supported by the appended technical information), we conclude that Delmore meets all of the requirements set out above, which summarise the detailed provisions set out earlier. It is noted that although this application is not for a plan change, the design process has essentially included the steps that would be undertaken if a plan change was prepared with development of an indicative structure plan, and design in accordance with an established urban zoning. As a result, assessment against clause 17(1)(b) supports grant of the approvals sought.
- Even if the direction in the AUP that urbanisation of FUZ land ahead of rezoning was considered to be a bottom line that must be met, and that no pathway existed, we consider that assessment against clause 17(1)(b) would still support grant of the approvals sought. This is because, of the reasons set out above, and in our Part 2 assessment, Delmore constitutes a “genuine on-the-merits exception” to that policy direction. Concluding that assessment under the RMA would require decline of the approvals, would subvert the wider intent of the applicable planning instruments and sustainable management. Under the RMA it would result in decline of a project that delivers on the Act’s purpose and principles and is consistent with the objectives and policies of the applicable planning instruments when read as a whole, but for a singular procedural direction.
- Under Section 105 RMA when deciding an application for a discharge permit the decision maker must have regard to the nature of the discharge and the sensitivity of the receiving environment to adverse effects; the applicant’s reasons for the proposed choice; and any possible alternative methods of discharge, including discharge into any other receiving environment.

- With regard to stormwater discharges, the discharges to the stream will be acceptable due to the proposed treatment approach outlined in the Stormwater Report as **Appendix 12**. Furthermore, they mimic the existing catchment as far as practicable, ensuring hydrological function is maintained.
- With regard to the on-site wastewater discharge, this will only occur where there is no available option to connect to the public network. Should this be the case, the wastewater will be treated to a high quality as discussed within the Wastewater Design Report as **Appendix 30**.
- With regard to the air discharge, it is considered the discharges will be acceptable for the reasons outlined within the Air Discharge Assessment as **Appendix 31**. There are no alternative methods available, should the on-site wastewater treatment plant be constructed to meet the infrastructure needs of the proposed development.
- Under Section 106 of the Act, a consent authority may refuse to grant a subdivision consent if it considers that there is significant risk from natural hazards, or sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision. The Geotechnical Report by Riley attached as **Appendix 8** and Geotechnical Response Memorandums as **Appendix 43.1** and **Appendix 43.2** confirms that the proposed development is suitable for the site provided the geotechnical recommendations outlined within the report are adopted. The Flooding Report by McKenzie & Co attached as **Appendix 29** and OLFP Memorandum (**Appendix 52.1**) confirms that the development can be carried out in such a way that appropriately mitigates any flood risks. Sufficient provision has been made for legal and physical access to each allotment created by the subdivision. This can be seen on the scheme plans. Based on the above, it is considered that there is no reason to refuse to grant subdivision consent under Section 106 of the RMA.
- Section 107 specifies specific circumstances when a discharge consent cannot be granted. The Stormwater Report and the Ecology Discharge Assessment in **Appendix 12** and **Appendix 30** confirm these do not apply.

#### 15.4.1.6 Part 8 of the RMA

Part 8 of the RMA relates to designations and heritage orders. No heritage orders apply to the site or are proposed. With regard to NoR 6, Section 5.2 of this AEE notes that consultation with the requiring authority is ongoing. The NoR 6 road within the site has been designed to fit within the designation boundary and AT confirmed that the specific alignment proposed is reasonable during hearings on the NoR 6 application. The Ecological Report includes recommendations aligning with the specific ecological management requirements in AT's decisions on NoR 6. One of the approvals sought in this application is a change to consent notice conditions, specifically required to provide for construction of the NoR 6 road and falls within the designation boundary. It is therefore considered that the proposal and the approvals sought are consistent with Part 8 of the RMA.

#### 15.4.1.7 Part 9 of the RMA

Part 9 of the RMA relates to water conservation orders, freshwater farm plans and use of nitrogenous fertiliser. These matters are not relevant to any of the RMA approvals sought.

#### 15.4.1.8 Part 10 of the RMA

Part 10 of the RMA relates to subdivision and reclamations. All of the provisions addressed below are relevant to the resource consent subdivision approvals sought. Section 221 is relevant to the change to consent notice condition approval sought. Regarding subdivision:

- Specific conditions have been proposed in relation to the subdivision consent approval that is sought. These conditions align with Section 220 of the RMA.
- Some of the conditions proposed provide for the issue of a consent notice in accordance with Section 221 of the RMA. The application also seeks a change to the conditions of an existing consent notice.
- Esplanade reserves are not required because the streams on site are not sufficiently wide.
- Roads and reserves to vest, amalgamations, and easements are shown on the engineering drawings and accord with standard RMA practice.
- All boundaries and allotments are shown on the scheme plans.

#### 15.4.1.9 Other Relevant Legislation

There is no other primary legislation relevant to the RMA approvals being sought in this application. This requirement in clause 17(1)(c) also captures secondary legislation. All the secondary legislation relevant to the application has already been addressed comprehensively in this AEE.

#### 15.4.1.10 Conclusion

Based on the analysis above, it is considered that the application is entirely consistent with the parts of the RMA relevant to decision making under the FTAA, and the documents to which they refer, with the exception of the policy direction that development should not occur in the FUZ until a plan change occurs. However, when the objectives and policies of the applicable planning instruments are assessed as a whole, it becomes apparent that a pathway exists under the RMA for granting applications enabling urbanisation of FUZ land, and this application meets that pathway. Even if that policy direction is a bottom line, correct analysis under RMA provisions relating to applications for consent still supports granting the approvals sought to ensure the intent of the applicable planning instruments and sustainable management is not undermined.

Overall, we conclude that the RMA assessment required by clause 17(1)(b) supports grant of the approvals sought.

### 15.5 Heritage Authority Approval Sought: Sections 59(1)(a) and 47(1)(a)(ii) and (5) of the HNZPT and Relevant Statement of General Policy

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#### 15.5.1.1 Section 59(1)(a) matters to be had regard to:

##### Section 59(1)(a)(i)

The Archaeological Assessment identifies that the archaeological values of the site are low in the sense that the recorded features within the site are not significant features. Regardless of development has been designed to ensure these are protected. The site still has important values for gaining and understanding of the movements and lifestyles of Māori. The areas identified as having the most likelihood of having other features present are the site's waterways. These are,

for the most part, not subject to earthworks, and the conditions of the authority provide archaeological oversight of any earthworks that are within the riparian areas.

#### Section 59(1)(a)(ii)

The proposal is considered to accord with the purpose and principles of the HNZPT Act as follows. The identified archaeological sites on the subject site will be avoided by the proposed development. The authority to modify or destroy will have conditions relating to appropriate procedures in the event that additional archaeological sites are encountered during works. In any case, the Archaeological Assessment provided by Clough Associates and assessment contained with Section 12.4 considers that it is considered unlikely that any complex sites are located in the subject site, and that any adverse effects on archaeological values resulting from the proposed development are likely to be minor subject to the implementation of the recommendations provided. As such, it is considered that the proposal will be consistent with the purpose and principles of the HNZPT Act.

#### Section 59(1)(a)(iii)

Delmore has been designed to avoid the recorded sites and to avoid, except for earthworks for essential crossings, the areas where other sites are most likely to be located if there are any. This is considered to be a positive aspect of the design.

#### Section 59(1)(iv)

There are no statutory acknowledgement areas applying to the site.

#### Section 59(1)(vi)

Vineway Ltd has undertaken extensive engagement with iwi and three CIAs have been provided. The responses from Vineway Ltd to the recommendations are comprehensive and identify that the recorded sites are protected and the design and management actions in place to identify and properly manage any other sites identified. The conditions of the land use consent are proposed to include a requirement to invite iwi to attend the start of earthworks in these areas of higher likelihood of discovery and to notify iwi if anything is discovered. For these reasons it is considered that the development and the way construction is proposed to be managed, provide for the relationship of Māori within mana whenua with their culture and traditions and the site's archaeological values.

#### 15.5.1.2 Section 47(a)(ii) and (5): Effects

For the reasons already addressed in this AEE it is considered that the effects of the development on archaeological and heritage values is less than minor. In summary:

- Existing recorded sites are avoided completely and the authority conditions require for them to be demarcated during earthworks to prevent unintended impacts.
- The areas where discovery is most likely elsewhere within the site will be subject to archaeological monitoring during earthworks to ensure any discoveries are properly managed to either protect or record the discovery, and the extent of earthworks in these areas is minimal in any event.
- The Archaeological Assessment concludes that the likelihood of discovering archaeological sites or artefacts outside these areas are low.



#### 15.5.1.3 Relevant Statements of General Policy Confirmed or Adopted

The statement identified as relevant to Delmore is 'The Administration of the Archaeological Provisions'. It is considered that the Archaeological Assessment provided by Clough Associates has provided information and assessment which accords with the general policy, and that appropriate consultation with relevant iwi authorities and HNZPT has been undertaken. Given this, it is considered that the proposal is in accordance with this statement of general policy.

#### 15.5.1.4 Conclusion

Based on the analysis above it is considered that the relevant parts of the HNZPT Act and applicable general policy support grant of the approval for an archaeological authority under Sch 8, and the accompanying application for an approved person to carry out the activities covered by the authority.

### 15.6 Decision Whether to Grant the Approvals Sought in the Application

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#### 15.6.1.1 Resource Consent Approvals

As set out in Section 15.2 above none of the situations that require the panel to decline an application apply to this application.

Assessment of the application against Sections 81 and 85 support a decision to grant the approvals sought in the application.

Delmore provides numerous benefits of regional significance. Those regionally significant benefits cover a wide range of matters. The benefits include those to people through housing, jobs, economic growth, economic support for primary industries, and improving access to nature. The benefits also include those to the natural environment, through improving the transport system with resulting greenhouse gas reductions, and extensive native revegetation planting and wetland recreation, and the accompanying benefits from buffering and connectivity to significant native vegetation areas and the Nukumea Scenic Reserve. Overall, Delmore provides a regionally significant contribution to ensure Tamaki Makaurau, in particular in the north, has a well-functioning urban environment, that is compact, integrated, and nice to live in.

The benefits are achieved through careful design and management of effects during construction and as are generated by residential and urban use. Overall, the regionally significant benefits of the proposal are great and they weigh in favour of granting the approvals. These benefits are to be given the greatest weight when deciding the application.

The factors summarised also mean that Delmore is consistent with the national, regional, and local planning documents that apply. Effects are controlled in the way those documents envisage and the natural environment and urban development outcomes, including priority outcomes for restoration, as expressed in those documents, are delivered.

The one exception to this is inconsistency with policy direction in the AUP(OP) that FUZ land should not be developed for urban use until a Plan Change is approved. As already explained, this application does not include a plan change but the design process has essentially included the strategic steps that a plan change would include, including production of a structure plan. Consequently, and for the reasons outlined above, the application therefore meets the pathway provided by the applicable planning instruments when read as a whole for projects that provide for urban development of FUZ land, and would therefore be granted under s 104 RMA. Even if

those provisions are bottom lines, the project would still fall to be granted under the RMA as a genuine exception.

Overall, assessment against s 104 RMA, Part 2 RMA, and the other applicable RMA provisions weigh in favour of granting the approvals alongside the project's regionally significant benefits.

Further, and for completeness, this single policy inconsistency does not support a decision to decline the resource consent approvals (or any of the other approvals). Urban development in the FUZ is not an adverse impact sufficiently significant to outweigh the numerous regionally significant benefits provided by Delmore, and there are no other significant environmental impacts from the development. It is a technical policy inconsistency only, and one that been overcome through the strategic approach taken to design of the development. Ultimately, the FUZ is intended for urban development.

It is not open to the panel to form the view that an adverse impact meets the 'significant enough effect to outweigh a proposal's regional or national benefits threshold which enables an application to be declined "solely on the basis that the adverse impact is inconsistent with or contrary to a provision" in a planning document. That is the situation applying to this application. As a result, the approvals for resource consent (or any of the other approvals sought) should be granted, subject to appropriate conditions.

#### 15.6.1.2 Approvals to Change Consent Notice Conditions

As discussed above, the approvals for changes to the consent notice conditions are material to implementation and delivery of Delmore, and so realisation of its regionally significant benefits. If the changes are not made the NoR 6 road will not be able to be delivered, and access to developable portions of the site will not be possible.

Facilitating the project and the regionally significant benefits it will result it supports granting the approvals for the changes. Grant of approval is also supported by the relevant provisions of the RMA. The focus has been on avoiding existing native vegetation and waterways, with any points that cannot be avoided offset by extensive revegetation planting and also wetland re-creation; this is relevant to both the resource consent approval and the approval to change conditions, with incursions into the protected areas minimised to the maximum extent possible while providing the access that is required to different parts of the site. Impacts resulting from incursions that cannot be avoided, and for which this are no reasonably practicable and/or functional alternatives, are proposed to be offset by extensive native planting across the entire site and re-creation of wetland ecosystems. The overall outcome is a net gain in riparian and wetland vegetation and habitat with approximately 55ha covered in native vegetation on completion of the project. Potential effects on native vegetation not to be removed are to be monitored and controlled by a detailed Tree Management Plan and expert oversight. This approach and these outcomes meet the direction in the applicable planning instruments.

Consequently, both the regionally significant benefits of the proposal and assessment against the RMA (clause 17(1)(a) and (b) weight in favour of granting the approvals, and there are no significant adverse effects that enable decline of the approvals. They should be granted subject to appropriate amendments to the conditions.

#### 15.6.1.3 Approval for Archaeological Authority

The approval for an archaeological authority is also essential for delivery of the project. It is applied for on a conservative basis, to cover any potential discoveries and avoid this delaying project delivery and realisation of associated regional benefits.

For the reasons outlined above, granting the archaeological authority is consistent with the purpose and principles of the HZNTA Act, and the assessment against the other considerations that apply confirms they support grant of the approval.

There will be no significant effects from granting the approval for the reasons outlined. Identified sites are protected, the authority is sought on a conservative basis and the development's design and conditions proposed mean any new sites will be identified, and most likely (given they are expected to be within riparian areas) able to be protected.

Consequently, there is not ability to decline of the approval and it should be granted subject to appropriate conditions.

## 16.0 Conclusion

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Delmore involves the establishment of a comprehensively planned residential development providing up to 1,217 dwellings, including one residential super-lot, one commercial super-lot, open space areas including two neighbourhood parks, as well as associated roading and infrastructure at 88, 130, 132 Upper Ōrewa Road and 53A, 53B and 55 Russell Road, Ōrewa. For the reasons set out in this AEE it is considered that the panel is required to grant the approvals sought, subject to appropriate conditions, in accordance with Sections 81 and 85 of the FTAA.