

DECEMBER 2023 | V1.0

Assessment of Environmental Effects Report

1799A Great South Road, Drury

Vernon Developments Limited

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Contents

| | | |
|-----------|--|-----------|
| 1. | INTRODUCTION AND BACKGROUND..... | 6 |
| 2. | SITE DESCRIPTION AND CONTEXT | 7 |
| 2.1 | LEGAL DESCRIPTION | 7 |
| 2.2 | SITE AND SURROUNDS DESCRIPTION..... | 7 |
| 3. | PROPOSAL | 9 |
| 3.1 | RURAL INDUSTRY ACTIVITY | 9 |
| 3.2 | EARTHWORKS..... | 11 |
| 4. | REASONS FOR CONSENT | 11 |
| 5. | CONSULTATION | 12 |
| 6. | RELEVANT STATUTORY PROVISIONS | 12 |
| 6.1 | SECTION 104 RMA | 12 |
| 6.2 | SECTION 104(1)(a) RMA | 12 |
| 6.3 | SECTION 104(1)(ab) RMA | 17 |
| 6.4 | SECTION 104(1)(b) RMA | 17 |
| 6.5 | SECTION 104(1)(c) | 40 |
| 6.6 | PART 2 RESOURCE MANAGEMENT ACT 1991 | 40 |
| 7. | CONCLUSION | 40 |

Appendices

Appendix 1: Abatement Notices

Appendix 2: Record of Title NA93B/140

Appendix 3: Proposed Development Plan, prepared by TSC Ltd, dated DEC 2023

Appendix 4: Landscape and Visual Assessment, prepared by Sally Peake, dated 06.12.2023

Appendix 5: Site aggregate analysis, prepared by Tilsley Engineering Ltd, dated 28 November 2023

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| Applicant: Vernon Developments Limited | |
| Property Address: | 1799A Great South Road, Drury |
| Legal Description: | Lot 6 Deposited Plan 156089 (Record of Title NA93B/140) |
| Property Area: | 8.673 hectares |
| Auckland Unitary Plan (Operative in Part) | <p>Zone: Rural – Mixed Rural Zone</p> <p>Overlays:</p> <p>Natural Resources: Significant Ecological Areas Overlay - SEA_T_4513, Terrestrial</p> <p>Natural Resources: High-Use Stream Management Areas Overlay</p> <p>Natural Resources: High-Use Aquifer Management Areas Overlay - Bombay Drury Kaawa Aquifer</p> <p>Natural Resources: High-Use Aquifer Management Areas Overlay - Bombay Volcanic</p> <p>Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay - Franklin Volcanic Aquifer</p> <p>Natural Heritage: Outstanding Natural Features Overlay - ID 177, Raventhorpe tuff ring</p> <p>Controls: Macroinvertebrate Community Index – Rural and Native</p> |
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Proposal:

Land use consent is sought to establish and operate a rural industry activity in the north-west corner of the site, partially within an identified Outstanding Natural Feature overlay area.

As the yard area for the activity is located on a metalled hardstand that was established without obtaining the required consents, retrospective land use consent is also sought for general earthworks of 1,090m³, over an area of 2,135m² associated with the formation of the hardstand area and the earth bund within the identified Outstanding Natural Feature overlay area (Raventhorpe tuff ring ID 177).

Resource consent is also required for total general earthworks of 1,290m³ over an area of 2,785m² within the Mixed Rural Zone (which includes the area and volume of earthworks undertaken within the ONF overlay as well as the proposed earthworks for the formation of the driveway).

Executive Summary:

The property subject to this application is located at 1799A Great South Road, Drury, within the Rural – Mixed Rural Zone of the Auckland Unitary Plan (Operative In Part) (AUP (OP)). Land use consent is sought to establish and operate a rural industry activity (Aarons Contracting Limited) in the north-west corner of the site, occupying an area of approximately 5,700m². Access to the activity will be from Great South Road via an existing vehicle crossing.

The activity will be located on an existing metalled hardstand area within the Raventhorpe tuff ring, an identified Outstanding Natural Feature (ONF) under the AUP (OP). However, the majority of the metalled area within the ONF overlay area was formed without consent (the exception being an area that historically provided access to and around the former milking shed). Therefore, a retrospective land use consent is sought for the formation of the metalled area which involved earthworks of 510m³, over an area of 1,700m² within an identified ONF overlay area. The excavated topsoil associated with the formation of the metalled area was used to form an earth bund (maximum height of 2.0m) along the northern boundary. That part of the bund within the yard area for the activity involved the placement of 580m³ of topsoil over an area of 435m².

The rural industry activity involves the stockpiling of green waste and logs sourced from rural properties, which are then processed (mulched and wood chipped) and stored on-site. Occasionally, the temporary storage of rescue trees will also occur within the activity area. The general public will not be able to access the activity area as Aarons Contracting Ltd only operate as a bulk sales company where deliveries of the processed product from the site are undertaken by staff, using company trucks. There are no buildings associated with the activity and no signage is proposed as part of this application.

The following consents are required:

Land Use consent (s9) required:**Auckland Unitary Plan (Operative In Part)**

- H19.4.1 (A21) – A rural industry activity within the Mixed Rural Zone requires consent as a restricted discretionary activity.

- E12.4.1 (A6) and (A9) – to undertake general earthworks (total) of 1,290m³ over an area of 2,785m². As the earthworks are greater than 1,000m³ up to 2,500m³ and greater than 2,500m² within the Mixed Rural Zone, restricted discretionary activity consent is required.
- E12.4.3 (A41) – to undertake general earthworks within the Outstanding Natural Feature Overlay area of 1,090m³. As the earthworks volume is greater than 50m³ within the ONF overlay area, restricted discretionary activity consent is required.

Overall, this assessment has determined that the adverse effects of this proposal will be less than minor for the following reasons:

- The small scale and low key nature of the activity (where the yard is not actively manned on a daily basis) ensures the existing rural character and amenity values are maintained.
- Operational measures, existing vegetative screening and separation distances to residential activities on adjoining sites assist in mitigating potential adverse environmental effects to a point where they will be less than minor.
- Existing buildings and metalled areas have historically limited the use of the site in this location for land base rural production activities, therefore the overall productive capacity of the land will be retained.
- The earthworks and earth bund within the ONF overlay have not resulted in any significant modifications to the geology of the ONF and the landscape and visual adverse effects of the earthworks have been assessed as being low/less than minor.
- The additional traffic generated by the activity will be negligible and easily able to be absorbed in the surrounding roading network without any adverse effects in terms of roading function and safety.

It is considered therefore that this proposal is an appropriate use of a rural site and the activity will generally be consistent with the relevant objectives and policies of the Auckland Unitary Plan (Operative in Part).

1. INTRODUCTION AND BACKGROUND

This application for resource consent is made pursuant to s88 of the Resource Management Act 1991 (RMA). The application is supported by an assessment of the environmental effects as required by s88, with assessment relying on technical assessments and recommendations. The information contained within this application addresses the requirements set out in Schedule 4 of the RMA.

In June 2023, the applicant was issued an Abatement Notice by Auckland Council for industrial and billboard activities occurring on the site and for earthworks that had been undertaken on the site. The industrial activities (a green waste recycling facility – Aarons Contracting and civil contractors yard – CB Civil and Drainage Limited), as well as earthworks greater than 2,500m² in the Mixed Rural Zone, require resource consent however, these activities had been established/undertaken on the site without any consents being granted.

In August 2023 a second Abatement Notice was issued by Auckland Council for unconsented works within the ONF overlay area (Raventhorpe tuff ring), in the north-west corner of the site. An area to the east of

the existing farm sheds had been converted to a metalled hardstand area and CB Civil and Drainage Limited had occupied this hardstand area.

Since receiving the Abatement Notices, CB Civil and Drainage Limited have vacated the site and all billboards have been removed. It is proposed as part of this resource consent application to relocate Aarons Contracting Limited from the north-eastern corner of the site to the north-western corner of the site.

This application will also address the earthworks that have been undertaken within the ONF overlay area associated with the formation of a metalled hardstand area and earth bund, as well as the associated general earthworks on the site, as it relates to proposed yard area for this rural industry activity. A copy of both of the Abatement Notices is provided in **Appendix 1**.

2. SITE DESCRIPTION AND CONTEXT

2.1 LEGAL DESCRIPTION

The property at 1779A Great South Road, Drury is legally described as Lot 6, DP 156089, contained within Record of Title NA93B/140, and is 8.6730 ha in size. The current owners of this property are R Vernon, C Vernon and CG Vernon KW Trustee Limited, who are collectively the applicant.

There are no consent notices or land covenants registered on the RT, and there are no other interests registered on the title, which would prevent this application from proceeding. A copy of the above Record of Title can be found in **Appendix 2**.

2.2 SITE AND SURROUNDS DESCRIPTION

The subject site is an irregular shaped property located on the eastern side of Great South Road, approximately 1.7km north of the settlement of Bombay. The eastern boundary of the property adjoins State Highway 1 (Auckland Motorway). The property sits within the Mixed Rural Zone under the AUP (OP) and contains two existing farm sheds (a former milking shed and a haybarn) and a transportable portacom building located in the north-western portion of the site. Building consent has recently been obtained for a new implement shed in the central portion of the site, near the northern boundary (reference BCO10370791, issued 04/08/2023). There is an existing metalled access through the centre of the property, leading to the north-eastern corner as well as a large metal hardstand area near the north-western portion of the site, otherwise the site is vacant and pastoral. The site does not contain any residential activities, although there is a dwelling on the site immediately to the south of the location of the rural industry activity (Lot 1, DP 156089 – RT NA93B/135), which is also owned by the applicant.

Access to the site is provided via an existing vehicle crossing located immediately to the south of 1799 Great South Road (Lot 1 DP 156089). This crossing gains direct access from Great South Road and has recently been constructed following the approval of vehicle crossing application VXG21640098 on the 12th October 2023. The topography of the site is generally level with the site sloping more moderately towards the eastern boundary.

The site sits within a rural environment, where surrounding land is used typically for farming and where there are a large number of rural-residential lots within the surrounding landscape. The Auckland Motorway runs along the eastern boundary of the site and is a major physical characteristic of this area.

Refer to *Figures 1 and 2* below for the site location and an aerial photograph of the site.

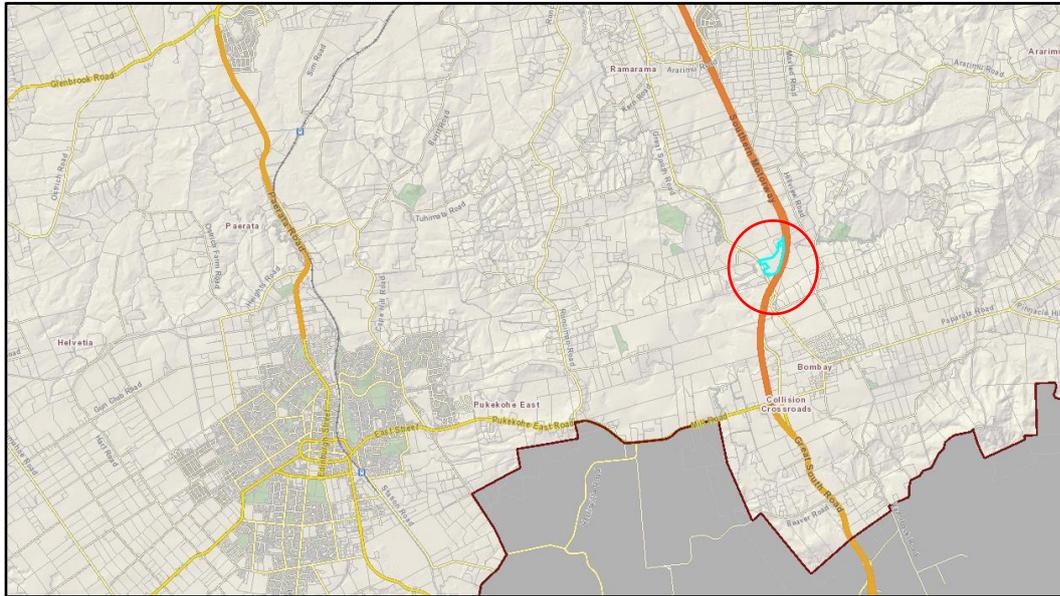


Figure 1: Site location (highlighted red) Source – Auckland Council GeoMaps, December 2023

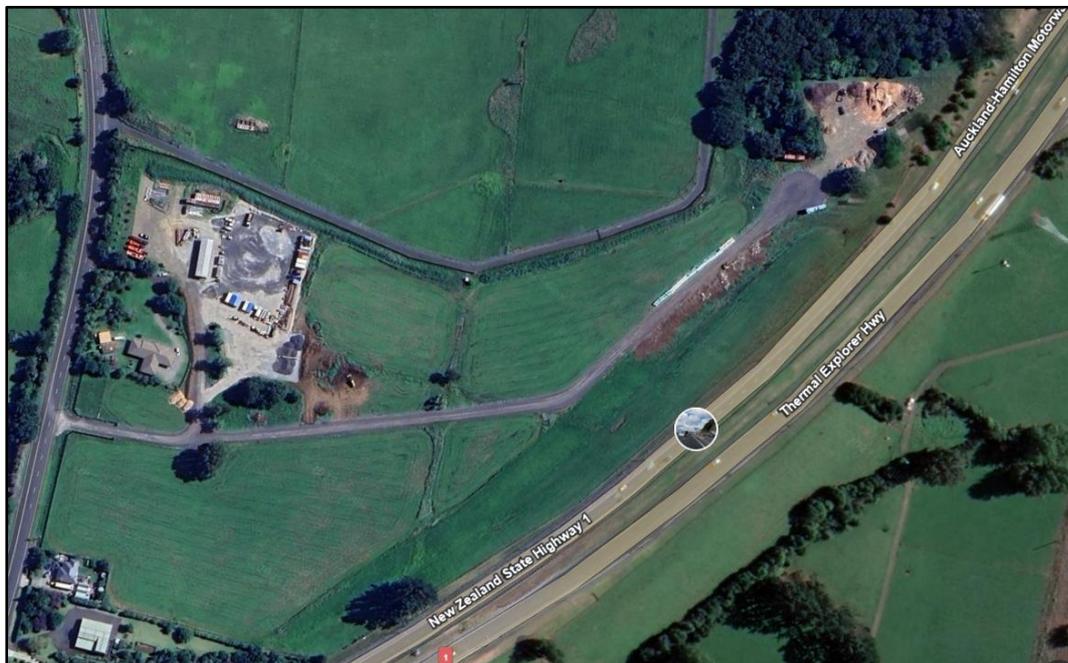


Figure 2: Aerial photograph of the site – 1799A Great South Road, Drury. Source – Google Earth, December 2023

3. PROPOSAL

3.1 RURAL INDUSTRY ACTIVITY

The applicant is seeking consent to establish and operate a rural industry activity (Aarons Contracting Limited) in the north-west corner of the site. Aarons Contracting Limited specialise in scrub mulching within the Auckland area. The establishment and operation of Aarons Contracting Limited on the site will allow the business to serve the rural Franklin area. The activity has a clear connection to rural production activities as the majority of the activity will involve mulching and wood chipping green waste created from vegetation removal associated with shelterbelt removal / fallen trees on farms and orchards (for example Punchbowl), or from assisting larger clients like Counties Energy or Franklin Trees with vegetation removal from rural properties.

The activity also involves a tree rescue service where trees are saved during land clearance works, and temporarily stored on-site until such time as they are on-sold to rural property owners and orchardists to replace lost trees in shelterbelts. There is a specialist tree spade transplanting machine which will be stored within the yard area that is used as part of the tree rescue service.

The activity will occupy a yard area of approximately 5,700m² and access to it will be from Great South Road (a collector road in this location) via an existing vehicle crossing.

As detailed within section 1.0 above, this rural industry activity is currently located in the north-eastern corner of the site and was established without any consents being granted. It is proposed as part of this application to relocate the activity to the north-western corner, near the existing farm buildings and tanker track on the site.

Description of activity

The activity will operate within the identified yard area, which will provide a storage area for green waste and logs as well as an area for processing and storing the mulched and wood chipped product. There is also a post and wire mesh fence running partway around the perimeter of the yard area. Occasionally the temporary storage of rescue trees will occur within the activity area. Vehicles and machinery associated with the business (staff vehicles, heavy trucks, a tree transplanting machine, woodchipper/grinder and excavator) will also be parked within the yard area. There are no new buildings proposed as part of this application. An old milking shed currently located near the northern boundary of the yard area will be removed, with the existing haybarn shed to be retained, though this building is not associated with the activity.

Green waste and logs are delivered to the site by staff and stockpiled on the ground, within the metalled hardstand area. When there is a suitable amount of stockpiled material, the green waste is mulched / wood chipped on-site. This processed product is then piled within small areas sectioned off with large concrete blocks. This processing is only undertaken once every 2 months and occurs over a 1-2 day period. The machine that mulches/wood chips the green waste is stored on the back of a trailer, so that it is able to be transported to each work site if green waste is required to be mulched. If not required, the trailer and the machine will be left at the yard area and used on those

few days when the processing will occur on-site. The machine has a long conveyor belt that carries the processed mulch to where it will be stockpiled. The typical layout of the activity is shown on the proposed development plan. An excavator is also used to load/unload materials and will be located on the site, within the hardstand area.

Bulk sales of the processed product are proposed, where the sale of the processed products from the yard area will only be undertaken / delivered by Aarons Contracting Limited employees and trucks. This means that the general public will not visit the site.

No truck wash, maintenance or servicing of vehicles will be undertaken on the site.

Traffic movements

On a daily basis, it is estimated that there would be six light vehicle movements as well as up to eight heavy vehicle movements. Vehicles will gain access to the activity via an existing vehicle crossing to the site, directly from Great South Road. This vehicle crossing does not require upgrading as it has only recently been constructed in accordance with Auckland Transport's Standard Engineering Detail VX0303.

Staff

There will be a total of 4 employees associated with the activity. The nature of the activity means that there will be no staff on-site full time so the yard area will not be actively manned during the day, with staff generally arriving to the site in the mornings to pick up company vehicles and returning in the evenings. Occasionally staff will visit the site throughout the day to deliver green waste, or pick up mulched product for delivery, on an 'as required' basis. If on the site during the day, staff would only typically stay for less than an hour to unload green waste or load processed product for delivery.

The exception to this is when the processing of green waste is undertaken, which occurs over 1-2 day periods once every two or so months, when the staff are likely to be on-site for the majority of the working day.

As there are no staff on-site full time on a daily basis, there are no staff facilities (office, bathroom, staffroom etc) associated with the activity, however a port-a-loo will be located within the yard area for staff use.

Hours of operation

The activity will operate within the hours of 6.00am to 5.00pm, Monday to Friday, and 7.00am to 2.00pm on Saturdays. The activity will not operate on Sundays or on public holidays.

There may be some circumstances where traffic movements associated with the activity need to occur outside of these hours, particularly if there are traffic delays on the motorway network and vehicles have to return to the site later than expected.

Signage and Lighting

The activity will not operate during the hours of darkness therefore no lighting is proposed. As there

will only be staff visiting the site, no signage is proposed as part of this application.

3.2 EARTHWORKS

The activity will be located on an existing metalled hardstand area located in the north-western portion of the site, as identified on the submitted Proposed Development Plan provided in **Appendix 3**. The majority of the metalled hardstand area is located within the Raventhorpe tuff ring (ID 177), an identified Outstanding Natural Feature (ONF) under the AUP (OP).

With the exception of a small, metalled area that has historically provided tanker access to and around the former milking shed, the metalled hardstand area within the ONF overlay was established without any consent being obtained for this restricted discretionary activity.

The formation of the metalled hardstand area within the ONF overlay area involved earthworks of 510m³ over an area of 1,700m² where topsoil was stripped to a depth of between 200-300mm depth from the area, excavating down to clay. The excavated topsoil material was then placed adjacent to the northern boundary to form an earth bund, which is approximately 2.0m in height. The portion of the earth bund within the proposed yard area was formed from approximately 580m³ of soil over an area of 435m². The additional earthwork volume used for the earth bund was derived from the formation of the metalled hardstand area located towards the east, which was formerly occupied by CB Civil and Drainage Limited. The earth bund has recently been planted with a variety of native Pittosporum trees, purchased from Rainbow Park nurseries in October 2023.

In total, earthworks of 1,090m³ were undertaken over an area of 2,135m² within the ONF overlay area, associated with the hardstand and bund.

In addition to the earthworks within the ONF overlay area, additional earthworks are necessary for the formation of a new metalled access to the yard area. These earthworks will be undertaken in accordance with GD05 and will involve a site scrape and placement of metal for the accessway.

Overall, total earthworks associated with the activity total 1,290m³ over an area of 2,785m² within the Mixed Rural Zone.

4. REASONS FOR CONSENT

An assessment of the proposal against the Auckland Unitary Plan (Operative in Part) has been undertaken which has identified that resource consent is required for the following:

- H19.4.1 (A21) – A rural industry activity within the Mixed Rural Zone requires consent as a restricted discretionary activity.
- E12.4.1 (A6) and (A9) – to undertake general earthworks (total) of 1,290m³ over an area of 2,785m². As the earthworks are greater than 1,000m³ and 2,500m² within the Mixed Rural Zone, restricted discretionary activity consent is required.
- E12.4.3 (A41) – to undertake general earthworks within the Outstanding Natural Feature

Overlay area of 1,090m³. As the earthworks volume is greater than 50m³ within the ONF overlay area, restricted discretionary activity consent is required.

Overall, the activity has a **restricted discretionary activity** status.

5. CONSULTATION

While it is not mandatory to undertake consultation for resource consent applications, it is recognised good practice to consult. The Fourth Schedule (Clause 6(1)(f)) of the RMA states that an Assessment of Environmental Effects should include a statement that identifies those persons affected by the proposal, details of any consultation undertaken, and any response to the views of those consulted.

Subject to the adherence to the plans and information submitted as part of this application, and the imposition of appropriate conditions of consent, no adverse effects on any persons are anticipated, therefore the applicant has not undertaken any consultation.

6. RELEVANT STATUTORY PROVISIONS

6.1 SECTION 104 RMA

When considering an application for a resource consent, Council, pursuant to Section 104 and subject to Part 2 of the Act, must have regard to:

- *s104(1)(a) Any actual or potential effect on the environment of allowing the activity; and*
- *s104(1)(ab) Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- *s104(1)(b) Any relevant provisions of a national policy statement, New Zealand coastal policy statement, regional policy statement, plan or proposed plan; and*
- *s104(1)(c) Any other matter Council considers relevant and reasonably necessary to determine the application.*

6.2 SECTION 104(1)(a) RMA

Section 104 requires an overall balancing exercise of a range of considerations, one of which is the actual and potential effects (of whatever scale), on the environment of allowing the activity (s104(1)(a)).

Taking into consideration the relevant assessment criteria, the following assessment is provided of the actual and potential effects on the environment of allowing the proposal.

Actual or Potential Effects on the Environment

6.2.1 Restricted discretionary activities

We note that the general earthworks and the rural industry activity have a restricted discretionary activity status. Therefore, the Council must, when determining the extent of any adverse effects relating to the proposed earthworks and rural industry activity, disregard any adverse effects that do not relate to matters for which the rule restricts discretion (s104C RMA).

6.2.2 Adverse Effects (excluding effects on persons who own or occupy adjacent land)

Rural character and amenity effects

The immediately surrounding landscape comprises a mix of pastoral rural uses and rural lifestyle properties. Within the wider landscape, further to the north there are horticultural activities, with the St Stephens School site located to the south-west of the subject site. The site itself sits between two main routes, Great South Road to the west and the Auckland Motorway to the east.

The activity will be located in the north-west corner of the site, adjacent to Great South Road. The topography of the site in this location is elevated above the road, which, when combined with existing vegetative screening on the roadside, significantly reduces views of the activity. The earth bund and planting along the northern boundary provide further screening of the activity from the north. Views of the activity from the south are extremely limited due to the topography and existing built development on the adjoining site (Lot 1 DP 156089 - 1799 Great South Road). Views of the activity from the east are limited due to the existing haybarn building and separation distances. In addition, the nearest dwelling to the activity (other than the dwelling to the south of the activity area which the applicant also owns) is located on the opposite side of Great South Road (1810 Great South Road), separated by an intervening road and well screened by established vegetation. Therefore, while there may be very limited views of the activity, the activity is unlikely to result in adverse visual amenity effects when viewed from surrounding public vantage points and surrounding sites.

The size and scale of the activity is such that the rural character of the surrounding landscape will be retained. This is supported by the low number of additional vehicle movements, low staff numbers, the fact that the majority of the activity is undertaken off-site, and taking into account no built development is proposed. Operational measures will be undertaken (such as hours of operation) to ensure odour, dust and noise are managed to ensure good amenity levels for any rural lifestyle properties nearby.

Overall, it is considered that any adverse rural character and amenity value effects will be less than minor.

Landscape and geological effects

A Landscape and Visual Assessment Report has been prepared by Sally Peake of Peake Design Ltd to assist in determining the effects of the metalled hardstand area and earth bund within the ONF overlay. A copy of this report is provided in **Appendix 4**. The purpose of the report was to evaluate the effects of the recent works on the landscape values, with reference to the ONF overlay area.

With regard to landscape effects, the report determined that the most noticeable visual element of the proposal is the earth bund and fence along the northern boundary, which visually separate the site from the remainder of the ONF. An analysis of different public views of the activity area was undertaken by Sally Peake which concluded that the activity does not result in significant adverse effects on the landscape values of the ONF. In particular, the activity area is located on the edge of the tuff ring, which does not appear to be well defined, having been historically altered with the construction of Great South Road and the driveway to the sites adjoining the northern boundary (1789A and 1789B Great South Road). While the earth bund is a visible element within the ONF, Sally Peake was of the opinion that the existing landform to the north of the driveway to the sites adjoining the northern boundary formed an effective physical and visual edge to the ONF and that the removal of the bund and yard area is not considered necessary based on landscape and visual effects.

Overall, as the works within the ONF are not readily discernable outside of the site (with the exception of the bund and fence), the effects on landscape values of the ONF are rated low. A recommendation outlined within Sally Peake's report is that the windbreak material on the fence be removed once the planting is established. The removal of this material will help reduce the visual impact of the bund and fence. The applicant is in agreement with this recommendation and is happy to have it as a condition of consent. Please refer to the Landscape and Visual Assessment Report for detail.

The effects of the earthworks on the geology of the ONF overlay area have also been considered. Tilsley Engineering Ltd were engaged to assist in identifying the extent of the historic metalled area. A copy of the Tilsley report is provided as **Appendix 5**. The conclusions reached by Tilsley Engineering Ltd, based on an analysis of a number of test pits across the north-western portion of the site is that approximately half of the yard area to be used by Aaron's Contracting Ltd contains historic aggregate which has had additional, newer metal placed on top. It is our understanding that the formation of the additional metalled yard area in the north-western portion of the site involved excavating the topsoil, to a depth of approximately 200-300mm until clay was exposed, and placing the topsoil material in the earth bund adjacent to the northern boundary. We note that the Auckland Unitary Plan enables small scale land disturbance as it recognises that *"Type A features are landforms that are sufficiently large and robust to withstand small-scale land disturbance or constructions without significant impact."*

Having regard to the depth of the excavation and the location of the earthworks at the very edge of the tuff ring, geological effects within the ONF overlay area are considered to be less than minor.

Earthwork effects

Retrospective consent is required for the earthworks undertaken to form the yard area and earth bund. We have been advised that the earthworks were undertaken on the site by an experienced earthworks contractor, during a period of fine weather. The earthworks were not extensive and effectively involved a site scrape where topsoil was removed and placed in an earth bund adjacent to the northern boundary. All exposed areas were stabilised with metal, and, in the case of the earth bund, native pittosporum trees were planted to assist with stabilisation.

The remaining earthworks required to form the access to the yard area will be undertaken in accordance with Auckland Council's "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region – Guideline Document 2016/005 (GD05) by an experienced contractor. All work will be undertaken in accordance with the construction noise standards set out

in Chapter E25 of the AUP(OP) and on this basis aural amenity effects on neighbouring sites will be unlikely.

Adverse dust effects beyond the boundary of the site are not expected, in the event that dust should pose an issue, earthworks will cease, or dust control measures employed such as having a water tanker/sprinkler on site. As earthworks will be undertaken during daylight hours, there will be no lighting effects associated with the earthworks. Odour effects associated with the earthworks are also not anticipated.

Traffic effects

Traffic movements associated with the activity are anticipated to be relatively low, with the proposal to increase the number of traffic movements per day by approximately six light vehicles and up to eight heavy vehicles. There is sufficient space on the site to allow for easy on-site manoeuvring for all vehicles associated with the activity.

Great South Road is a sealed road with a southbound passing lane running along the majority of the road frontage of the site. Access to the activity will be gained via an existing vehicle crossing located just to the south of 1799 Great South Road (Lot 1, DP 156089 - RT NA93B/135). This vehicle crossing gains direct access from Great South Road and has recently been constructed following the approval of vehicle crossing application VXG21640098 on the 12th October 2023. As this vehicle crossing has been designed in accordance with Auckland Transport's TDM Technical Standard drawing VX0303 for rural vehicle crossings with a speed zone of > 60km/hr, no upgrades or changes are required to the vehicle crossing.

Clear sightlines exist in either direction along Great South Road at the vehicle crossing to the site. The vehicle crossing, combined with the relatively low increase in vehicle movements for the site, mean that the activity is not anticipated to compromise the form, function or safety of Great South Road in this location.

Overall, traffic effects are considered to be less than minor.

Noise, Odour and Dust effects

The main sources of noise in relation to the activity will be noise associated with vehicle movements and noise associated with the operation of a machine to grind / wood chip green waste material. It is considered that the number of daily vehicle movements will not give rise to an unusually heightened number of vehicles along Great South Road. The site and surrounding sites are located near the Auckland Motorway and Great South Road, an environment dominated by noise from existing road traffic. Any noise generated by the additional vehicle movements is expected to be readily absorbed into the receiving environment.

The activity will not be actively manned on a daily basis and the noise associated with the operation of the machine that processes green waste material only occurs over short term periods (1-2 days), every couple of months and the excavator used for loading and unloading of materials. Noise associated with the operation of these machines is largely mitigated by the earth bund along the

northern boundary, existing vegetation and intervening roads. It is also relevant that the type of noise generated by the activity is comparable to noise typically generated in the rural zone where heavy vehicles and farm machinery are used. The rural zone provides for a higher level of noise, and in relation to this activity, a reasonably low level of noise is anticipated that would be acceptable within the rural zone. All work will occur within daytime hours and no activities will be undertaken during night time hours.

Operational measures are able to be undertaken (such as no processing on windy days) to ensure dust does not become a nuisance beyond the site boundaries.

Having regard to the above, it is considered that overall noise effects will be less than minor.

Natural hazard effects

The activity is located in a portion of the site that is elevated above surrounding sites, therefore no adverse flooding effects are anticipated. Stormwater will continue to sheet flow following the contour of the land, and due to the relatively level topography in this location, there will be no adverse geotechnical effects. It is noted that no new buildings are proposed as part of this proposal. Overall, any adverse natural hazard effects will be less than minor.

Reverse Sensitivity Effects

The activity is not considered to be sensitive to effects generated by rural production activities. Surrounding land uses contain a mix of rural-residential and rural activities, however due to separation distances, intervening roads, existing vegetation and the earth bund as well as operational measures, it is considered that the activity will not result in any reverse sensitivity effects on existing activities. It is noted that the closest dwelling is located approximately 98m away, on the other side of Great South Road. Overall, any adverse reverse sensitivity effects will be negligible.

6.2.3 Positive effects

It is noted that there are positive effects through the ability of the landowner to provide for their social, economic and cultural wellbeing and ensuring that the subject property is capable of reasonable use and occupation by them. The activity also provides a service to the surrounding rural communities and positively supports rural productive activities through saving and re-using trees and through the production of mulch and wood chip. The activity also provides employment opportunities for local people.

6.2.4 Adverse Effects (including effects on persons who own or occupy adjacent land)

There are no persons considered to be adversely affected by the activity because any potential adverse effects on any person (including the landowners/occupiers of adjacent properties) will be less than minor given the extent and location of the works as well as the location of existing dwellings on adjacent properties; surrounding land use and landscape features (including intervening roads and vegetation); and separation distances from the proposed house sites. In particular:

- 1789 Great South Road, Bombay – this property adjoins the northern boundary of the subject site and is separated from the subject site by an existing access way that provides access to the two properties to the north-east (1789A and 1799B Great South Road). The property at 1789 Great South Road does not contain any sensitive activities near the location of the proposed activity, and an earth bund runs along the boundary between the subject site and this adjoining site which will assist in minimising visual and acoustic effects associated with the proposal.
- 1810 Great South Road, Bombay – this property is located on the western side of Great South Road, on the opposite side to the subject site. The dwelling on this property is located approximately 98m from the location of the proposed activity, however the intervening road, established vegetation and topography ensure the privacy and outlook of the dwelling is not adversely impacted.
- 1799 Great South Road, Bombay – this property is located immediately to the south of the activity area and is a rural lifestyle property. As this property is also owned by the applicant, written approval is implicit.

No other person or properties are considered adversely affected by the proposal.

There are no protected customary rights groups or marine title groups in the region adversely affected by this proposal.

Overall, subject to works being undertaken in accordance with the submitted plans and technical reports, no persons are considered to be adversely affected by this proposal.

6.3 SECTION 104(1)(ab) RMA

Section 104(1)(ab) requires consideration of any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects that will or may result from allowing the activity. There are no specific offsetting or environmental compensation measures required to ensure positive effects on the environment.

6.4 SECTION 104(1)(b) RMA

An assessment of those matters set out in Section 104(1)(b) is provided below:

6.4.1 National Environmental Standards and Other Regulations – s104(1)(b)(i) and (ii)

NESCS

Under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS), clause 5(4) (disturbing the soil) and clause 5(6) (changing the use of a piece of land) apply where the land has, is, or is more likely than not to have been subject to an industry or activity that can be found on the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) and undertaking the activity is reasonably likely to harm human health.

The sole objective of the NPS-HPL is that highly productive land is protected for use in land-based primary production, both now and for future generations. Policy 8 is relevant as it seeks that highly productive land is protected from inappropriate use and development.

Careful consideration has been given to the location of the rural industry activity in the north-western portion of the site due to the mapped LUC 2e 2 soils. As the existing cowshed building, hay barn and metal tank track have historically limited the use of the site in this location for land base rural production activities, we consider that the likely effect of the proposal is retention of the status quo productive capacity of the site.

As determined in the Site Aggregate Analysis, existing buildings and metal in this portion of the site mean that only a small area to the north-west of the tank track is HPL. Clause 3.9 provides for exemptions to inappropriate use or development of HPL, with clause 3.9(2)(g) including small-scale or temporary land use activity that has no impact on the productive capacity of the site. Given the activity will only be located on a small area of HPL due to the Anthropogenic soils in this area, it is considered that the activity meets the definition of small-scale. On this basis it is considered that the proposal is an appropriate use of the land and will not conflict with the intent of the NPS-HPL.

There are no other National Policy Statements relevant to this application.

6.4.3 New Zealand Coastal Policy Statement – s104(1)(b)(iv)

The New Zealand Coastal Policy Statement is not relevant to this application.

6.4.4 Regional Policy Statement or Proposed Regional Policy Statement – s104(1)(b)(v)

Chapter B (Regional Policy Statement (RPS)) of the Auckland Unitary Plan (OP) sets out the strategic framework for managing the use, development and protection of the natural and physical resources of the Auckland region in an integrated and co-ordinated manner. Under the AUP (OP), matters relating to environmental protection, such as use of natural resources, the coastal and rural environment and urban growth and natural heritage have specific objectives, policies and methods to achieve sustainable and integrated management of major natural and physical resources in the Region.

Of relevance to this application is Part B4 (Natural Heritage) of the RPS, where B4.2 sets out the objectives and policies for Outstanding Natural Features and Landscapes which seek to *protect the physical and visual integrity of Auckland's outstanding natural features from inappropriate subdivision, use and development*. These objectives and policies are given effect to by the provisions contained within Chapter D10 of the AUP (OP) - Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay.

Also of relevance to the rural industry activity is Part B9 (Rural environment) of the RPS which contains objectives and policies relating to the rural environment. In particular, objective B9.2.1 (3) seeks to enable rural production and other activities that support rural communities where the character, amenity, landscape and biodiversity values of rural areas are maintained, and rural areas outside of the Rural Urban Boundary are protected from inappropriate subdivision, urban use and development. Chapter H19 (Rural Zones) of the AUP (OP) gives effect to the RPS provisions relating to rural areas.

A separate detailed assessment of the proposal under Chapter B of the AUP (OP) is not required due to there being no real gaps or inconsistencies with the ONF Overlay and the Mixed Rural Zone objectives and policies that would require reference to the higher-level policy consideration of the RPS.

However, for the avoidance of doubt, consideration has been given to the relevant provisions of the RPS and it is considered that the proposal will not be inconsistent with, or contrary to, achieving the relevant policies and objectives or resource management strategies employed by this document. In this circumstance the earthworks within the ONF overlay area have not resulted in any significant adverse effects on the landscape or geological values of the Raventhorpe tuff ring, and the rural industry activity is of a nature and scale that is acceptable within the Mixed Rural Zone. Overall, it is concluded that the proposal is consistent with the RPS.

6.4.5 Plan or Proposed Plan – s104(1)(b)(vi)

Auckland Unitary Plan (OP)

Chapter D10 – Outstanding Natural Features Overland and Outstanding Natural Landscapes Overlay

| Objectives and Policies | Assessment |
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| <p>D10.2</p> | <p>Objectives</p> <p>(1) Auckland’s outstanding natural features and outstanding natural landscapes are protected from inappropriate subdivision, use, and development.</p> <p>(2) The ancestral relationships of Mana Whenua with outstanding natural features and outstanding natural landscapes are recognised and provided for.</p> <p>(3) Where practicable the restoration and enhancement of outstanding natural features and outstanding natural landscapes, including in the Waitākere Ranges Heritage Area and the Hauraki Gulf /Te Moana-nui o Toi/Tīkapa Moana, is promoted.</p> |
| | <p>A landscape and visual assessment undertaken by Sally Peake in relation to the modifications to the land within the ONF overlay concluded that the development is not inappropriate and it will not result in significant adverse effects on the landscape values of the feature. Refer to Appendix 4 for further detail.</p> <p>The ancestral relationships of Mana Whenua with the Raventhorpe tuff ring will not be compromised. While the merits of removing the earth bund were considered as part of the landscape and visual assessment undertaken by Sally Peake, it was deemed not necessary based on low effect on landscape values of the ONF.</p> <p>On this basis, the proposal will not conflict with these objectives.</p> |

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| | <p>(4) Existing rural production activities are recognised as part of landscape values including in outstanding natural features and outstanding natural landscapes.</p> | |
| <p>D10.3</p> | <p>Policies</p> <p>(3) Protect the physical and visual integrity of outstanding natural features, including volcanic features that are outstanding natural features, by:</p> <ul style="list-style-type: none"> (a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to an outstanding natural feature's values; (b) ensuring that the provision for, and upgrading of, public access, recreation and infrastructure is consistent with the protection of the values of an outstanding natural feature; and (c) avoiding adverse effects on Mana Whenua values associated with an outstanding natural feature. <p>(4) Protect the physical and visual integrity of outstanding natural features, while taking into account the following matters:</p> <ul style="list-style-type: none"> (a) the value of the outstanding natural feature in its wider historic heritage, cultural, landscape, natural character and amenity context; (b) the educational, scientific, amenity, social or economic | <p>The earthworks within the ONF overlay have been assessed by Sally Peake who concluded that there will be no significant adverse effects on the landscape values of the ONF. In addition, the natural characteristics and qualities that contribute to the ONF values are generally maintained.</p> <p>It was determined as part of the landscape and visual assessment that the area of ONF affected by this proposal is physically and perceptually separated from the remainder of the ONF with the landform to the north of the driveway on the site adjoining the northern boundary forming an effective physical and visual edge to the Raventhorpe tuff ring.</p> <p>The ONF has been identified as feature code 'A', which are described as large landforms that are robust enough to withstand small-scale land disturbance or constructions without significant impact.</p> <p>This proposal does not involve the construction of any buildings.</p> <p>On this basis, the proposal will not conflict with any of the relevant policies.</p> |

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| | <p>value of the outstanding natural feature;</p> <p>(c) the historical, cultural and spiritual association with the outstanding natural feature held by Mana Whenua;</p> <p>(d) the extent of anthropogenic changes to the natural characteristics and qualities of the outstanding natural feature;</p> <p>(e) the presence or absence of structures, buildings or infrastructure;</p> <p>(f) the temporary or permanent nature of any adverse effects;</p> <p>(g) the physical and visual integrity and the natural processes of the location;</p> <p>(h) the physical, visual and experiential values that contribute significantly to the outstanding natural feature's values;</p> <p>(i) the location, scale and design of any proposed subdivision, use or development; and</p> <p>(j) the functional or operational need of any proposed infrastructure to be located within the outstanding natural feature.</p> <p>(5) Enable use and development that maintains or enhances the values or appreciation of an outstanding natural landscape or outstanding natural feature.</p> <p>(6) Provide for appropriate rural production activities and related production structures as part of working rural and coastal landscapes in outstanding natural landscape and</p> | |
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| | <p>outstanding natural feature areas.</p> <p>(7) Encourage the restoration and enhancement of outstanding natural landscapes and outstanding natural features where practical, and where this is consistent with the values of the feature or area.</p> | |
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D10.4.2 Activity Table – Feature Code ‘A’

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| D10.4.2 (A1) | Buildings and structures – restricted discretionary activity | Not applicable – no buildings/structures are proposed as part of this application. |
| D10.4.2 (A5) | Fences (post and wire) – permitted activity | The fencing along the northern boundary comprises posts and wire and is able to be undertaken as a permitted activity. |

D10.6 Standards - There are no standards in this section

Chapter H19 – Rural Zones

| H19.2 Objectives and Policies | | Assessment |
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| H19.2.1 | <p>Objectives – general rural</p> <p>(1) Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.</p> <p>(2) Rural production activities are provided for throughout the rural area while containing adverse environmental effects on site.</p> <p>(3) Elite soil is protected, and prime soil is managed, for potential rural production.</p> <p>(4) Rural lifestyle development avoids fragmentation of productive land.</p> | <p>The activity is consistent with the general rural objectives as it supports rural production activities. Prime soils on the site are not compromised further as rural production activities in the north-west corner of the site are limited by existing buildings and metalled areas. No rural lifestyle development is proposed.</p> |

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| <p>H19.2.2</p> | <p>Policies – general rural</p> <ol style="list-style-type: none"> (1) Enable activities based on use of the land resource and recognise them as a primary function of rural areas. (2) Require rural production activities to contain and manage their adverse environmental effects on-site to the fullest extent practicable. (3) Enable rural production activities on elite and prime soil and avoid land-use activities and development not based on, or related to, rural production from locating on elite soil and avoid where practicable such activities and development from locating on prime soil. (4) Enable and maintain the productive potential of land that is not elite or prime soil but which has productive potential for rural production purposes, and avoid its use for other activities including rural lifestyle living except where these are provided for or enabled by Policy H19.2.2(5). (5) Enable a range of rural production activities and a limited range of other activities in rural areas by: <ol style="list-style-type: none"> (a) separating potentially incompatible activities such as rural production and rural lifestyle living into different zones; (b) avoiding or restricting rural subdivision for activities not associated with rural production in areas other | <p>The activity is generally consistent with the general rural policies. The activity will support land based rural production activities and is of a scale and nature that avoids adverse environmental effects. Prime soils on the site are not compromised further as rural production activities in the north-west corner of the site are compromised by existing buildings and metalled areas. The activity will not generate any reverse sensitivity effects that could constrain rural production activities.</p> |
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| | <p>than those subdivision provided for in E39 Subdivision – Rural;</p> <p>(c) managing the effects of activities in rural areas so that;</p> <p>(i) essential infrastructure can be funded, coordinated and provided in a timely, integrated, efficient and appropriate manner; and</p> <p>(ii) reverse sensitivity effects do not constrain rural production activities.</p> <p>(d) acknowledging that, in some circumstances, the effective operation, maintenance, upgrading and development of infrastructure may place constraints on productive land and other rural activities; or providing for tourism and activities related to the rural environment.</p> <p>.....</p> | |
| <p>H19.2.3</p> | <p>Objectives – rural character, amenity and biodiversity values</p> <p>(1) The character, amenity values and biodiversity values of rural areas are maintained or enhanced while accommodating the localised character of different parts of these areas and the dynamic nature of rural production activities.</p> <p>(2) Areas of significant indigenous biodiversity are protected and enhanced.</p> | <p>The proposal is consistent with these objectives as the small scale and nature of the activity assists in ensuring the rural character and amenity values are maintained. The activity will not impact on any area containing significant indigenous biodiversity.</p> |

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| <p>H19.2.4</p> | <p>Policies – rural character, amenity and biodiversity values</p> <p>Manage the effects of rural activities to achieve a character, scale, intensity and location that is in keeping with rural character, amenity and biodiversity values, including recognising the following characteristics:</p> <ul style="list-style-type: none"> (a) a predominantly working rural environment; (b) fewer buildings of an urban scale, nature and design, other than dwellings and their accessory buildings and buildings accessory to farming; and (c) a general absence of infrastructure which is of an urban type and scale <p>(1) Recognise the following are typical features of the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone and will generally not give rise to issues of reverse sensitivity in these zones:</p> <ul style="list-style-type: none"> (a) the presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops, plantation forests and farm forests; (b) noise, odour, dust, traffic and visual effects associated with use of the land for farming, horticulture, forestry, mineral extraction and cleanfills; (c) the presence of existing mineral extraction activities | <p>The activity has been assessed in preceding sections of this report to have no significant adverse effect on rural character or amenity values. No buildings are proposed which contributes to the retention of a predominately working rural environment and the activity avoids infrastructure which is of an urban type and scale.</p> |
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| | <p>on sites zoned as Special Purpose – Quarry Zone;</p> <p>(d) accessory buildings dot the landscape, particularly where farming activities are the dominant activity; and</p> <p>(e) activities which provide for the relationship of Mana Whenua to their ancestral land and taonga.</p> | |
| H19.2.5 | <p>Objectives – rural industries, rural commercial services and non-residential activities</p> <p>(1) Rural production activities are supported by appropriate rural industries and services.</p> <p>(2) The character, intensity and scale of rural industries and services are in keeping with the character of the relevant rural zone.</p> <p>(3) The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area’s rural character and amenity is maintained or enhanced.</p> <p>(4) Industries, services and non-residential activities of an urban type and scale unrelated to rural production activities are not located in rural zones.</p> | <p>The activity is consistent with these objectives as it has a clear connection to, and supports, rural production activities. The activity is of a small scale and of a nature that avoids being of an urban type and scale while being in keeping with the character of the Mixed Rural Zone.</p> |
| H19.2.6 | <p>Policies – rural industries, rural commercial services and non-residential activities</p> <p>(1) Enable rural industries and rural commercial services only where they have a direct connection with the resources, amenities,</p> | <p>The activity involves mulching and wood chipping green waste created from vegetation removal associated with shelterbelt / tree removal (including fallen trees) on rural properties. Therefore, the activity has a direct connection with the resources, amenities, characteristics and communities of rural areas. The small scale and nature of the activity avoids creating reverse</p> |

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| | <p>characteristics and communities of rural areas.</p> <p>(2) Manage rural industries, rural commercial services and other non-residential activities to:</p> <p>(a) avoid creating reverse sensitivity effects;</p> <p>(b) contain and manage adverse effects on-site;</p> <p>(c) and avoid, remedy or mitigate adverse effects on traffic movement and the road network.</p> | <p>sensitivity effects and adverse effects, including adverse effects on traffic movements and the roading network. On this basis, the activity is consistent with the policies relating to rural industries</p> |
| <p>H19.4 Rural - Mixed Rural Zone Objectives and Policies</p> | | |
| <p>H19.4.2</p> | <p>Objectives</p> <p>(1) The existing subdivision pattern is used by a range of rural production activities and non-residential activities that support them.</p> <p>(2) The continuation of rural production and associated non-residential activities in the zone is not adversely affected by inappropriate rural lifestyle activity.</p> <p>(3) Rural character and amenity values of the zone are maintained while anticipating a mix of rural production, non-residential and rural lifestyle activities.</p> | <p>The proposal is consistent with these objectives and policies as there will be no change to the existing subdivision pattern, no inappropriate rural lifestyle activity is proposed and due to the scale and nature of the activity, rural character and amenity values will be maintained.</p> |
| <p>H19.4.3</p> | <p>Policies</p> <p>(1) Enable rural production, rural industries and rural commercial services that are compatible with the existing subdivision pattern and recognise that these activities are significant elements of, and</p> | |

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| | <p>primary contributors to, rural character and amenity values.</p> <p>(2) Manage reverse sensitivity effects by:</p> <p>(a) limiting the size, scale and type of non-rural production activities;</p> <p>(b) retaining the larger site sizes within this zone;</p> <p>(c) limiting further subdivision for new rural lifestyle sites; and</p> <p>(d) acknowledging a level of amenity that reflects the presence of:</p> <p>(i) rural production and processing activities that generate rural odours, noise from stock and the use of machinery, and the movement of commercial vehicles on the local road network; and</p> <p>(ii) non-residential activities which may generate noise, light and traffic levels greater than those normally found in areas set aside for rural lifestyle activities.</p> | |
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H19.8.1 Activity Table – Mixed Rural Zone

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| <p>H19.8.1 (A21)</p> | <p>Rural Industries – restricted discretionary activity</p> | <p>The definition of rural industries within the AUP (OP) is as follows:</p> <p><i>Industries that:</i></p> <p>(a) <i>have, as their principal function, a clear connection to, or provide services to:</i></p> <p>(i) <i>rural production activities; or</i></p> <p>(ii) <i>aquaculture activities; or</i></p> <p>(b) <i>use raw materials derived from:</i></p> <p>(i) <i>rural production activities;</i></p> <p>(ii) <i>aquaculture activities, or</i></p> |
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| | | <p>(iii) <i>the natural resources on the site other than topsoil or aggregate; and</i></p> <p>(c) <i>may have some form of:</i></p> <p>(i) <i>processing facility;</i></p> <p>(ii) <i>accessory depot; or</i></p> <p>(iii) <i>base or storage area, from which the activity is normally operated or started.</i></p> <p><i>Includes:</i></p> <ul style="list-style-type: none"> • <i>freight or transportation services;</i> • <i>storage of vehicles or equipment for hire;</i> • <i>sale yards;</i> • <i>sawmills other than portable sawmills;</i> • <i>grain silos or feed mills;</i> • <i>meat or poultry processing;</i> • <i>dairy factories; and</i> • <i>processing raw materials derived from farming, forestry, intensive farming, aquaculture activities, fishing activities, or resources of the site.</i> <p>The activity meets the definition of a rural industry activity as its principal function is to undertake shelterbelt and tree removals on farms, orchards or other rural properties and mulch and wood chip the green waste. The processing of the green waste occurs either on the work site or the green waste will be stored within the yard and processed on-site.</p> <p>Restricted discretionary activity consent is therefore required for the rural industry activity proposed.</p> |
| <p>H19.12.2</p> | <p>Assessment criteria – restricted discretionary activities</p> <p>(1) all restricted discretionary activity and their accessory buildings:</p> <p>(a) whether the design and location of the buildings, and site landscaping, avoid, remedy, or mitigate the adverse visual effects of the buildings and related site works on rural and rural</p> | <p>No buildings are proposed as part of this application which assists in avoiding adverse visual effects. While the activity will be located within the edge of an ONF overlay, there will be no impact on any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character areas. The Landscape and Visual Assessment Report has concluded that the earthworks undertaken, including the earth bund, have a less than minor/low effect on landscape values, and that there would be no landscape or</p> |

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| | <p>coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character areas. The following are relevant:</p> <ul style="list-style-type: none"> (i) building bulk; (ii) glare or reflections off the exterior cladding; (iii) landform modification needed for building platforms; (iv) screening from neighbouring sites; (v) views of the buildings from any public road or open space used for recreation, including any beach, coastal marine area, coastline, or regional park; and (vi) related signage. <ul style="list-style-type: none"> (b) whether noise from fans, ventilators, heaters, or other machines, or from on-site activities can be adequately mitigated; (c) whether the design and location of the buildings, and the associated traffic avoid, remedy or mitigate adverse effects on the road network or traffic safety; (d) whether the control, treatment, storage, or disposal of stormwater can be adequately managed; (e) if the site contains elite soils whether the proposed buildings, structures, or site development prevent or compromise its availability or use for activities that directly | <p>visual benefit from removing the earth bund and attempting to reintegrate the site into the feature. Noise associated with the use of machinery on the site (grinder/wood chipper) will not generate any adverse effects beyond the site boundary due to the limited on-site use in any given week, and due to the earth bund and vegetation that provide acoustic mitigation.</p> <p>The low staff numbers and daily vehicle movements, as well as the use of the recently constructed vehicle crossing ensure that the safety, form and function of the surrounding road network is not compromised.</p> <p>No new buildings are proposed with stormwater continuing to sheet flow along existing contours. The location of the activity on the site has been influenced by the existing farm buildings and metalled area in the north-western corner of the site, which has restricted opportunities for rural production to occur in this location. As such, the activity will not prevent or compromise the availability of prime soils for use for rural production activities.</p> |
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| | <p>rely on it; if the site contains prime soils, whether the proposed buildings, structures, or site development can be relocated so as not prevent or compromise its availability or use for activities that directly rely on it; and</p> <p>.....</p> | |
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| H19.10 Standards | | |
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| H19.10.1 | <p>General</p> <p>(1) Areas used for disposal of non-residential waste or composting must be located at least 100m from the boundary of adjoining sites in the Rural – Countryside Living Zone, Future Urban Zone and any residential zones.</p> <p>(2) Areas used for disposal of non-residential waste or composting adjoining all rural zones other than Rural – Countryside Living Zone, must be located at least 20m from the boundary of adjoining sites.</p> <p>.....</p> | Complies. This proposal does not involve the disposal of any non-residential waste or composting, and no pens or areas used for intensive farming are proposed. |
| H19.10.2 | <p>Building height</p> <p>Dwellings and buildings accessory to dwellings – maximum height 9m</p> | Not applicable – no buildings are proposed. |
| H19.10.3 | <p>Minimum yard setbacks</p> <p>Front yard – 10m</p> <p>Side or rear yard for buildings other than dwellings and their accessory buildings – 12m</p> <p>Riparian yard – 20m</p> <p>Lake yard – 30m</p> <p>Coastal protection yard – 50m</p> | Not applicable – no buildings are proposed. |

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| H19.10.4 | Buildings housing animals – minimum separation distance | Not applicable. |
| H19.10.5 | Size of buildings – intensive farming, animal breeding or boarding, produce sales and on-site primary produce manufacturing | Not applicable. |
| H19.10.6 | Free-range poultry farming | Not applicable. |
| H19.10.7 | Forestry | Not applicable. |
| H19.10.8 | Animal breeding and boarding | Not applicable. |
| H19.10.9 | Produce sales | Not applicable. |
| H19.10.10 | Dwellings (1) The site of the proposed dwelling must not be located on a closed road or road severance allotment. | Not applicable – no dwelling is proposed as part of this application. |
| H19.10.11 | Minor dwelling | Not applicable. No minor dwelling is proposed as part of this application. |
| H19.10.12 | Workers' Accommodation | Not applicable. No workers accommodation is proposed. |
| H19.10.13 | Home Occupations | Not applicable. No home occupation is proposed. |
| H19.10.14 | Markets | Not applicable. |
| H19.10.15 | Quarries – farm or forestry | Not applicable. |
| H19.10.16 | Mineral prospecting and mineral exploration | Not applicable. |
| H19.10.17 | Rainwater tanks | Not applicable. No rainwater tanks are proposed. |

Chapter E12 – Land Disturbance District

| E12 Objectives and Policies | | Assessment |
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| E12.2 Objective | (1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment | The earthworks will be, and have been, undertaken in accordance with best practice guidelines using appropriate erosion and sediment control measures to minimise any sediment loss to waterways or the receiving environment. |

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| <p>E12.3 Policies</p> | <p>(1) Avoid where practicable, and otherwise, mitigate, or where appropriate, remedy adverse effects of land disturbance on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.</p> <p>(2) Manage the amount of land being disturbed at any one time, to:</p> <p>(a) avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;</p> <p>(b) avoid, remedy or mitigate adverse effects on accidentally discovered sensitive material; and</p> <p>(c) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.</p> <p>(3) Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.</p> <p>(4) Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by: requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin; undertaking appropriate</p> | <p>Due to the minimal depth of excavation (200-300mm) involved in scraping the topsoil from the yard area, the impact on the identified ONF overlay is highly unlikely to have impacted on the geology of the tuff ring, particularly due to its location at the very edge of the feature. The level topography of the site in the location of the yard area, combined with the minimal depth of earthworks means there will be no effect on the stability and safety of surrounding land, buildings and structures. The proposal is therefore considered to be consistent with the relevant objective and policies.</p> |
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| | <p>actions in accordance with mātauranga and tikanga Māori; and undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated.</p> <p>(5) Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.</p> <p>(6) Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.</p> | |
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E12.4.1 Activity Table – Rural Zones

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| E12.4.1 (A6) | General earthworks – greater than 2,500m ² – <u>restricted discretionary activity</u> | Restricted discretionary activity consent is required as general earthworks occur over an area of ~2,785m ² . |
| E12.4.1 (A9) | General earthworks – greater than 1,000m ³ up to 2,500m ³ – <u>restricted discretionary activity</u> | Restricted discretionary activity consent is required for general earthworks of 1,290m ³ . |

E12.6 Standards

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| E12.6.1 | <p>Accidental Discovery Rule</p> <p>Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.</p> | The applicant will comply with the requirements and procedures set out in this standard. |
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| <p>E12.6.2</p> | <p>General standards</p> <p>All activities (except ancillary farming earthworks, ancillary forestry earthworks and network utilities) listed as a permitted activity, controlled activity or restricted discretionary activity in Table E12.4.1, Table E12.4.2 or Table E12.4.3 must comply with the following standards.</p> <p>(1) Land disturbance within riparian yards and coastal protection yards are limited to:</p> <ul style="list-style-type: none"> (a) operation, maintenance and repair (including network utilities); (b) less than 5m² or 5m³; for general earthworks; (c) less than 10m² or 5m³ for the installation of new network utilities; (d) installation of fences and walking tracks; or (e) burial of marine mammals. <p>(2) Land disturbance must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.</p> <p>(3) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.</p> <p>(4) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.</p> <p>(5) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.</p> | <p>Complies.</p> <p>E12.6.2 General Standards — Land Disturbing Activities District</p> <ol style="list-style-type: none"> 1) Works will not be undertaken within any riparian yard. 2) The earthworks will not result in instability of land or structures at the property boundary. 3) The works will not result in disturbance or cause malfunction or damage to network utilities. 4) The works will not restrict or obstruct access to footpaths, berms, private properties (other than the subject site), network utilities or public reserves. 5) Discharge of dust is not anticipated to be an issue given the small area and volume of earthworks. 6) Not applicable to this application. 7) Not applicable to this application as there are no Transpower NZ Ltd electricity transmission lines in the vicinity of the earthworks. 8) Not applicable to this application as there are no Transpower NZ Ltd electricity transmission line towers. 9) Not applicable to this application as there are no Transpower NZ Ltd electricity transmission line poles. 10) No cleanfill will be imported to the site. 11) The earthworks will not result in any adverse changes in flood hazards beyond the site. 12) Earthworks occurred over a few days. |
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| | <p>(6) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.</p> <p>(7) Land disturbance around Transpower NZ Ltd electricity transmission line poles</p> <p>(8) Land disturbance around Transpower NZ Ltd electricity transmission lines towers</p> <p>(9) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole ...</p> <p>(10) Only cleanfill material may be imported and utilised as part of the land disturbance.</p> <p>(11) Earthworks (including filling) within a 100 year annual exceedance probability (AEP) flood plain:</p> <ul style="list-style-type: none"> (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and (b) must not result in any adverse changes in flood hazard beyond the site. <p>(12) Earthworks (including filling) within overland flow paths must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.</p> <p>(13) Temporary land disturbance and stockpiling of soil and other materials within the one per cent annual exceedance probability (AEP) flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may</p> | <p>13) Not applicable.</p> <p>14) Not applicable.</p> <p>15) Not applicable.</p> <p>16) Not applicable.</p> <p>17) Not applicable.</p> |
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| | <p>occur as part of construction or maintenance activities.</p> <p>....</p> | |
| E12.8.2 Assessment Criteria | | |
| <p>E12.8.2(1) The Council will consider the relevant assessment criteria below for restricted discretionary activities:</p> <p>(1) all restricted discretionary activities:</p> <ul style="list-style-type: none"> (a) whether applicable standards are complied with; (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures; (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures; (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites; (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made; (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works; (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken; (h) the extent to which the land disturbance is necessary to provide for the functional or | <ul style="list-style-type: none"> (a) All applicable standards are complied with. (b) Refer to section 6.2 of this report for an assessment of adverse effects where it was concluded that overall, adverse earthwork effects will be less than minor. (c) No retaining walls are proposed. (d) The topography of the site ensures that the earthworks and final ground levels do not adversely affect overland flow paths or increase potential volume or frequency of flooding. (e) The applicant is happy to accept a condition of consent that should an accidental discovery of kōiwi, archaeology and artefacts of Māori origin be found during the earthworks, all works on site will cease immediately and the appropriate authorities contacted. Contractors will be made aware of the accidental discovery rule in E12.6.1 of the AUP (OP). (f) Earthworks are able to be completed within one stage. (g) The earthworks are consistent with the scale of the activity area. (h) Not applicable. (i) It is not considered that the risk of natural hazards will be increased as a result of the proposal. | |

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| <p>operational requirements of the network utility installation, repair or maintenance;</p> <p>(i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;</p> <p>(j) whether the land disturbance and final ground levels will adversely affect existing utility services;</p> <p>(k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;</p> <p>(l) for land disturbance near Transpower New Zealand Limited transmission towers: the outcome of any consultation with Transpower New Zealand Limited; and the risk to the structural integrity of transmission lines.</p> <p>(m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.</p> | <p>(j) Not applicable, the earthworks will not adversely affect existing utility services.</p> <p>(k) The earthworks are necessary for the creation of a suitable yard area for the activity.</p> <p>(l) Not applicable as there are no transmission towers near the area of proposed earthworks.</p> <p>(m) There are no identified archaeological sites located on the property.</p> |
| <p>E12.8.2(2)(d) Within the Outstanding Natural Features Overlay:</p> <p>(i) whether the nature, form and extent of the proposed works or activity adversely affects the feature or features for which the item was scheduled;</p> <p>(ii) whether the activity will interfere with natural processes e.g. hydrology or adverse effects on nature and form of sand dunes;</p> <p>(iii) whether the proposed works or activity cause adverse visual effects or adversely affect landscape values;</p> <p>(iv) the degree to which the feature or features have already been modified so that further modification will not cause significant additional loss of geological value;</p> <p>(v) the extent to which the proposed works will protect the feature from further damage,</p> | <p>(i) It has been assessed that the earthworks within the ONF overlay will not adversely affect the Raventhorpe tuff ring.</p> <p>(ii) The works will not interfere with natural processes.</p> <p>(iii) Subject to the recommendation of the Landscape and Visual Assessment report that the shade cloth along the fence is removed once landscaping is established, the activity will not result in any significant adverse effects on landscape values.</p> <p>(iv) As noted within the Landscape and Visual Assessment report, while located at the edge of the ONF overlay, the feature does not appear to be well-defined and has historically been modified with the construction of farm buildings, a tanker access track as well as the driveway to the</p> |

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| <p>such as erosion protection, or remediate it from previous damage. This excludes potential damage from the activity for which consent is sought;</p> <p>(vi) whether the proposed land disturbance is for an activity which has a functional or operational need to be in the location proposed; and</p> <p>(vii) the objectives and policies in D10 Outstanding Natural Features Overlay</p> | <p>north of the site and Great South Road to the west of the site. This assists in ensuring the works will not cause significant additional loss of geological value.</p> <p>(v) No remediation from previous damage is proposed as part of this application.</p> <p>(vi) Due to the clear connection to rural production activities, it is considered that it is appropriate for the activity to be in this location.</p> |
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6.5 SECTION 104(1)(c)

Section 104(1)(c) requires consideration of any other matters the consent authority considers relevant and reasonably necessary to determine the application. It is considered that there are no other matters relevant and reasonably necessary to determine the application.

6.6 PART 2 RESOURCE MANAGEMENT ACT 1991

Section 104(1)(b) of the RMA sets out the matters that decision-makers are required to have regard to when considering an application for resource consent. Any such consideration however is subject to Part 2 of the RMA which sets out the purpose and principles of the RMA. The purpose of the RMA as stated is to promote the sustainable management of natural and physical resources. Part 2 of the RMA provides further direction on the matters of national importance (section 6), other matters (section 7), and the principles of the Treaty of Waitangi (section 8) which need to be considered and responded to.

A detailed review of the various provisions of Part 2 of the Act has not been undertaken because as per current case law (Court of Appeal R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316), the application only needs to have recourse to Part 2 if the relevant statutory documents are invalid, incomplete or uncertain. The AUP(OP) provisions gave effect to Part 2 matters when they were prepared.

The activity is considered to have less than minor adverse effects on the environment, and the proposal does not conflict with the policy intent of the relevant objectives and policies of the AUP (OP). Therefore, there are no further matters in Part 2 that require consideration, and the proposal is deemed to be consistent with the purpose and principles of the Resource Management Act 1991.

7. CONCLUSION

Land Use consent is sought for the establishment and operation of a rural industry activity (Aarons Contracting Limited) on the site and retrospective land use consent is sought for undertaking earthworks within an ONF overlay and within the Mixed Rural Zone. Overall, the activity requires restricted discretionary activity consent.

An assessment of the activity under the provisions of the AUP (OP) has been undertaken. Overall, while the activity requires consent as a restricted discretionary activity, in this particular circumstance, the adverse effects of earthworks on the landscape and geological values of the ONF are less than minor.

The small scale and the nature of the activity, as well as its operation and management, ensures that the existing rural character and amenity values are able to be maintained. The activity is also well screened from public places and physically separated from residential activities in the area. As such, it is considered that any potential adverse effects on the environment are able to be successfully avoided or mitigated to a point where they will be less than minor, and no persons are considered to be adversely affected.

Existing buildings and metalled areas have historically limited the use of the site in this location for land base rural production activities, therefore the overall productive capacity of the land will be retained.

In addition, the proposal will not be inconsistent with the relevant objectives and policies of the AUP (OP), particularly as rural industry activities are anticipated within the Mixed Rural Zone.

Having regard to the above, it is submitted that Auckland Council grant consent to the proposal, subject to the imposition of appropriate conditions of consent.

18th August 2023

Cameron Vernon
290 Maxted Road
Drury
Auckland 2579

Dear Cameron,

RE: Abatement Notice for 1799A Great South Road, Drury, Auckland.

Please find enclosed an Abatement Notice issued under section 322 of the Resource Management Act 1991. Please note the actions required and the dates by which to complete them.

Please read the enclosed notice carefully and note your rights set out in the 'Important Notes' page.

The service of an Abatement Notice in itself carries no penalty. However, contravention of an Abatement Notice is a serious offence under the Resource Management Act 1991 and Council will not hesitate to proceed with further legal action if the abatement notice is not complied within the stipulated time period.

Further legal action may involve an infringement fee of \$750 or prosecutions under the Resource Management Act 1991.

Should you have a valid reason for not being able to comply with the timeframes set out in the attached notice, please contact me prior to any deadline to discuss options for extending it.

If you have any queries, please contact me at claire.townson@aucklandcouncil.govt.nz or 0274072615

Yours sincerely,



Claire Townson
**Licensing and Regulatory Compliance Team South
Auckland Council**

ABATEMENT NOTICE



(Issued under the authority of section 322 of the Resource Management Act 1991)

Notice No: ABT21689043

Issue Date: 18th August 2023

**TO: Cameron Vernon
290 Maxted Road
Drury
AUCKLAND 2579**

Undertake The Following Action:

By Date:

The Auckland Council gives notice that you must undertake the following action:

Submit to Council for approval a Geological Remedial Action Plan (G-RAP) to repair the values of the ONF ID 177 Raventhorpe Tuff Ring within the subject site being 1799A Great South Road, Drury, Auckland ("the Property") prepared by a suitably qualified and experienced person, ideally a geologist. The G-RAP must include the following:

- An assessment of the effects of the unconsented works on the Raventhorpe Tuff Ring Outstanding Natural Feature (ONF), including physical and visual effects on the geological and landform values for which this feature was scheduled.
- Identify whether any adverse effects on the Raventhorpe Tuff Ring can be remediated or mitigated and any adverse effects which are permanent and irreparable.
- Identify measurable restoration outcomes for values of the Raventhorpe Tuff Ring ONF where remediation/restoration or mitigation is possible and how these will be monitored and achieved. This may include, but is not limited to, removal of unconsented buildings, structures and fences and reinstatement of the ground profile of the Raventhorpe Tuff Ring.
- Identify any offsetting or compensation measures to account for adverse effects on the values of the Raventhorpe Tuff Ring ONF which cannot be remediated/restored. Identify measurable offset or compensation outcomes and how these will be monitored and achieved.
- Proposed remediation, mitigation and offset/compensation actions and methods of achieving those measurable restoration and offset or compensation outcomes.
- Long-term measures to ensure the protection of restoration and offset or compensation outcomes and to prevent further unconsented adverse effects on the Raventhorpe Tuff Ring ONF.
- The methodology for undertaking the geological restoration and offset or compensation works including methods of preventing further damage to the Raventhorpe Tuff Ring ONF, construction methodologies, appropriate erosion and sediment controls in accordance with GDO05 and best practice.
- Estimated timeframe and details of the Raventhorpe Tuff Ring restoration and offset or compensation works.
- Monitoring & maintenance to ensure that the restoration and offset or compensation outcomes are successfully achieved.

01st October 2023

Undertake The Following Action:

The Auckland Council gives notice that you must undertake the following action:

Complete restoration/remediation and/or mitigation of the Raventhorpe Tuff Ring ONF in accordance with the approved G-RAP.

1st December 2023

Undertake The Following Action:

By Date:

The Auckland Council gives notice that you must undertake the following action:

Submit to Council for approval any changes to the G-RAP.

As required

Undertake The Following Action:

By Date:

The Auckland Council gives notice that you must undertake the following action:

Following the completion of the G-RAP, provide a written completion report prepared by a suitably qualified and experienced person, ideally a geologist, confirming that the remediation works on the Raventhorpe Tuff Ring ONF have been completed in accordance with the approved G-RAP and whether the identified restoration outcomes have been achieved or are on track in accordance with the identified measurable outcomes, in the case of longer term outcomes.

14th January 2024

Undertake The Following Action:

By Date:

The Auckland Council gives notice that you must undertake the following action:

Undertake on-going monitoring and maintenance of the remediation and restoration outcomes, in accordance with the approved G-RAP.

Indefinitely

Undertake The Following Action:

By Date:

The Auckland Council gives notice that you must undertake the following action:

If further remedial works are required, carry those works out to the satisfaction of the Council and Council's Natural Features team.

1st March 2024

Location

The location to which this abatement notice applies:

Address: 1799A Great South Road, Drury, Auckland

Legal Description: Lot 6 DP 156089 CT NA93B/140

Auckland Council enforcement officers will from time to time undertake inspections to check whether you are complying with Sections 9(2) and 9(3) of the Resource Management Act 1991 (RMA), the Auckland Unitary Plan (AUP(OP)), and this abatement notice.

Further Conditions

This notice imposes the following further condition:

No further conditions apply.

Notice Issued Under

This notice is issued under Section 322(1)(b)(ii) of the Resource Management Act 1991 (RMA).

Reasons For Notice

On 25th May 2023 I visited 1799A Great South Road, Drury. During my visit I observed that the north east corner of the property, as well as an area to the east of the permanent sheds on the Property has been converted into metallised hardstands.

A fenced, enclosed yard was situated on part of the hard stand area. The yard had signage for CB Civil, and contained vehicles, Portacom's, shipping containers and materials- some of which were sign-written with CB Civil.

In a phone conversation with Tom Fisher (Director-CB Civil and Drainage Limited) on 30th May 2023, he stated that the yard is being used for off-site storage for the company. He said that the no work as such is being carried out in the yard- it is just for storage.

In a phone conversation with Cam Vernon on 14th June 2023 he said that the hardstand area where the CB Civil yard is located was existing when he took over the property. He said that he scraped off the overgrowth to reveal the existing metal but has not added any metal to this area.

Checks of Google Earth images of the Property in 2022 show no hardstand areas.

Checks of the Auckland Council Geomaps application found that there is a Natural Heritage - Outstanding Natural Feature (ONF) overlay ID177- Raventhorpe Tuff Ring on the north western corner of the Property. Earthworks, including the creation of a metallised hardstand, have been carried out in this area, and portable buildings, and temporary fencing placed.

Schedule 6 of the Auckland Unitary Plan (Operative in Part) (AUP(OP)) identifies the Raventhorpe Tuff Ring as being Site Type A, and describes the Tuff Ring as:

The reasonably well-preserved Raventhorpe tuff ring is the largest of five tuff rings in this part of the South Auckland volcanic field. Lavas from the Bombay cones are thought to have partially filled the Raventhorpe tuff ring forming a lava lake up to 3m thick, before overflowing northward via a breach in the tuff ring wall.

This abatement notice is issued because in earthworks, fencing, and contractors yard activities within the Raventhorpe Tuff Ring ONF are in contravention of sections 9(2) and 9(3) of the RMA, and a rule in the AUP(OP). Such a contravention is an offence.

Section 9(2) of the RMA states that no person may use the land in a manner that contravenes a regional rule unless the use is expressly allowed by a resource consent or is an activity allowed by Section 20A. The regional rules breached are:

Activity Table D10.4.2 (A1) provides that buildings and structures in a Site Type A ONF overlay are a Restricted Discretionary (RD) activity.

Activity Table D10.4.2 (A6) of the AUP (OP) provides that fences (except post and wire) in a Site Type A ONF overlay are a Restricted Discretionary (RD) activity.

Section 9(3) of the RMA states no person may use land in a manner that contravenes a district rule unless the use is expressly allowed by a resource consent. The district rule that has been breached is as follows:

Activity Table E12.4.3(A40) of the AUP(OP) provides that earthworks greater than 10m³ in a Site Type A Outstanding Natural Feature Overlay are a Restricted Discretionary (RD) activity.

More than 10m³ of earthworks have been conducted within the ONF area.

Restricted Discretionary (RD) activities require resource consent from the Council. There are no resource consents for earthworks, fencing or portable buildings on the property.

This abatement notice is issued in my opinion the required action is necessary to ensure compliance by you and your contractors with the RMA and the AUP(OP) and is also necessary to avoid remedy or mitigate any actual or likely adverse effect of the environment caused by you and your contractors.

The unconsented earthworks in the ONF area have caused damage to the Raventhorpe Tuff Ring. The earthworks, and placement of buildings, and fencing have also detracted from the natural character, landscape and visual features of the Tuff Ring.

Authority To Issue

Enforcement Authority: Auckland Council, 4 Osterley Way, Manukau

Enforcement Officer Identification: Warrant No. 8596

Enforcement Officer Name: Claire Townson

The Enforcement Officer is acting under a warrant of authority issued by the Auckland Council, pursuant to Section 38 of the Resource Management Act 1991, authorising the Officer to carry out all of the functions and powers as an Enforcement Officer under the Resource Management Act 1991.

Signature of Enforcement Officer:



Date: 18th August 2023

IMPORTANT: PLEASE READ IMPORTANT NOTES ATTACHED

Important Notes

Note: If you do not understand these notes, you should consult a lawyer immediately.

Failure to Comply

If you do not comply with this abatement notice you may be issued with an infringement notice for each occurrence (day) of non-compliance with this notice under Section 343C, or prosecution under Section 338, or the Resource Management Act 1991. (Unless you appeal the abatement notice and the notice is stayed as explained below).

Right to Appeal

You have the right to appeal to the Environment Court against the whole or any part of this abatement notice. If you wish to appeal, you must lodge a notice of appeal in Form 49 with the Environment Court within 15 working days of being served with this abatement notice.

Stay of Abatement Notice

An appeal does not automatically stay the abatement notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge under Section 325(3A) of the Resource Management Act 1991 (see Form 50). To obtain a stay, you must lodge both an appeal and a stay with the Environment Court.

Change or Cancel Abatement Notice

You also have the right to apply in writing to the Auckland Council to change or cancel this abatement notice in accordance with Section 325A of the Resource Management Act 1991.

Authorisation of Officer

Auckland Council authorises the Enforcement Officer who issued this notice.

Auckland Councils address is:
Private Bag 92300
Auckland 1142

19th June 2023

Cameron Vernon
290 Maxted Road
Drury
Auckland 2579

Dear Cameron,

RE: Abatement Notices for 1799A Great South Road, Drury, Auckland.

Please find enclosed Abatement Notices issued under section 322 of the Resource Management Act 1991. Please note the actions required and the dates by which to complete them.

Please read the enclosed notices carefully and note your rights set out in the 'Important Notes' page.

The service of an Abatement Notice in itself carries no penalty. However, contravention of an Abatement Notice is a serious offence under the Resource Management Act 1991 and Council will not hesitate to proceed with further legal action if the abatement notice is not complied within the stipulated time period.

Further legal action may involve an infringement fee of \$750 or prosecutions under the Resource Management Act 1991.

Should you have a valid reason for not being able to comply with the timeframes set out in the attached notices, please contact me prior to any deadline to discuss options for extending it.

If you have any queries, please contact me at claire.townson@aucklandcouncil.govt.nz or 0274072615

Yours sincerely,



Claire Townson
**Licensing and Regulatory Compliance Team South
Auckland Council**

ABATEMENT NOTICE



(Issued under the authority of section 322 of the Resource Management Act 1991)

Notice No: ABC21680658

Issue Date: 16th June 2023

TO: Cameron Vernon
290 Maxted Road
Drury
AUCKLAND 2579

Cease The Following Action:

By Date:

The Auckland Council gives notice that you must cease the following:

Operating industrial activities, a green waste recycling facility for Aarons Contracting, and a contractor's yard for CB Civil and Drainage Limited at 1799A Great South Road, Drury ("the Property") in contravention of Section 9(3) of the Resource Management Act 1991 and Auckland Unitary Plan (Operative in Part) (AUP(OP)).

16th July 2023

Cease The Following Action:

By Date:

The Auckland Council gives notice that you must cease the following:

Carrying out the development, addition or extension of hard stand areas, to the Property.

Immediately

Location

The location to which this abatement notice applies:

Address: 1799A Great South Road, Drury, Auckland

Legal Description: Lot 6 DP 156089 CT NA93B/140

Auckland Council enforcement officers will from time to time undertake inspections to check whether you are complying with sections 9(3) of the Resource Management Act 1991 (RMA), and Auckland Unitary Plan Operative in Part (AUP(OP)) and this abatement notice.

Further Conditions

No further conditions apply.

Notice Issued Under

This notice is issued under Section 322(1)(a)(i) of the RMA.

Reasons For Notice

On 25th May 2023 I visited 1799A Great South Road, Drury. During this visit I saw that a fenced area at the north eastern side of the Property contained piles of mulch, green waste and logs. There was also a small pile of fill which appeared to have rubbish in it.

There were two trucks and a utility vehicle within the area, which were sign-written with "Aarons Contracting".

During my visit I also observed an enclosed yard within the Property. The yard had signage for CB Civil, and contained vehicles, Portacom's, shipping containers and materials- some of which were sign-written with CB Civil.

An area to the east of the permanent sheds on the Property has been converted into metalled hardstands.

In a phone conversation with Aaron Blackburn (Director-Aarons Contracting Limited) on 30th May 2023, he stated that the site is being used as a satellite yard for the company. He said that green waste from various sites is brought to the yard. It is mulched onsite and then on-sold to customers.

In a phone conversation with Tom Fisher (Director-CB Civil and Drainage Limited) on 30th May 2023, he stated that the yard is being used for off-site storage for the company. He said that the no work as such is being carried out in the yard- it is just for storage.

In a conversation with Cam Vernon on 25th May 2023 he said that the hard stand area to the east of the CB Civil yard has been created to store wrapped bales of sorghum which is used on his properties.

In a phone conversation with Cam on 14th June 2023 he said that the hardstand area where the CB Civil yard is located was existing when he took over the property. He said that he scraped off the overgrowth to reveal the existing metal but has not added any metal to this area. Cam said that the additional area of hardstand created this year is less than 2500 square metres.

Checks of Google Earth images of the Property in 2022 show no hardstand areas. I calculated the area of earthworks, including hard stand areas using the Auckland Council Geomaps application and found it to be approximately 10000 square metres.

The Property is zoned Rural - Mixed Rural under the AUP(OP).

This abatement notice is issued because in my opinion industrial activities, and earthworks are contraventions of section 9(3) of the RMA, and a rule in the AUP(OP). Such a contravention is an offence.

Section 9(3) of the RMA states no person may use land in a manner that contravenes a district rule unless the use is expressly allowed by a resource consent. The district rules that have been breached are as follows:

Clause 1.7 (1) of the AUP(OP) states that any activity that is not specifically classed in a rule as a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity unless otherwise specified by a rule for an overlay, zone or precinct or in an Auckland-wide rule. The industrial activities of a green waste recycling facility and contractor's yard are not provided for in the Mixed Rural Zone and are therefore non-complying and require resource consent.

Activity Table E12.4.1 (A6) provides that earthworks greater than 2500 square metres in Rural – Mixed Rural zone is a Restricted Discretionary (RD) activity.

Discretionary (D) activities and Restricted Discretionary (RD) activities require resource consent from the Council. There is no resource consent for industrial activities: namely a green waste recycling facility or contractor's yard, or earthworks on the Property.

Authority to Issue

Enforcement Authority: Auckland Council, 4 Osterley Way, Manukau

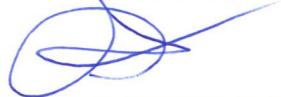
Enforcement Officer Identification: Warrant No. 8596

Enforcement Officer Name: Claire Townson

The Enforcement Officer is acting under a warrant of authority issued by the Auckland Council, pursuant to Section 38 of the Resource Management Act 1991, authorising the Officer to carry out all of the functions and powers as an Enforcement Officer under the Resource Management Act 1991.

Signature of Enforcement Officer:

Date: 19th June 2023



IMPORTANT: PLEASE READ IMPORTANT NOTES ATTACHED

Important Notes

Note: If you do not understand these notes, you should consult a lawyer immediately.

Failure to Comply

If you do not comply with this abatement notice you may be issued with an infringement notice for each occurrence (day) of non-compliance with this notice under Section 343C, or prosecution under Section 338, or the Resource Management Act 1991. (Unless you appeal the abatement notice and the notice is stayed as explained below).

Right to Appeal

You have the right to appeal to the Environment Court against the whole or any part of this abatement notice. If you wish to appeal, you must lodge a notice of appeal in Form 49 with the Environment Court within 15 working days of being served with this abatement notice.

Stay of Abatement Notice

An appeal does not automatically stay the abatement notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge under Section 325(3A) of the Resource Management Act 1991 (see Form 50). To obtain a stay, you must lodge both an appeal and a stay with the Environment Court.

Change or Cancel Abatement Notice

You also have the right to apply in writing to the Auckland Council to change or cancel this abatement notice in accordance with Section 325A of the Resource Management Act 1991.

Authorisation of Officer

Auckland Council authorises the Enforcement Officer who issued this notice.

Auckland Councils address is:
Private Bag 92300
Auckland 1142

ABATEMENT NOTICE



(Issued under the authority of section 322 of the Resource Management Act 1991)

Notice No: ABT21680673

Issue Date: 16th June 2023

TO: Cameron Vernon
290 Maxted Road
Drury
AUCKLAND 2579

| Undertake The Following Action: | By Date: |
|---|----------------------------|
| <p>The Auckland Council gives notice that you must undertake the following action:</p> <p>Remove all vehicles, machinery, equipment, fill, green waste and materials related to Aarons Contracting from the property at 1799A Great South Road, Drury, Auckland ("the Property").</p> | 16 th July 2023 |
| <p>Undertake The Following Action:</p> <p>The Auckland Council gives notice that you must undertake the following action:</p> <p>Remove all vehicles, portacom, shipping containers, materials and equipment related to CB Civil and Drainage Limited from the Property.</p> | 16 th July 2023 |
| <p>Undertake The Following Action:</p> <p>The Auckland Council gives notice that you must undertake the following action:</p> <p>Remove all billboards from the Property.</p> | 16 th July 2023 |
| <p>Undertake The Following Action:</p> <p>The Auckland Council gives notice that you must undertake the following action:</p> <p>Provide Council with a detailed site investigation report prepared by a suitably qualified and experienced practitioner showing the nature, quantity and quality of the fill and other materials that have been placed on the hard stand areas of the Property and any leachate discharging from them.</p> | 16 th July 2023 |
| <p>Undertake The Following Action:</p> <p>The Auckland Council gives notice that you must undertake the following action:</p> <p>If the site investigation report indicates the presence of non-compliant (in terms of quantity and quality) soils and other fill materials, provide Council with a removal methodology plan for all non-compliant soil and fill materials for approval by Council.</p> | 1st August 2023 |

Undertake The Following Action:

By Date:

The Auckland Council gives notice that you must undertake the following action:

If there are non-compliant soils and other fill materials, remove them in accordance with the approved methodology plan.

1st September 2023

Undertake The Following Action:

By Date:

The Auckland Council gives notice that you must undertake the following action:

On removal of all non-compliant soils and other fill materials, provide Council with a site validation report from a suitably qualified and experienced practitioner describing any residual adverse environmental effects from the soil and other fill materials and their removal. If the report identifies any residual adverse environmental effect, it shall propose remedial works.

1st October 2023

Undertake The Following Action:

By Date:

The Auckland Council gives notice that you must undertake the following action:

If further remedial works are required, carry out those works to Council's satisfaction

1st November 2023

Location

The location to which this abatement notice applies:

Address: 1799A Great South Road, Drury, Auckland

Legal Description: Lot 6 DP 156089 CT NA93B/140

Auckland Council enforcement officers will from time to time undertake inspections to check whether you are complying with section 9(3) of the Resource Management Act 1991 (RMA), the Auckland Unitary Plan (AUP(OP)), and this abatement notice.

Further Conditions

This notice imposes the following further condition:

No further conditions apply.

Notice Issued Under

This notice is issued under Section 322(1)(b)(ii) of the Resource Management Act 1991 (RMA).

Reasons For Notice

On 25th May 2023 I visited 1799A Great South Road, Drury. During this visit I saw that a fenced area at the north eastern side of the Property contained piles of mulch, green waste and logs. There was also a small pile of fill which appeared to have rubbish in it. There were two trucks and a utility vehicle within the area, which were sign-written with "Aarons Contracting".

During my visit I also observed an enclosed yard within the Property. The yard had signage for CB Civil, and contained vehicles, Portacombs, shipping containers and materials- some of which were sign-written with CB Civil.

I also saw three billboards attached to shipping containers at the eastern side of the Property. The billboards are for Vernon Developments, Timberline Landscape Supplies, and Archgola.

The AUP(OP) defines a billboard as any sign, message or notice conveyed using any visual media which is used to advertise any business, service, good, products, activities or events that are not directly related to the primary use or activities occurring on the site of the sign.

An area to the east of the permanent sheds on the Property has been converted into metalled hardstands.

In a phone conversation with Aaron Blackburn (Director-Aarons Contracting Limited) on 30th May 2023, he stated that the site is being used as a satellite yard for the company. He said that green waste from various sites is brought to the yard. It is mulched onsite and then on-sold to customers.

In a phone conversation with Tom Fisher (Director-CB Civil and Drainage Limited) on 30th May 2023, he stated that the yard is being used for off-site storage for the company. He said that the no work as such is being carried out in the yard- it is just for storage.

In a conversation with Cam Vernon on 25th May 2023 he said that the hard stand area to the east of the CB Civil yard has been created to store wrapped bales of sorghum which is used on his properties.

In a phone conversation with Cam on 14th June 2023 he said that the hardstand area where the CB Civil yard is located was existing when he took over the property. He said that he scraped off the overgrowth to reveal the existing metal but has not added any metal to this area. Cam said that the additional area of hardstand created this year is less than 2500 square metres.

Checks of Google Earth images of the Property in 2022 show no hardstand areas. I calculated the area of earthworks, including hard stand areas using the Auckland Council Geomaps application and found it to be approximately 10000 square metres.

The Property is zoned Rural - Mixed Rural under the AUP(OP).

This abatement notice is issued because in my opinion industrial and billboards activities, and earthworks are in contravention of section 9(3) of the RMA, and a rule in the AUP(OP). Such a contravention is an offence.

Section 9(3) of the RMA states no person may use land in a manner that contravenes a district rule unless the use is expressly allowed by a resource consent. The district rule that has been breached is as follows:

Clause 1.7 (1) of the AUP(OP) states that any activity that is not specifically classed in a rule as a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity unless otherwise specified by a rule for an overlay, zone or precinct or in an Auckland-wide rule. The industrial activities of a green waste recycling facility and contractor's yard are not provided for in the Mixed Rural Zone and are therefore non-complying and require resource consent.

Activity Table E23.4.1(A11) of the AUP(OP) provides that free-standing billboards in Rural – Mixed Rural zone is a Discretionary (D) activity.

Activity Table E12.4.1 (A6) provides that earthworks greater than 2500 square metres in Rural – Mixed Rural zone is a Restricted Discretionary (RD) activity.

Discretionary (D) and Restricted Discretionary (RD) activities require resource consent from the Council. There are no resource consents for industrial activities, billboards, or earthworks on the Property.

This abatement notice is issued in my opinion the required action is necessary to ensure compliance by you and your contractors with the RMA and the AUP(OP) and is also necessary to avoid remedy or mitigate any actual or likely adverse effect of the environment caused by you and your contractors.

The unconsented industrial activity has resulted in detracting from visual amenity of the Property and its surrounding, decrease in rural character and increase in traffic movements, noise and discharge of contaminants into the environment.

The unconsented billboards have resulted in detracting from visual amenity of the Property and its surrounding, decrease in rural character, and adverse effects on traffic safety.

The hardstand areas have resulted in detracting from visual amenity of the Property and its surrounding and decrease in rural character. They also reduce the property's ability to be used as productive land.

Authority To Issue

Enforcement Authority: Auckland Council, 4 Osterley Way, Manukau

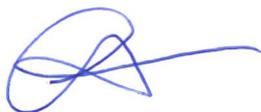
Enforcement Officer Identification: Warrant No. 8596

Enforcement Officer Name: Claire Townson

The Enforcement Officer is acting under a warrant of authority issued by the Auckland Council, pursuant to Section 38 of the Resource Management Act 1991, authorising the Officer to carry out all of the functions and powers as an Enforcement Officer under the Resource Management Act 1991.

Signature of Enforcement Officer:

Date: 19th June 2023



IMPORTANT: PLEASE READ IMPORTANT NOTES ATTACHED

Important Notes

Note: If you do not understand these notes, you should consult a lawyer immediately.

Failure to Comply

If you do not comply with this abatement notice you may be issued with an infringement notice for each occurrence (day) of non-compliance with this notice under Section 343C, or prosecution under Section 338, or the Resource Management Act 1991. (Unless you appeal the abatement notice and the notice is stayed as explained below).

Right to Appeal

You have the right to appeal to the Environment Court against the whole or any part of this abatement notice. If you wish to appeal, you must lodge a notice of appeal in Form 49 with the Environment Court within 15 working days of being served with this abatement notice.

Stay of Abatement Notice

An appeal does not automatically stay the abatement notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge under Section 325(3A) of the Resource Management Act 1991 (see Form 50). To obtain a stay, you must lodge both an appeal and a stay with the Environment Court.

Change or Cancel Abatement Notice

You also have the right to apply in writing to the Auckland Council to change or cancel this abatement notice in accordance with Section 325A of the Resource Management Act 1991.

Authorisation of Officer

Auckland Council authorises the Enforcement Officer who issued this notice.

Auckland Councils address is:
Private Bag 92300
Auckland 1142

C507962.4EC

Approved by the District Land Registrars: North Auckland 4221/75, South Auckland H.008116/1974, Canterbury 957768, Marlborough 75776, Gisborne 112239.9, Hawkes Bay 303051, Taranaki 217464.1, Wellington A038045, Westland 45629.

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

xix WE, THOMAS CHURCHILL KNOWLDEN BURR, Farmer and
MARY BURR, Married Woman both of Auckland

being the registered proprietor of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at **Auckland** on the day of 19 93 under No. **156089** are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE
 DEPOSITED PLAN NO. 156089

| Nature of Easement (e.g., Right of Way, etc.) | Servient Tenement | | Dominant Tenement Lot No.(s) or other Legal Description | Title Reference |
|--|---|---|---|--------------------|
| | Lot No.(s) or other Legal Description | Colour, or Other Means of Identification, or Part Subject to Easement | | |
| Right of Way and Service * | Lot 4 | A, C, E, | Lot 5 | 93B/139 |
| " " | Lot 5 | B, D, F, | Lot 4 | 93B/138 |
| Right to convey Water | Lot 2 | H | Lot 3 | 93B/137 |
| " " | | | Lot 4 | 93B/138 |
| " " | | | Lot 5 | 93B/139 |
| " " | | | Lot 6 | 93B/140 |
| " " | Lot 2 | I | Lot 4 | 93B/138 |
| | | | Lot 5 | 93B/139 |
| | | | Lot 6 | 93B/140 |
| | Lot 4 | C | Lot 5 | 93B/139 |
| | | | Lot 6 | 93B/140 |
| * Services shall mean Electricity supply and Telephone | | | | |
| | Lot 5 | D | Lot 6 | 93B/140 |
| | Lot 6 | G | Lot 1 | 93B/135 |
| | | | DP 156089 | |

N.B. On no account should this margin be used

N.B. On no account should this margin be used

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

In respect of rights of way as stipulated in the Ninth Schedule of the Property Law Act 1952 and in the Seventh Schedule of the Land Transfer Act 1952 except insofar as varied by the provisions hereinafter appearing

In respect of Right to convey water as stipulated in the Seventh Schedule to the Land Transfer Act 1952

In respect of Electricity Supply and Telephone Services :

- (a) The full free and uninterrupted right liberty and licence to any registered proprietor of any dominant tenement together with their servants, tenants, agents, workmen, Licensees or Invitees (in common with the registered proprietor of the servient tenement his tenants and any other person lawfully entitled so to do and subject always to any enactment or regulation for the time being in force governing the supply of electric power and any installation of telephone services) from time to time and at all times by day and by night to go, pass and re-pass, with or without vehicles laden or unladen and with tools, machinery and equipment for the purposes of laying cables, wires and installation of electricity or telephone wires and to respectfully convey current for the supply of electric power or the transmission of telephone messages over those parts more particularly defined in the Schedule hereinbefore provided subject always that upon opening up of the surface of the land for any works such surface shall be restored to as far as possible the same condition as it was prior to such opening up and disturbance together with the effecting of any repairs to erections damage during any work carried out upon the land.

N.B. On no account should this margin be used

N.B. On no account should this margin be used

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

(a) The registered proprietor for the time being of the Dominant and Servient Tenements shall be equally liable for the formation repair and maintenance of the right of way created hereby and for the fencing of any boundary thereof.

(b) The registered proprietors for the time being of the Dominant and Servient Tenements who require the water supply easements created hereby shall be equally responsible for the laying and maintaining of any pipeline along such easements hereby created and for the installation servicing and maintenance of any pumping equipment to be installed within the said easement and for the payment of all electric power supply to such pumping equipment.

(c) The registered proprietor for the time being of the Dominant and Servient Tenements who require and use the services easement hereby created shall be equally responsible for the installation and repair and maintenance of any such service and in the event that the surface of the land within the easement granted is required to be opened up then such registered proprietor shall ensure that the ground surface is restored to as near as possible to its original condition and that there is freedom of egress and ingress along the right of way hereby created.

(d) It is hereby declared that any dispute between the registered proprietor for the time being of the Dominant and Servient Tenements in respect of any of the aforementioned easements created hereby which cannot be settled by agreement between the parties shall be settled by arbitration in accordance with the provisions of the Arbitration Act 1908 or any amendment or re-enactment thereof.

N.B. On no account should this margin be used

N.B. On no account should this margin be used

Dated this 23rd day of July 19 93

Signed by the above-named
THOMAS CHURCHILL KNOWLDEN BURR
and
MARY BURR

T.C.K. Burr
Mary Burr

in the presence of

Witness
Occupation
Address

EASEMENT CERTIFICATE

IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein.

Correct for purposes of the Land Transfer Act

(Solicitor for) the registered proprietor

The within easements
when created will be
subject to section
243(c) Resource
Management Act 1991

Particulars entered in the Register as shown in the schedule of land hereon on the date and at the time stamped below

District Land Registrar
Assistant
of the District of

135 17.AUG93 C 507962.4
RECORDED
REGISTERED
LAND REGISTRAR
AUCKLAND
District

93B/135 to 135 incl.

WEBB MORICE & PARTNERS (MAK)
SOLICITORS
PUKEKOHE

N.B. On no account should this margin be used

N.B. On no account should this margin be used



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier **NA93B/140**
Land Registration District **North Auckland**
Date Issued 17 August 1993

Prior References

NA56B/1129 NA58C/297 NA69A/855

Estate Fee Simple
Area 8.6730 hectares more or less
Legal Description Lot 6 Deposited Plan 156089

Registered Owners

Rebekca Kelsey Vernon, Cameron Graham Vernon and CG Vernon KW Trustee Limited

Interests

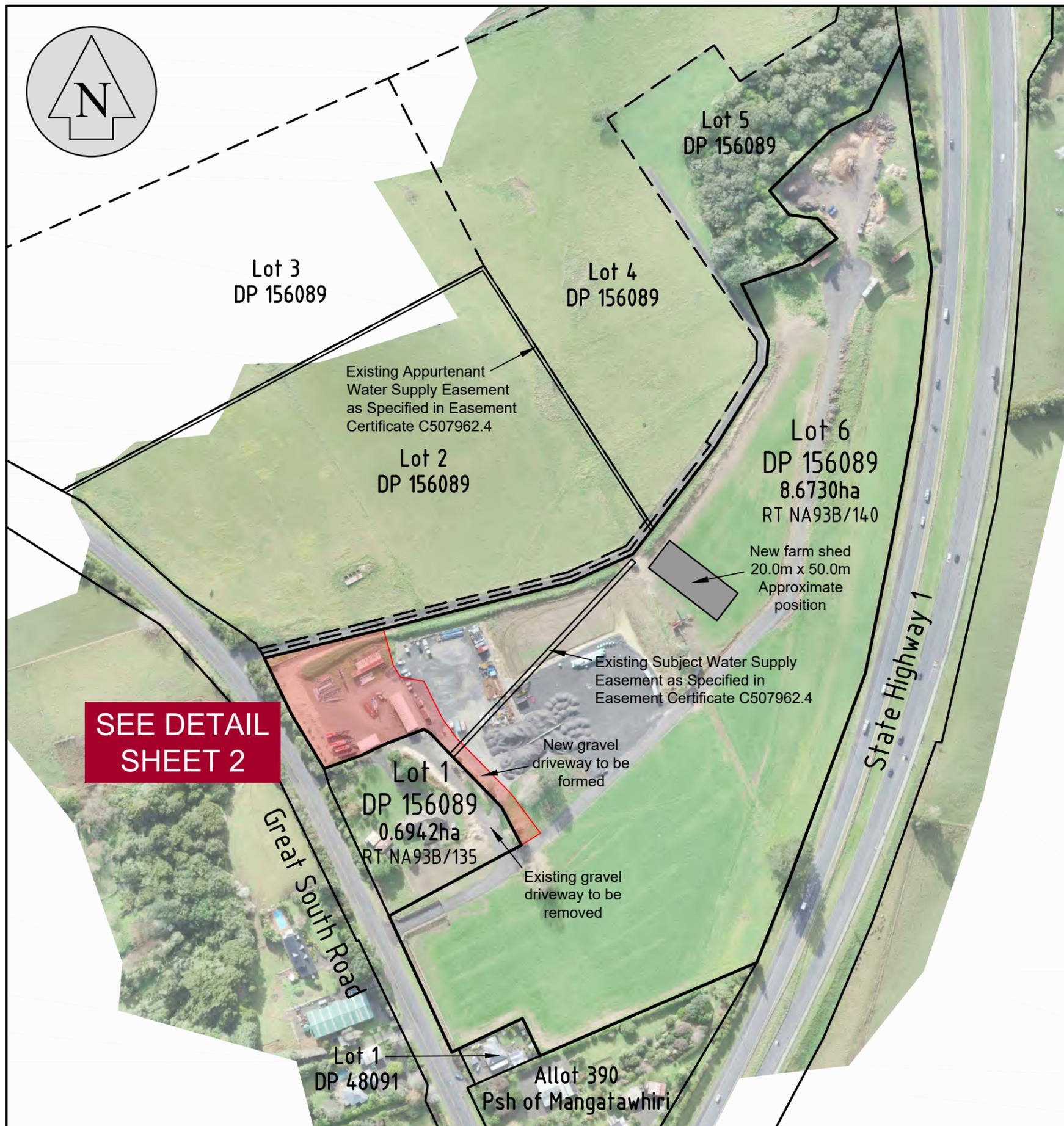
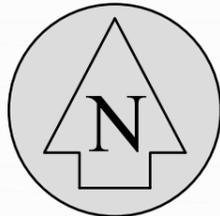
Subject to Section 8 Mining Act 1971

Subject to Section 5 Coal Mines Act 1979

Subject to a right to convey water over part marked G on DP 156089 specified in Easement Certificate C507962.4 - 17.8.1993 at 1.35 pm

Appurtenant hereto are rights to convey water specified in Easement Certificate C507962.4 - 17.8.1993 at 1.35 pm

The easements specified in Easement Certificate C507962.4 are subject to Section 243 (a) Resource Management Act 1991
12650751.5 Mortgage to Bank of New Zealand - 7.2.2023 at 1:12 pm



LOCAL AUTHORITY : AUCKLAND COUNCIL
 ZONING : RURAL - MIXED RURAL ZONE
 TOTAL AREA : 8.6730ha
 COMPRISED IN : RT NA93B/140
 REGISTERED OWNERS : C.G. VERNON, R.K. VERNON &
 CG VERNON KW TRUSTEE LIMITED

SHEET 1 OF 2

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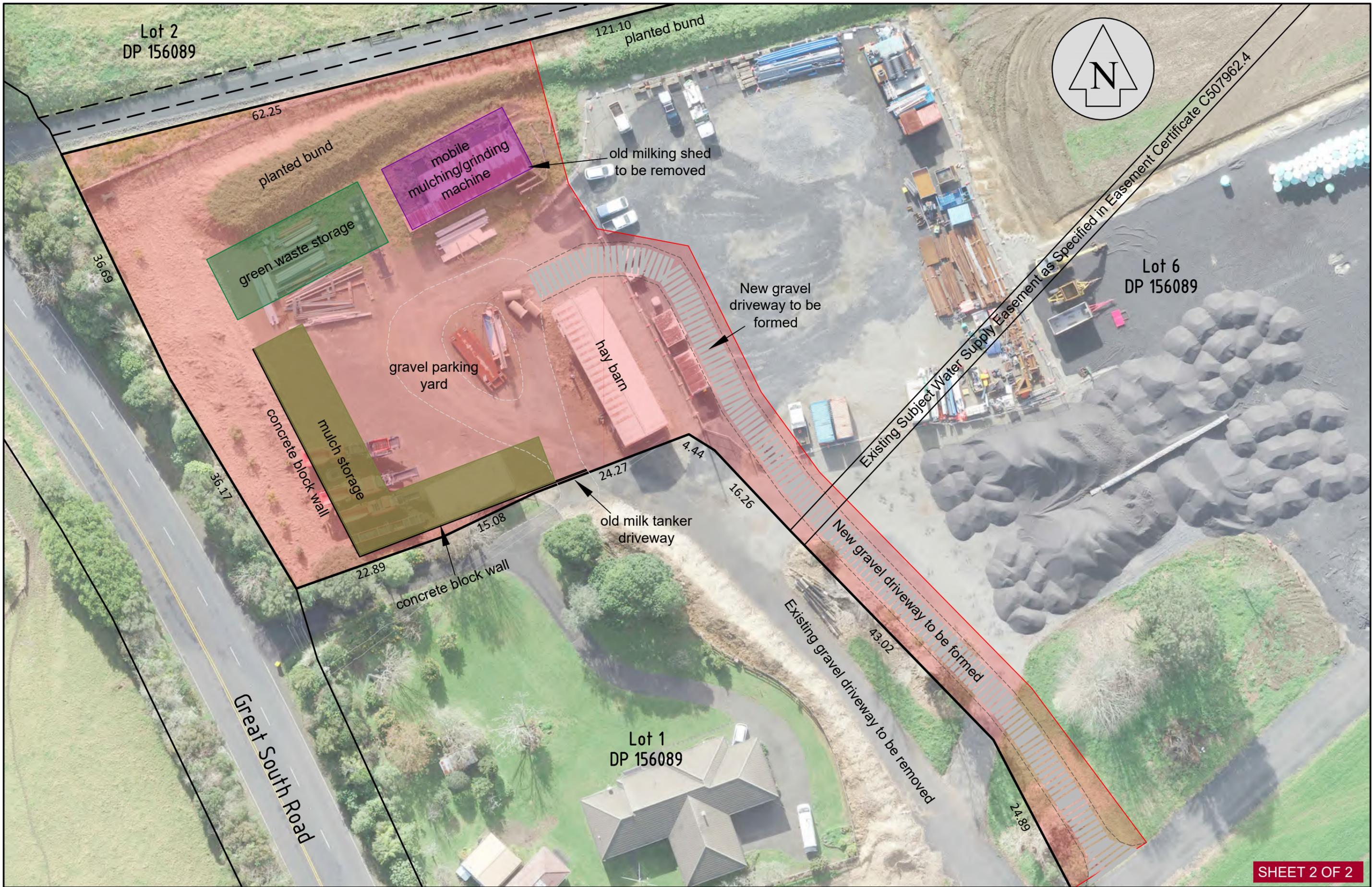
Level One, 17 Hall Street
 PO Box 466 Pukekohe 2340
 Phone 09 238 9991
 Fax 09 238 9307
 email : info@subdivision.co.nz
 web : www.subdivision.co.nz

VERNON DEVELOPMENTS LIMITED

PROPOSED RURAL CONTRACTING BUSINESS AT
 1799A GREAT SOUTH ROAD, BOMBAY.

PROPOSED DEVELOPMENT PLAN

| | | |
|--------------------|-----------------------------------|-------|
| Drawn By MF | J1612 - PROPOSED DEVELOPMENT PLAN | |
| Scale @A3 1 : 2500 | DEC 2023 | J1612 |



SHEET 2 OF 2

TSC
 THE SURVEYING COMPANY
 Planners, Surveyors & Engineers
 Level One, 17 Hall Street
 PO Box 466 Pukekohe 2340
 Phone 09 238 9991
 Fax 09 238 9307
 email : info@subdivision.co.nz
 web: www.subdivision.co.nz

VERNON DEVELOPMENTS LIMITED
 PROPOSED RURAL CONTRACTING BUSINESS AT
 1799A GREAT SOUTH ROAD, BOMBAY.

| | |
|---------------------------|-----------------------------------|
| PROPOSED DEVELOPMENT PLAN | |
| Drawn By MF | J1612 - PROPOSED DEVELOPMENT PLAN |
| Scale @A3 1 : 500 | DEC 2023 J1612 |



LANDSCAPE ARCHITECTURE □ URBAN DESIGN □ PROJECT MANAGEMENT

Landscape and Visual Assessment For 1799A Great South Road, Bombay

Prepared for:
Vernon Developments Ltd
c/o The Surveying Company

Prepared by:
Sally Peake
Principal, Peake Design Ltd
Registered NZILA Landscape Architect

CONTENTS

Page No.

| | |
|--|---|
| 1. INTRODUCTION | 2 |
| 2. EXISTING SITE CHARACTER AND CONTEXT | 2 |
| 3. PLAN PROVISIONS | 5 |
| 4. SCOPE AND METHODOLOGY | 8 |
| 5. ASSESSMENT OF EFFECTS | 8 |

1. INTRODUCTION

Peake Design Ltd was requested by The Surveying Company, on behalf of Vernon Developments Ltd, to undertake an evaluation of the potential landscape and visual effects of recent works undertaken at 1799A Great South Road, Bombay.

Specifically, the report is in response to an abatement notice from Auckland Council, ref. ABT21689043 dated 18th August 2023.

In order to undertake the evaluation a site visit was made to the site and surrounding context on 8th November 2023.

The purpose of the landscape and visual assessment is to evaluate the effects of the recent works undertaken on the site on landscape values, with reference to the Outstanding Natural Feature overlay area.

2. EXISTING SITE CHARACTER AND CONTEXT

The site is a large rural site (8.673ha) located between State Highway 1 and Great South Road, close to the Bombay interchange area, known locally as Collision Crossroads.

The majority of the site is in pasture, with the northwestern area occupied by the dwelling at 1799 Great South Road (Lot 1) and a storage yard on Part of Lot 6 (Figure 1). Approximately 0.6ha is within the Outstanding Natural Feature overlay area identified in the Unitary Plan, at the southeast boundary of the Raventhorpe Tuff Ring (Figure 2).

The Raventhorpe Volcanic Complex is described in a thesis by Simon Nicholas Taylor¹ as follows: *The Raventhorpe Volcanic Complex is located in the central region of the South Auckland Volcanic Field, 10 km to the east of Pukekohe, and comprised of the Raventhorpe tuff ring and the five Ingram Road tuff rings. The volcanic complex association is based on the overlapping relationship of the 6 interconnected tuff rings. On the western rim of the Raventhorpe tuff ring, a north-south trending outcrop >200 m long is exposed. From the outcrop, the eastern rim is visible along State Highway One. To the west are the Ingram Road tuff rings, consisting of five interconnected rings.*

¹ Volcanology of the Raventhorpe and Pokeno West Volcanic Complexes, South Auckland Volcanic Field: A thesis submitted in partial fulfilment of the requirements for the degree of Master of Science in Earth and Ocean Sciences at The University of Waikato by Simon Nicholas Taylor, The University of Waikato 2012

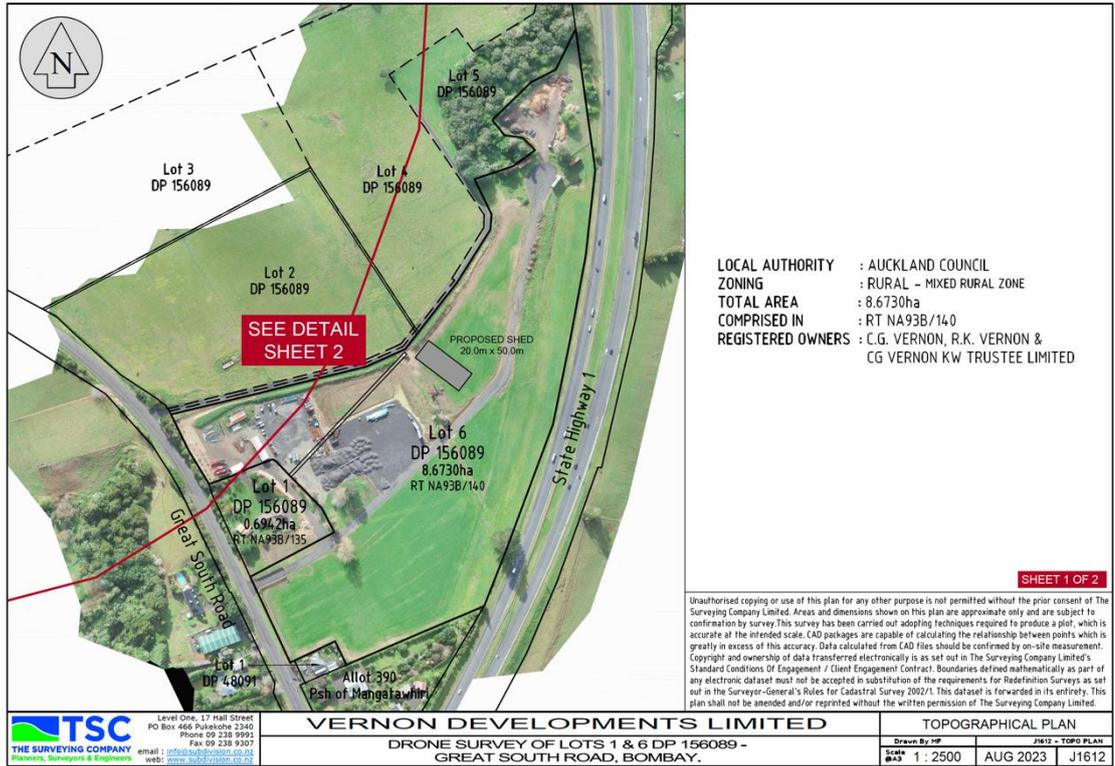


Figure 1 Survey plan showing site and ONF

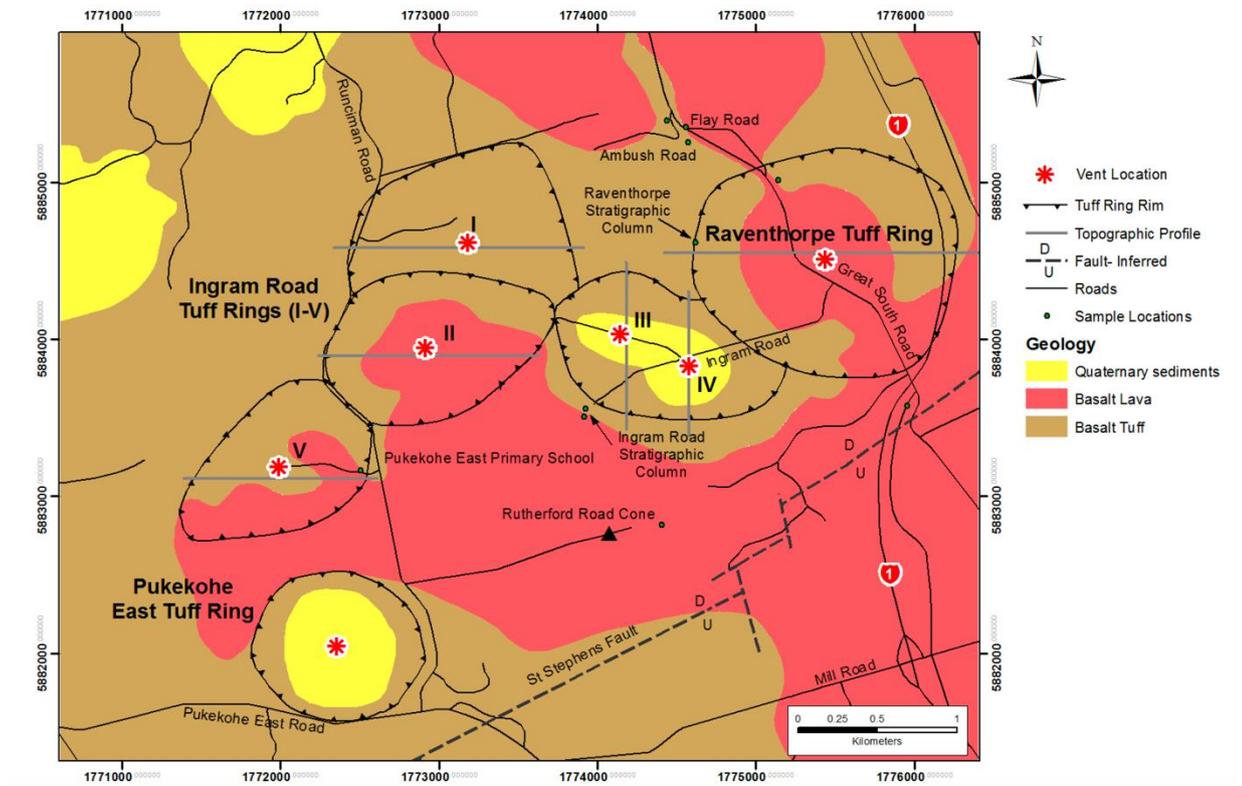


Figure 2 Plan of Raventhorpe Volcanic Complex and surrounds

The topographic expression of the ring is described as follows and shown in Figure 3.4 from the thesis:

The steeply sloping western rim of the Raventhorpe tuff ring, where the single north-south trending 200 m wide outcrop is exposed, consists of a 50 m high tuff ring rim. To the east the rim is comparably much flatter (Fig. 3.4), consisting of a 30 m high rim on which State Highway One has been built and thus modified. The rim to the north and south is eroded with few observable features.



Figure 3.4: Looking over to the eastern rim of the Raventhorpe tuff ring indicated by arrows on which the Hamilton-Auckland Motorway (SH1) passes across. The houses in the centre are located near the vent.

Figure 4 below shows that the site is generally flat with the sloping rim clearly outside the site. The 100m contour appears to coincide with the extent of the mapped ONF.

Images of the site are included elsewhere in this report.

(a) the extent to which the landform, feature or geological site contributes to the understanding of the geology or evolution of the biota in the region, New Zealand or the earth, including type localities of rock formations, minerals and fossils;

(c) the extent to which the feature is an outstanding representative example of the diversity of Auckland's natural landforms and geological features;

(d) the extent to which the landform, geological feature or site is part of a recognisable group of features;

(e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape;

(i) the state of preservation of the feature or site;

Objectives and policies are:

D10.2. Objectives [rcp/dp]

(1) Auckland's outstanding natural features and outstanding natural landscapes are protected from inappropriate subdivision, use, and development.

(2) The ancestral relationships of Mana Whenua with outstanding natural features and outstanding natural landscapes are recognised and provided for.

(3) Where practicable the restoration and enhancement of outstanding natural features and outstanding natural landscapes, including in the Waitākere Ranges Heritage Area and the Hauraki Gulf /Te Moana-nui o Toi/Tīkapa Moana, is promoted.

(4) Existing rural production activities are recognised as part of landscape values including in outstanding natural features and outstanding natural landscapes.

D10.3. Policies [rcp/dp]

(3) Protect the physical and visual integrity of outstanding natural features, including volcanic features that are outstanding natural features, by:

(a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to an outstanding natural feature's values;

(b) ensuring that the provision for, and upgrading of, public access, recreation and infrastructure is consistent with the protection of the values of an outstanding natural feature; and

(c) avoiding adverse effects on Mana Whenua values associated with an outstanding natural feature.

(4) Protect the physical and visual integrity of outstanding natural features, while taking into account the following matters:

(a) the value of the outstanding natural feature in its wider historic heritage, cultural, landscape, natural character and amenity context;

(b) the educational, scientific, amenity, social or economic value of the outstanding natural feature;

- (c) the historical, cultural and spiritual association with the outstanding natural feature held by Mana Whenua;
 - (d) the extent of anthropogenic changes to the natural characteristics and qualities of the outstanding natural feature;
 - (e) the presence or absence of structures, buildings or infrastructure;
 - (f) the temporary or permanent nature of any adverse effects;
 - (g) the physical and visual integrity and the natural processes of the location;
 - (h) the physical, visual and experiential values that contribute significantly to the outstanding natural feature's values;
 - (i) the location, scale and design of any proposed subdivision, use or development; and
 - (j) the functional or operational need of any proposed infrastructure to be located within the outstanding natural feature.
- (5) Enable use and development that maintains or enhances the values or appreciation of an outstanding natural landscape or outstanding natural feature.
- (6) Provide for appropriate rural production activities and related production structures as part of working rural and coastal landscapes in outstanding natural landscape and outstanding natural feature areas.
- (7) Encourage the restoration and enhancement of outstanding natural landscapes and outstanding natural features where practical, and where this is consistent with the values of the feature or area.

Type A features are identified as being landforms that are sufficiently large and robust to withstand small-scale land disturbance or constructions without significant impact.

The following key matters of discretion and assessment criteria are relevant to the assessment of landscape effects:

D10.8.1. Matters of discretion

- (1) The nature, form and extent of proposed works.
- (2) Effects on the landscape values of the feature.
- (3) The degree of geological modification.
- (6) Protection or enhancement of the feature.

D10.8.2. Assessment criteria

- (2) The extent to which the proposed use or development will cause adverse visual effects, or adversely affect landscape values associated with the feature.

4. SCOPE AND METHODOLOGY

The assessment of landscape and visual effects has been undertaken with reference to the Te Tangi a te Manu: Aotearoa Landscape Assessment Guidelines for landscape assessment². The assessment provides ratings based on professional judgement and evaluates the level or magnitude of effects that will result from the proposed works, with reference to the site context and relevant planning framework of the District Plan outlined above. A 7-point scale is used to determine the degree of effect.

In summary, the method has entailed

- (i) A site visit to the site and surrounding context,
- (ii) A review of relevant attributes of the existing environment,
- (iii) A review of the relevant planning context,
- (iv) Identification of key matters with regard to the proposal, provisions and context, and
- (v) Assessment of effects with respect to landscape values.

5. ASSESSMENT OF EFFECTS

Based on historical aerial photography³, there were 2 buildings within the ONF by 2017, one straddling the boundary, and a smaller one closer to the northern boundary (Figure 5), with access through what is now Lot 1.



Figure 5 Aerial photo 2017

² Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022

³ Auckland Council Geomaps
06.12.2023
PEAKE DESIGN LTD

Further access/circulation is apparent by 2010/2011, with an additional smaller structure/building and wider metalled area by 2017 (Figures 6 & 7). It is noted that the Raventhorpe Tuff Ring was not an identified important geological site or landform in the Franklin District Plan (2011) or updated plans (2015).



Figure 6 Aerial photo 2010 and 2011



Figure 7 Aerial photo 2017

A survey carried out by Tilsley Engineering Ltd⁴ indicates that the metalled area in the aerial photos above were used as a turning bay for tankers and that subsequently additional metal has been added. The report also states that the area to the west has been built up approximately 400mm to be level with the rest of the yard (but no time line is stated). The more recent area of metalled yard was clearly pasture prior to being metalled, and the image for OP02 indicates that the area has been slightly built up/levelled.

In addition, and outside the ONF, a new driveway/entry to the commercial business has been constructed to the south of Lot 1, and there is an older driveway along the north boundary providing access to 1789A Great South Road. Figure 1 shows the current state of the land, including metalled areas and a new shed to the east.

Development within the ONF area include the 2 historical buildings, an additional portacabin/building, cleared and metalled areas, an orchard along Great South Road to the west (with cleared ground under), and a planted earth bund to the north (built up with stripped topsoil) with a post and mesh fence (Figure 8).

⁴ Site Aggregate Analysis prepared by Tilsley Engineering Ltd, 28 November 2023
06.12.2023
PEAKE DESIGN LTD



Figure 8 Enlargement of Figure 1 showing works within the ONF

With regard to landscape values, changes since the Unitary Plan was introduced (2016) have clearly modified the site and its landform, although the contours are relatively unchanged and the areas of fill are not noticeable (either from within or outside the site). The new portacabin/building is small and discretely located on the boundary with Lot 1 and ONF, and could easily be relocated.

The most noticeable element from outside the site is the bund and fence along the northern boundary, and these clearly demarcate the activity and site from the open pasture to the north.

The Abatement Notice states: “The unconsented earthworks in the ONF area have caused damage to the Raventhorpe Tuff Ring. The earthworks, and placement of buildings, and fencing have also detracted from the natural character, landscape and visual features of the Tuff Ring.”

With regard to the factors/criteria for which the feature is valued, I make the following comments:

- (a) - (e) The feature is the largest of the five tuff rings and is ‘reasonably well-preserved’ so that it contributes to the understanding of the geology or evolution of the biota in the region, and in particular a recognisable group of features. Notwithstanding this, the feature contains numerous buildings and activities, including substantial rural-residential development, that mask the feature and detract from the natural character and aesthetic values of the feature (Figure 9).



Figure 9 Aerial photograph of ONF showing development within it

As a result, and with reference to (i) the state of preservation of the feature is likely to be variable. With regards to the site itself, although it is located on the edge of the ring, this does not appear to be well-defined and has been historically altered with the construction of Great South Road and the new driveway to 1789A Great South Road.

It is considered that, due to the overall size of the feature, and historical development in and around the site, the recent changes result in low effects on landscape values and that those natural characteristics and qualities that contribute to the ONF values are generally maintained (accepting that the current development and use are inconsistent with the objectives and policies of the Plan).

With regard to the visual integrity of the the feature, including the physical, visual and experiential values that contribute (significantly) to the feature’s values, and the location and scale of the development, it is considered that effects of the works are very low.

The images below are representative of public views towards and away from the site and show that the part of the site covered by the ONF is discretely located and perceived to be outside the ONF.

View 1 is the view towards the site from Great South Road and shows the natural landform and vegetation patterns. The bund is clearly visible but sits behind the foreground landform and topography and is seen against a backdrop of vegetation. The site is effectively integrated into a broad band of vegetation and development that is perceptually beyond the ONF (defined by the grassed ridgeline in the foreground).



View 1



View 2

View 2 is from Great South Road on the northwest boundary and together with View 3 shows the topographic form of the tuff ring and lower area to the north. The driveway adjacent to the boundary roughly follows the ridgeline (top of tuff ring edge) with the site fence and bund adjacent. It is considered that it perceptually defines the edge of the ONF

and that there would be no landscape or visual benefit to be derived from removing the bund and attempting to reintegrate the site into the feature.



Figure 3



View 4

View 4 is from outside the northern boundary looking north. It shows that the (higher) landform to the north of the driveway, which contributes to the screening of the driveway and site, and reinforces the separation between the site and wider landscape/ONF.



View 5

View 5 is a google street view from the SH1. It shows recent development and signage on the site (outside the ONF) in the foreground, and buildings within the ONF and the house on Lot 1 in the background. The form and character of the feature is not perceptible or experienced from this location, although clear views into the feature are available to the north.

Based on the analysis of these views, it can be seen that the bund and fence are notable elements that physically and visually separate the site from the remainder of the feature, and that their removal would potentially offer opportunities for restoration or remediation of landscape values. However, the adjacent driveway also effectively separates the site from the feature, and it can be argued that the bund and vegetation mitigate the effects of the development on the site. As noted above, the existing landform to the north of the driveway also forms an effective physical and visual edge to the feature.

As a result, it is not considered that removal of the existing development and works is necessary based on landscape and visual effects. The area covered by the ONF is physically and perceptually separated from the remainder of the ONF and has historic development that precedes the identification of the ONF in the Unitary Plan (and its objectives and policies).

The area and scale of development within the ONF is small and enabled by the plan where it states: *Type A features are landforms that are sufficiently large and robust to withstand small-scale land disturbance or constructions without significant impact.* In addition, given the nature and size of other developments in the area, it is not considered that the development is inappropriate, or that it results in significant adverse effects on the landscape values of the feature.

The recent works are not readily discernible outside the site (except for the bund and fence) and effects on landscape values are rated low. (It is recommended that the windbreak material on the fence be removed once the planting is established as this currently increases the visual impacts of the bund and fence.)

1799A GREAT SOUTH ROAD

Sally Peake

Registered NZILA Landscape Architect





TILSLEY ENGINEERING LTD

Civil, Geotechnical and Structural Consultants

Site aggregate analysis

Job # DT 23538

To: Vernon Developments Limited

Date: 28 November 2023

In respect of: Investigation of aggregate yard to determine what areas contain new aggregate deposits and what areas contain historically placed aggregate.

Address: 1799A Great South Road, Bombay

Lot: 6

DP: 156089

Scope: This short report covers the investigation of the age of aggregate placed on the property to form a metalled yard. It shall outline areas where new aggregate was placed and where there is pre-existing aggregate from an old yard. This is not a geotechnical report.

Site Description: The site is located on the eastern side of Great South Road. The site is gently sloping to the northeast. Overland flow paths are present on the Lot but are at least 80m from the area of interest in this report. The property is also affected by an Outstanding Natural Feature as a section of the property is part of the Ravensthorpe Tuff Ring.

Testing carried out: Initial investigations using Auckland Council GeoMaps and Google Earth were completed to observe site changes over time. Historical images showed that an aggregate turning bay for milk tankers has been present on the Lot since at least 2009. An initial test pit was dug in a location that was known to contain historical aggregate to allow for comparison to aggregate found in test pits in other locations on the yard. 3 shallow test pits were then dug to establish the type and depth of aggregate across the yard. A site walk was also conducted to observe any changes in the aggregate across the yard.

Findings: Aggregate observed in TP01 was visibly aged and weathered, with a build-up of silts and dust on the aggregate pieces. This is consistent with the expected condition of aggregate that would resemble the oldest aggregate present on the Lot. This aggregate would have been placed during the construction of the original turning bay. The aggregate found in TP01 was used to compare to aggregate found in other test pits as a comparison to determine age.

TP02 showed signs of crushed concrete and deposits of clean blue aggregate. This leads us to believe that the top layer of aggregate in this location is new and recently placed. There is evidence of older aggregate below this layer due to this location being near the original turning bay.

Aggregate found in TP03 contained new, clean blue aggregate pieces as well as crushed concrete and brown rock. The aggregate at the edge of the yard near TP03 was also inspected

which showed that the area had been built up by approximately 400mm to be level with the rest of the yard. Using historical imaging to compare to the present Lot, we believe that aggregate placed in this area is new. Historically, this area would have been used to yard cows near the cowshed so it would not typically contain aggregate.

TP04 was dug in a location that contained a visibly obvious layer of new aggregate. This comprised of road millings, crushed concrete, and fine aggregate. A deeper test pit was dug to establish if an older layer of aggregate was below. The test pit was dug until the base layer of clay was achieved. The layer of aggregate was consistent across all depths and did not resemble the older aggregate observed in TP01. This indicates that there is no evidence of historical aggregate in this location.

The below image summarises our findings. The edge of the Outstanding Natural Feature is shown in yellow. The green area indicates the pre-existing aggregate from the turning bay, blue indicates areas that are also likely to have contained historical aggregate and the red area indicating the new aggregate. Based on estimations calculated from the image shown below, approximately 57% of the aggregate placed in the area of an Outstanding Natural feature is new.



Site location with the Outstanding Natural Feature shown

I, Robert Tilsley MNZM CPEng # 85675, am a member of IPENZ and hold the following qualifications: B.E. (Civil) CMEngNZ. Tilsley Engineering holds a current policy of Professional Indemnity Insurance of no less than \$200,000.

Signed by: Robert Tilsley, on behalf of Tilsley Engineering Ltd.

A handwritten signature in black ink, appearing to read 'R Tilsley', written over a light grey rectangular background.

Robert Tilsley Sig # L772

B.E (Civil) CPEng. MIPENZ

DISCLAIMER

This report has been prepared solely for the benefit of our client with respect to particular brief given to us, and data or opinions in it may not be used in other contexts, by any other party or for any other purposes. To the maximum extent permitted by law, Tilsley Engineering Ltd disclaims all liability and responsibility (in contract or tort, including negligence, or otherwise) for any loss or damage whatsoever which may be suffered as a result of any reliance by any third party on this report, whether that loss is caused by any fault or negligence on the part of Tilsley Engineering Ltd or otherwise.

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Should you be in any doubt as to the applicability of this report and/or its recommendations for the proposed development as described herein, and/or encounter materials on site that differ from those described herein, it is essential that you discuss these issues with the authors before proceeding with any work based on this document.

This is a factual report of field investigations (and laboratory testing). The field investigations have been undertaken at discrete locations and no inferences about the nature and continuity of ground conditions away from the investigation location are made.

Furthermore the logs are provided presenting descriptions of the soils and geology based on field observations of the samples recovered in the fieldwork and may not be truly representative of the actual underlying conditions.

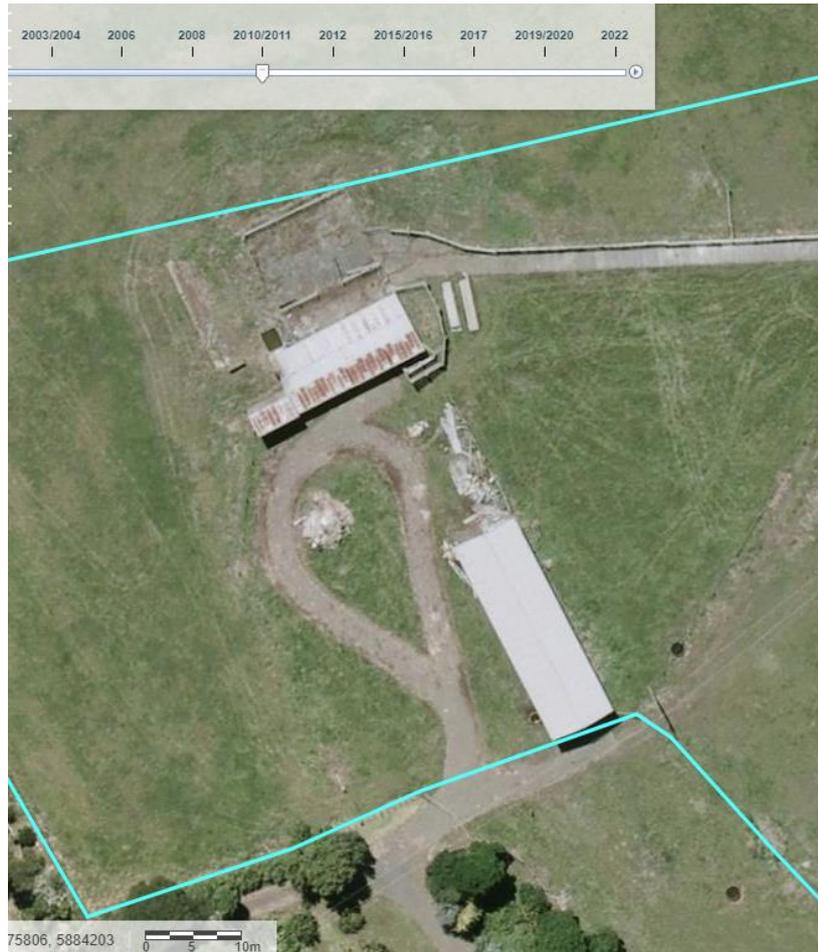
Ground Bearing Pressures

NZS 3604 States the Ultimate Bearing capacity is to be 300kPa. However the Definitions (1 April 2007) state the allowable bearing pressure is 100kPa.

Others use the term 'the site should provide an ultimate unfactored bearing capacity of 300kPa or allowable factored bearing capacity of 100kPa for residential type foundations'.



Site location showing the edge of the volcano tuff ring



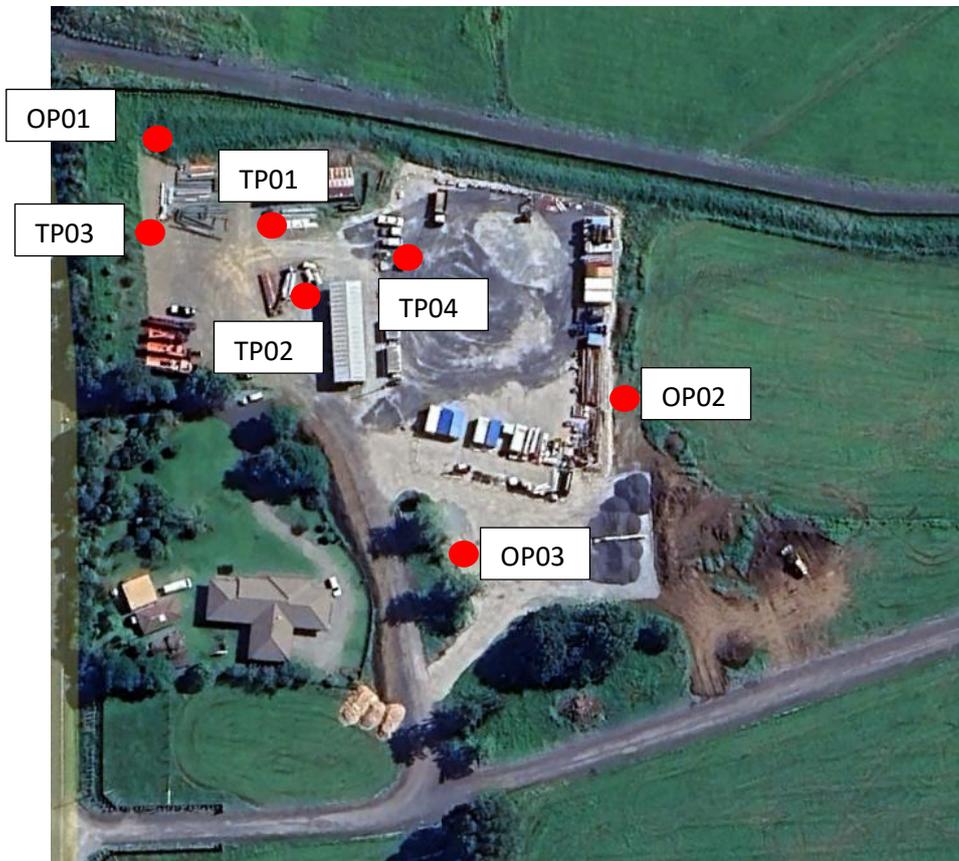
Historical Image of the turning bay from 2010 from Auckland GeoMaps



Historical image from Google Earth of the turning bay in 2009



Image of the site in 2023 from Google Earth



Site plan with test pit locations (TP) and observation points (OP)



Aggregate observed in TP01





TP01 Location



Aggregate observed in TP02



TP02 location



Aggregate found in TP03



TP03 location



Aggregate found at the edge of the yard near TP03 (OP01)



TP04 depth



TP04 location



Aggregate at the edge of the yard near TP04 (OP02)