



## Responses for Fast-track Referral Application Form – Section 3: Project Details

DATE: 16 February 2026

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Below are responses to the specific questions in section 3 of the Fast-track approvals referral application form, with the questions themselves as headings in italics and the responses below.

### SECTION 3: PROJECT DETAILS

*For construction activities, please state the anticipated commencement and completion dates.*

- 1 Scarbro Environmental Limited (**Scarbro**) are prepared to start work immediately once the necessary consents are granted. Scarbro's best current estimate is that the necessary work to establish the Drury managed fill site and put it into operation will take approximately one year. Scarbro estimate that the internal site works including the internal road, water bore, earth bund, and riparian planting on streams and wetlands within the site will take approximately five months. However, they expect the necessary improvements to the section of Hunua road leading to the proposed Drury managed fill site will take longer. Of course, the exact time this takes will depend on exactly what are imposed as conditions of the consent and then how long it takes Auckland Transport to complete the necessary work.
- 2 Once established, the managed fill site is expected to operate for 5-10 years (depending on the exact rate of fill) with a proposed consent duration of 10 years. This would be followed by restoration to return the land to pastoral farming.

*Outline the approvals sought under the Resource Management Act 1991*

- 3 There are multiple resource consents required under various sections of the Resource Management Act 1991 (**RMA**). The three types of consents are:<sup>1</sup>
  - Land use consent (s9) for construction and operation of a managed fill facility. Land use consent is required under the Auckland Unitary Plan (Operative in Part) (AUP(OP)) and under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, for the establishment and operation of the managed fill facility, associated district and regional earthworks, earthworks and vegetation removal within 10m of natural inland wetland, diversion and placement of fill over existing overland flow paths, and establishment of a new access which does not meet the permitted standards.
  - Land use consent (s9) to drill a new water bore (for a permitted activity water take).

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<sup>1</sup> Section 42A Report (Attachment 5), page 5.

- Discharge permit (s15) for discharge contaminants from a managed fill facility not meeting the permitted activity standards of the AUP(OP).

4 The resource consents are required for the following reasons:<sup>2</sup>

[Land use consent \(s9\) – LUC60440790](#)

Auckland Unitary Plan (Operative in part)

**District land use (operative plan provisions)**

*H19 Rural – Rural Production Zone*

- To construct and operate a managed fill facility on a site in the Rural Production Zone is a discretionary Activity under Rule H19.8.1(A66).

*E12 Land Disturbance – District*

- To undertake land disturbance over an area of 110,000m<sup>2</sup>, being an area greater than 2,500m<sup>2</sup> in a rural zone, is a restricted discretionary activity under rule E12.4.1(A6).
- To undertake 790,000m<sup>3</sup> of land disturbance, being a volume greater than 2,500m<sup>3</sup> in a rural zone, is a restricted discretionary activity under rule E12.4.1(A10).

*E27 Transport*

- To establish a new access which is an accessory activity, but which does not comply with the access standards is a restricted discretionary activity under rule E27.4.1(A2). In this case, the new access exceeds 9m and does not comply with T156).

*E36 Natural hazards and flooding*

- Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path is a restricted discretionary activity under rule E36.4.1(A41). In this case, it is proposed to pipe a section of the overland flow path for the northern fill access road.

**Regional land use (operative plan provisions)**

*E11 Land Disturbance – Regional*

- To undertake land disturbance over an area greater than 2,500m<sup>2</sup>, which is on land with a slope greater than 10 degrees and partially within the Sediment Control Protection area, is a restricted discretionary activity under rules E11.4.1(A8) and (A9), respectively.

National Environmental Standard for Freshwater (NES:F)

- To undertake vegetation removal and land disturbance within 10m of natural inland wetland for the purpose of constructing and operating a landfill or a cleanfill area, is a discretionary activity under Regulation 45B(1) and (2).

[Land use consent \(s9\) – LUC60445125](#)

Auckland Unitary Plan (Operative in part)

**District land use (operative plan provisions)**

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<sup>2</sup> Section 42A Report (Attachment 5), pages 12 – 13.

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

- To drill a bore not otherwise specified is a controlled activity under rule E7.6.1(A41).

*Discharge permit (s15) - DIS60440791**Auckland Unitary Plan (Operative in part)**E13 Cleanfills, Managed Fills and Landfills*

- To discharge contaminants from a managed fill that does not meet the controlled activity standards is a restricted discretionary activity under E13.4.1(A5). In this case standard E13.6.2.2 is not complied with because some concentrations of contaminants (nickel and zinc) will exceed the permitted activity levels specified in Chapter E30

**Adverse Effects**

*Describe any anticipated and known adverse effects of the project on the environment.*

- 5 The potential adverse effects of the activity have been thoroughly assessed through the one and a half year RMA process. There is now a consensus between Scarbro and Auckland Council's technical experts that effects relating to discharges, earthworks, erosion and sediment control effects, geotechnical / land stability, flood risk, noise and vibration effects, dust and odour effects, freshwater ecology, terrestrial ecology, social, health and wellbeing, effects on rural production can be appropriately managed to be no more than minor. The proposal has had appropriate regard to the interests and concerns of mana whenua. On those matters of agreement, it has been determined that adverse effects can be effectively avoided or mitigated.
- 6 A difference of opinion remains concerning traffic and road network effects, and landscape and visual effects associated with the southern fill area which Scarbro acknowledge will need to be resolved.
- 7 The Section 42A Report (**Attachment 5**) describes the actual and potential effects on the environment at pages 20 to 35 and concludes:<sup>3</sup>
  - The proposal will result in significant adverse effects with regard to traffic safety, and more than minor adverse effects with regard to landscape and visual values for the southern fill area that cannot be mitigated through conditions of consent.
  - It is likely that the proposal would result in unacceptable adverse effects in terms of damage to pavement / the roading network (which could further exacerbate safety effects), although these effects could be mitigated through conditions of consent requiring further traffic surveying, pavement impact assessment, and the requirement for the consent holder to undertake repairs of the road if damage is caused.
  - There remains a degree of uncertainty in relation to the potential landslide risk affecting the southern fill area, as discussed. While no active instability has been confirmed at this stage, the available information does not fully discount the possibility of future geotechnical risks. This uncertainty has been taken into account in the assessment and is addressed through the recommended conditions of consent, which would avoid any fill taking place within the southern filling area unless sufficient technical evidence is provided to and certified by the Council. This would need to be offered on an Augier

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<sup>3</sup> Section 42A Report (Attachment 5), page 35.

basis, and the applicant will need to confirm this in writing. If this confirmation is provided, the adverse effects will be no more than minor.

- With regard to all other aspects of the proposal not specifically discussed here, my opinion is that adverse effects will be no more than minor, and would therefore be acceptable.

8 Vance Hodgson of Hodgson Planning Consultants was engaged by Scarbro in February 2024 to prepare the resource consent application for the Drury managed fill. His view is that the proposal responds to particular actual or potential adverse effects on the environment as follows:

**Traffic and Road Network effects:** Based on the specialist traffic and engineering evidence of s 9(2)(a) a safe and efficient vehicle entranceway adhering to appropriate engineering design standards is proposed with pavement condition monitoring to be in place. The proposal adds an average of 54 truck movement per day. This is an increase of 2.8% of total volume and 10% of total heavy vehicles to the road network. Operational controls are proposed to manage access and movements. The proposal facilitates improvements to Hunua Road that will benefit other road users beyond the life span of the proposed managed fill facility. These include visibility improvements and road widening with additional school bus route signage.

**Landscape and visual effects:** There is general agreement between the technical experts that the northern fill area (9 hectares out of the total of 11 hectares) could be accommodated without adversely affecting the landscape and visual amenity of the site and surrounding Hunua environment. This is subject to screen and buffering mitigations. This includes a vegetated buffer along the eastern boundary on the site that achieves visual screening of the managed fill activities as well as being required to achieve noise standards. The technical experts disagree on the nature of effects associated with the southern fill area (2 hectares out of the total of 11 hectares) and internal haulage road. Filling of the southern fill area is intended to occur later in the staging to enable the plantings to establish.

**Rural character and amenity effects:** It is my opinion that when the effects of the proposal are assessed against the context of the receiving environment, the overall effect on rural character and amenity is acceptable. There are a number of activities that could establish in the area and on this site, without resource consent that could alter the character and amenity currently appreciated by those that reside in or pass through the area. The proposal includes an extensive range of measures to avoid and mitigate adverse rural character and amenity effects including (as also noted by Mr. Anderson on page 26 of the Hearing Report):

- Noise management and mitigation to maintain compliance with the AUP(OP) permitted noise and vibration levels;
- Restricted hours of operation: 7am – 6pm on Monday to Friday and 7am – 1pm on Saturday, with no operation on Sunday or public holidays. This seeks to avoid amenity impacts for those residing in the area after the typical working day, and for most of the weekends when they are most likely to be present;
- Dust suppression measures with water being sourced primarily through on-site means (rainwater storage and use of a water bore to extract a permitted-activity level of groundwater);
- Landscape planting and a bund along the eastern boundary of the northern fill area which is proposed to be implemented at the beginning of the project, with additional planting now proposed on the road frontage and eastern boundary;
- Riparian planting and ecological restoration of wetland and stream areas across the site;
- The implementation of the proposed Fill Management Plan which sets out the fill acceptance criteria and operational requirements for the proposed fill facility;

- Restrictions on the average and peak number of vehicle movements per day;
- Avoidance of all roads except for Hunua Road for truck access, and
- Staging of the proposed fill operation and progressive stabilisation.

In terms of traffic related amenity effects, I rely on the traffic consultant's evidence for Scarbro that confirms the proposal adds an average of 54 truck movements per day. This is an increase of 2.8% of total volume and 10% of total heavy vehicles to the road network. The consultants consider this a minimal increase. The acoustic evidence is that there are no noise or vibration effects of concern.

**Discharge Effects:** The location on the site in the Hays Creek Catchment requires a particular assessment of contaminant discharge related risks to a public water supply. Based on the expert opinions of Council's Specialists and that of s 9(2)(a) I concur with the conclusion of Mr. Anderson that discharge related effects – on drinking water and other environmental values can be appropriately managed to be no more than minor through the proposed mitigation measures and recommended conditions of consent. This includes implementation of the proposed Fill Management Plan which sets out the fill acceptance criteria, testing and monitoring for managed fill only;

**General Earthworks, Erosion and Sediment Effects:** Relying on the engineering report and plans of s 9(2)(b)(ii) on behalf of Scarbro, which have been assessed and endorsed by Council's specialists, the adverse effects of what are regional scale earthworks can be appropriately managed and mitigated. An Erosion and Sediment Control Plan will prescribe the methods to be employed, in accordance with regional guidelines. These include sediment retention ponds, silt and super silt fences, clean and dirty water diversions, progressive stabilisation, a wheel wash, and a maximum open area limit;

**Geotechnical Effects:** The proposal is supported by an engineering, geotechnical and landslide risk assessment which confirms the site is suitable for the activity and details the required design and construction methodology to ensure ongoing stability. It is standard practice for an operation of this scale that final detailed engineering design plans and construction supervision by a suitably qualified Chartered Professional Engineer will be required by conditions of consent. The proposed southern filling area remains subject to further geotechnical and landslide hazard risk appraisal prior to works taking place. It is appropriate that this is required as a condition of consent;

**Flood Hazard Effects:** Relying on the technical advice of Council's Healthy Waters Department and the advice and conclusion of s 9(2)(a), the overall changes in the natural catchment areas are limited to the subject site, and do not extend to downstream sites. The removal of a farm culvert to establish access via a new bridge proposal will not impact this current state and has a number of positive outcomes relating to ecological functioning and health of the freshwater features.

**Noise and Vibration Effects:** This is another technical area where there is expert agreement. Council's acoustic specialist, has reviewed the assessments and further information provide by s 9(2)(b)(ii) and confirms that he is satisfied with the methodology and conclusions. The experts agree that the activity can be managed to comply with the relevant permitted activity standards such that that noise and vibration effects are considered reasonable in the context of the receiving environment and relevant statutory framework. Particular conditions of consent are recommended to ensure ongoing compliance. These include operational controls on hours of operation, truck movements and earth bunding;

**Dust and Odour Effects:** A comprehensive approach to dust control will be formalised in the Fill Management Plan (FMP), secured by a condition of consent. these dust control measures are typical for managed fill facilities and are robust and consistent with best practice guidance (provided in the Ministry for the Environment Good Practice Guide for Assessing and Managing Dust 2016);

**Ecological effects:** I rely again on the technical evidence of Council and Scarbro where there is agreement that the proposal will not result in adverse freshwater ecology effects and that any terrestrial ecology effects are acceptable. A significant net gain in

ecological functioning and health in this degraded catchment can be achieved by this activity which is a superior environmental outcome to the current state;

**Social Effects, Health and Wellbeing Effects:** Given that the potential primary effects that could lead to adverse social, health, or wellbeing outcomes have been assessed as being appropriately managed to an acceptable and reasonable level, it is my professional planning opinion that any consequential effects on the health and wellbeing of the surrounding community will not be significant. I acknowledge there is a difference in the expert opinion on landscape as it relates to the southern fill area and haulage road and traffic safety. However, I reiterate that:

- Landscape: The landscape experts for both Scarbro and Council agree that effects associated with the northern fill are acceptable.
- Traffic Safety: I take the view supported by Scarbro's traffic and transportation engineer that the local road network can accommodate the proposed traffic with Scarbro's proposed controls and mitigations acceptable.

**Effects on Rural Production:** The site is not comprised of Highly Productive Land pursuant to the National Policy Statement for Highly Productive Land 2022, nor 'elite' or 'prime' land pursuant to the relevant definitions under the AUP:OP. that the proposal will not inhibit long-term rural production activities on the site nor neighbouring properties, cognisant that while this is not highly productive land, a range of rural production activities are possible.

**Cultural effects:** I am satisfied that the proposal has had appropriate regard to the values of mana whenua and that any adverse effects on those values will be less than minor.

- 9 In conclusion Scarbro is of the view that any adverse effects have already been or are able to be appropriately avoided, remedied or mitigated in the proposed Drury managed fill.
- 10 Scarbro are prepared to engage further with Auckland Council and AT on the outstanding matters through the process under the Fast-track Approvals Act 2024 (the **Act**).

#### **Persons affected**

*Provide a list of the persons, groups and/or entities who you consider are likely to be affected by the project.*

- 11 Scarbro and the managing director, Liam Scarborough in particular, spoke to the immediate neighbours to the site proposed for the Drury managed fill and received their feedback prior to lodging the resource consent application. Scarbro also engaged with Auckland Council through a pre-application and met with Ngāti Tamaoho on site followed by further correspondence (see correspondence at **Attachment 6**).
- 12 Scarbro then arranged expert and technical evidence to support the resource consent application. In reliance on that evidence and legal advice, Scarbro reached the view that there were no affected parties and so the application could proceed without public or limited notification.
- 13 The notification report from Auckland Council dated 20 May 2025 (**Attachment 7**) agreed recommending that neither public nor limited notification was required:<sup>4</sup>

For the above reasons under section 95A this application may be processed without public notification.

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<sup>4</sup> Notification Report (Attachment 7), page 21.

In addition, under section 95B, limited notification is not required.

Accordingly, I recommend that this application is processed non-notified.

- 14 However, the Duty Commissioner then decided on 28 May 2025 that the application should proceed on a publicly notified basis (**Attachment 8**).

*Provide a summary of any consultation undertaken with the above persons and/or groups who you consider are likely to be affected by the project, and any other groups required to be consulted with under section 11 of the Act, and how the consultation has informed the project.*

- 15 Prior to submitting the resource consent application Scarbro met with immediate neighbours and received their feedback which was considered when finalising the proposal for the Drury managed fill.
- 16 Prior to submitting the resource consent application Scarbro also met with representatives from Ngāti Tamaoho on site to discuss the proposed Drury managed fill.
- 17 The feedback received on behalf of Ngāti Tamaoho identified no opposition in principle to the proposal, provided certain measures were implemented (see correspondence at **Attachment 6**).
- 18 Scarbro has committed to these measures including fencing waterways and wetland areas for stock exclusion, riparian planting with native plants, and installing super silt fencing and a rock riprap for road runoff. The only area of departure concerns the requested use of organic based flocculants. As a result of the submission of Watercare, Scarbro is now proposing to use polyaluminium chloride (PAC) flocculant which is a more commonly used water treatment chemical. This is a chemical flocculant which is proposed due to its effectiveness and recognition in sediment control and, as observed in the Section 42A report, “the potential environmental and health concerns are considered negligible, particularly as this type of flocculant is also used in water treatment facilities for drinking water.”<sup>5</sup>
- 19 The Scarbro application was also publicly notified as described above and as a result of this 520 submissions were received, 514 in opposition and 6 in support.
- 20 The Section 42A Report (**Attachment 5**) summarised engagement and feedback from Ngāti Tamaoho and the Franklin Local Board on pages 9 – 10 and notification and submissions on pages 13 – 18. Feedback from Auckland Transport concerning traffic and road network effects is discussed on pages 22 - 24 and the concerns of Watercare are discussed under the National Environmental Standard for Sources of Human Drinking Water on pages 39 – 40.
- 21 Following the public notification process, Scarbro made a number of further amendments to the proposal for the Drury managed fill and provided a range of additional information as summarised in the Section 42A Report (**Attachment 5**):<sup>6</sup>
- Further assessment is provided with regard to adverse effects on the Hays Creek Dam and water supply catchment.

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<sup>5</sup> Section 42A Report (Attachment 5), page 35.

<sup>6</sup> Section 42A Report (Attachment 5), pages 18 – 19.

- A further assessment with regard to Regulation 45B of the NES:F is provided.
- Calculated water demand and measures for dust control are provided, which includes the provision of water tanks on-site, a backup proposal for water tankering if water needs are greater than the permitted activity water take option in a drought year, and an updated proprietary wheel wash.
- Confirmation that riparian planting can be brought forward to achieve earlier environmental enhancement.
- Addition of an indigenous revegetation planting corridor along the eastern site boundary.
- Increased wetland riparian planting near the north-eastern corner of the site (Wetland E).
- Slightly increased stream riparian planting along Stream 3.
- Confirmation of compliance with permitted activity standards for air discharge (dust).
- An assessment on groundwater and surface water effects.
- An updated Fill Management Plan, including provision of existing water quality testing results, and a surface water monitoring plan.
- An updated noise assessment.
- Confirmation that only Hunua Road will be used for trucks, and confirmation that if Hunua Road is closed, then the managed fill operation would need to be closed for that duration.
- Updated Hunua Road tracking diagrams, plus widening on select bends.
- Additional provision of road signage.
- Volunteered condition for pavement monitoring and repairs if required, up to 100m from the site entrance.

22 Following the decision by Scarbro to suspend its RMA application and submit a referral application under the Act, Scarbro have contacted the following persons to inform them of the change in approach:

- (a) Ngāti Tamaoho – counsel for Scarbro emailed Lucie Rutherford, s 9(2)(b)(ii) [REDACTED] who replied “Thank you for the update” (email correspondence in **Attachment 9 – Notification of Fast-track Application**);
- (b) Auckland Council – counsel for Scarbro called and emailed Karl Anderson, s 9(2)(b) [REDACTED] who drafted the Section 42A report, and were referred to Dean Williams s 9(2)(b)(ii) [REDACTED]. Dean Williams in his email correspondence stated:

To clarify – my view is given the extensive history here, both AC and AT are familiar with the project.

Given s 9(2)(b)(ii) [REDACTED] is keen to move quickly (coupled with the very vague definition of consultation under s11 of the FTAA), I suggested the referral is lodged and, if accepted by MfE – ongoing discussion between AC/AT can occur in the period between referral acceptance and lodging of any substantive application - as a

pragmatic solution. As also discussed with s 9(2)(a), MfE will determine what is and isn't acceptable under the FTAA.

- (c) Counsel has also contacted AT, the Franklin Local Board and Watercare to update them on the fast-track application being lodged (email correspondence in **Attachment 9 – Notification of Fast-track Application**).

*List any Treaty settlements that apply to the project area and provide a summary of the relevant principles and provisions in those settlements, including any Treaty settlements that apply over or include the area in which the project is located.*

- 23 The Crown and Ngāti Tamaoho signed a Deed of Settlement on 30 April 2017.
- 24 The site for the proposed Drury managed fill is within the Ngāti Tamaoho area of interest and the statutory acknowledgement area for Hunua Stream and its tributaries (OTS-129-07) set out in that Deed of Settlement.
- 25 There are no sites of significance to mana whenua identified in the AUP within the application site itself.
- 26 Scarbro engaged with Ngāti Tamaoho in advance of submitting the resource consent application as described above and no other mana whenua have requested engagement on the proposal during the RMA process either directly through Auckland Council or through the public notification process.

#### **Legal Interests**

*Provide a description of any legal interests you or any others applying, have in the land on which the project will occur, including a statement of how that affects your ability to undertake the work.*

- 27 As set out in the records of title provided, the relevant land on which the Drury managed fill would be located is currently owned by s 9(2)(b)(ii). Scarbro have entered into a conditional sale and purchase agreement with those current owners to acquire the relevant land. If the necessary consents to operate the managed fill site are obtained, the agreement will go unconditional and be settled so that Scarbro can commence the work to establish the managed fill site.

#### **Other Matters**

*If an application has been made, provide details of the application.*

- 28 Scarbro Environmental Limited originally applied to Auckland Council for the necessary resource consents under the RMA. Application numbers - BUN60440759, LUC60440790, LUC60445125 and DIS60440791.
- 29 The application was publicly notified and a hearing set down for 25 - 27 February 2026. The Section 42A report is provided as **Attachment 5**. Scarbro have currently suspended the application under the RMA while submitting this fast-track referral application.
- 30 The proposal for the Drury managed fill subject to that application, and which is identical for this application under the Act, as summarised in the Section 42A Report, is:<sup>7</sup>
- The proposal is to construct and operate a managed fill activity comprising two separate areas of 9ha and 2ha on the northern and southern sides of the

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<sup>7</sup> Section 42A Report (Attachment 5), pages 7 – 9.

site respectively, with corresponding estimated fill volumes of 720,000m<sup>3</sup> and 70,000m<sup>3</sup>, giving a total fill volume of 790,000m<sup>3</sup>.

- Filling will take place over a period of up to 5-10 years, with a consent duration of 10 years sought.
- All fill activities are located outside of natural streams and wetlands. Weed and pest control plus wetland planting and riparian planting around all streams and wetlands is proposed to be undertaken at the completion of filling. This will include fencing to exclude stock, plus returning the completed fill areas to grass to facilitate rural production use.
- The northern area (720,000m<sup>3</sup>) will be undertaken over 5 separate stages. This is indicated in Figure 3 on the following page. The southern area (70,000m<sup>3</sup>) will be a single stage.
- The applicant has acknowledged that further geotechnical investigation is required to confirm suitability of the southern fill area, and has proposed that this be provided by way of a pre-development consent condition prior to any fill taking place in this location.<sup>1</sup>
- Access to the site will be via Hunua Road. This will require a new vehicle crossing, some upgrades/shoulder widening to Hunua Road, a bridge structure over a permanent stream, and an internal haul road. While not identified in the AEE, removal of the existing culvert and construction of the bridge structure will require earthworks and vegetation removal (exotic vegetation/weeds) within a natural wetland, and within 10m of a natural wetland. The applicant has acknowledged this in the s92 response.
- Further mitigation works along Hunua Road are proposed where there are existing visibility constraints for trucks. These include some road widening, vegetation trimming and new signage.
- Site operation hours are proposed to be 7am to 6pm Monday to Friday, and 7am to 1pm on Saturdays. No operation is proposed on Sundays and public holidays.
- On-site staffing (excluding truck drivers passing through the site) will involve up to 4 people. A site supervisor will be in charge on-site at all times during operating hours.
- The existing site water bore will be decommissioned as this is located within the northern fill area. A new bore established outside of the fill area at coordinates 1780472.611, 5894243.583 is proposed. This water bore will be used to supplement roof water for dust control purposes.
- A site office is proposed to be located in the existing dwelling on the site, utilising the existing water supply and wastewater disposal system. Staff parking would be adjacent to this staff office.
- No specific signage design is proposed at this stage, with any signage to adhere to the standards set out in the Auckland Council Signage Bylaw 2022 (it is noted that the AEE refers to the outdated 2015 bylaw in error).
- A suite of noise control measures is proposed as follows:
  - Truck movements will be limited to a maximum of 96 trucks per day and 20 trucks per hour (Monday to Friday), and 50 trucks per day and 20 trucks per hour (Saturday). Tonal reverse alarms are not to be used on any plant or machinery on-site.
  - An earth bund is proposed to be constructed to provide acoustic screening to 332 Jones Road and 353 Jones Road, east of the site. This bund will be 160m long and 3m high. This bund will also be

planted with native species, to provide visual screening. As the managed fill progresses in height, further stages of earth bunds will be constructed up the slope.

- No bulldozer or sheepsfoot roller will be operated within 90m of the property boundary of 332 Jones Road or within 80m of the property boundary of 353 Jones Road.
- A full suite of erosion and sediment control measures is proposed, primarily consisting of sediment ponds which will be shifted throughout the course of works as the staging requires.

31 Further documents relating to the application can be found here: <https://hearingsaucklandcouncil.resolve.red/portal/Meeting/107/1810?type=2&docId=4335>

*If a decision has been made, also provide the outcome of the decision and the reasons for it.*

32 No decision has yet been made, a hearing had been scheduled for 25 – 27 February 2026 but Scarbro has chosen to suspend its application under the RMA after the Section 42A Report was received on 30 January 2026 while it prepared and submitted this referral application under the Act.

*Provide a description of whether and how the project would be affected by climate change and natural hazards.*

33 The Drury managed fill has been assessed against the National Policy Statement for Natural Hazards 23025 (**NPS-NH**).

34 Natural hazards covered including flooding, landslips, and active faults. As the nearby faultline is inactive, only flooding and landslips are relevant.

35 The Section 42A report concludes that:

With regard to landslips and land instability, a risk matrix approach has been provided in the PC120 assessment undertaken by the applicant and reviewed by Council's Geotechnical Engineer. The conclusion in this assessment, and as agreed by Council's specialists, is that the Northern Filling Area has a low risk of being adversely affected by slope instability effects. The criteria involved appear very similar to those set out in the NPS:NH. The Southern Filling Area has not been analysed, but for the reasons already outlined in this report, the potential risks are minimised through the Augier condition approach. Overall the analysis indicates that the proposal will be consistent with the NPS:NH with regard to landslips and land instability.

Turning to flood related matters, the key areas associated with the managed fill operation are outside of flood plains, and appropriate measures are taken to convey overland flowpaths where the haul road crosses them. These risks are considered to be, at most, minor, so they would be deemed to be low risk overall. This is also consistent with the NPS:NH.

36 Vance Hodgson agrees with the Section 42A Report that based on the technical assessments provided and consensus between the Auckland Council and Scarbro experts, the proposal will be consistent with the NPS:NH with regard to landslips and land instability and flood hazards risks.

37 The Northern Filling Area has a low risk of being adversely affected by slope instability effects. The Southern Filling Area has not been analysed, but the potential risks are minimised through the Augier condition approach (the proposed southern filling area remains subject to further geotechnical and landslide hazard risk appraisal prior to works taking place).

- 38 Scarbro and the Council's engineers agree that potential risks relating to natural hazards have been appropriately addressed through engineering design. The geotechnical, landslide and flood risk assessments confirm that matters of land stability and flooding will be avoided and mitigated, and the proposal will not create or exacerbate natural hazard risk. The proposal is therefore consistent with the direction in chapter E36 of the Auckland Unitary Plan.
- 39 In relation to climate change the proposed Drury managed fill site is inland and outside of flood plains with a range of works intended around the streams and wetland areas on the site including riparian planting and fencing as well as ongoing monitoring during the operation of the managed fill site.

**Approvals under the Resource Management Act 1991**

*If your application is seeking a consent for an activity that would otherwise be applied for under the Resource Management Act 1991, including an activity that is prohibited under the Act, provide the information below:*

*An assessment of the project against any relevant national policy statement, any relevant national environmental standards and, if relevant, the New Zealand Coastal Policy Statement.*

- 40 The proposed Drury managed fill requires consents that would otherwise be applied for under the RMA but are discretionary activities – there are no prohibited activities proposed.
- 41 The Section 42A Report (**Attachment 5**) analysed the proposal against the relevant statutory documents including national policy statements and national environmental standards at section 16 on pages 35 – 48.
- 42 In relation to National Environmental Standards it concluded the proposal was consistent with:
- (a) National Environmental Standards for Freshwater;
  - (b) National Environmental Standards for Air Quality;
  - (c) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health; and
  - (d) National Environmental Standard for Sources of Human Drinking Water.
- 43 In relation to National Policy Statements it concluded the proposal was consistent with:
- (a) National Policy Statement for Freshwater Management 2020;
  - (b) National Policy Statement for Indigenous Biodiversity 2023; and
  - (c) National Policy Statement for Natural Hazards 2025.
- 44 The proposed Drury managed fill site is not subject to the National Policy Statement for Highly Productive Land as the subject site is not mapped as having Class 1 – 3 soils.
- 45 In relation to the New Zealand Coastal Policy Statement the Section 42A Report concluded:<sup>8</sup>

The NZCPS is not particularly relevant to this application because the application site is not located within proximity of the coast. However, for the reasons stated in Section 15 of this report, the proposed managed fill and earthworks activities can be managed

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<sup>8</sup> Section 42A Report (Attachment 5), page 42.

in a manner that is consistent with the objectives and policies of the NZCPS that relate specifically to the protection of water quality from sedimentation (such as Policies 21 and 22).