

Decision on notification of an application for resource consent under the Resource Management Act 1991



Discretionary activity

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

Proposal:

To construct and operate a managed fill activity comprising two separate areas of 9ha and 2ha on the northern and southern areas of the site, with corresponding estimated fill volumes of 720,000m³ and 70,000m³ respectively, giving a total fill volume of 790,000m³, over a duration of up to 10 years.

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.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I undertook a site visit on Monday 27th May 2024. During my site visit I had particular regard to:

- the site context including the general location and staging of the proposed fill areas, the location of the proposed new main site access, the location of the existing dwelling and access intended to be repurposed and used as the site office;

- the proximity of all adjacent and nearby properties and their dwellings which I observed from within the public realm;
- the scale, nature and 10-year duration of the proposed cleanfill activity, and the proposed conversion of the existing dwelling and access onto Jones Road as the cleanfill site office;
- all technical specialist assessments and the cumulative effects of traffic, noise, landscape, dust on rural character and visual amenity;
- the Objectives and Policies of the Rural Production Zone, the characteristics of the zone in this particular location, including rural character and amenity, and the definitions of Rural Production and Rural Industrial activities.

I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on notification.

Public notification

Under section 95A of the RMA this application shall be **PUBLICLY NOTIFIED** because:

1. Public notification is neither mandatory nor precluded under steps 1 and 2.
2. However, under step 3, public notification is required as:
 - a. while the application is for activities that are not subject to a plan rule or regulation in an NES that specifically requires public notification;
 - b. the adverse effects on the environment will be more than minor. This is because:
 - Whilst the site is proposed to be returned to rural production farmland on completion of the proposed cleanfill activities, it is proposed to operate as a commercial cleanfill site for a duration of 10 years;
 - It is not possible to fully determine the effects of that cleanfill operation, including the cumulative effects of the activities over the 10-year project duration. The opportunity for public input will likely improve the certainty of an informed assessment and determination, as to whether the proposal will have or is likely to have adverse effects on the environment that are more than minor. This includes:
 - The cumulative effects of the change in landuse including the large-scale nature of the activity over its 10-year duration, the nature and volume of traffic on the road network, the noise and dust effects and the use of the existing residential dwelling and access as the cleanfill site office;
 - The visual and landscape change effects of the proposal over the full duration of the project including the short to medium term effects. This includes the visual effects assessment on some persons (who are part of the environment) noted as “moderately- high initially during fill operations”;
 - The effects on safety of traffic on Hunua Road, noting that ‘...*the proposal will increase the volume of traffic along the relevant portion of Hunua Road which has a history of loss of control crashes*’¹. This includes the

¹ Memorandum from Auckland Transport dated 11/04/2025.

effects of vegetation impairment, and the vegetation management required within the road corridor beyond the site boundaries between Winstone Aggregate Quarry access and Ardmore Quarry Road, the identified need for upgrades within the road corridor at the site entrance and the need for crash incident monitoring and reporting.

- The full environmental effects of the application on persons that could consider themselves adversely affected by the proposal will not be known unless tested via public notification.

3. Consideration of step 4 is not required given the finding of step 3.

Accordingly, this application shall proceed on a **PUBLICLY NOTIFIED** basis.



Kim Hardy

Duty Commissioner

28 May 2025