

Notification report for an application for resource consent under the Resource Management Act 1991



Discretionary activity

1. Application description

Application numbers:	BUN60440759 (Council Reference) LUC60440790 (s9 land use consent) LUC60445125 (s9 land use consent – water bore) DIS60440791 (s15 discharge permit)
Applicant:	Scarbro Environmental Limited
Site address:	362 Jones Road, Drury
Legal description:	Part Allotment 10 Parish of Hunua & Allotment 264 Parish of Hunua
NZTM map reference (for water bore):	1780472.611, 5894243.583
Site area:	25.2977 hectares
Auckland Unitary Plan (Operative in part)	
Zoning and precinct:	Rural - Rural Production Zone
Overlays, controls, special features, designations, etc:	Natural Resources: Significant Ecological Areas Overlay - SEA_T_413, Terrestrial Natural Resources: High-Use Stream Management Areas Overlay [rp] Controls: Macroinvertebrate Community Index - Rural

2. Locality Plan



Figure 1. Source: Auckland Council GIS

3. The proposal, site and locality description

Proposal

Hodgson Planning Consultants Ltd have provided a description of the proposal and subject site on pages 11-29 of the Assessment of Environmental Effects (AEE) titled: Resource Consent Application, Scarbro Environmental Limited Managed Fill, dated 22 November 2024.

Having undertaken a site visit on 19 December 2024, I concur with that description of the proposal and the site and summarise as follows:

Subject Site

- The subject site is a 25.2977 hectare site with frontage to Hunua Road and Jones Road, located approximately 7km from the rural urban boundary with Papakura.
- The topography is complex, with an east-west spur running towards the centre which house the existing access and dwelling/accessory buildings. A further south-running spur then extends from this central spur down towards Hunua Road, with an incised gully and west and to the west and a permanent stream and wetland to the south (within the site). Land to the north also contains a permanent stream, but with a much larger area of gently sloping land from east down to the west. A Significant Ecological Area to the north briefly enters the site at the norther boundary, with an exotic/weed dominated wetland in the north-eastern corner of the site.
- The site has Class 4 soils, and is predominantly in pasture grasses and is lightly grazed with cattle.
- The site is zoned Rural Production, with most surrounding land either zoned Rural Production or Mixed Rural. A large area of Special Purpose Quarry zone located between the site and urban Papakura

Proposal

- 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 site respectively, with corresponding estimated fill volumes of 720,000m³ and 70,000m³, giving a total fill volume of 790,000m³.
- 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 (720,000m³) will be undertaken over 5 separate stages. The southern area (70,000m³) will be a single stage. This is indicated in Figure 2 on the following page.

(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.
- 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 are proposed, primarily consisting of sediment ponds which will be shifted throughout the course of works as the staging requires.

4. Background

Specialist Input

The proposal has been reviewed and assessed by the following specialists:

- Sarah Pinkerton, Consultant Contaminated Land Specialist
- Shanelle Beer Robinson, Senior Earthworks Specialist
- Antoinette Bootsma, Senior Streamworks Specialist
- Simon Cocker, Consultant Landscape Architect
- Duffy Visser, Noise Specialist
- Matt Ford, Senior Development Planner (Auckland Transport)
- Phoebe Andrews, Consultant Ecologist
- Dali Suljic, Stormwater Specialist (Healthy Waters)
- Zihao Lin, Senior Development Engineer
- Nicola Jones, Water Specialist

Mana Whenua

Prior to making the application, the applicant met with representatives from Ngaati Tamaoho. A follow up email was provided by Lucie Rutherford of Ngaati Tamaoho, stating that they were not opposed to the application provided the following are provided for:

- That all waterways and wetland areas on both sides of the existing access are fenced for stock exclusion (this can be 3 wire hotwire if cattle are to be grazed) and riparian planted with appropriate native plants.
- That rock riprap is placed down the paddock for the road runoff to pass over prior to entering the waterway/wetland.
- That super silt fencing is provided to prevent any silt from entering any of the waterways onsite.
- If any flocculation is to be used, that it is to be organic.

The applicant has reportedly made verbal assurances at the on site meeting that these recommendations will be met. The proposal clearly lays out fencing and planting, stormwater controls, and silt fencing (along with other erosion and sediment controls).

No other mana whenua groups have requested engagement on the proposal.

Local Board

The Franklin Local Board (Wairoa Sub-division) was invited to comment on the application. Comments were received on 8th May 2025, outlining the following:

The Franklin Local Board notes that the area is zoned Rural Production Zone, has Significant Ecological Area Overlay, has a wetland and High-Use Stream Management Area Overlay, and is within the catchment area of Slippery Creek and the Manukau Harbour.

We also note a new entrance onto Hunua Road is proposed which is a rural road not originally built for heavy trucks and recommend Auckland Transport planners consider the additional maintenance needs and safety on the use of this road.

We ask that Council's planners carefully consider the impact to the environment, road network and impact to local people.

We recommend this consent should be Notified.

As stated previously, Auckland Transport have also provided specialist input on the application. While the recommendation is that the application should be notified, an assessment is undertaken in this regard as required by the Resource Management Act.

5. Reasons for the application

Resource consents are required for the following reasons:

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 110,000m², being an area greater than 2,500m² in a rural zone, is a **restricted discretionary activity** under rule E12.4.1(A6).
- To undertake 790,000m³ of land disturbance, being a volume greater than 2,500m³ 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 flowpath 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 2,500m², 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.

Land use consent (s9) – LUC60445125

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

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) - DIS60422421

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 zing) will exceed the permitted activity levels specified in Chapter E30.

6. Status of the resource consents

Where a proposal:

- consists of more than one activity specified in the plan(s); and
- involves more than one type of resource consent or requires more than one resource consent; and
- the effects of the activities overlap;

the activities may be considered together.

Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

In the instance, the effects of the proposed resource consents will overlap and thus they are considered together as a **discretionary activity** overall.

7. Public notification assessment (sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a))
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)), and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not exclusively involve one or more of the activities specified in s95A(5)(b).

Step 3: if not precluded by step 2, public notification required in certain circumstances

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

Adverse effects assessment (sections 95A(8)(b) and 95D)

Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The council is to disregard any effects on the persons who own or occupy the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)). The land adjacent to the subject site is listed in the following table:

Table 1

Ref #	Address
1	1821 Hunua Road
2	1500 Hunua Road
3	306 Jones Road
4	332 Jones Road
5	345 Jones Road
6	353 Jones Road
7	363 Jones Road
8	380 Jones Road
9	27 Gillespie Road
10	1852 Hunua Road
11	26 Gillespie Road

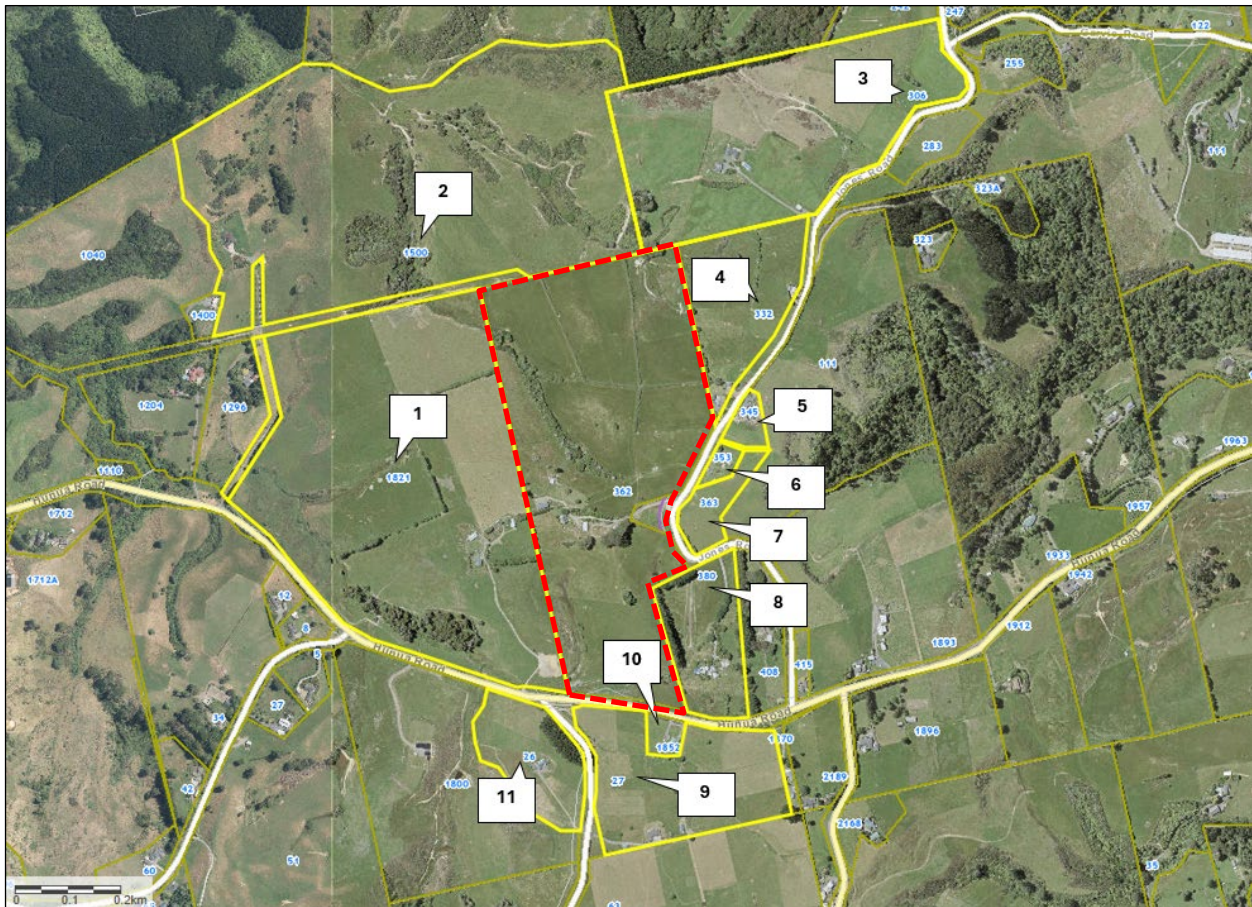


Figure 3. Location of adjoining properties. *Source: Auckland Council GIS*

Any effect on a person who has given written approval to the application

No written approvals have been provided.

Effects that may be disregarded

Permitted baseline

The permitted baseline refers to the effects of permitted activities on the subject site. The permitted baseline may be taken into account and the council has the discretion to disregard those effects where an activity is not fanciful. In this case the proposal involves the following specific permitted activities:

- The taking and use of up to 5m³ of groundwater per day (when averaged over any consecutive 20-day period), in this case for a proposed wheel wash, is expressly permitted under rule E7.4.1 (A14) of the AUP(OP) and does not trigger consent under s14(3) of the RMA.
 - To alleviate potential concerns of the water take being higher than the permitted volumes, the applicant has volunteered conditions requiring a water meter being attached to the associated water bore, and provision of an annual confirmation that the water take is within the permitted limits.
- The construction, operation, use, maintenance and repair of road network activities, in this case, upgrades to Hunua Road, is permitted under rule E26.2.3.2(A67).
- The demolition of an existing culvert, construction of a new bridge, and associated enhancement planting are all permitted activities under Chapter E3 of the AUP(OP). However, consent is still required under the NES:Freshwater for associated land disturbance and vegetation removal.

Assessment

Receiving environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed.

In this case, the receiving environment is predominantly rural in nature. Surrounding land uses are dominated by pastoral farming, interspersed by rural living and pockets of regenerating vegetation, mainly situated within steep gullies containing water courses and wetland areas.

The Hunua Quarry is located approximately 2km to the west of the subject site along Hunua Road, which seems a large volume of heavy vehicles travelling along Hunua Road to the west.

Adverse effects

Landscape and Visual Effects

The landscape and visual effects of the proposal have been assessed by Council's consultant Landscape Architect Simon Cocker, which was informed by the applicant's landscape assessment by Rob Pryor of LA4 Landscape Architects.

Mr Cocker has concluded the following:

- The rural landscape does not display a high level of landscape values, noting that it is a modified working environment by virtue of activities such as quarrying, farming, water storage infrastructure, cropping, and rural residential lifestyle development.
- The proposal is of a scale that has the potential to be integrated into this receiving environment.
- The proposal will not constitute a significant change to the existing landscape character or quality that, on completion, the proposed landform will be largely consistent with the established rural production characters including land use patterning and landscape character.
- Any potential adverse landscape effects will be localised, and the proposal will not adversely affect any key landscape features nor alter the distinctive patterns found within the surrounding landscape.
- Given the physical change in the landform that will result, the level of landscape effect will be low to moderate.

I agree with the findings of Mr. Cocker with regard to the potential landscape and visual effects on the environment, and overall conclude that the adverse effects will be no more than minor.

Rural Character and Amenity Effects

Beyond the landscape and visual effects, there is the potential for adverse rural character and amenity effects to arise from any proposal in the rural production environment. This can include a sense of quietness, peacefulness, natural beauty of the area, sense of spaciousness and views over landscapes, and the mix of rural-residential and rural production activities.

However it is important to note that these attributes are not unique to this location, and none have been identified as important at a regional scale (i.e. through outstanding natural landscape overlays, precincts, or other more special zoning). A wide range of permitted activities in the zone can give rise to adverse rural character and amenity effects in terms of noise, dust, odour, and even large structures or tall vegetation. This could later the existing landscape and affect the current rural character and amenity of the area.

I consider that in addition to the summary of landscape and visual effects above, other rural character and amenity effects can be broken down into their individual components (noise, transport, dust, etc.) in the following subsections of this report. There are no specific additional rural character or amenity effects that warrant further consideration.

Transport Effects

Transportation effects in relation to the roading network have been assessed by Auckland Transport's Senior Development Planner, Mr. Matt Ford. This assessment has considered effects

of trip generation, sightlines from the site access and along Hunua Road in general, the site access/vehicle crossing design, and physical effects (damage and wear) of the public road.

Mr. Ford has concluded the following:

- The proposal involves an average of 52 truck movements (26 in and out) per day, which is only an additional 2.71% increase to the average traffic volume on the transportation network (Hunua Road). The Heavy Commercial Vehicles (HCV) from the proposal constitute less than 10% of the generated trips on the network, which is below the threshold triggering a Pavement Impact Assessment and is unlikely to have significant adverse effects on the pavement condition of Hunua Road.
 - Note: It is acknowledged that a managed fill operation can fluctuate a lot as it is dependent on construction activity, and as such both an average trip generation during the peak season as well as a total maximum number of movements per day (as described in Section 3 of this report) have been considered by Mr. Ford in his assessment. However, average movements are most useful for determining the impact on the physical condition of Hunua Road.
- A wider assessment of Hunua Road including truck tracking plans, crash data and sightlines assessments has been undertaken by the applicant. Auckland Transport identified concerns regarding potential adverse safety effects due to the narrow road and tracking envelopes where two truck and trailers drive past each other at specific points along Hunua Road. Physical road widening is not feasible, and the applicant has proposed to improve sightlines at these bends through a combination of vegetation trimming (prior to and at 6 monthly intervals), monitoring reports, and informative signage.
- Furthermore, the applicant has confirmed that all of their trucks are GPS monitored and have constant communications with each other, and they can therefore coordinate their trips to reduce potential conflicts on Hunua Road. This form of active management would form part of a Traffic Management Plan that the applicant will implement.
- Based on the above mitigation measures, Mr. Ford concludes that the potential adverse safety effects are acceptable.
- The site access / vehicle crossing currently has a shortfall in required sight distance, but with vegetation trimming proposed by the applicant, this shortfall will reduce to only 1m (206m sight distance provided, where 207m is required). Mr. Ford concludes that there will be no adverse effects associated with a 1m shortfall.
- An over-wide vehicle crossing is proposed so that trucks can adequately turn into and out of the site in a safe manner. Localised road widening near the site access is also proposed to accommodate a passing opportunity for other vehicles if/when a truck is waiting to turn right into the site. This is satisfactory to Auckland Transport subject to the standard engineering approval process where final design details will be confirmed.

As noted in Section 4 of this report, the Franklin Local Board have commented that the rural road was not originally built for heavy trucks and they recommended that Auckland Transport planners consider the additional maintenance needs and safety on the use of this road. Mr. Ford has considered all of these matters clearly in their memo dated 11/04/2025, as generally described above.

Furthermore, the applicant has confirmed that the site will not be used for overnight storage of trucks & trailers that are associated with transporting fill to the site. The location of the entrance gate is such that it allows for one truck to stop fully off the public road while waiting for it to open, and the applicant has confirmed that there will be no instances of trucks queuing on Hunua Road (as they own all trucks, they are able to coordinate the visits).

Overall, I adopt the findings of Mr. Ford, and I consider potential adverse effects on the surrounding road network will be mitigated to a level that is no more than minor.

The transportation related effects in relation to the internal access road (haul road) have been reviewed by Council's Senior Traffic Engineer Ripul Sachdeva. Mr. Sachdeva has commented that the internal haul road can be acceptable subject to its design allowing for truck passing and appropriate tracking at bends – aspects of which can be confirmed through final plans by way of condition (as volunteered by the applicant). These potential adverse effects will be less than minor.

Ecological Effects

Council's senior streamworks specialist Ms. Antoinette Bootsma has assessed the application with regard to actual and potential effects on freshwater ecology, resulting from the new haul road which involves the removal of an existing culvert, a new bridge in its place, and associated stream bed disturbance plus reinstatement of stream and wetland habitat. As already stated, some of these aspects are permitted activities, however there are still actual or potential adverse effects to assess with regard to some associated vegetation clearance and earthworks in order to achieve the otherwise permitted works.

Ms. Bootsma has undertaken a peer review of the applicant's material (Ecological Report prepared by Boffa Miskell) as part of this assessment. This report confirms that no earthworks from any part of the proposal will be undertaken within delineated natural inland wetlands, and also concludes that the removal of the culvert and successful re-establishment of wetland vegetation will ensure a positive outcome. Furthermore, the amount of water in the catchment of each wetland and stream will be maintained. Overall, the effects on ecological values are likely to be low. Ms. Bootsma agrees with this assessment.

Council's consultant terrestrial ecologist Ms. Phoebe Andrews has reviewed aspects of the proposal relating to revegetation planting plans, and has confirmed that the proposal meets the planting and monitoring plan requirements and is overall acceptable.

The proposal clearly avoids earthworks being undertaken near any stream or wetland environments, except to the extent that is required to replace a current under-sized culvert with a new bridge structure. The proposal also includes riparian revegetation and stock-proof fencing being undertaken after the managed fill works are completed. Overall I adopt the findings of Ms. Bootsma and Ms. Andrews and conclude that actual and potential ecological effects will be less than minor.

Erosion and Sediment Control

A draft Erosion and Sediment Control Plan (ESCP) has been prepared by Fraser Thomas Limited on behalf of the applicant. Council's senior specialist Ms. Shanelle Beer Robinson has reviewed the draft ESCP, which is split between the northern and southern fill areas (as separate catchments), plus other sub-catchments within them. The ESCP also covers the culvert removal and bridge replacement works.

The ESCP outlines a maximum open area of no more than 2ha at any one time to limit potential exposed surface area. Ms. Robinson has confirmed that the draft ESCP is in general accordance with Auckland Council Guidance Document 5 "*Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*" (GD05), including a range of measures including three sediment retention ponds, silt and super silt fencing, clean and dirty water diversions, progressive stabilisation, a wheel wash, and the aforementioned maximum open area limit.

Stabilised site entranceways and chemical treatment as per GD05 have not been shown on the ESCP, but the applicant has confirmed that they agree to a consent condition requiring this as part of a finalised ESCP condition (to provide a final document for certification prior to works commencing). This therefore forms part of the proposal.

Ms. Beer Robinson has concluded that the potential adverse effects on the environment regarding sediment discharge will be appropriately managed and mitigated, provided the earthworks are undertaken in accordance with the application documents and conditions. I adopt the findings of Ms. Beer Robinson, and I consider potential adverse effects on the environment will be mitigated to a level that is no more than minor.

Geotechnical Effects

The applicant has provided a Geotechnical Investigation Report prepared by Fraser Thomas Limited, dated 14 October 2024. Council's Senior Development Engineer Mr. Zihao Lin has reviewed the proposal, along with Council's Team Leader John Newsome who has also peer reviewed this.

The report concludes that the proposed managed fill is suitable for the site, subject to satisfactory conditions and provided that the works are carried out as would be done under normal circumstances and in accordance with the requirements of the relevant New Zealand Standard Codes of Practice. The report also states that the proposed southern filling area be subject to further geotechnical appraisal prior to works taking place, and the applicant has volunteered a condition of consent in this regard, to the effect that a specific geotechnical report with recommendations on slope stability, settlement considerations and foundation bearing pressures will need to be provided to Council for certification prior to any filling operations in the south. This is appropriate as the proposed southern area comprises only a small proportion of the overall managed fill volume and it is the later and final stages of the fill operation only. In the event of unsatisfactory or overly difficult conditions, the fill operation could simply cease without any of the southern fill taking place. This would result in no risk to the environment.

Mr. Lin and Mr. Newsome have concluded that the geotechnical aspects of the application are suitable, subject to normal conditions (i.e. requiring engineering supervision and certifications). Given the planned duration is for a period of 10 years, Mr. Newsome has recommended that interim geotechnical completion reports be provided every 2 years so that we can be confident that the works are progressing safely as planned. The applicant has agreed and has volunteered a condition of consent that would require interim geotechnical completion reports to be provided annually (to go along with other standard annual reporting requirements). This condition forms part of the proposal.

I rely on and adopt the assessment provided by Mr. Lin and Mr. Newsom, and on this basis (plus with the volunteered conditions in mind) I consider that potential adverse geotechnical effects will be less than minor.

Discharge Effects

Council's consultant specialist Ms. Sarah Pinkerton has assessed the application with regard to the potential adverse effects from discharges from the managed fill operation, and associated soil disturbance. Ms. Pinkerton has concluded as follows:

- To mitigate against the potential effects of the discharge from the importation of Managed Fill, a number of procedures have been developed including dust, stormwater, and sediment control procedures, and sampling of Managed Fill prior to its placement on the site.
- There are specific rejection procedures in the Fill Management Plan (FMP) prepared by Fraser Thomas Limited, to ensure that this material is not accepted on site.
- The use of sediment retention ponds and treatment prior to discharge from the ponds will mitigate potential adverse effects on the environment arising from any increased contaminant concentrations.
- It is considered that any effects of the proposed activity on the environment will be appropriately managed and mitigated, based on implementing the proposed measures to avoid, remedy or mitigate effects in accordance with the application documents.

I rely on and adopt the assessment provided by Ms. Pinkerton, and on this basis I consider that the potential adverse effects associated with the proposed discharge of contaminants from the managed fill will be no more than minor.

Noise and Vibration Effects

Provided the activity is carried out as described, including the construction of acoustic screening along portions of the western site boundary, the noise and vibration effects of the proposal have been assessed by the applicants' and Council noise specialists as compliant with the relevant permitted activity standards set out under Chapter E25 of the AUP(OP). To ensure compliance, the applicant has proffered conditions of consent that:

- Restrict the hours of operation to 7am-6pm during weekdays, 7am to 1pm on Saturdays, no works on Sundays or public holidays.
- Limit truck movements 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 hours (Saturday).
- Prohibit the use of tonal reverse alarms on any plant or machinery on site.
- Require the construction and maintenance of the proposed acoustic screening (an earth bund 160m long and 3m high, planted with native species) for the duration of the managed fill operation.
- 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.

On this basis, the noise and vibration effects associated with the proposed managed fill are anticipated to be within the limits of what the AUP(OP) considers reasonable in the context of the receiving environment and relevant statutory framework.

However, there is no true permitted baseline, as the scale of work and length of time that noise and vibration generating works will take place for a managed fill are larger/longer than what would be expected from normal construction activities, forestry or other farm uses of the site. With this in mind, the mitigation measures will still reduce these effects to a degree that is less than minor.

Dust and Odour Effects

Dust controls have been proposed, with respective conditions offered, as follows:

- Minimising the extent of the exposed area at any one time.
- Limiting traffic to established haul roads and minimising travel distances by optimising site layout.
- Controlling vehicle speeds.
- Maintaining road surfaces.
- Minimising tracking of dirt on vehicle wheels onto paved surfaces.
- Minimising drop heights when loading and unloading vehicles.,
- Limiting stockpile heights.
- Providing shelter from the wind for stockpiles, where practical.
- Consolidating and sealing off loose surface material.
- Progressive mulching and grass establishment, as works are completed in different areas.
- Use of a water cart to dampen exposed areas, if necessary, using water sourced from the sediment ponds, or from a dedicated storage tank supplied by the existing on-site bore and/or rainwater harvesting, if insufficient water is available from the ponds.

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*). I consider the potential dust related effects to be less than minor.

No odorous fill material will be accepted on site, and burning will be prohibited on site. Therefore there are no odour related adverse effects that are expected to arise.

Effects on Rural Production

The subject site soils are LUC 4 – so are not considered to be elite or prime soils, and are not Highly Productive Land under the NPS:HPL.

The proposal will not affect or inhibit the use of surrounding land for productive purposes, and following completion of the managed fill activity the site will be re-grassed with stock-proof fences erected around natural features on site. This will enable the site to be returned to productive use in future – likely grazing, similar to the current site use.

Adverse effects of the proposal on the surrounding rural production activities are considered to be less than minor.

Flood Hazard Effects

Council's Healthy Waters Department (HW) have reviewed the proposal with regard to potential flood risk effects. In his memo, Mr. Dali Suljic of HW has concluded that the overall changes in the natural catchment areas are limited to the subject site, and do not extend to downstream sites. The potential changes in stream hydrology and flooding to the downstream receiving environment is likely to be negligible in this context.

The removal of the culvert will also not increase the risk of flooding to downstream properties as it is expected that no attenuation is currently provided behind the culvert embankment due to its undersized nature, with the peak flows already flowing across unattenuated. The bridge proposal will therefore not impact this current state.

While there were initially some concerns with changes to hydrology from increased imperviousness within the site, the applicant has proposed to increase the topsoil reinstatement layer to 0.2m, which Mr. Suljic considers appropriate.

I rely on and adopt the assessment provided by HW and conclude that the proposal will not exacerbate flood risk beyond the subject site.

Adverse effects conclusions

Overall, adverse effects on the environment will be no more than minor.

Step 4: public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for activities other than those specified in s95A(5)(b).

- Under step 3, public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

It is therefore recommended that this application be processed without public notification.

8. Limited notification assessment (sections 95B, 95E-95G)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activities (s95B(2)).

In addition, the council must determine whether the proposed activities are on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

In this instance, the proposal will occur adjacent to land that is subject to a statutory acknowledgement (Otūwairoa Stream and its tributaries – Ngaati Tamaoho), however the proposal will not result in adversely affected persons in this regard because the proposal includes best-practice erosion and sediment control measures to appropriately avoid/mitigate the effects of sediment on receiving water bodies, it will not result in any notable changes to hydrology, no sensitive native vegetation is being removed, and there are additional positive impacts including replacement of a culvert with an open bridge structure and new native riparian planting.

Furthermore, the applicant has engaged directly with Ngaati Tamaoho (see Section 4 of this report) who have expressed that they have no objection to the proposal.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and
- the application is not exclusively for a controlled activity, other than a subdivision, that requires consent under a district plan (s95B(6)(b)).

Step 3: if not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- the adverse effects on those persons who have provided their written approval must be disregarded.

Adversely affected persons assessment (sections 95B(8) and 95E)

No persons are considered to be adversely affected by the proposal because:

With regard to the assessment of effects in Section 7 of this report:

- The potential adverse effects associated with the permitted activities are disregarded.
- The potential adverse effects of noise and vibration have been demonstrated to comply with the AUP(OP) permitted activity criteria subject to the conditions volunteered by the applicant. Of note, this includes the bund near the eastern boundary which must be constructed prior to any bulk earthworks taking place. Adverse effects in this regard on all persons in the vicinity of the site and works will be less than minor.
- Matters relating to dust and odour are mitigated to a degree that is less than minor.
- Discharges from the fill, plus potential sediment from earthworks will not adversely affect persons.
- There will be no exacerbation of flood hazards on upstream or downstream sites.
- Traffic matters have been assessed as being safe (subject to the mitigation measures), with the roading network able to accommodate the increased numbers of truck movements.
- There are no ecological effects to consider that could result in adversely affected persons.
- Geotechnical matters associated with the fill will have less than minor adverse effects.

Rural Character and Amenity Effects

It is the actual or potential adverse effects on persons relating to rural character and amenity that warrant further consideration.

In addition to concluding that overall adverse landscape impacts would be low to moderate, Mr. Cocker has also undertaken an assessment of landscape & visual effects relating to specific properties around the subject site (primarily adjoining or opposite neighbouring properties). In his assessment, Mr. Cocker has concluded that the level of effect for persons at all of these properties except for #332 Jones Road (discussed further below) will in some cases be moderate to high initially (during some stages of the physical works), the changes to the final landform will diminish to low upon completion of the filling.

The subject site is in the rural production zone – being primarily a working rural area. There are no outstanding natural landscapes or similar overlays identified on the site, and there is no presumption that a site in a working rural area should at all times retain its original contour or grassed landscape. This is reflected in the wide range of permitted activities including horticulture, greenhouses, intensive farming and forestry – all of which can involve land modification, large scale soil disturbance, or vegetation that can substantially alter the landscape and views of or past it.

The adverse effects that can arise during the course of construction and earthworks also need to be viewed in the context of the site, surrounding environment, and activities that can take place. In this regard, significantly more emphasis should be placed on the potential adverse effects to landscape, character and amenity values upon completion (or abandonment) of the filling. In this regard I agree with the findings of Mr. Cocker, and conclude that adverse effects on all persons (except those at #332 Jones Road) will be less than minor.

Specific Effects on #332 Jones Road

Turning to persons at #332 Jones Road, Mr. Cocker has stated in his memo dated 29-04-2025 that elevated views to the west and south-west from a deck on the westerly façade of the northern dwelling on #332 will be obstructed to some degree by the proposed landform. In addition, the southerly dwelling immediately adjacent to the site boundary has views from the living area that will be compromised. Mr. Cocker has concluded that the anticipated change in the outlook for persons at both of these dwellings would result in a more than minor visual amenity effect.

In a technical memo dated 17-04-2025, the applicant's landscape architect Rob Pryor has addressed these comments (after review of Mr. Cocker's draft memo).

Turning to the more northerly dwelling, Mr. Pryor has stated "*[t]he second dwelling within the site is located approximately 200m away from the eastern boundary of the site, largely has views oriented away from the site with a large garage/workshop in front of the dwelling and vegetation surrounding the dwelling, further blocking some views. The views are extensive and panoramic and while some views may change to the west the open outlook will be retained.*" I agree with this assessment, and note that just because there is some change to the landscape, does not mean that the adverse effects in this regard will be minor or more.

For the closer dwelling, more emphasis is placed on the proposed noise bund which is to be planted, and it's potential to mitigate potential adverse effects on persons residing at this closer dwelling. The bund will be constructed approximately 7-10m away from the boundary, and will be 3m high and planted with massed indigenous planting. Mr. Cocker has stated that this will result in "*the long views and panoramic outlook will be replaced by an enclosed view of a narrow*

paddock, contained by native vegetation". He further notes that this will likely be perceived as a negative change, though acknowledges that it is a better outcome when compared to an alternative permitted activity planting of forestry or a shelterbelt along the boundary (which could be done regardless of this proposal).

I also agree with Mr. Pyror in this instance, who has concluded that the bund will be established prior to works, and the planting will be able to begin to establish before the majority of the managed fill operation is taking place close to this boundary. A small portion of Stage 2 adjoins this area, but most fill near this dwelling is during Stage 5 – many years after the establishment of the vegetated bund.

In my opinion, the vegetated bund will provide adequate visual screening of the subject site and the managed fill operation. There is no specific protection of views of or over neighbouring properties that is provided for under the AUP(OP) for this site, and there are also viable permitted activities that could be established that would result in greater effects, such as a simple rural shelterbelt (commonplace in the rural environment). A bund is also a common feature in the rural environment, often constructed to protect rural land uses from flooding, or to manage noise and dust for nearby neighbouring properties (particularly when cropping). A vegetated bund will be consistent with the rural character of the area.

Overall this proposal, subject to the mitigation measures proposed, will result in less than minor adverse effects with regard to landscape, rural character and amenity.

Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrants it being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for activities other than that specified in s95B(6)(b).

- Under step 3, limited notification is not required as it is considered that the activities will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons.

It is therefore recommended that this application be processed without limited notification.

9. Notification recommendation

Non-notification

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

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

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



Karl Anderson
Senior Planner
Resource Consents

Date: 19 May 2025

Approved for release

Sections 95A and 95B recommendation approved for release to the duty commissioner for determination.



Tommy Lai
Team Leader
Resource Consents

Date: 20 May 2025