

Delmore Fast-Track

04/05/2026 – Auckland Council Response

Annexure 4:

Policy

1.0 APPLICATION DESCRIPTION

Application and property details

Fast-Track project name: Delmore Fast-Track

Fast-Track application number: FTAA-2512-1164

2.0 Technical Specialist Memo - Policy

To: Dylan Pope – Lead Planner & Carly Hinde - PPL

From: Austin Fox – Senior Policy Planner

Qualifications & Relevant Experience: I hold the qualifications of a Bachelor of Arts in Town Planning and a Diploma in Town Planning and have 23 years of experience in planning. I have prepared expert evidence and technical assessments for resource consent applications, plan changes, and notices of requirement for designation, and have appeared as an expert witness before consent authorities on multiple occasions.

Preparation in Accordance with the Code of Conduct: I confirm that I have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses (Code), and have complied with it in the preparation of this memorandum. I also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. I confirm that the opinions I have expressed are within my area of expertise and are my own, except where I have stated that I am relying on the work or evidence of others, which I have specified.

Signature: 

Date: 24/03/2026

3.0 Executive Summary / Principal Issues

Planning Policy issues are covered in the attached Policy Memo, that being an updated version of the Policy Memo on the original Delmore Fast Track application.

4.0 Documents Reviewed

The following documents have been reviewed in preparing this memorandum:

- Delmore Assessment of Environmental Effects Report
- Appendix 14 – Concept Structure Plan
- Appendix 27 – Water, Wastewater and Utilities Report
- Appendix 42 – Rules Assessment
- Appendix 43 – Objectives and Policies Assessment

5.0 Additional Reasons for Consent Not included in AEE / Incorrect Reasons for Consent

N/A

6.0 Specialist Assessment

See attached memo.

7.0 Section 67 Information Gap

Except for a lack of certainty about a wastewater treatment and disposal option, I do not consider that there are policy related section 67 information gaps.

8.0 Recommendation

In my opinion, the proposal is contrary to key objectives and policies of the RPS and the Future Urban Zone as a comprehensive structure plan, in line with the guidance in AUP Appendix 1, and plan change process has not been followed.

9.0 Proposed Conditions

N/A

10.0 Supporting Documents

N/A

Memorandum

From: Austin Fox
Senior Policy Planner
Regional, North, West, and Islands
Planning, Policy and Governance
Auckland Council

Date: 24 March 2026

Fast Track Application **Delmore | 88, 130, 132 Upper Ōrewa Road and 53A, 53B and 55 Russell Road**
Policy Comments

Proposal

1. The application, as stated by the applicant, is for the development of 109.18 hectares of Future Urban Zoned (FUZ) land into a comprehensively planned development, including up to 1,213 dwellings, one residential super lot, a commercial area, two neighbourhood parks, supporting infrastructure, as well as associated works.
2. The land is zoned Future Urban in the Auckland Unitary Plan 2016 (Operative in Part).
3. The application has been lodged under the Fast-track Approvals Act 2024 ('FTAA'). 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.

4. The FTAA in Schedule 5 s5(1)(h) requires an applicant to include an assessment of the activity against any relevant provisions in any of the documents listed in subclause (2). The documents in subclause (2) include a national policy statement, a regional policy statement and a plan. Subclause (3) states:
 - (3) *An assessment under subclause (1)(h) must include an assessment of the activity against—*
 - (a) *any relevant objectives, policies, or rules in a document listed in subclause (2);...*
5. My comments relate to the assessment under these provisions of the FTA.

Comments

6. The comments in this memo build on the planning policy comments given on the initial Delmore Fast Track Application, and have been updated accordingly. The comments relate primarily to strategic and land use policy issues. Comments on other detailed aspects, such as traffic, economic, landscaping, wastewater disposal etc, are provided by the relevant experts.

7. There are four key themes that I raise concerns about. I outline these first and then comment in more detail about the application in relation to the relevant policy documents.

Development ahead of structure planning and a plan change

8. As the land is FUZ, the application is effectively rezoning by resource consent. This approach is contrary to the objectives and policies of the RPS and the FUZ zone which require that a structure plan and plan change process be followed to rezone and develop FUZ land. The matter of developing FUZ land is addressed in more detail below.
9. A structure plan is required to be prepared in accordance with the guidelines set out in Appendix 1 of the AUP. The detailed structure plan and plan change process has not been followed for the applicant's site. The structure plan that has been prepared (Application Appendix 14) does not appear to follow the guidance set out in Appendix 1 of the AUP. This includes in relation to the preparation of a structure plan being a precursor to a plan change (AUP Appendix 1 1.2), the external documents that should be taken into account (AUP Appendix 1 1.3), feedback from stakeholders (AUP Appendix 1 1.4.8), and the specialist documents to support the structure plan (AUP Appendix 1 1.5).
10. The structure plan and plan change process as outlined in AUP Appendix 1 would also enable wider public consultation, including, eg environmental groups, other interest groups and the wider community than just the immediate neighbours.
11. In my view, a structure plan that aligns with AUP Appendix 1 followed by a plan change is required by the regional policy statement and is a more appropriate approach to enable development of the land.

Regional Significance

12. As noted above, the purpose of the FTAA is to facilitate proposals of "regional significance".
13. The applicant has made much of the "regional significance" of providing infrastructure, particularly the section of NOR 6 the road extension from Milldale to Grand Drive. I query whether the delivery of a section of NOR 6 is "regionally significant". I doubt that delivering the whole of NOR 6 is even "regionally" significant. I agree that the route is locally significant ultimately providing a connection northward between Milldale and the Grand Drive interchange and Orewa and southward from Ara Hills and the applicants site to Milldale.
14. The applicant is delivering approximately 850m of a road that is approx. 2.2km long (see Figure 2 below). The leg to the south is not being provided so it doesn't connect to Milldale.

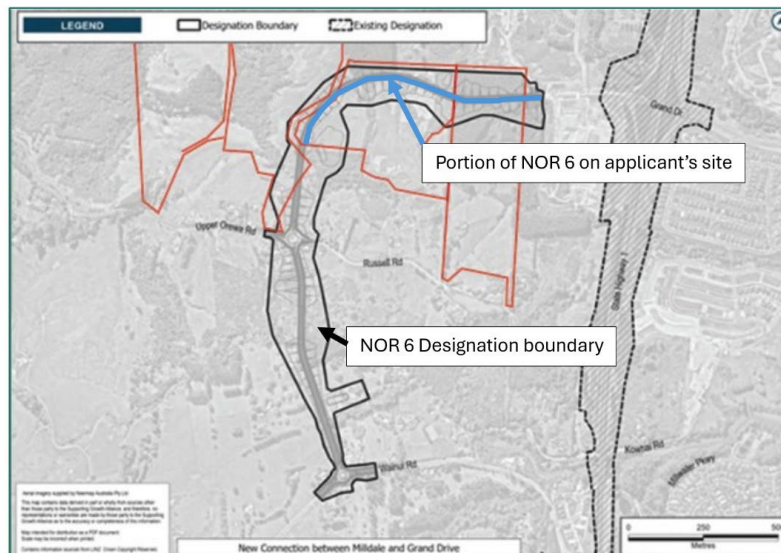


Figure 2 NOR 6 and the section proposed by the applicant

Infrastructure

15. The application identifies three possible options for wastewater disposal. However, this should be determined definitively for a resource consent stage. There is therefore uncertainty about which option will be used which makes it difficult to determine if the proposal is consistent with various levels of policy regarding the integrated provision of infrastructure.

Underlying zoning

16. Granting resource consent for urban development while the underlying zoning remains Future Urban is problematic for ongoing development. Future activity will be subject the underlying zone rules and Auckland Wide rules that relate to the Future Urban Zone. The activities provided for in the Future Urban Zone are much more restrictive than for the residential zones that the resource consent seeks to apply.

National Policy Statement on Urban Development 2020

17. The National Policy Statement on Urban Development, through various objectives and policies, requires that planning decisions contribute to well-functioning urban environments. The application considers that the proposal will result in a well-functioning urban environment.
18. I have reservations that this is the case as it is unclear whether the proposal integrates the provision of the necessary infrastructure, particularly the uncertainty about the method of wastewater treatment and disposal as noted above. The provision of infrastructure is discussed in more detail by Council's other specialists.
19. Issues around the provision of parks and centres, access to PT and access to adjoining facilities eg schools, are all relevant to whether the application is contributing to a well-functioning urban environment. These issues are addressed in more detail by Council's other specialists.

Future Development Strategy 2023

20. The Council's Future Development Strategy 2023 (FDS) identifies the area as "Upper Orewa" and indicates that the land is not to be zoned for development before 2050+ due to infrastructure constraints. The FDS also sets out Infrastructure Prerequisites for the area which are:

- Wainui Road upgrade
- Milldale and Grand Drive connection
- North Shore Rapid Transit (extension to Milldale)
- Army Bay Wastewater Treatment Plant Upgrade.

25. I note that the application is providing part of the Milldale and Grand Drive connection as discussed above.

26. The application therefore seeks the development of the land well in advance of timeline identified in Councils strategic planning document.

Regional Policy Statement

27. The Regional Policy Statement in B2 Urban Growth and Form sets out the high-level strategic objectives for the management of growth in Auckland and these comments focus on the B2.2 Urban growth and form objectives and policies. In the context of this application, in my view, the following objectives and policies are particularly relevant:

B2.2 Urban growth and form Objectives 2.2.1

(1A) A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

(1) A well-functioning urban environment with a quality compact urban form that enables all of the following:

(a) a higher-quality urban environment;

(b) greater productivity and economic growth;

(c) better use of existing infrastructure and efficient provision of new infrastructure;

(d) good accessibility for all people, including by improved and more effective efficient public transport or active transport;

(e) greater social and cultural vitality;

(f) better maintenance of rural character and rural productivity; and

(g) reduced adverse environmental effects; and

- (h) *improved resilience to the effects of climate change.*
- (5) *The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is:*
 - (a) *integrated with the provision of appropriate infrastructure; and*
 - (b) *improves resilience to the effects of climate change.*

Policies 2.2.2

- (3) *Enable rezoning of future urban zoned land for urbanisation following Structure Planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.*
- (7) *Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that contribute to a well-functioning urban environment and that do all of the following:*
 - (a) *support a quality compact urban form;*
 - (b) *provide for a range of housing types and employment choices for the area;*
 - (c) *integrate with the provision of infrastructure; and*
 - (caa) *provide good accessibility, including by way of efficient and effective public or active transport;*
 - (ca) *incorporate resilience to the effects of climate change;*
 - (d) *follow the structure plan guidelines as set out in Appendix 1.*
 - (e) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets.*
- (8) *Enable the use of land zoned future urban within the Rural Urban Boundary or other land zoned future urban for rural activities until urban zonings are applied, provided that the subdivision, use and development does not hinder or prevent the future urban use of the land.*

28. In respect of Objective 1, the applicant states²:

The proposal will be transformational for the Hibiscus Coast's social and cultural vitality as Delmore is designed has designed to be a sustainable destination where people can live and recreate in one location, with existing and planned employment opportunities within close proximity.

It is unclear what social and cultural aspects the proposal is providing, as it seems to be relying on facilities provided elsewhere. As noted above, the issue is that the application does not seem to address these as they would have been required to do if the structure plan process followed the guidance in AUP Appendix 1.

² Appendix 43 Objectives and Policies Assessment pg20

29. In my view, the proposal is contrary to Objective 5 as there is uncertainty about the integrated provision of infrastructure, particularly wastewater, and which proposed option is to be used.
30. In respect of policies (3) and (8) in relation to structure planning and the plan change process, and the use of FUZ land, Appendix 43 Objectives and policies assessment addresses them. In respect of Policy (3), the assessment states:

Whilst re-zoning is not proposed at this time, the application has taken a structure plan approach to designing the development.

On Policy (8) it states:

The proposal, as a master planned, comprehensive residential development is considered to represent the 'future' urban development envisaged by the Future Urban zoning under the AUP(OP).

31. In my view the application is contrary to these policies. I consider that this is significant as the policies set out the process for the conversion of land for urban development. The applicant has argued that it has taken a structure plan approach but as I have outlined above, I do not think that this has been done comprehensively or in as much detail as it should have been, taking account of the guidance in AUP Appendix 1. The applicant has argued that the application needs to be considered in the context of the objectives and policies as a whole. In my view, because it is contrary to these key policies, this is a significant issue as they set the regional process for the conversion of land for urban development, and this is not outweighed by the other objectives and policies.
32. In respect of Policy 7, there are aspects of the criteria that are not met. It is questionable the extent to which the proposal provides for a well-functioning urban environment, integrates with the provision of infrastructure, or provides good accessibility, and it does not follow the structure plan guidelines as set out in AUP Appendix 1.

Auckland Unitary Plan

33. The site is zoned Future Urban in the AUP(OP). The zone statement states that the Future Urban Zone is a transitional zone. Land may be used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes.
34. The Future Urban zone includes objectives and policies that seek to protect the land for future urbanisation and retain its use as rural until it is rezoned through a plan change process. They are:

H18.2 Objectives

- (1) Land is used and developed to achieve the objectives of the Rural – Rural Production Zone until it has been rezoned for urban purposes.*
- (2) Rural activities and services are provided for to support the rural community until the land is rezoned for urban purposes.*
- (3) Future urban development is not compromised by premature subdivision, use or development.*

- (4) *Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.*

H18.3 Policies

- (1) *Provide for use and development which supports the policies of the Rural – Rural Production Zone unless that use and development is inconsistent with policies H18.3(2) to (6).*
- (2) *Enable activities that are reliant on the quality of the soil or require a rural location to operate or which provide for the day to day needs of the local rural community.*
- (3) *Require subdivision, use and development to maintain and complement rural character and amenity.*
- (4) *Avoid subdivision that will result in the fragmentation of land and compromise future urban development.*
- (5) *Prevent the establishment of more than one dwelling on a site except for the provision for minor dwellings and workers' accommodation.*
- (6) *Avoid subdivision, use and development of land that may result in one or more of the following:*
- (a) structures and buildings of a scale and form that will hinder or prevent future urban development;*
 - (b) compromise the efficient and effective operation of the local and wider transport network;*
 - (c) require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure;*
 - (d) inhibit the efficient provision of infrastructure;*
 - (e) give rise to reverse sensitivity effects when urban development occurs;*
 - (f) give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure; or*
 - (g) undermine the form or nature of future urban development.*
35. At a broad level I have concerns with any urban type of activity occurring in the Future Urban Zone ahead of structure planning that follows the guidance in AUP Appendix 1, and rezoning through a plan change process.
36. The proposal is in my view specifically contrary to Objectives (1) (2) and (4) and is urban development occurring before the land is rezoned for urban purposes.

37. The proposal is contrary to Policies (1), (2), (3) and (5) as it is not retaining rural activities. On Policy (6), the first point to note is the use of the strong term to “avoid” activities relating to the subsequent bullet points. In relation to (6)(a) and (g) the application is proposing urban development, and I referred to this above in respect of the objectives. The bullets (b), (c), (d), (e), (f) relate to specific matters which other Council specialists will address, particularly relating to the provision of infrastructure and transport effects.
38. The issue of the development of the Future Urban Zone ahead of a plan change has been addressed by the High Court in *Auckland Council V Matvin*³. This was a case under the Covid Fast Track legislation and addressed a proposal for a retirement village ie urban development, in the FUZ. Justice Woolford’s view is captured in his comment below⁴:

However, I view the Zone description as a synthesis of the objectives and policies. It is quite clear in its meaning. It succinctly states in three sentences:

The Future Urban Zone is applied to greenfield land that has been identified as suitable for urbanisation. The Future Urban Zone is a transitional zone. Land may be used for a range of general rural activities but cannot be used for urban activities until the site is re-zoned for urban purposes.

39. Justice Woolford goes further in his decision referring to the specific wording of the objectives and policies and refers to the strong words used – “require”, “avoid” and “prevent”⁵. He then states:

[36] In interpreting the FUZ provisions, it is not a question of weighing up the various objectives and policies for and against urban development. There are no provisions specifically allowing urban development.

40. At paragraph 37 Justice Woolford states:

[37] I am therefore persuaded that the Panel made an error of law in finding that the overall purpose of the FUZ was to preclude activities that may compromise future urban development. The overall purpose of the FUZ is as a holding zone and to provide a transition from rural to urban use and development. The zone recognises the need for comprehensive and intentional design for soon-to-be urban areas. Until rezoned urban, the primary set of activities that are to occur in the FUZ are rural.

41. I am therefore of the view that the appropriate process for pursuing the development of the land is by the preparation of a comprehensive structure plan that accords with the guidance in AUP Appendix 1, followed by a plan change.

Conclusion

42. In my opinion, the proposal is contrary to key objectives and policies of the RPS and the Future Urban Zone as a comprehensive structure plan, in line with the guidance in AUP Appendix 1, and plan change process has not been followed.

³ CIV-2023-404-835 [2023] NZHC 2481

⁴ *Auckland Council V Matvin* paragraph 29

⁵ *Auckland Council V Matvin* paragraph