

FEBRUARY 2025 | V1.0

Assessment of Environmental Effects Report

1799A Great South Road, Bombay

Vernon Developments Limited

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Contents

1.0	Application Summary	6
2.0	Consents Required.....	7
3.0	Site and Surrounds Context and Background	9
3.1	Site Description	9
3.2	Receiving Environment.....	10
3.3	Planning and Legal Constraints	12
3.4	The Surrounding Environment	13
3.5	Site Background.....	14
4.0	Proposal	14
4.1	Proposal Overview.....	14
4.2	Activity Definition	16
4.3	Site Layout	18
4.4	Access and Parking	18
4.5	Stormwater Management	18
4.6	Wastewater Discharge	19
4.7	Lighting	19
4.8	Environmental Management and Hazardous Substances.....	20
4.9	Gates, Fencing, Signage and Landscaping	20
4.10	Earthworks.....	20
5.0	Consultation	21
5.1	Neighbouring Sites	21
5.2	NZTA	21
6.0	Assessment of Environment Effects - s104(1)(a)	21
6.1	Positive Effects	22
6.2	Rural Character.....	23
6.3	Amenity Effects:	26
6.4	Transportation Effects	29
6.5	Effects on Rural Production.....	30
6.6	Stormwater Effects.....	32
6.7	Wastewater Disposal.....	33
6.8	Earthworks.....	34
6.9	Heritage and Cultural Values	35
6.10	Notification Assessment.....	35
7.0	Statutory Planning Assessment	37
7.1	National Environmental Standards and other Regulation - s104(1)(b)(i) and (ii).....	37

7.2	National Policy Statement – s104(1)(b)(iii).....	37
7.3	New Zealand Coastal Policy Statement - s104(1)(b)(iv)	41
7.4	Regional Policy Statement or Proposed Regional Policy Statement – s104(1)(b)(v).....	41
7.5	Plan or Proposed Plan 104(1)(b)(vi)	44
7.6	Relevant Other Matters – s104(1)(c).....	52
8.0	Part 2 of the RMA	53
9.0	Conclusion:	53
	ATTACHMENT A: AUP PLANNING ASSESSMENT.....	56
	ATTACHMENT B: PHOTOSSET	57

Appendices

Report / Plans	Author	Date	Appendix / Attachment
Supporting Planning Attachments			
AUP Planning Assessment	Chanel Hargrave	February 2025	Attachment A
Photoset	Chanel Hargrave	February 2025	Attachment B
Plans			
Plan of Receiving Environment	TSC	December 2024	Appendix 1
Proposed Site Plan	TSC	December 2024	Appendix 2
Retrospect Earthworks Plans	TSC	January 2025	Appendix 3
Proposed Stormwater Design and Earthworks Plans	TSC	February 2025	Appendix 4
Existing Entrance and Vehicle Tracking	TSC	November 2024	Appendix 5
Reports			
Infrastructure Report	TSC	January 2025	Appendix 6
Transport Assessment	TEAM Traffic	December 2024	Appendix 7
NPS-HPL Assessment	Ag First	January 2025	Appendix 8
LUC Assessment	Landsystems Limited	December 2024	Appendix 9
Environmental Management Plan	TSC	February 2025	Appendix 10
Other Documents			
Records of Title and Instruments	LINZ	Searched January 2025	Appendix 11
Correspondence with NZTA	-	Various	Appendix 12
Written Approvals	-	-	Appendix 13

1.0 Application Summary

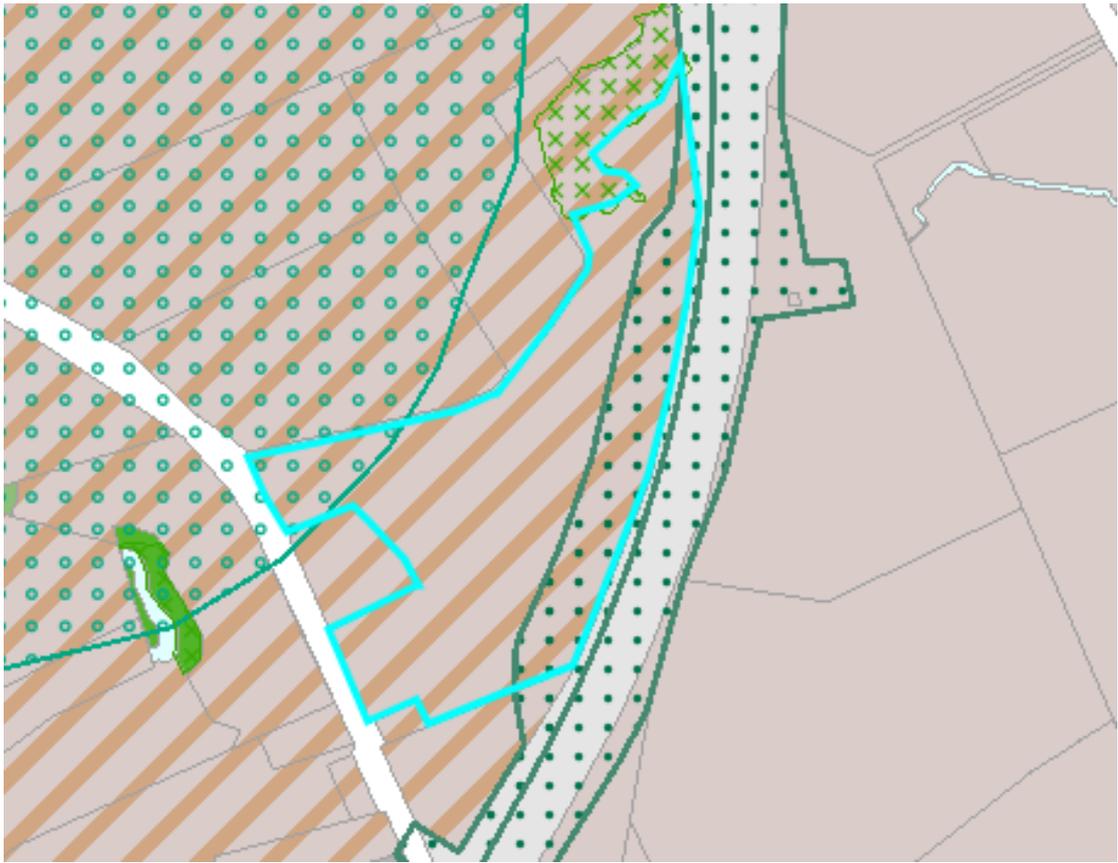
Applicant:	Vernon Developments Limited
Property Address:	1799A Great South Road, Bombay
Legal Description :	Record of Title: NA93B/140 Lot 6 Deposited Plan 156089
Legal Interests:	<ul style="list-style-type: none"> • Appurtenant hereto are rights to convey water specified in Easement Certificate C507962.4. • Subject to a right to convey water over part marked G on DP 156089 specified in Easement Certificate C507962.4. • Subject to a right (in gross) to convey electricity over part A on DP 584469 in favour of Counties Energy Limited created by Easement Instrument 12880881.1
Owner:	Rebekca Kelsey Vernon. CG Vernon KW Trustee Limited and Cameron Graham Vernon
Property Area:	8.6730ha
Auckland Unitary Plan (OiP) Zoning:	<p>Zone: Rural – Mixed Rural</p> 

Figure 1: AUP Zoning Map (Source AC Unitary Plan GIS).

	<p>Modification:</p> <ul style="list-style-type: none"> • Notice of Requirements - NZTA (P2B)NoR2 6700 SH1 Drury to Bombay, Designations. • Notice of Requirements, NZTA (P2B)NoR4 Shared User Path, Designations. <p>Overlays:</p> <ul style="list-style-type: none"> • High-Use Aquifer Management Areas Overlay – Bombay Drury Kaawa. • High-Use Aquifer Management Areas Overlay – Bombay Volcanic. • High-Use Stream Management Area Overlay. • Quality Sensitive Aquifer Management Areas Overlay – Franklin Volcanic Aquifer; Quality Sensitive Aquifer Management Areas Overlay – Franklin Volcanic. • Significant Ecological Areas Overlay - SEA_T_4513, Terrestrial. • Outstanding Natural Features Overlay [rcp/dp] - ID 177, Raventhorpe tuff ring. <p>Controls: Macroinvertebrate Community Index – Native and Rural</p>
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Application Summary:

This application for resource consent is made on behalf of Vernon Developments Limited pursuant to section 88 of the Resource Management Act 1991 (RMA). The application is supported by an assessment of environmental effects as is required by s88 of the RMA, with the assessment relying on technical reports and plans. The information contained within this application addresses the requirements set out in Schedule 4 of the RMA.

Resource Consent is sought to operate a rural contracting activity (rural commercial service / rural industry) from the site at 1799A Great South Road. Associated consents are required for stormwater discharge, stormwater quality, district land disturbance. Retrospective consent is sought for regional and district land disturbance to create a level hardstand area for the parking / storage of machinery and vehicles associated with the activity.

The overall activity status of this application is **Discretionary**.

2.0 Consents Required

An assessment of the proposal against the relevant Auckland Unitary Plan: Operative in Part (**AUP**) rules has been undertaken and is provided in **Attachment A**. This assessment has identified that resource consent is required for the following reasons:

Chapter	Consents Required
H19 – Rural Zones	<ul style="list-style-type: none"> • Under Table H19.4.1 Rural Industries (A21) and Rural Commercial Services (A16) are <u>restricted discretionary activities</u>.
E8 – Stormwater Discharge and diversion	<ul style="list-style-type: none"> • Under Table E8.4.1 (A10) all other diversion and discharge of stormwater runoff from impervious areas not otherwise provided for is a <u>discretionary activity</u>.

E12 – Land Disturbance District	<ul style="list-style-type: none"> Under Table E12.4.1(A6) earthworks greater than 2,500m² within the Mixed Rural Zone is a <u>restricted discretionary activity</u>. Under Table E12.4.1(A10) earthworks greater than 2,500m³ within the Mixed Rural Zone is a <u>restricted discretionary activity</u>. The activity is unable to comply with standard E12.6.2(11) as more than 10m³ of earthworks has been undertaken within a floodplain. Under C1.9.2 infringement of standards is a <u>restricted discretionary activity</u>.
E27 - Transport	<ul style="list-style-type: none"> The activity is unable to comply with the standard in E27.6.3.6 (formation). In accordance with table E27.4.1(A2) - Parking, loading and access which is an accessory activity, but which does not comply with the standards for parking, loading and access, is a <u>restricted discretionary activity</u>.
E9 – Stormwater Quality	<ul style="list-style-type: none"> Under E9.4.1 Development of new or redevelopment of an existing high contamination generating car park (A6) is a <u>Controlled Activity</u>.
E11 - Land Disturbance - Regional	<ul style="list-style-type: none"> Under table E11.4.2(A4) general earthworks greater than 10,000m² and less than 50,000m² is a <u>Controlled Activity</u>.

The following are permitted activities associated with the proposed activity:

Chapter	Permitted Activities
E24 – Lighting	Table E24.4.1(A1) Activities that comply with the relevant permitted activity standards are a <u>permitted activity</u> .
E25 - Noise and Vibration	Table E25.4.1(A1) Activities that comply with the relevant permitted activity standards are a <u>permitted activity</u> .
E33 - Industrial and Trade Activities	E33 - Industrial and Trade Activities. Under Table E33.4.1 (A5) and (A17). The use of land for an existing or new industrial or trade activity listed as moderate in Table E33.4.3 is a <u>Permitted Activity</u> . Discharge of contaminants from an existing or new industrial or trade activity area listed as moderate risk in Table E33.4.3 is a <u>Permitted Activity</u> .
E31 - Hazardous Substances	Table E31.4.3 sets out the maximum quantities of hazardous substances that may be kept onsite. Permitted quantities for the relevant HSNO classes that will be kept onsite (lubricants) are very low and will comply with the <u>Permitted</u> quantities set out in E31.4.3.
E36 – Flood Hazards	Table E36.4.1(A24) Surface parking and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain, that comply with Standard E36.6.1.7 is a <u>Permitted Activity</u> .

3.0 Site and Surrounds Context and Background

A photoset of the site and surrounding environment is included in **Attachment B**.

3.1 Site Description

The subject site 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.

The 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 entire eastern boundary of the property adjoins State Highway 1 (Auckland Southern Motorway). The property sits within the Mixed Rural Zone under the AUP. The site contains an older farm shed (haybarn) located in the western-most corner of the site. Two recently constructed farm implement sheds are located towards the centre of the site as well as a smaller building used as an office. There is an existing metalled access through the centre of the property, leading to the northern corner as well as a large metal hardstand area covering approximately 3ha of the site. The remainder of the site is in pasture. An above ground fuel tank is located within the hardstand area.

Topsoil bunds between 1m and 2m high and recently established native screen planting are located along the northern and western boundaries. There is no internal fencing with the exception of a deer fence generally running parallel to the Southern Motorway.

The site does not contain any residential activities, although there is a dwelling located at 1799 Great South Road which is in the same ownership as the subject site (Lot 1, DP 156089 – RT NA93B/135).

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 was constructed following the approval of vehicle crossing application VXG21640098 on the 12th October 2023. As-built plans of the entrance are included in Appendix 5.

An existing overland flow path extends from the north of the existing farm implement sheds and exits the site towards the northern point of the eastern boundary.

The topography of the site is generally level with the site sloping more moderately towards the eastern boundary.

The site is currently used for a mix of personal storage, rural production (silage) and rural industry activities being Aaron's Contracting and Vernon Developments.

Photos 1 – 10 in **Attachment B** show images of the site.



Figure 2: Drone photo of the site flown by Ag First – December 2024.

3.2 Receiving Environment

The receiving environment is described below and includes:

- The two existing sheds which have building consents and CCC for farm / implement sheds.
 - BCO10378705 (issued 20/03/2024, 11/10/2024)
 - BCO10370791 (issued 05/09/2023, 14/02/2024)
- A total of 1000m² / 1000m³ of earthworks for each building project. This volume allowed for the creation of each shed platform¹.
- Stormwater disposal trenches associated with the sheds.
- The old farm shed in the western corner of the site.
- Historic area of disturbed earth (~2500m²) associated with an old cowshed, farm shed and tanker access track in the western corner of the site.
- Access through the centre of the site undertaken as ancillary farming earthworks². At the time the access was constructed Cam Vernon was grazing cattle purchased with the land and cutting silage

¹ E12.4 of the AUP “requires the cumulative total area and volume of land disturbance associated with a given project will be used when determining the activity status of the project”. Potentially each shed could be considered a separate project as they have separate building consent and were constructed at different times. This would allow a total of 1000m² / 1000m³ for the platform and curtilage of each building. Noting the sheds were constructed separate from the other hardstand areas on the site.

² **Ancillary farming earthworks**

Disturbance of soil, earth or substrate land surfaces ancillary to farming.

from the site. As the site was sold separately from others that formed part of the historic dairy farm there was no access through the site.

- Existing overland flow path along the eastern boundary of the site.

All other areas of handstand on the site cannot be considered as part of the receiving environment. These areas must be considered as pastured land, which was the pre-development land cover.

A plan is attached which identifies the receiving environment.

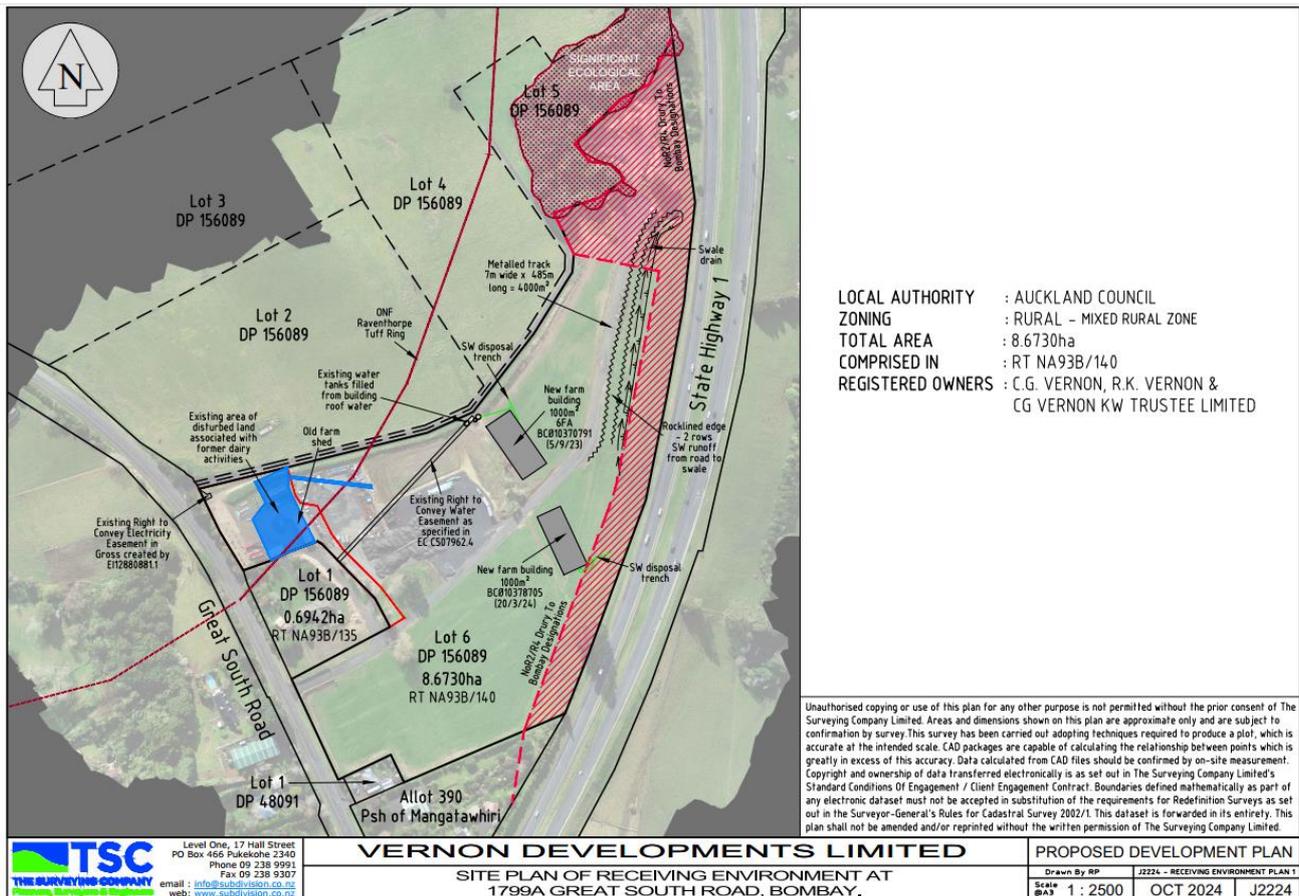


Figure 3: Plan showing the receiving environment.

Includes:

- land preparation and cultivation (including establishment of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops (farming);
- burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993;
- irrigation and land drainage; and
- maintenance and construction of facilities, devices and structures typically associated with farming activities including but not limited to farm tracks, driveways and unsealed parking areas, stock races, silage pits, farm drains, farm effluent ponds, and feeding lots, fencing, crop protection and sediment control measures.

3.3 Planning and Legal Constraints

The site has appurtenant water supply rights and is also subject to a water supply right specified in instrument C507962.4. The proposed activity will not affect these easements.

The site is subject to an easement in gross in favour of Counties Power specified in instrument 12880881. The proposed activity will not affect these easements.

The Raventhorpe tuff ring is identified on the Auckland Council GIS as an Outstanding Natural Feature. The ONF covers a small portion of the site's western corner. The proposed activity is located outside this area.

Two Notices of Requirement affect the site. These are the:

- NZTA (P2B) NoR2 6700 SH1 Drury to Bombay, Designations.
- NZTA (P2B) NoR4 Shared User Path, Designations.

Both designations were notified on the 14/06/2024 and hearings held from the 19/11/2024. At the date of lodgement no decision had been released. The applicant and landowner were submitters seeking a change to the designation boundary and proposed stormwater option. Engagement between the Vernon's and NZTA resulted in a change to the boundary of the designation within the Vernon's property. The changes are shown in the evidence of Mark Laing for NZTA. The notified and alternative design are shown below.

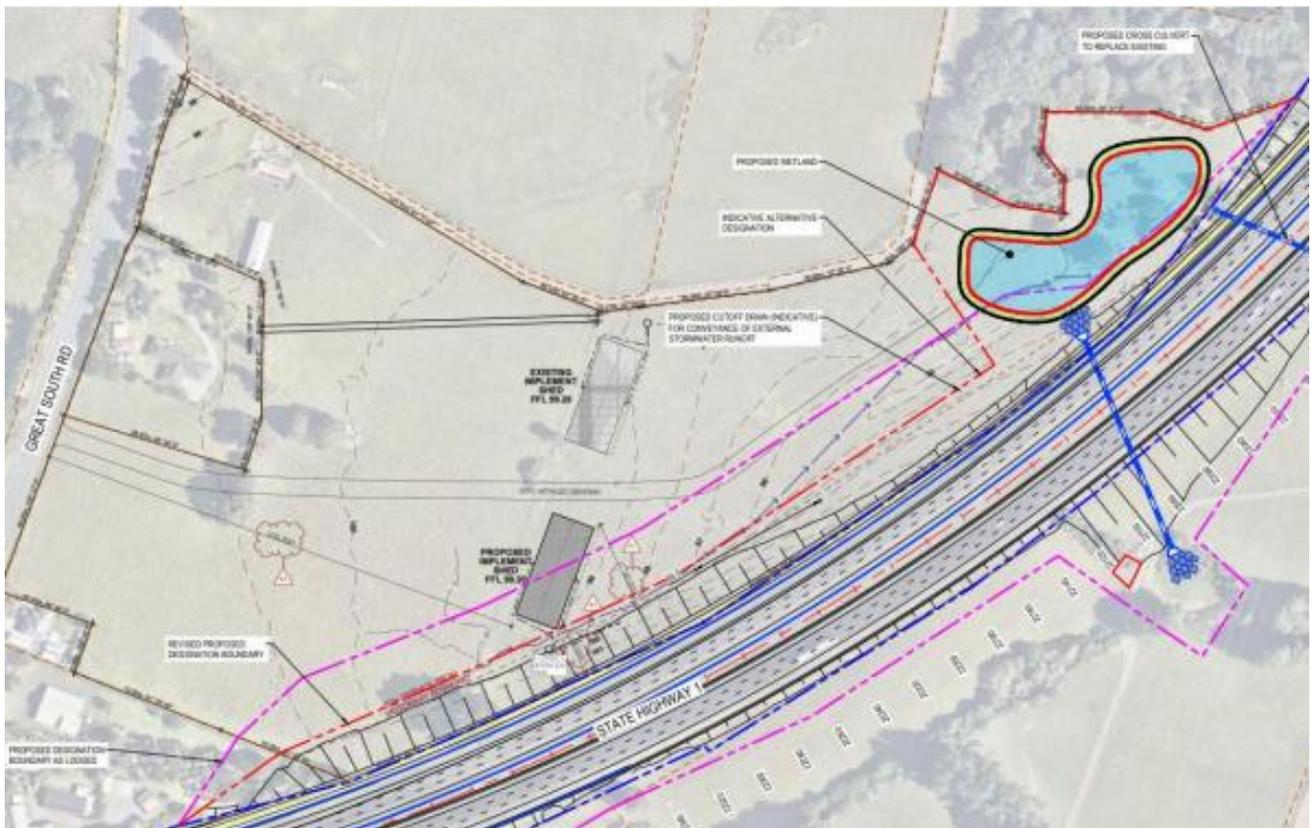


Figure 4: Amended designation boundary as presented in the evidence of Mark Laing for NZTA (para 8.13 - Figure 14).

3.4 The Surrounding Environment

The site is located in the Mixed Rural Zone approximately 1.5km to the south of Bombay. St Stephens School is located immediately south of the site and is zoned Special Purpose School.

A description of the Mixed Rural Zone is described in H19.4.1 of the AUP which states:

The purpose of the Rural – Mixed Rural Zone is to provide for rural production, generally on smaller rural sites and non-residential activities of a scale compatible with smaller site sizes.

These areas often have a history of horticulture, viticulture, intensive farming and equine-related activities. These activities have in turn supported the establishment of produce sales or retail services such as cafés, restaurants, tourist and visitor-related facilities.

Sites in this zone provide flexibility to accommodate a range of rural production activities and associated non-residential activities while still ensuring good amenity levels for residents who use their land for rural lifestyle purposes.

The surrounding area is consistent with the mixed rural description and contains a mix of rural production, lifestyle, community and non-residential activities. The land pattern generally contains small to medium rural lot or lifestyle lots.

Land uses adjacent to the site include lifestyle and drystock grazing. There are some orcharding and cropping activities undertaken in the wider surrounds. Large rural buildings are present within the landscape including glasshouses, packhouses, stables and ancillary farm buildings.

The Southern Motorway is a dominant feature within the landscape and carries 54,000 vehicles per day. The Bombay to Otahuhu national grid transmission lines are another a major infrastructure feature in the environment.

Additional non-residential activities in the surrounding environment (2km radius) include Majestic Horse Floats, Adrenaline Forrest, Pukekohe Timber Packaging, LLTE, Philips Diesel Limited, Kiwi Sheds, Underglass Bombay, Leaderbrand Pukekohe, Perry Des Panel Beaters, Prestige Trailers, Market Cars, Golden Horse Feeds, Shri Guru Temple, Timberline Landscaping, Outlaw Mechanical, DR Electrical and Auckland Pump and Filtration. The presence of these activities emphasises the mixed use nature of the surrounds.

The wider landform is described as gently rolling with small stands of indigenous vegetation, including identified Significant Ecological Areas. Additional amenity and screen planting along boundaries, fenceline and buildings also forms part of the landscape. The Hingaia and Ngakoroa Stream are the major streams in the area which drain to the Drury Creek Catchment.

Photos 11 – 16 in **Attachment B** show images of the surrounding area.

The Raventhorpe Tuff Ring is located to the west of the site and is described in the Schedule 6 of the AUP as follows:

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.

3.5 Site Background

Cam and Rebekca Vernon purchased the site in February 2023. Existing stock grazing on the site were included in the purchase of the land. At this point they intended to use the site for silage and stock feed production. A farm access track was constructed through the site to provide all weather access to the land. Initial attempts to cultivate the land found that portions of the site were unsuitable with rocks being present in the soil. Their initial plans were further affected by the NOR which extended into the site which resulted in a potential loss of 2ha of land. As the Vernons had committed to constructing two large farm sheds, they began to explore alternative land use options initially allowing CB Civil and Aaron's Contracting to operate from the site. In June 2023 three abatement notices were issued:

- ABC21680658 – Issued 16 June 2023
- ABT21680673 – Issued 16 June 2023
- ABT21689043 – Issued 18 August 2023

These relate to Aaron's Contracting, CB Civil, earthworks within the ONF and hardstand creation.

CB Civil have ceased operating from the site. Resource consent application (Ref. LUC60427692) was lodged in January 2024 to enable Aarons Contracting to operate from the western corner of the property. Retrospective consent for all earthworks within the ONF was applied for as part of this consent. As part of this application a DSI Report was prepared that tested the quality of metal fill imported to the site. The report confirmed that the fill was compliant. LUC60427692 is currently being processed, pending the lodgement of the stormwater consent contained within this application.

In November 2024 abatement notice ABT21745442 was issued in relation to the operation of Vernon Developments from the site. The abatement notice required a consent application to be lodged by the 28th February 2025.

4.0 Proposal

4.1 Proposal Overview

Vernon Developments (VD) is an umbrella company that undertakes a range of civil and rural contracting and rural production activities. At present the company undertakes three separate but complementary activities:

- Farming activity involving the breeding and rearing of Highland Cattle. This activity also involves the production of silage and pea and oat crop, harvested as a high protein bulk feed for the Highland Cattle. This activity is undertaken across multiple sites owned by Cam Vernon.
- Aggregate recycling and cartage activity. This activity involves the recycling of bitumen and clean hardfill aggregates for use in industrial, rural and commercial construction. This activity is currently operated from 1121 Great South Road.
- Rural contracting, earthmoving and cartage activity.

VD seeks Resource Consent to establish and operate the rural contracting component of their activity from 1799A Great South Road, Bombay. The proposed activity falls within the definition of both a rural commercial

service and rural industry as the principal function has a clear connection to and provides services to rural production activities. The business provides services to the Franklin and North Waikato rural production sector and nation-wide forestry sector. Specifically, the rural contracting component of Vernon Development undertakes the following activities off-site:

Farming

- Collection, cartage and distribution of stock feed loose or packaged (maize, silage, haylage, baleage and hay etc).
- Construction, maintenance and repair of farm access tracks, stock races and stand-off pads.
- Construction, maintenance and repair of silt control works for cropping activities.
- Construction, maintenance and repair of farm drains and culverts.
- Paddock recontouring.
- Tractor services for land preparation including power harrowing, rotary hoeing, ripping, discing and seeding.
- Tree work and deadwood removal.
- Storm damage remediation works.
- Earthworks and supply of aggregates for tracks, hardstand areas, feed pads, silage pits, effluent ponds, cattle yards and building platforms (farm sheds, hay sheds and cow sheds).
- Clear out and cartage of manure from goat and pig sheds.
- Burial holes.

Forestry

- Developing and maintaining haul roads and landings.
- Slash removal.
- Remedial clean up works after storm events.

Ancillary activities undertaken onsite include administrative, health and safety, human resources and vehicle and equipment maintenance and repair (fleet only).

VD has a broad rural production client base. Their clients include large arable cropping business and members of the Pukekohe Growers Association such as R C Hari Ltd, Balle Bros Ltd and Manga Jivan Ltd. Forestry clients including JT Logging and Pulley Contracting Limited. Intensive and pastoral farming clients include pig, poultry, goat, dairy and drystock businesses. While the primary function of VD is to service the rural production sector, a small amount of work is also undertaken for residential and commercial clients. This is to ensure that the business is diverse enough to handle the seasonal nature of farming and to ensure all staff remain employed throughout the year.

It is expected that the activity will grow to employ 30 staff over the next 5 -10 years. The site will provide an administration hub and storage yard for staff, vehicles and machinery. The site provides locational advantages being close to rural production clients and the motorway. In addition, the site is located close to the applicant's rural production activity at Maxted Road and aggregate recycling activity Great South Road. Vehicles stored on the site will include diggers, bulldozers, tractors, telehandlers, pozi track skid steers, truck and trailer units, and light fleet vehicles including utes. Equipment stored onsite will include power harrows, rotary hoes, rippers, seeders, drillers, tip trailers and scrapers/ scoops / grabbers as well as other maintenance and repair

equipment. It is acknowledged that there is some cross over of machinery and vehicle use between the different activities undertaken by Vernon Developments.

Examples of machinery and work undertaken by VD is included in images 26 – 31 of the photoset in **Attachment B**.

The proposed hours of operation are as follows:

- 5.30am to 6pm on Monday to Saturday in peak season (October till May)
- 5.30am to 6pm on Monday to Friday off peak season (October till May) with occasional Saturday work.

During peak season tractors may leave and arrive outside the hours set out above.

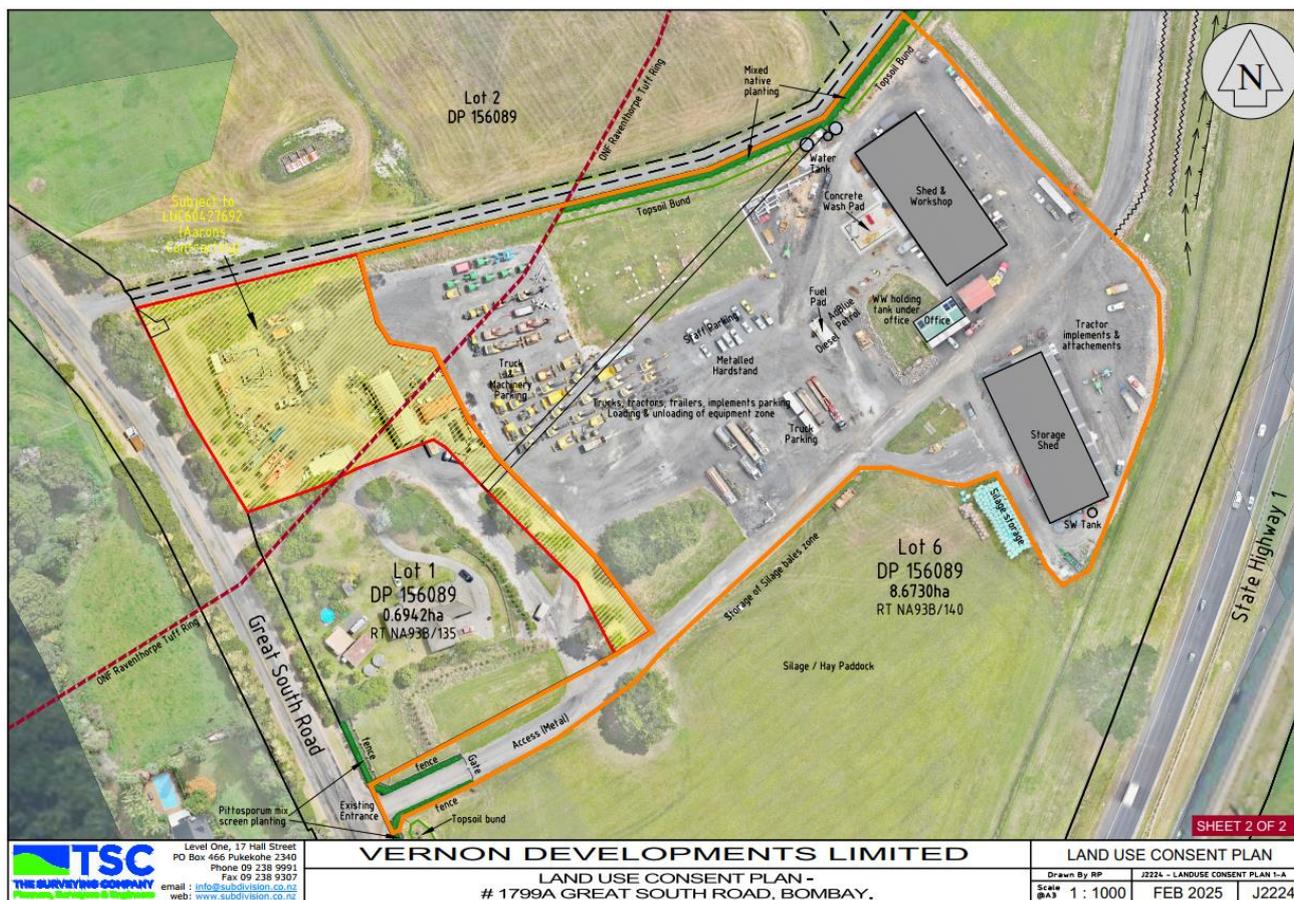


Figure 5: Proposed Site Plan.

4.2 Activity Definition

VD provide a range of off-site services to rural customers and largely fall within the definition of a rural commercial service. Defined in Chapter J1 of the AUP as follows:

Commercial services that:

- (a) have, as their principal function, a clear connection to, or provide services to:*
 - (i) rural production activities; or*
 - (ii) aquaculture activities; and*
- (b) involve the sale of:*
 - (i) rural produce and other products produced by a handcraft industry or home occupation on the same site; or*
 - (ii) rural services that support rural production activities or aquaculture; and*
- (c) may have some form of accessory depot, office, base, or storage area, from which the activity is normally operated or commenced.*

VD fall within this definition as they primarily provide commercial services to rural customers. However, freight and transportation services are excluded from this definition and therefore the cartage component of the activity falls within the definition of rural industry defined as follows:

Industries that:

- (a) have, as their principal function, a clear connection to, or provide services to:*
 - (i) rural production activities; or*
 - (ii) aquaculture activities; or*
- (b) use raw materials derived from:*
 - (i) rural production activities;*
 - (ii) aquaculture activities, or*
 - (iii) the natural resources on the site other than topsoil or aggregate; and*
- (c) may have some form of:*
 - (i) processing facility;*
 - (ii) accessory depot; or*
 - (iii) base or storage area, from which the activity is normally operated or started.*

This definition includes transportation services.

Abatement Notice ABT21745442 states that the activity is a freight depot. The activity does not meet this definition as this definition requires that goods are received, despatched or consolidated at the facility as follows:

Facility used for receiving, despatching or consolidating goods in transit by road, rail, air or sea.

The site is a depot for a rural contracting activity that provides services and does not deal with goods.

4.3 Site Layout

The activity will cover approximately 2.5ha located over the existing hardstand area. The two existing farm sheds will be used for the storage of machinery and seasonal vehicles. Maintenance and repair work on fleet vehicles and machinery will also be undertaken within the shed on the northern side of the accessway. Staff facilities and administrative offices will be located within the existing office building between the two sheds. The hardstand area will be used for staff and fleet parking.

4.4 Access and Parking

Access to the site will be provided from an existing vehicle crossing off Great South Road. A plan of the existing entrance design is included with this application. The entrance is proposed to be sealed. The crossing allows for two-way movement. An existing metalled access track (7.5m) provides access to the hardstand area and sheds.

It is expected that most traffic will make a right turn into the site and make a left turn exiting the site, travelling to and from the east to access State Highway One.

The site layout provides parking space for all staff and fleet vehicles. Individual spaces will not be demarcated as they are on hardstand as used by staff only.

Based on current and anticipated demand, the estimated volume of vehicles entering and exiting the site is as follows:

Movement Type	Maximum Number of vehicles	Maximum movements	Daily
Staff (Arriving and leaving for work light vehicles)	30 per day	60 per day	
Fleet movements (mix of light vehicles and truck movements)	25 per day	50 per day	
Other movements (rubbish, diesel, oil, deliveries / removal)	16 per month	0.5 per day	

The majority of movements will occur between 5.30am and 8.00am and 4.00pm and 6.30pm. Occasionally vehicles will return to the site during the day if there is a breakdown or additional equipment is required.

Deliveries and loading will occur during the hours of operation and include rubbish removal, trade waste removal and delivery of parts required for maintenance of machinery.

4.5 Stormwater Management

A stormwater discharge consent is sought as impervious areas across the site exceed 5000m². The discharge consent is intended to cover all impervious hardstand areas on the site include those associated with Vernon Developments and Aaron's Contracting. The stormwater generated from all hardstand areas within the site will be picked up by the proposed OLFPs and directed into the treatment swale and stormwater pond. The proposed pond will provide attenuation for SMAF 2, 50%, 10% and 1% AEP storm events. The existing 525Ø is a constraint on the discharge of the stormwater from the site and means that the pond has been sized to over attenuate flows so that the 1% AEP does not impact on the SH1. The grassed swale inside the proposed dry

pond will provide treatment for the site. SMAF 2 retention will be provided in the detention component of the pond as it is not practical to reuse the retention component on site. The pond and treatment swale will be utilised to offset the small catchment to the west, that is inside the outstanding natural feature, to reduce the impact that this proposal has on the nature feature. Details of proposed stormwater mitigation is shown on the engineering plan in **Appendix 4** and detailed in the Infrastructure Report in **Appendix 6**.

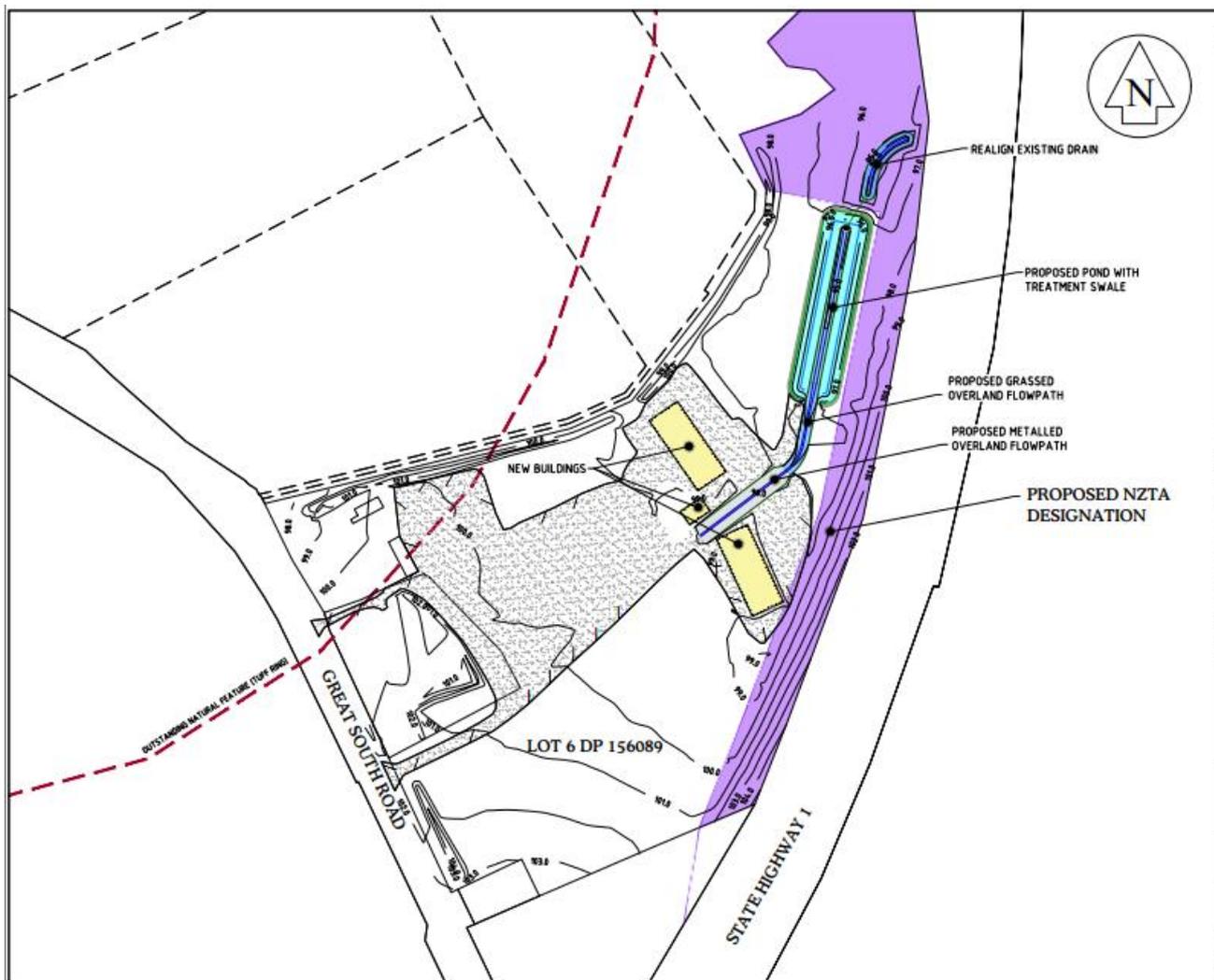


Figure 6: Overview of stormwater mitigation – sheet 6 of Engineering Design Plans (Appendix 4).

4.6 Wastewater Discharge

Currently domestic wastewater is discharged to a holding tank and then removed under contract. This is seen as appropriate given the low number of staff (2 – 5) present on the site throughout the day.

4.7 Lighting

The activity is not expected to be lit outside hours of operation and therefore lighting will be minimal. Potential exterior light sources from the proposed activity include vehicle headlights before and after sunset hours,

sensor security lighting around the building and lighting of the staff car parking area. All lighting is attached to the existing sheds and directed onto the hardstand area.

4.8 Environmental Management and Hazardous Substances

The business largely provides commercial services to rural customers, and the site is used as a depot for the parking of fleet vehicles, machinery and staff. In this regard the business and activity on the site does not meet the definition of industrial trade process in the RMA:

“Includes every part of a process from the receipt of raw materials to the dispatch or use in another process or disposal of any product or waste material, and any intervening storage of the raw material, partly processed matter or product.”

The activities undertaken on the site do not use, store, dispatch, process and raw or partly processed matter or product. The hardstand area used by the activity is not an industrial trade area. However, it does meet the definition of a high contaminant generating parking area.

Notwithstanding the above, the service and repair component of the activity is classified as a moderate risk ITA activity under table E33.4.3 of the AUP. The vehicle service and maintenance is for fleet equipment only with major repairs done offsite by a specialised diesel mechanic. All service and repair will be undertaken inside the building. This activity does not occur outdoors. As such the site does not contain any ITA area.

All maintenance and repair work of vehicles will be undertaken within the building. All used oil waste will be collected and taken away from the site under contract by ‘Waste Petroleum Cartage’, ‘Salters’ or similar. No storage or servicing works will be undertaken outside the building. An Environmental Management Plan (EMP) and spill response plan has been prepared in accordance with E33.6.1.1 and E33.6.1.2 of the AUP. This covers the Permitted ITA requirements in E33 of the Plan.

A 20,000l diesel tank, 2000l petrol and 1000l adblue fuel tanks are stored on the site. These tanks are installed, serviced and certified by Allied Petroleum.

There is a small concrete wash pad located on the site which is drained to an oil and grit separator. The existing stormwater outlet that is connected to the oil and grit separator will be redirected to the proposed grassed OLFP.

4.9 Gates, Fencing, Signage and Landscaping

The site is accessed through automatic gates via a pin code. There is an existing 1m – 2m high topsoil bund and landscape planting along the western and southern boundary. This planting and bunding will be retained as part of this proposal (the exception being the bunding within the ONF which is required to be removed as part of the Aaron’s Contracting consent). No advertising or wayfinding signage is proposed for this activity. It is not considered necessary as the site is not open to the public. There is existing health and safety signage attached to buildings within the site. This signage does not trigger any additional resource consent requirements.

4.10 Earthworks

No additional earthworks are required to establish hardstand areas for the activity. Earthworks have previously been undertaken to construct the hardstand areas and retrospective consent is required to lawfully

establish the hardstand. The pre-existing contour of the site had a very gentle fall to the north (approximately 1%). The general contour has been maintained, and earthworks were limited to the removal or topsoil and placement of metal. Removed topsoil was then used to form bunds along the western and southern boundary. The earthworks undertaken to construct the hardstand is calculated as a total of 4491m³ of fill and 1542m³ of cut over an area of 3ha. The depth of cut to fill is calculated at a maximum of 0.5m with the exception of up to 2m where the bunds were constructed. Details of the retrospective works undertaken are shown in the engineer plans attached as **Appendix 3**.

Addition earthworks is required to construct the stormwater management system for the site. It is proposed to undertake cut to fill earthworks, and import some fill material, in order construct the pond, swale and overland flow paths. Our modelling indicates that the total volume of cut material is ,508m³ and the total volume of fill is 8,323m³, meaning that 7,815m³ of fill will have to be imported for the creation of the pond. The imported fill will be cleanfill, void of any contamination. The maximum depth of cut is 1.0m and the maximum depth of fill is 3.0m high. Details of the proposed earthworks are shown in the engineer plans attached as **Appendix 4**.

5.0 Consultation

5.1 Neighbouring Sites

All neighbours are aware of VD operating from the site. Cam Vernon has been in discussions with the owners/occupiers of 1810 Great South Road, Bombay (Mavis and Ross Jones). An agreement has been reached to construct a wall within the Jones property to manage headlight glare. At the time of lodgement this wall was in the beginning stages of construction The wall is acoustic panelling sourced from NZTA motorway projects so also provides traffic noise mitigation for the neighbouring site.

Cameron and Rebekca Vernon are the owners of 1799 Great South Road, which is currently tenanted. They have obtained the written approval of the occupier, Henare Tana, and therefore any adverse effects on this person can be disregarded. For the avoidance of doubt, Cameron and Rebekca Vernon have also provided their written approval as the owners of this property. Please find attached a copy of the written approvals in **Appendix 13**.

5.2 NZTA

Consultation with NZTA was undertaken to discuss the location of stormwater disposal in relation to the designation. In response to NZTA comments the stormwater design was modified to ensure all stormwater mitigation associated with the activity is located outside the designation. Please find attached a copy of this correspondence in **Appendix 12**.

6.0 Assessment of Environment Effects - s104(1)(a)

The assessment considers the actual or potential effects on adjacent sites and the wider environment as required by s104(1)(a) of the RMA. For the purpose of this assessment I consider the following sites to be adjacent to the proposed activity.

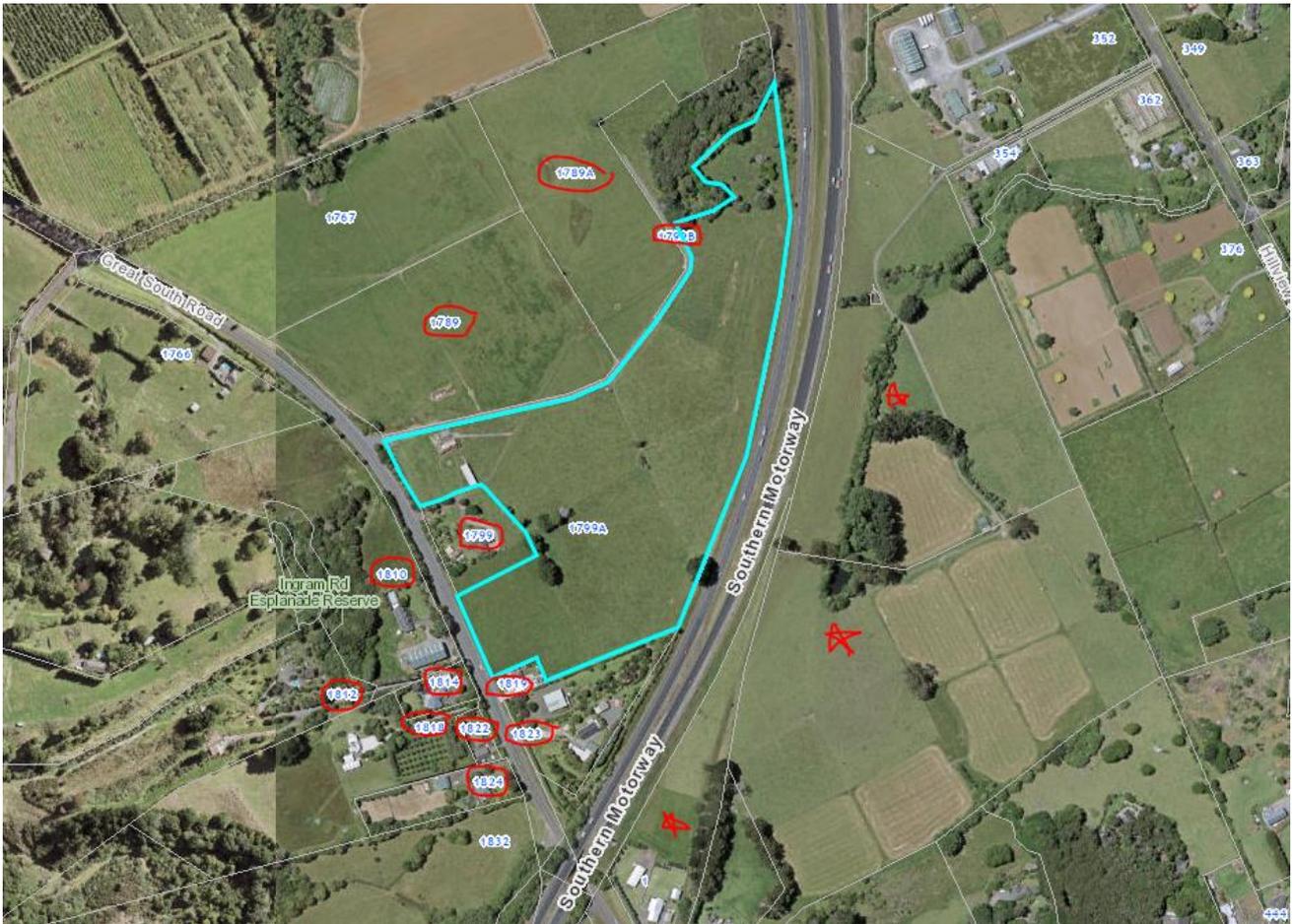


Figure 7: Adjacent sites.

6.1 Positive Effects

The activity will result in a number of positive effects for VD as well as the rural production businesses and the rural community VD supports.

The rural location provides operational and locational advantages for the proposed activity. The site allows the business to operate efficiently resulting in economic and operational benefits for the business and customers. The site provides enough land to enable the activity to manage effects on site while maintaining sufficient area for machinery movements and parking.

The site has easy access to SH1. This avoids the use of local roads and ensures ease of access to the site. Pukekohe CBD has increasing traffic volumes within the Town Centre and it has become difficult for trucks and tractors to negotiate the small roundabouts and busy residential and urban roads. The proposed site provides easy access to collector and arterial routes designed to accommodate large heavy vehicles. The site is strategically located in close proximity to Pukekohe and also on the route between Auckland, Hamilton and Tauranga. This means the activity is conveniently located close to production activities with farms at Pukekohe, Bombay, Karaka and Tuakau. The location has enabled VD to provide fast turnaround for urgent jobs or when

there are breakdowns in the field. Cam Vernon has stated that they are now able to get machinery back to the yard more efficiently for repair, reducing time and cost delays to both the business and clients.

To operate efficiently VD requires at least 2 ha of flat land close to its rural customer base in the Franklin area. A site within the rural zone is most favourable to avoid the movement of tractors and other machinery through the urban area. The business undertakes both commercial service and industrial activities. An appropriate business zoning would need to provide for both activity types. The only zone VD could locate in without resource consent is the General Business zone. However, land supply is very low with approximately 45ha of land zoned for General Business within the wider South Auckland area. The majority of the General Business zone, within the Franklin area, is developed with buildings and occupied by supermarkets and big box retail. It is highly unlikely that VD would be able to find available land to lease within Franklin to continue the business should it cease operating from the current site. As the activity is defined as a rural activity the most appropriate zone for the business is the Rural Production zone or Mixed Rural zone. In this regard the site is seen as a suitable location for the proposed activity.

The activity will support rural production businesses within the area. Notably VD provides services to large and small growers in the area. VD provide specialised services to rural production that enables these businesses to focus time, capital and labour resources into the production aspect of the business. Businesses such as VD reduce the requirement for rural operators to purchase specialised machinery for earthmoving, silt control and cleanout, cut, carry and cartage activities. This results in economic efficiencies for these businesses. In addition, VD reduces the requirement for rural production activities to store additional large machinery on their property, thereby reducing the requirement for hardstand areas that would result in the loss of productive land.

The activity provides employment opportunities for locals and thereby supports the economic wellbeing of the local community. In addition, VD supports the local rural community through sponsorship while also providing equipment, machinery and hazard relief help in civil emergencies and natural disasters, such as the January 2023 flood events.

The approval of the application will allow the applicant to provide for their own economic wellbeing. The applicant is the owner of the site which enables greater certainty of use and more stable lease costs. In addition, the activity supports the applicant's own rural production business undertaken on this site and other sites they own.

6.2 Rural Character

6.2.1 Landform and Natural Landscape Effects

The site is not subject to any ONL, HNC, ONC overlay, and therefore is not identified as having any outstanding landscape or character values. The landform across the site has a gentle slope which generally falls to the north. There are some isolated groups of native trees on the site, including a small area of SEA at the northern boundary. Topsoil bunding and planting has been undertaken along the southern and western boundaries. The landscape of the site and surrounding area has been modified from the natural form, primarily through the creation of grazing land and associated farming and residential infrastructure and buildings. Significant National and Regional infrastructure have also modified the wider landscape. This includes the National gridlines and Southern Motorway.

The earthworks undertaken to construct the hardstand has resulted in less than minor effects on the landform. A topographical survey has been completed by TSC, which was compared to pre-development contours sourced from the AC GIS. The survey indicates that cut and fill undertaken across the site is less than 0.5m and the overall contour of the land remains unchanged. The earthworks largely resulted in the stripping of topsoil and placement of metal and did not result in any significant cut or fill which altered the overall drainage patterns of slope patterns within the site. The only additional works required for the activity relate to the installation of the stormwater pond and swale. These works do not alter the overall landform of the site.

It is noted that the Raventhorpe tuff ring (ONF) crosses the western corner of the property. The proposed activity is located outside the ONF and the proposal activity will not modify this feature. The proposed activity and associated earthworks (both retrospective and proposed) do not affect the integrity of this ONF or result in any change to the land that would affect this feature.

Overall, the activity results in minimal change to the landform and natural character of the site. The effects of the proposal on landform and the natural landscape character will be less than minor.

6.2.2 Rural Character and Amenity Effects

The wider landscape contains a mix of allotment sizes (5000m² to 30ha) and land uses. The site and surrounds are utilised for a range of purposes consistent with the description of the mixed rural zone provided in the AUP. Pastoral grazing is the dominant land use. In addition, lifestyle uses are present in the surrounding environment. As described above, the mixed rural landscape is predominantly open pastoral land, heavily populated by rural buildings and dwellings. The Southern Motorway is a dominant feature of the rural character in this location both visually and aurally. In addition, the Transpower lines also form part of the character of this locality.

The objectives and policies of the AUP set out the expected character and amenity of the rural zone. Specifically objective H19.2.4.states:

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:

- (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 on sites zoned as Special Purpose – Quarry Zone;*
- (d) accessory buildings dot the landscape, particularly where farming activities are the dominant activity; and*
- (e) activities which provide for the relationship of Mana Whenua to their ancestral land and taonga.*

The expected amenity expressly recognises that a range of rural production, non-residential and lifestyle activities occur within the Mixed Rural Zone. The character and amenity values of the surrounding area require consideration when assessing the appropriateness of any rural industry / commercial service. I have undertaken an assessment of the surrounding rural area to determine if the activity, hardstand areas, access, storage and building type is generally in keeping with existing activities throughout the surrounding rural

environment. A range of rural service and non-rural activities are identified within the surrounding environment, including Majestic Horse Floats, Adrenaline Forrest, Pukekohe Timber Packaging, Philips Diesel Limited, Kiwi Sheds, Underglass Bombay, Leaderbrand Pukekohe, Perry Des Panel Beaters, Prestige Trailers, Market Cars, Golden Horse Feeds, Shri Guru Temple, Timberline Landscaping, Outlaw Mechanical, DR Electrical and Auckland Pump and Filtration. The presence of these activities emphasises the mixed-use nature of the surrounding area. In addition a range of vegetable growers have their head offices and post-harvest packing and distribution facilities on-site in Bombay. Accessory activities associated with rural production sites include packing, storage, distribution, transport, administration and parking infrastructure forming large rural enterprises.

Given the subdivision pattern and proximity of the area to SH1, Papakura, Pokeno and Pukekohe the wider surrounds contain a greater level of built development than more remote rural areas throughout the Region. Dwellings, and buildings accessory to farming and residential use are the most common form of built development. As discussed in section 3.2, the sheds on the site form part of the receiving environment. Therefore, the effects of these buildings do not need to be assessed. Notwithstanding this the building design is compatible with other rural sheds. The sheds are constructed of colorsteel which is a common material used for rural buildings. The size of the buildings and associated hardstand are similar in size, scale and nature to larger rural production buildings and post-harvest facilities in the surrounds. The nature of the buildings and associated hardstand area are not out of character with the rural activities in the area. The effects on character therefore relate to the hardstand and activities occurring on the site which is the storage of vehicles and machinery associated with the rural commercial activity.

The character of the area contains a mix of building sizes and styles with larger rural buildings visible given the open nature of the predominantly pastoral landscape. Rural production machinery and activities are present in the landscape and this includes trucks, tractors, harvesters and balers. This creates a working rural landscape. Heavy vehicles associated with the proposed activity will be consistent in character with rural activities undertaken throughout the zone. In addition the site is located next to the most heavily trafficked transport route in the country which accommodates over 50,000 vehicle movements per day. Therefore, the presence of vehicles forms part of the character of this immediate area.

The zone description in H19.3 of the AUP identifies that the Mixed Rural Zone provides for non-residential activities. Therefore, rural industries and rural commercial services are generally considered to be appropriately located within the zone. The restricted discretionary activity status of the activity also supports my opinion that the nature of the activity is not inappropriate or inconsistent with the AUP. This is recognised in A1.7.3 of the AUP which states *“activities are classed as restricted discretionary where they are generally anticipated in the existing environment and the range of potential adverse effects are able to be identified in the Plan”*.

The activities listed in the definition of rural industries and rural commercial services provides an indication of the nature and scale of activities the AUP intends to provide for as restricted discretionary activities. The definition of rural industries includes dairy factories, meat and poultry processing, sale yards and saw mills. These are all large-scale industries which would require buildings and hardstand significantly larger in scale

and nature to the proposed activity. In my opinion the rural industry provision intends to capture small and large scale rural industries and recognises that such activities are not out of character in a mixed rural environment subject to matters of discretion. In addition the policies of the Mixed Rural Zone enable and provide for rural commercial / industry and recognise that these activities form part of the amenity and character of the area. Specifically H19.4.3.1 states that:

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 primary contributors to, rural character and amenity values.

The activity is moderate in size and does not represent an activity that would urbanise the surrounding rural environment. The intensity and nature of trucks and tractors coming and going from the site is similar to activities undertaken on sites used for large-scale rural production activities.

The bund and landscaping will be maintained adding to the amenity of the site. The existing planting is well established, low maintenance and hardy, suitable to the conditions of the site.

In summary of the above, it is my opinion that the activity will result in minor adverse effects on rural character. The scale, nature and intensity of the activity is not out of character or inappropriate with the surrounding environment or mixed rural zone. The activity is consistent with the purpose of the mixed rural zone which expects rural industries, rural services and associated non-residential activities. It is therefore my opinion that the minor effects generated by the proposal are acceptable.

6.3 Amenity Effects:

6.3.1 Visual Impact

This section is designed to be read in conjunction with the viewpoint images provided in **Attachment B**.

Visual amenity is a component of the overall amenity of a place and therefore contributes to peoples' appreciation of the pleasantness and aesthetic coherence of the environment. The proposal will not result in any additional buildings, however the visual impact of the hardstand and visible activities associated with the activity has been considered in the assessment below.

The undulating topography and amenity landscaping in the surrounding environment generally restrict or obscures views to the site from adjacent properties. Specifically, the adjacent dwellings at 1810, 1812, 1814, 1818, 1822 and 1824 Great South Road have no view to the activity due to existing screen planting along the Great South Road frontage on the subject site. These properties are further screened by amenity planting within their property boundaries. Adjacent sites to the west of the property being 1789, 1789A, and 1799B Great South Road are vacant. These sites sit lower in the landscape and do not have views over the subject site. In addition, the bund and planting along the western boundary creates a screen between these properties and the site. The sites at 1 and 3 Bombay Road have no views to the site. The activity is potentially visible from the sites at 29 and 49 Portsmouth Road. However, the site is located at least 500m from these dwellings and forms a very small part of any visible catchment of these dwelling. In addition, the activity is viewed against

the backdrop of the Southern Motorway and the change to the overall visual amenity is considered to be very low. The effect on these adjacent sites will be less than minor. The site at 1819 Great South Road has some outlook over the property. However, as the activity is setback from the boundary the dwelling maintains an outlook onto pastured land. The proposed activity will not dominate the visual amenity of this property and the effects are considered to be less than minor. The dwelling at 1823 Great South Road is largely screened from the site by sheds and landscaping on that site. In this regard the dwelling has no outlook over the subject site. It is noted that there are views to the site from deck on the shed. However, the visual amenity effect is considered to be less than minor given that the building is non-habitable.

The site is visible from portions of the Southern Motorway when immediately passing by the site. Viewpoints depicting these views travelling north while passing the site are shown in photos 17 -20. Viewpoints depicting these views travelling south while passing the site are shown in photos 21 -24. The activity will be visible from the Southern Motorway for approximately 300m in each direction. This equates to 10 seconds that the site will be visible for vehicles travelling at the speed limit. In this regard views of the activity will be transient. The sheds form part of the receiving environment and are typical in design and materiality to sheds commonly found throughout the rural area. The activity will be visible, however the storage of machinery and equipment is not uncommon in rural area. The site is not visible from any other public place or road reserve.

The site and activity is screened from Great South Road in both directions due to existing vegetation This obscures all views of the activity from Great South Road.

As an operation that provides a rural service to the area it is located in, the activity is appropriate in that particular production landscape. As the site is only visible for a short duration when travelling along the Southern Motorway, the rural landscape would retain its cohesiveness as the openness and range of available views would reduce the visual impact of the activity. The rural landscape would remain the dominant characteristic of the area when travelling along the Motorway in this location. As such the proposal would not alter the perception or experience of being in working agricultural landscape and I come to the conclusion that the adverse visual amenity effects on the wider environment are no more than minor.

6.3.2 Activity Noise

Vernon Developments undertake rural contracting work off-site. The main sources of noise from the proposed activity will be noise associated with trucks entering and exiting the site. The access is located in the centre of the site and parking activities are undertaken away from neighbouring sites with the exception of the site at 1799 Great South Road. The applicant is the owner of this site and has provided their written approval as well the written approval of the occupier. Any noise effect on this property can be disregarded.

The site has a maximum speed limit of 20km/h which helps to mitigate vehicle noise. The site is located adjacent to the Southern Motorway and traffic noise forms part of character of the area. It is unlikely that the traffic noise generated within the site will be perceptible against the background noise generated by the motorway.

Servicing and repair of fleet vehicles and machinery will occur onsite within the shed building. Major repairs requiring engineering work will not be undertaken on the site. The activity does not provide a tyre changing service, therefore, the use of higher noise generating tools such as rattle guns and grinders will be limited. Vehicle servicing activities are undertaken within the building which is located well away from neighbouring sites and will be able to comply with the noise standards in E25 of the AUP. The servicing activities are unlikely to create any adverse noise effects on neighbouring sites.

In my opinion the type of noise generated by the activity is consistent with noise typically generated in the rural zone. The rural zone provides for a higher level of noise, this type of activity is expected to generate a low level of noise that would be acceptable within the rural zone.

Construction noise from the activity is required to comply with the standards set out in NZS 6803:1999 *Acoustics – Construction noise*. Noise from the construction of the stormwater ponds is not expected to exceed these standards.

6.3.4 Lighting

The activity operates during daylight hours and therefore lighting required for the activity is limited. The sheds have existing bulk-head security lighting which is directed downward and not towards other sites. The activity is internalised within the site and well setback from adjacent sites. Light spill is not expected to affect any neighbouring sites. As the site adjoins the Southern Motorway there is a high level of background lighting. Amenity effects of lighting are considered to be less than minor on adjacent sites and have a negligible effect on the wider environment.

6.3.5 Vibration

Vibration effects are unlikely as minimal earthworks are required during the construction phase of the stormwater ponds. The proposed activity will not generate any vibration activities that would affect the amenity of surrounding sites.

6.3.6 Traffic Amenity

Additional traffic generated by the activity is not expected to result in any amenity effects on adjacent sites. Great South Road is a collector road and has a higher number of vehicle movements than local roads. The additional movements on Great South Road are unlikely to have any perceptible amenity effect on adjacent sites and overall the additional movements are considered to be acceptable for the type of road. In this regard the movement of additional vehicles along Great South Road will result in less than minor amenity effects on adjacent sites.

6.3.7 Dust

All areas are formed in metal which will be well maintained. The hardstand area is already formed and dust is minimal. VD also operates an aggregate recycling business and has access to metal to continually maintain the surface. In addition, daily movements within the site are low. Therefore, it is unlikely any dust generation would occur that would adversely affect adjacent sites or the wider environment.

Minimal earthworks are required to construct the stormwater infrastructure for the site. The works are expected to take 6 - 8 weeks and are not expected to generate any adverse dust effects.

6.3.8 Cumulative Effects

It is my opinion the activity does not give rise to cumulative effects that would affect the rural character and amenity of the wider area. The development is rural in nature and does not result in the urbanisation of the rural area.

6.3.9 Amenity Effects Conclusion

Overall, the amenity outcomes sought by the AUP for the rural zone are described in Policy H19.4.3.2(d) which acknowledge a level of amenity that reflects the presence of:

- (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*
- (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.*

The amenity effects of the activity are consistent with those expected in a rural area. It is therefore my opinion that the potential amenity effects are acceptable when considered in the context of the AUP policy framework for the rural zones.

6.4 Transportation Effects

A Transport Assessment report has been prepared by TEAM in support of the application. The activity will comply with all relevant Transport standards in E27 of the AUP within the exception of the parking formation standards. The Transport Assessment concludes that the proposed development is acceptable from a traffic engineering perspective.

The site can adequately contain parking, loading and manoeuvring within the activity boundaries. While parking spaces will not be demarcated the effects of this are considered to be less than minor as the site will be used by staff members familiar with the parking layout of the site. The site is not open to the public therefore demarcated spaces are not necessary in this instance. The activity will generate less than minor effects on both the wider environment and adjoining sites in relation to accessory parking, manoeuvring and loading activities. The proposed overlay flow path will cross through the existing yard area. The grade of the overland flow path within the yard is 5% and will not restrict vehicle movement within the yard. The proposal has been adequately designed to ensure the site is functional for heavy vehicle movements.

Under maximum / peak operational times expected movements are 50 heavy vehicle and 60 staff light vehicle movements per day. This level of traffic generation will result in less than minor traffic effects on the operation and capacity of surrounding road network. Great South Road is a collector road with an 11.4m wide carrieway that can accommodate the additional traffic generated by this proposal.

The vehicle crossing is 9m wide at the boundary and can accommodate a B-Train and an 85th percentile car entering and leaving at the same time. The entrance has recently been constructed and will be sealed which we propose as a condition of consent. The entrance is considered to be suitable for the proposed activity. The visibility of the entrance is at least 220m in each direction and exceeds the Safe Intersection Sight Distance.

The cumulative traffic effects generated by both VD and Aaron's contracting are considered in the Transport Report prepared by TEAM. The cumulative effects on the transport networks are considered to be less than minor. Overall, the transport related effects of this proposal are considered to be less than minor.

6.5 Effects on Rural Production

6.5.1 Elite and Prime Soils

The site contains soil that is identified on the NZLRI Maps as class 2e2 – Hamilton Clay loams. This falls within the definition of Prime Soil under the AUP. Detailed LUC classification assessment and mapping has been undertaken by Landsystems (Landsystems undertook an on-site property scale (1:10,000 scale) LUC assessment of the 8.69 ha). This report assessed the site as if it were in a pre-development state prior to the construction of the hardstand area. The report concludes that the site contains a mix of LUC classifications being class 2s3, 2e2, 3s3 and 4s. Of these soil types 2.6ha is classified as Prime land. The report states that:

Applying the AUP definition for land containing elite and prime soil, moderately well drained LUC 2e2 and moderately well to imperfectly drained LUC 2s3 are classed as prime soil, and imperfectly drained 3s3 and 4s land are classed as other productive land.



Figure 8: The distribution of AUP defined elite and prime soil within the assessment area, 1799A Great South Road, Bombay. (Source Landsystems - Figure 12)

It follows from the above assessments, that the NPS-HPL applies to all of the site by virtue of the NZLRI mapping and the interim definitions of highly productive land. However the real world site specific LUC assessment identifies a lesser proportion is Prime land, and that Prime land is largely concentrated in one location on the site to the south and west, with a much smaller fragment to the west adjacent to the existing sheds.

This planning analysis is based on the understanding that a site specific soils assessment cannot result in the NPS-HPL interim definition of highly productive land not applying. However a site specific soils assessment is relevant to the application of AUP definitions, analysis of whether an activity has any impact on productive capacity of land, and consideration of directive terminology (for example “avoid the inappropriate use or development of highly productive land”). With respect to avoidance terminology, legal advice has been received that concepts of mitigation and remedy may serve to meet the “avoid” standard by bringing the level of harm down so that material harm is avoided. It is also the case that provisions in the NPS-HPL provide specific exceptions for certain identified use or development which is not land-based primary production.

The location of the activity on the site responds to the detailed characteristics of the soil present. The activity largely occurs on land not identified as Prime with only a small portion (approximately 5000m²) of the activity occurring on Prime land. The LUC mapping shows that the site’s Prime soils are fragmented and contain a mix of LUC classifications. In addition the old farm shed, historic area of soil disturbance, new sheds, access and overland flow path fragment the site. The NZTA designation and future use of this land for the upgrade of the Southern Motorway further fragments and reduces the available land on the site. These existing features further reduce the ability of the land to be used as a cohesive unit. The fragmentation of the site reduces the versatility and productive capability of the land.

Ag First has prepared a report to cover the assessment required under clause 3.9 of the NPS-HPL. This report concludes that the highest and best use of the land is a cut and carry operation (silage production). The report rules out the use of the site for more productive land-based primary production such as arable cropping and horticulture due to the small area of suitable prime soils available on the site. While the land is suitable for non-commercial drystock grazing, investment into infrastructure would be required to enable this use. The report states:

Due to the soil constraints and size limitations (non-reversible land fragmentation) identified within the Reece Hill soil mapping report (Section 3), either a pastoral grazing or cut and carry block would be considered the optimum land use. While the prime soils would suit a range of land-based primary production, the 2.6 ha identified across the Subject Property would not be large enough to consider any of the following: horticulture, commercial vegetable production or arable.

Prime soil on the site is identified to the south of the existing access track. A small portion, approximately 0.5ha, of the activity is located on Prime soil. The layout of the activity on the site largely avoids adverse effects on the Prime soils present. The proposal will retain 2.2ha of Prime soil in a large paddock that can continue to be utilised for silage production. The Ag First report includes photos which illustrate the avoidance of almost all of the Prime land and its maintenance in grass for silage production (as shown in **Figure 2** above). **Figure 9** below shows the large area of Prime land in grass to be retained to the south and east of the activity.



Figure 9: Drone image of paddock of prime soil to be retained (Drone Image flown December 2024).

The activity results in a small loss of Prime soil. However, the existing cut and carry silage activity can still occur on the site's soils that remain undeveloped. The effects on Prime land are considered to be no more than minor on the wider environment given the fragmented nature of the soils on the site which limits the potential use of the land to less productive forms of land-based primary production. The loss of soil is appropriate to enable a rural commercial service / industry that directly supports rural production.

6.5.2 Reverse Sensitivity

The activity is not considered to be sensitive to effects generated by rural production activities. The activity is a rural industry / commercial service and is compatible with all forms of rural production. The site to the north is used for drystock grazing and the activity is not sensitive to any activity or effect generated by the existing farming use. In my opinion the proposed activity will not result in any reverse sensitivity effects.

6.6 Stormwater Effects

6.6.1 Water Volume and Quality Control Effects

Stormwater mitigation is proposed in accordance with Council's best practice documents. The objectives of the proposed stormwater mitigation are set out in the Infrastructure Report as follows:

- Treatment of runoff from the site (Grassed Treatment Swale),
- Meet SMAF 2 requirements – retention and detention (Dry Pond),
- Attenuation of the 50% and 10% AEP storm event to pre-development rates – Prior to any development. (Dry Pond).

- Over Attenuation of the 1% AEP to accommodate the undersized State Highway culvert (Dry Pond).

The proposed stormwater dry pond has been sized to provide detention for the first 34mm rain event in accordance with SMAF 2 via an 85mm orifice located at the base of the pond. This includes the required retention and detention volumes. The pond also provides attenuation for the 50%, 10% and 1% AEP storm events via a 350mm spillway located 0.85m above the base of the pond.

Attenuation of the stormwater runoff from the site is required to mitigate any adverse effects that the development has had on the receiving environment. Stormwater has been over attenuated for the 1% AEP because of the undersized 525Ø culvert under SH1. This existing culvert has been included in the HEC-HMS model to get an accurate representation of what will happen during each storm event. In the future this culvert will be upgraded by NZTA, providing further contingency for the proposed stormwater infrastructure for this site. The small catchment to the west of approximately 6,000m² is inside an outstanding natural feature. In order to protect this feature, no stormwater infrastructure has been proposed inside it. Instead, this area will be offset by the over attenuation that is designed for inside the proposed pond. The main site catchment and this small catchment flow in separate directions but do end up discharging to the same overall outlet point.

The stormwater quality system has been designed in accordance with the Stormwater Management Device in the Auckland Region Guideline Document 2017/001/ Version 1 (GD01). Treatment for stormwater runoff from the site is via a treatment swale located inside the dry pond.

The activity is a Permitted Activity under the ITA and HSNO chapters of the Plan. A draft EMP and spill response plan is included with this application. This sets out site and operational management in accordance with the AUP requirements. In addition, all hazardous substances will be managed in accordance with the Health and Safety at Work Act. Compliance with the EMP will ensure that adverse effects on the environment are managed to an acceptable level.

There are no streams within the proximity of the proposed activity. It is highly unlikely that any watercourse would be affected by any spill given the distance of the site from any sensitive receiving environment. Overall, the stormwater mitigation is considered to be appropriate for the development and will ensure that the adverse effects will be less than minor.

6.6.2 Flood Hazards and Overland Flow

According to Auckland Council Geomaps, the pre-developed site is shown to partially be inside a flood plain. The undersized culvert is restricting water flow and is therefore likely causing the property to be identified within the floodplain. The proposed overland flowpath and pond is designed to cater for the 1% AEP with the allowance for freeboard, which mitigates any flooding in the future, downstream or upstream. This appropriately mitigates any flood hazard.

The proposed activity does not modify the entrance or exit of any overland flow path within the site.

6.7 Wastewater Disposal

Wastewater is proposed to be collected on the site and disposed of at a Watercare treatment plant. This is undertaken by contract regularly. In this regard there is no onsite disposal of wastewater and there will be no adverse effect on the environment in this location as a result of the removal.

6.8 Earthworks

6.8.1 Retrospective Earthworks Effects

A retrospective earthworks consent is required for the works undertaken to create the hardstand on the site. These works were undertaken by the applicant who is experienced in earthmoving. The works were undertaken progressively in small stages to avoid large areas of exposed earth. The works were limited to the scraping of topsoil and deposition of metal to form the hardstand. Areas were not left exposed as metal was stockpiled on the site to enable the works area to be cut and covered to avoid exposed earth. Topsoil was banded along the western and southern boundary of the site. An assessment of the pre-development and post-development contours shows that the cut / fill across the site has been between 0 – 0.5m in depth. The exception is where topsoil has been banded, 1 – 2m high, around the perimeter of the site. In this regard less than minor changes have been made to the landform. The works did not undertake any cut or fill that would affect the stability of the site or neighbouring land. Given that the site is relatively flat, and works were progressively stabilised it is unlikely any adverse erosion and sediment effects were generated during the works. The works were undertaken by an experienced contractor and at a distance from neighbouring sites. It is unlikely the works resulted in any amenity effects on adjacent properties.

6.8.2 Earthworks Effects

Additional earthworks are required for the construction of the stormwater pond and treatment swale. To minimise the potential for erosion and sediment to occur during the proposed earthworks, all site development works will be undertaken in accordance with the submitted Erosion and Sediment Control Plan attached to the Engineering Plan set in **Appendix 4**. The earthworks are expected to take 6 – 8 weeks to complete and will be broken up into three stages to minimise exposed areas. Erosion and sediment mitigation for each stage includes:

AREA 1

This area includes the minor works to realign the existing drain from proposed outlet 1 to the existing culvert under SH1. Due to the small area, this area will be progressively stabilised, with coconut matting and hay mulch, as it is constructed.

AREA 2

A silt fence will be installed to manage the initial stages of the construction of the pond. Due to the size of the pond, the pond itself will manage the erosion control as it is constructed progresses. No works in Area 2 should occur until Area 1 is fully stabilised.

AREA 3

The swale/overland flowpath (OLFP) will be progressively stabilised, with coconut matting and hay mulch, as it is constructed. The pond will be used as a contingency measure during the construction of the swale/OLFP. No works in Area 3 should occur until Area 2 is fully stabilised.

The following measures will be implemented to ensure amenity associated with the earthworks are managed, in particular:

- Earthworks will be undertaken upon resource consent approval during a period of fine weather and will be completed by an experienced earthmoving contractor with all areas to be stabilised as soon as practicable.
- Earthmoving equipment is already onsite and will remain onsite for the duration of the earthworks, as such material will not be deposited on the road.
- Earthworks will be undertaken during daylight hours 7.30am – 7.00pm, Monday to Friday and 8.00am to 5.00pm Saturday, so that the use of noise generating motorised equipment and vehicle movements associated with the earthworks activity will be restricted to these hours.
- Should dust pose a nuisance beyond the site boundaries, earthworks will cease, or dust control measures employed (for example dampening earthwork areas).
- All earthwork activities on the subject site shall comply with the New Zealand Standard 6803:1999 for Acoustics-Construction Noise at all times.

An experienced civil contractor will undertake all the earthworks. Responsibilities will include (but are not limited to);

- Ensuring the site and those entering the site meet all requirements of the Health and Safety at Work Act;
- Ensuring site compliance with all Resource Consent approvals and conditions of consent, and maintaining records where needed to demonstrate compliance with these consents;
- Ensuring site compliance with the Erosion and Sediment Control Plans;
- Checking all sediment control measures weekly and before/immediately after any heavy rainfall to ensure all measures are operational. If failure occurs, to notify the Council immediately; and

Implementation of the above measures will ensure the adverse effects from earthworks activities will be mitigated. The effects will be less than minor.

6.9 Heritage and Cultural Values

The site does not contain any cultural or heritage values that are identified within the AUP. The rural industry / commercial service activity is unlikely to generate any adverse effects on cultural or heritage values.

Stormwater discharge is likely to be of interest to mana whenua. In this instance best practice stormwater controls have been implemented to ensure that stormwater is managed appropriately. We request that the mana whenua facilitation service is used. We are happy to engage with any mana whenua who have any specific cultural concerns about this proposal.

6.10 Notification Assessment

6.10.1 Public Notification Assessment (s95A)

Step 1 - Mandatory in certain circumstances

The application does not meet any of the criteria under s95A(3), therefore **public notification is not required by Step 1.**

Step 2 - Precluded in certain circumstances

The application does not meet either of the criteria under s95A(5), therefore **public notification is not precluded by Step 2.**

Step 3 (Part 1) - Required by rule

The application does not require public notification under s95A(8), therefore **Step 3 of the Public Notification assessment is to be continued below.**

Step 3 (Part 2) - Effects on wider environment assessment (s95D)

As discussed in the AEE above the subdivision does not result in more than minor effects on the wider environment. In accordance with s95D, the application will not have and is not likely to have adverse effects on the environment that are more than minor, therefore **public notification is not required by Step 3.**

Step 4 - Special circumstances

It is considered that no special circumstances warranting public notification of the application exist, therefore **public notification is not required by Step 4.**

6.10.2 Limited Notification Assessment (s95B)

Step 1 - Certain affected groups and affected persons must be notified

No affected groups and/or affected persons have been identified in relation to the application (under s95B(2) and s95B(3)), therefore, **no limited notification is required under Step 1.**

Step 2 - Precluded in certain circumstances

The application does not meet either of the criteria under s95B(6), therefore **limited notification is not precluded by Step 2.**

Step 3 - Affected persons assessment (s95E)

The application does not meet either of the criteria under s95B(7)-(8) and does not result in any persons considered to be affected persons in accordance with s95E, therefore **limited notification is not required by Step 3.**

Step 4 - Special circumstances

It is considered that no special circumstances warranting limited notification of the application exist, therefore **no one else is to be notified under Step 4.**

6.10.3 Notification Conclusion

The steps set out in s95A and s95B of the RMA were followed to determine whether public or limited notification is warranted for this application. Overall, it is considered that no circumstances warranting public or limited notification exist, therefore **the application can be processed on a non-notified basis.**

7.0 Statutory Planning Assessment

An assessment of the proposal against the objectives, policies and assessment criteria of all relevant documents as required by s104(b) is provided below:

7.1 National Environmental Standards and other Regulation - s104(1)(b)(i) and (ii)

7.1.1 National Environment Standards Assessing and Managing Contaminants in Soil to Protect Human Health

In relation to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS), it is highly unlikely a HAIL activity has occurred on the site. A review of all available historic aerial photos on Retrolens show the subject land in pasture. There are no other structures on the site that suggest the land has been used for any other purpose. In this regard it is unlikely a HAIL activity has occurred on the piece of land and therefore the NESCS is not applicable.

7.1.2 National Environment Standards for Freshwater

The proposal does not trigger any regulations under the National Environmental Standard for Freshwater Regulations 2020 (NES-FW). The proposal does not involve the reclamation of any riverbed and does not involve the complete or partial drainage of any natural wetland, with no earthworks or vegetation clearance proposed within a 10m setback from any natural wetland. Additionally, no taking, using, damming, diversion or discharge of water into water, within 100m of any natural wetland is proposed as part of this application. Accordingly, no consents are required under the NES-FW.

7.2 National Policy Statement – s104(1)(b)(iii)

7.2.1 National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2020 sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits.

The AUP provisions for water quality and management have given effect to this NPS, therefore a separate assessment against the NPS is not required. Notwithstanding this, the site stormwater management and disposal proposed will ensure that the outcomes sought by the NPS-FM are met.

7.2.2 National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) came into effect on the 17th October 2022 and applies to General Rural or Rural Production zoned land which contains LUC 1, 2 or 3 soils. As addressed above in section 6.5.1, the NPS-HPL applies to all of the site by virtue of the NZLRI mapping and the

interim definitions of highly productive land. On the NZLRIS portal, the subject site is mapped as containing LUC 2s-2 soils and as such consideration is required to be given to the NPS-HPL. The Key clause for land use activities is set out in 3.9 of the NPS-HPL as follows:

- (1) *Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.*
- (2) *A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:*
 - (a) *it provides for supporting activities on the land:*
 - (aa) *it provides for intensive indoor primary production or greenhouse activities:*
 - (b) *it addresses a high risk to public health and safety:*
 - (c) *it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act:*
 - (d) *it is on specified Māori land:*
 - (e) *it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity:*
 - (f) *it provides for the retirement of land from land-based primary production for the purpose of improving water quality:*
 - (g) *it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land:*
 - (h) *it is for an activity by a requiring authority in relation to a designation or notice of requirement under the Act:*
 - (i) *it provides for public access:*
 - (j) *it is associated with one of the following, and there is a functional or operational need for the use or development to be on the highly productive land:*
 - (i) *the maintenance, operation, upgrade, or expansion of specified infrastructure:*
 - (ii) *the maintenance, operation, upgrade, or expansion of defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990:*
 - (iii) *mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand:*
 - (iv) *aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand.*
- (3) *Territorial authorities must take measures to ensure that any use or development on highly productive land:*
 - (a) *minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
 - (b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.*
- (4) *Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.*

A use or development is not considered inappropriate if it provides for supporting activities on the land. 'Supporting activities' are defined in Clause 1.3 of the NPS-HPL as "those activities reasonably necessary to

support land-based primary production on that land (such as on-site processing and packing, equipment storage, and animal housing).” In regard to clause 3.9(2)(a) the MfE NPS-HPL guidance states that

“Activities such as residential accommodation for the landowner and/or farm staff, seasonal worker accommodation, sheds for farm machinery, workshops for repairing and maintaining equipment and roadside sales of goods produced on site would all be anticipated under this clause where these support land-based primary production ... A ‘supporting activity’ may also include some elements of a wider landbased primary production activity that occur within buildings and/or do not need the HPL soil resource and that might otherwise be excluded from the definition of land-based primary production ... Clause 3.9(2)(a) is not intended to cover larger-scale activities that might support land-based primary production indirectly but have no direct or exclusive link to the HPL where the production is taking place. This includes, for example, rural industries like large-scale dairy factories, large-scale processing facilities that process goods from multiple operations, and transport depots.”

The guidance sets no hard limits on what is or isn’t a supporting activity. In this case it is my opinion that the activity is a supporting activity given that VD predominantly provide services directly to rural production customers in the surrounding area. The services provided are necessary to enable the use of HPL and are an integral part of rural production. For example growers cannot operate without silt control installation and land cultivation. Without silt control soil resources would be lost to waterways, reducing the amount of high-quality soil available. In addition, drystock and dairy farmers cannot operate without the harvest of supplementary feeds supplies such as hay and silage. This is necessary to ensure that farms have sufficient feed supply for wintering and in drought conditions. The use of specialised rural contractors such as VD reduce the need for rural production businesses to store specialised equipment on their sites, thereby reducing cumulative losses of soils across individual farming units. In this regard the activity directly supports the use of HPL and is an integral link in the management of HPL resources. VD provide services to farmers and growers on surrounding HPL which will enable farmers to continue with primary production activities. Therefore, I consider that the proposed development meets the provisions of Clause 3.9(2)(a) of the NPS-HPL and is not an inappropriate use of HPL.

My opinion is supported by the Ag First Report which states that the activity is a supporting activity as follows:

The intent is that Clause 3.9(2) applies to the main purpose of the use of development, i.e. core activity being proposed. Which is this case as a rural contractor’s depot who provides fundamental and necessary supporting activities to rural production businesses. Many of the services provided by Vernon Development (soil preparation, land contouring, silt control) enable and facilitate the utilisation of highly productive land and are a key mechanism in the rural production chain. Other services provide a supporting role including the cartage of stock feed, construction and maintenance of farm infrastructure, dead animal burial and manure removal services. Overall, the business provides a number of services that form a necessary part of rural production and enable the productive capacity of the land to be utilised efficiently.

It is not reasonable for each landholding to purchase, maintain and operate its own machinery to undertake the planting of crops, harvesting supplementary feed, as well as repair, maintain and develop farmland and infrastructure. This would result in both time and cost inefficiencies for these businesses and decrease the

economic productivity of agricultural businesses. The Franklin area has a relatively intensive concentration of rural production activities, due to the quality of the soil resources, climate and proximity to transport links and markets. In this regard it has developed a network of growers, farmers and supporting activities that all contribute to the efficiency utilisation of highly productive land. Supporting activities, including those provided by Vernon Developments, are specialist operations, and without them, the use of HPL can be limited.

The report provides an assessment to cover clause 3.9(3)(a) and (b). The activity is able to minimise and mitigate the cumulative loss of HPL through locating the activity on those areas surrounding existing buildings and where soil productivity is lower and there are limitations that affect / fragment the productive capacity of that land (refer also to section 6.5.1 of this assessment). A LUC report prepared by Landsystems shows that the activity largely covers non-prime land, rather than the more productive class 2 land. The Ag First report states that “from a farming and production view, AgFirst considers this to be a small-scale low productive block. The residual effective area of the property will remain under land-based primary production, with no change to the intensification or farming system”. Overall, the proposed development will result in a 0.002% loss of HPL from the Auckland Region. This represents an insignificant percentage of the Regions soil noting that the sites soils are already fragmented. When assessing the limitations of the soils on the site the cumulative loss is minimised.

Reverse sensitivity is unlikely. The Ag First report concludes that:

AgFirst does not see any reverse sensitivity effects as a result of the Project that would not be mitigated or managed. The Subject Property is already operating as an agricultural contracting and earthmoving business and has not identified any of the rural activities that occur on the land as being effect generating activities.

The core purpose of the business is to provide supporting activities to rural production activities that utilise HPL. The activity is not considered to be sensitive to any effects generated by land-based primary production.

In this regard reverse sensitivity is avoided as consistent with clause 3.9(3)(b).

The key objectives and policies within the NPS-HPL that relate to land use are:

Objective: Highly productive land is protected for use in land-based primary production, both now and for future generations.

Policy 8: Highly productive land is protected from inappropriate use and development.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

The activity is not entirely consistent with objective 1 as the activity is not land-based primary production, albeit exceptions are expressly provided for in the NPS and therefore any activity meeting an exception would comply with the higher order objective. Policies 1 - 9 provide more directive consideration of what HPL land is protected from. The proposal is consistent with policy 8 which only requires HPL to be protected from

inappropriate use and development. Under clause 3.9 the activity is not inappropriate. The proposal is consistent with policy 9 as the activity does not create reverse sensitivity that would constrain rural land. Overall, the loss of HPL for the activity is not inconsistent with the NPS-HPL.

7.3 New Zealand Coastal Policy Statement - s104(1)(b)(iv)

The NZCPS is not directly relevant to this application as the site is not located within the coastal environment.

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

The Regional Policy Statement (**RPS**) contained in Chapter B of the AUP has a number of overarching objectives and policies. As the lower order provisions give effect to the RPS, it is not considered necessary to undertake a full assessment against the RPS, however for completeness I have considered the relevant RPS provisions for the rural environment in chapter B9.

Objective / Policy	Assessment
B9.2 Rural Activities	
B9.2.1.1 Rural areas make a significant contribution to the wider economic productivity of, and food supply for, Auckland and New Zealand.	The proposed activity will contribute to the economic productivity of Auckland by providing a service to rural based activities. VD provides services to support food production. The activity is consistent with this policy.
B9.2.1.2 Areas of land containing elite soil are protected for the purpose of food supply from inappropriate subdivision, urban use and development.	This objective is not applicable as the site does not contain elite soil.
B9.2.1.3 Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained.	The activity supports rural communities by providing a service to rural production activities. This type of activity is directly enabled through this policy. The activity can occur while maintaining the character, amenity, landscape and biodiversity values of rural areas. The intended rural character of the area is maintained. The activity is consistent with this policy.
B9.2.1.4 Auckland’s rural areas outside the Rural Urban Boundary and rural and coastal towns and villages are protected from inappropriate subdivision, urban use and development.	The activity is not considered to be an urban use or inappropriate development given that it will provide a service to the rural community. The activity is provided for in the Mixed Rural Zone and is not an inappropriate use. The activity is consistent with this policy.

<p>B9.2.1.5</p> <p>Auckland’s rural areas inside the Rural Urban Boundary are not compromised for future urbanisation by inappropriate subdivision, use and development.</p>	<p>Not relevant to this application as the site is located outside the RUB.</p>
<p>B9.2.2.1</p> <p>Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation³ of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values.</p>	<p>This policy states that the rural zone enables a range of activities where adverse effects can be avoided remedied or mitigated. It is my opinion that the proposal manages the effects of the activity on those values listed and is therefore an appropriate development within the rural zone. The activity does not result in urbanisation of the rural area.</p> <p>The activity is consistent with this policy.</p>
<p>B9.2.2.2</p> <p>Minimise the potential for reverse sensitivity effects by:</p> <p>(a) preventing sensitive activities (such as countryside living) from establishing in areas where rural production activities could be adversely affected; or</p> <p>(b) requiring sensitive activities (such as new countryside living) to adopt on-site methods to avoid reverse sensitivity effects on rural production activities; and</p> <p>(c) avoiding subdivision and development that would result in incompatible uses or sensitive activities (such as countryside living) being introduced into areas containing mineral resources for future extraction.</p>	<p>Not applicable as the activity is not a sensitive activity or subdivision.</p>
<p>B9.3. Land with high productive potential</p>	
<p>B9.3.1</p> <p>(1) Land containing elite soils is protected through land management practices to maintain its capability, flexibility and accessibility for primary production.</p> <p>(2) Land containing prime soil is managed to enable its capability, flexibility and accessibility for primary production.</p>	<p>The activity does not result in any loss of elite soil. A small area of prime soil is utilised for the activity. The site’s existing capability and flexibility is low due to existing fragmentation of the soils on the site. The proposed activity maintains the ability to use the balance of the site’s prime soil for rural production.</p> <p>The proposal is not inconsistent with this objective.</p>

³ The issue of urban activities and urbanisation was specifically addressed in *Ahuareka Trustees (No 2) Limited v Auckland Council* [2017] NZEnvC 205 at [57] as follows: Notwithstanding the absence of a definition of urban or urbanisation in the Unitary Plan, we did not understand there to be any significant difference between the parties as to the meaning of the concept. For the sake of completeness, we confirm our understanding of the terms:

- Urban as meaning "of, pertaining to, or constituting a city or town;
- Occurring in or characteristic of a city or town;²⁵
- Urbanise "make or become urban in character or appearance;
- Develop into an urban area; Cause to lose rural character or quality.²⁶

The dictionary definitions are consistent with our understanding that urbanisation is a process whereby (in this context) a developed area acquires characteristics more typical of a town or village and the rural qualities of the developed area are lost. That is the test which we shall apply.

(3) The productive potential of land that does not contain elite or prime soil is recognised.	
B9.3.2.1 Avoid new countryside living subdivision, use and development on land containing elite soil and discourage them on land containing prime soil.	Not relevant to this application as countryside living development is not proposed.
B9.3.2.2 Encourage activities that do not depend on using land containing elite and prime soil to locate outside these areas.	A small area of prime soil will be lost from the site. The activity, as far possible, is located on land that is not prime or elite. The proposal is not inconsistent with this objective.
B9.3.2.3 Recognise the productive potential of land that does not contain elite or prime soil and encourage the continued use of this land for rural production.	The land not occupied by the proposed activity will continue to be used for rural production. The proposal is not inconsistent with this objective.
B9.3.2.4 Provide for non-soil dependent rural enterprises (including post-harvest facilities) on land containing elite or prime soil where there are economic and operational benefits associated with concentrating such enterprises in specific rural localities.	Rural enterprise is not defined in the Plan, however the activity provides services that are required to support rural activities and communities and is therefore considered a rural enterprise. In this regard the activity is an appropriate use of the soil resource consistent with this policy.
B9.3.2.5 Encourage land management practices that retain the physical and chemical capability of rural soils.	Not relevant to this application.

In conclusion the RPS seeks to provide for rural production and other activities that support rural communities. The RPS prioritises the protection of elite soil and the management of prime soil to maintain soil capability, flexibility and accessibility for rural production. In addition, the RPS directly provides for non-soil dependent rural enterprises on prime and elite land. The activity will not result in a loss of soil that would compromise rural production and food supply activities or burden existing or future production activities through reverse sensitivity effects. The activity supports both rural communities and rural production activities and is not considered to be an inappropriate development or use. The activity does not result in urbanisation of the rural area. The activity is able to maintain the anticipated amenity, character and biodiversity values associated with the rural environment. The proposal is consistent with the policy intent of the RPS.

7.5 Plan or Proposed Plan 104(1)(b)(vi)

7.5.1 Auckland Unitary Plan Standards

An assessment against the relevant planning standards and assessment criteria is provided in **Attachment A**. This covers the relevant Permitted, Controlled and Restricted Discretionary Standards and Assessment criteria for the following chapters of the AUP:

- H19 – Rural zone
 - H19.10.1 – Standards
 - H19.12.8 – Assessment Criteria for Restrict Discretionary Activities
- E8 – Stormwater Diversion and Discharge
 - E8.6.1 – Standards
- E9 - Stormwater Quality
 - E9.6.1.1 – Standards
 - E9.6.2.1 – Controlled Activity Standards
 - E9.7.2 – Assessment Criteria for Controlled Activities
- E11 – Regional Land Disturbance
 - E11.6 - Standards
 - E11.7.2 - Assessment Criteria for Controlled Activities
- E12 – District Land Disturbance
 - E12.6 - Standards
 - E12.8.2 1 - Assessment Criteria for Restrict Discretionary Activities
- E27 – Transport
 - E27.6 – Standards
 - E27.8.2(8) Restricted Discretionary Assessment Criteria for activity of development which infringes the standards for design of parking and loading areas or access under Standards E27.6.3, E27.4.2, E27.4.3 and E27.4.4
- E31 – Hazardous Substance
 - E31.6 Standards
- E33- Industrial and Trade Activities
 - E33.6 – Standards

7.5.2 Auckland Unitary Plan Objectives and Policies

The relevant objectives and policies are assessed below.

7.5.2.1 H19 Rural Zones

Objective / Policy	Assessment
H19.2.1 Objectives – General Rural	
H19.2.1.1 Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.	The AUP recognises a diverse range of activities and services occur within the rural zone. The activity is consistent with this objective as it provides a service to the rural area and supports rural production activities and rural and rural communities

<p>H19.2.1.2</p> <p>Rural production activities are provided for throughout the rural area while containing adverse environmental effects on site.</p>	<p>Not applicable as this activity is not a rural production activity. It does however support rural production activities.</p>
<p>H19.2.1.3</p> <p>Elite soil is protected, and prime soil is managed, for potential rural production.</p>	<p>A small loss of prime soil has been undertaken to develop the hardstand area. The AUP does not require protection of prime soil and that the loss of prime soil for a supporting rural activity is acceptable management of that land when considered against the objectives as a whole.</p> <p>The activity is not inconsistent with this objective.</p>
<p>H19.2.1.4</p> <p>Rural lifestyle development avoids fragmentation of productive land.</p>	<p>Not applicable.</p>
<p>H19.2.2.1</p> <p>Enable activities based on use of the land resource and recognise them as a primary function of rural areas.</p>	<p>The proposal will not compromise the existing rural production activities that rely on the land resource. The activity supports and enables land based primary production. The activity is not inconsistent with this objective.</p>
<p>H19.2.2.2</p> <p>Require rural production activities to contain and manage their adverse environmental effects on-site to the fullest extent practicable.</p>	<p>Not applicable.</p>
<p>H19.2.2.3</p> <p>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.</p>	<p>The comments relating to H19.2.1.3 are applicable to this policy. In this case there is no requirement for the activity to avoid locating on elite or prime soil as it is related to and supports rural production. The proposal is consistent with this objective.</p>
<p>H19.2.2.4</p> <p>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).</p>	<p>The activity is enabled by policy H19.2.2(5). The proposal is consistent with this objective.</p>
<p>H19.2.2.5</p>	<p>The proposed activity is not identified as an activity that is to be avoided within the rural zone. The activity can manage reverse sensitivity effects and will not curtail</p>

<p>Enable a range of rural production activities and a limited range of other activities in rural areas by:</p> <p>(a) separating potentially incompatible activities such as rural production and rural lifestyle living into different zones;</p> <p>(b) avoiding or restricting rural subdivision for activities not associated with rural production in areas other 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</p> <p>(e) providing for tourism and activities <u>related to the rural environment</u>.</p>	<p>existing rural production activities through reverse sensitivity.</p> <p>The policy directly provides for activities <u>related to the rural environment</u>. In this instance the activity is related to both rural production and the rural environment through provision of land cultivation, earthmoving, cartage and forestry services provided to rural production clients. The activity is appropriately located and is consistent with this objective.</p>
<p>H19.2.2.6</p> <p>Recognise that a range of buildings and structures accessory to farming and forestry, and other operational structures for rural production activities are an integral part of rural character and amenity values.</p>	<p>The policy recognises that buildings and structures accessory to farming form part of the character of rural areas. The existing buildings that will be used for this activity are similar in style and size to rural production buildings within the wider Franklin rural area. The proposal is consistent with this objective.</p>
<p>H19.2.2.7</p> <p>Enable intensive farming in the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone only where it is carried out in accordance with good industry practice.</p>	<p>Not applicable.</p>
<p>H19.2.3 - Objectives – rural character, amenity and biodiversity values</p>	
<p>H19.2.3.1</p> <p>The character, amenity values and biodiversity values of rural areas are maintained or enhanced while accommodating the localised character of different</p>	<p>The character of the area is described as a mixed rural environment. While the proposal introduces a new activity, amenity effects can be managed to ensure the character of the rural area is maintained. The site is located next to the Southern Motorway which has a high</p>

<p>parts of these areas and the dynamic nature of rural production activities.</p>	<p>traffic volume and dominates the character of the immediate surrounds. The use of the site for the storage of trucks, tractors and machinery maintains rural character. The proposal is consistent with this objective.</p>
<p>H19.2.3.2 Areas of significant indigenous biodiversity are protected and enhanced.</p>	<p>Not applicable as there are no areas of significant indigenous biodiversity within the proposal site that are affected by this application.</p>
<p>H19.2.4 – Policies - rural character, amenity and biodiversity values</p>	
<p>H19.2.4.1 (1) 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: (a) a predominantly working rural environment; (b) fewer buildings of an urban scale, nature and design, other than residential buildings and buildings accessory to farming; and (c) a general absence of infrastructure which is of an urban type and scale.</p>	<p>The activity is consistent with this policy as the character, scale and intensity of the activity is in keeping with the surrounding rural environment. The proposed activity does not detract from the working rural environment. The activity provides a yard for a rural contracting activity where the trucks and tractors are associated with the rural environment and therefore is not considered to be urban in scale or nature. The activity is consistent with this objective.</p>
<p>H19.2.4.2 (2) 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: (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 on sites zoned as Special Purpose – Quarry Zone; (d) accessory buildings dot the landscape, particularly where farming activities are the dominant activity; and (e) activities which provide for the relationship of Mana Whenua to their ancestral land and taonga.</p>	<p>The proposed activity is not in conflict or considered to be sensitive to those features identified in this Plan. This policy sets out the level of amenity and character within the zone and recognises a range of effects associated with rural activities. The proposed activity is considered to generate less effects than many of the activities listed. The nature of the amenity effects generated by the proposed activity are similar to that expected within rural areas.</p>

<p>H19.2.4.3</p> <p>Enable opportunities to protect existing Significant Ecological Areas or provide opportunities to enhance or restore areas to areas meeting criteria of Significant Ecological Areas.</p>	<p>Not applicable. For completeness, we record the area of SEA on the site is not the subject of any proposed development.</p>
<p>H19.2.5 - Rural industries, rural commercial services and non-residential activities</p>	
<p>H19.2.5.1</p> <p>Rural production activities are supported by appropriate rural industries and services.</p>	<p>The activity is rural service. The activity is therefore considered to be an appropriate non-residential activity in this zone.</p> <p>The activity is consistent with this objective.</p>
<p>H19.2.5.2</p> <p>The character, intensity and scale of rural industries and services are in keeping with the character of the relevant rural zone.</p>	<p>As detailed in the AEE it is my opinion that the activity is appropriate in character, scale and intensity and is in keeping with the characteristics of the zone in this locality.</p> <p>The activity is consistent with this objective.</p>
<p>H19.2.5.3</p> <p>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>The proposed activity is consistent with the objective as it will support the rural economy and the well-being of the rural community. The activity benefits a large number of rural production businesses in the Franklin area and will have a positive effect on the economy. The activity is consistent with this objective.</p>
<p>H19.2.5.4</p> <p>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 not considered to be urban in scale or type. The activity is related to rural production. The activity is consistent with this objective.</p>
<p>H19.2.5.5</p> <p>The rehabilitation of quarries is assisted by cleanfills and managed fills.</p>	<p>Not applicable.</p>
<p>H19.2.6.1</p> <p>Enable rural industries and rural commercial services only where they have a direct connection with the resources, amenities, characteristics and communities of rural areas.</p>	<p>The proposal is consistent with this policy as it is a rural industry / commercial service with a clear connection to rural resources and the rural community.</p>
<p>H19.2.6.2</p> <p>(2) Manage rural industries, rural commercial services and other non-residential activities to:</p>	<p>The proposal is consistent with this policy for the following reasons:</p> <ul style="list-style-type: none"> • The activity will not result in any potential reverse sensitivity effects.

<p>(a) avoid creating reverse sensitivity effects;</p> <p>(b) contain and manage adverse effects on-site; and</p> <p>(c) avoid, remedy or mitigate adverse effects on traffic movement and the road network.</p>	<ul style="list-style-type: none"> • The activity is able to manage and mitigate adverse effects on-site. • Adverse traffic effects are minimal and will not affect the road network.
<p>H19.2.6.3</p> <p>Enable cleanfills and managed fills where they can assist the rehabilitation of quarries.</p>	<p>Not applicable.</p>
<p>H19.2.6.4</p> <p>Restrict cleanfills and managed fills in the Rural – Rural Conservation Zone and Rural – Countryside Living Zone. Where cleanfills are established in other rural zones:</p> <p>(a) they should not adversely affect or inhibit the use of surrounding land for productive purposes or for carrying out any permitted, restricted discretionary or discretionary activity; and</p> <p>(b) their completed state should be in keeping with the appearance, form and location of existing rural character and amenity values.</p>	<p>Not Applicable</p>
<p>H19.4 Rural – Mixed Rural</p>	
<p>H19.4.2.1</p> <p>The existing subdivision pattern is used by a range of rural production activities and non-residential activities that support them.</p>	<p>The activity is consistent with this objective as the activity is a non-residential activity that supports rural production.</p>
<p>H19.4.2.2</p> <p>The continuation of rural production and associated non-residential activities in the zone is not adversely affected by inappropriate rural lifestyle activity.</p>	<p>The activity is not a lifestyle activity.</p>
<p>H19.4.2.3</p> <p>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 able to maintain rural character and amenity values. The activity is consistent with this objective.</p>
<p>H19.4.3.1</p> <p>Enable rural production, rural industries and rural commercial services that are compatible with the existing subdivision pattern and recognise that these</p>	<p>The activity is considered to be compatible with the mixed rural zone. The activity is not inconsistent with this objective.</p>

activities are significant elements of, and primary contributors to, rural character and amenity values.

H19.4.3.2

Manage reverse sensitivity effects by:

- (a) limiting the size, scale and type of non-rural production activities;**
- (b) retaining the larger site sizes within this zone;**
- (c) limiting further subdivision for new rural lifestyle sites; and**
- (d) acknowledging a level of amenity that reflects the presence of:**
 - (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**
 - (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.**

The activity is not expected to generate reverse sensitivity effects. Non-residential activities are identified as forming part of the character and amenity of the mixed rural zone. The activity is consistent with this objective.

In my opinion the activity is consistent with the objectives and policies that relate to the rural zones. The mixed rural zone provides opportunities for rural commercial services / industry where the rural character and amenity can be maintained and reverse sensitivity is avoided. The proposal has a clear connection to rural production and will provide services that support these activities and the rural economy. The activity will maintain the expected level of amenity which anticipates rural production, rural industries, rural commercial services and non-residential activities.

7.5.2.2 E1 Water Quality and Integrated Management

Chapter E1 – Water Quality and Integrated Management provides the relevant objectives and policies for stormwater discharges and discharges from high contaminant generating carparking areas. The Objectives (E1.2) require freshwater quality to be maintained and improved; recognises use by Mana Whenua and seeks to ensure stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on fresh and coastal waters. These objectives are supported by the policies under E1.3 where discharges, land use and development that affect freshwater systems are managed to maintain or enhance water quality, flows, stream channels and their margins and other freshwater values (E1.3(2)); discharges are to avoid contamination that will have an adverse effect on the freshwater and any associated ecosystem and on the health of people and communities (E1.3(4) and E1.3(5)). In relation to stormwater management, adverse effects of stormwater runoff on freshwater systems and coastal waters are avoided and stormwater quality is to be achieved on-site unless there is a downstream communal device or facility to cater for it (E1.3(9)-(14)). A low impact management approach to stormwater

disposal is proposed and this has been implemented in the design of the site and uses a swale design to treat stormwater runoff from the impervious areas before attenuation is provided through use of a stormwater pond. The activity implements best practice methods consistent with GD01 and the proposed stormwater methodology for the site is consistent with the objectives and policies in E1. The proposal will maintain stormwater quality and will not affect water flows or stream channels.

Of direct relevance to the proposal is E1.3.12 which seeks to:

Manage contaminants in stormwater runoff from high contaminant generating car parks and high use roads to minimise new adverse effects and progressively reduce existing adverse effects on water and sediment quality in freshwater systems, freshwater and coastal waters.

In my opinion and based on specialist engineering advice, best practice stormwater options are proposed onsite to ensure downstream freshwater quality. Overall, the activity is consistent with the objectives and policies within chapter E1.

7.5.2.3 E27 Transport

The application does not demarcate parking spaces and therefore consent is required for activities that do not comply with the parking and loading standards. The objectives and policies for transport activities are found in Chapter E27. The relevant objectives are assessed below:

Objective / Policy	Assessment
E27.2 Objectives	
E27.2.4 Parking, loading and access is safe and efficient and, where parking is provided, it is commensurate with the character, scale and intensity and alternative transport options of the location.	The parking provided onsite is for trucks and staff vehicles only and is not open to the general public. Parking is not demarcated due to the large metallised area available. It is typical for rural areas to have large, unmarked parking areas and therefore the proposal is commensurate with the character and scale of the rural zones.
Design of parking and loading E27.3.17 Require parking and loading areas to be designed and located to: (a) avoid or mitigate adverse effects on the amenity of the streetscape and adjacent sites; (b) provide safe access and egress for vehicles, pedestrians and cyclists; (c) avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; and (d) in loading areas, provide for the separation of service and other vehicles where practicable having regard to	The proposal is consistent with this policy for the following reasons: <ul style="list-style-type: none"> • All parking is located internally within the site and will not result in any adverse effects on the amenity of the streetscape. • Safe access and egress is provided for vehicles. Pedestrian access is not required as the site is located in the rural zone and there are no pedestrian facilities along Great South Road in this location. • The parking and loading will not result in pedestrian, vehicle and cyclist conflict. • The site is designed for the functional and operational requirements of the activity. Staff parking is separated from fleet parking areas.

the functional and operational requirements of activities.

7.5.2.4 E11 Land Disturbance – Regional

The relevant objectives require that land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment (E11.2(1)); to minimise sediment generation from land disturbance (E11.2(2)) and control land disturbance to achieve soil conservation (E11.2(3)). The relevant policies seek to avoid, mitigate or remedy adverse effects on areas where there are any scheduled natural and physical resources (E11.3(1)); retain soil and sediment within the disturbed area (E11.3(2)); to manage the impact on Mana Whenua cultural heritage (E11.3(3)); and to ensure earthworks are designed and implemented to best practice to minimise effects on the surrounding environment, including the coastal environment, and land stability (E11.3(5), E11.3(6), E11.3(7) and E11.3(8)).

The earthworks have been undertaken in a manner that has not affected land stability. The works have been undertaken in accordance with GD05 and adverse effects on the environment are avoided or mitigated. The implementation of appropriate erosion and sediment control measures minimises any sediment loss to waterways or the receiving environment, which will also achieve soil conservation. The proposal is therefore considered to be consistent with the relevant objectives and policies.

7.5.2.5 E12 Land Disturbance - District

Objective E12.2 requires that land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment. The relevant policies under E12.3 seek to avoid, mitigate or remedy adverse earthwork effects on sites where there are natural and physical resources that have been scheduled in the Plan (E12.3(1)); manage the amount of land being disturbed at any one time (E12.3(2)); manage the impact on Mana Whenua cultural heritage (E12.3(4)); require earthworks to be designed and implemented having regard to existing environmental site constraints and specific engineering requirements (E12.3(5), and ensure that earthworks do not affect the stability and safety of surrounding land, buildings and structures (E12.3(6)).

The proposed earthworks will be undertaken in accordance with best practice guidelines where appropriate erosion and sediment control measures will be implemented to minimise any sediment loss to waterways or the receiving environment. There are no known sites of archaeological, heritage or cultural interest that will be affected by the proposed earthworks and earthworks will be undertaken by an experienced earthworks contractor and in a manner that will not affect the stability and safety of surrounding land, buildings and structures. The proposal is therefore considered to be consistent with the relevant objective and policies.

7.6 Relevant Other Matters – s104(1)(c)

7.6.2 Auckland Council Guidance Documents

A number of Auckland Council technical guidance documents have been taken into account when preparing this application. These include GD01, GD04 and GDO5. These documents represent best practice options. The proposal has been designed to be consistent with these documents.

8.0 Part 2 of the RMA

My understanding is that, as a recent plan, prepared in accordance with the requirements of the RMA and Part 2, there is no need to separately assess the application under Part 2. However, for the avoidance of doubt, I set out my views as to how the proposal fits with the purpose of the Act below.

In my opinion the proposal meets the purpose set out in Part 2 of the RMA. The application is generally consistent with the relevant provisions of the AUP. While the activity results in a loss of prime soil the loss is considered to be an appropriate use of the land resource given the very small area of soil lost, the lack of productive capacity of the land for rural production purposes for reasons identified in the Ag First Report and the functional connection of the activity to rural production activities specific to the locality. The AUP planning framework seeks to manage the productive potential of prime soil and there is no direction in the planning framework that requires rural industries to avoid prime soil. Specifically, the RPS provides for non-soil dependent rural enterprises on elite soil where there are economic and operational benefits. This is reinforced through the objectives and policies in Chapter H19 which provide for rural industries in the Mixed Rural Zone. The loss of prime soil / HPL is considered against the positive benefits of enabling an activity that directly supports rural production / land-based primary production. All adverse effects are able to be mitigated to an acceptable level. I therefore conclude that activity upholds the sustainable management purpose of the RMA.

I consider the matters referred to in part 6, 7 and 8 of the Act have been considered and provided for.

9.0 Conclusion:

In conclusion I consider that the effects of the proposal are acceptable when considered in light of the AUP objectives and policies. I consider the proposal is an appropriate use of the rural land resource and I support approval of the application for the following reasons:

The activity meets the definition of a rural commercial service / rural industry and directly supports rural production business and activities within the surrounding rural area. Specifically, the proposed business will provide a service to growers and farmers established in the Franklin and North Waikato area. In this regard the activity is consistent with the purpose of the Mixed Rural Zone.

The Mixed Rural Zone is the most flexible rural zone and is directly enabled through the objectives and policies. The proposal is consistent with the objectives and policies that support a range of rural activities including:

H19.2.1 - Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.

H19.2.5.4 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).

H19.2.2.5(e) - (5) Enable a range of rural production activities and a limited range of other activities in rural areas by: (e) by: providing for tourism and activities related to the rural environment.

H19.4.2.1 - The existing subdivision pattern is used by a range of rural production activities and non-residential activities that support them.

H19.4.2.3 - Rural character and amenity values of the zone are maintained while anticipating a mix of rural production, non-residential and rural lifestyle activities.

H19.4.3.1 - 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 primary contributors to, rural character and amenity values.

The activity is both related to the rural environment, supportive of rural communities and provides a service to rural production consistent with the policy direction. It is my opinion that the activity enables the well-being of rural communities consistent with the rural zone objectives:

H19.2.5.3 - 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.

H19.2.6.1 - Enable rural industries and rural commercial services only where they have a direct connection with the resources, amenities, characteristics and communities of rural areas.

A small area of prime land will be utilised by the activity. The loss of this land will have less than minor effects on rural production as the sites soil type is fragmented, reducing the overall versatility and productive capacity of the land. I consider the small loss of soil is acceptable to enable an activity that directly supports rural production.

Clause 3.9(2)(a) of the NPS-HPL provides a pathway for supporting activities on the land. As highlighted in this assessment as well as the assessment prepared by AgFirst, the activity is not considered to be an inappropriate use of HPL therefore the proposal activity is not inconsistent with this NPS.

The retrospective earthworks component of the activity involved removing topsoil to form a hardstand area. This works resulted in little change to the landform. Additional earthworks are required for the construction of the stormwater pond. The work will be carried out by following appropriate methodology and best practice erosion and sediment controls. The effects of the earthworks components of this activity are acceptable.

The AUP objectives and policies seek to maintain rural amenity and character. H19.2.3 sets out the expected character for rural areas recognising that building, dust, noise and odour forms part of the rural environment. The activity is designed to manage amenity effects within the site therefore lighting, noise and dust can be managed to ensure the effects are minimised. The proposed hours of operation and traffic movement are considered to be of a scale and intensity that will maintain the amenity and character of the rural environment. The activity provides fundamental and necessary supporting activities to rural production businesses. Trucks and tractors are regularly seen throughout the rural zone and are expected within the working rural environment. Therefore the storage of vehicles and machinery onsite will maintain the character of the surrounding rural environment.

Overall the activity will not detract from the mixed rural character of the area, which includes non—residential activities. The effects on rural character and amenity are considered to be acceptable and consistent with the anticipated amenity expected by relevant objectives and policies:

H19.2.3.1 - 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.

H19.4.3 (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 primary contributors to, rural character and amenity values.

H19.2.5.2 - (2) The character, intensity and scale of rural industries and services are in keeping with the character of the relevant rural zone.

H19.2.6.2 - Manage rural industries, rural commercial services and other non-residential activities to:

- (a) avoid creating reverse sensitivity effects;
- (b) contain and manage adverse effects on-site; and
- (c) avoid, remedy or mitigate adverse effects on traffic movement and the road network.

H19.4.3.2 (d)(i) - (d) acknowledging a level of amenity that reflects the presence of (i) non-residential activities which may generate noise, light and traffic levels greater than those normally found in areas set aside for rural lifestyle activities.

Proposed vehicle movements will not affect the safe operation of the road network. Onsite parking, manoeuvring and loading can be achieved within the site. The activity is appropriately designed to accommodate traffic.

The activity is able to be appropriately serviced with stormwater disposal. The adverse effects of stormwater are appropriately mitigated through onsite volume and quality control devices consistent with best practice documents. Adverse effects related to stormwater quality, soil disturbance, stormwater management and traffic are considered to be less than minor. The activity is consistent with the objectives and policies relevant to these matters.

It is my opinion that the planning framework of the AUP supports the proposed activity and the proposal is generally consistent with the policy direction of both the RPS and Rural Zone chapter of the AUP. While there is a loss of HPL / prime soil this is acceptable to enable a supporting rural activity. Overall, I consider that the activity is an appropriate use of the rural land resource and achieves the sustainable management purpose of Part 2 of the RMA. It is my professional opinion that it is appropriate for consent to be granted to the proposal, subject to fair and reasonable conditions of consent.

ATTACHMENT A: AUP PLANNING ASSESSMENT

Attachment A: AUP Planning Assessment

Rule, Standards and Assessment Criteria Assessment - Auckland Unitary Plan (Operative in Part)

The following report assesses the standards and assessment criteria relevant to the activity as follows:

- H19 – Rural zone
 - H19.10.1 – Standards
 - H19.12.8 – Assessment Criteria for Restrict Discretionary Activities
- E8 – Stormwater Diversion and Discharge
 - E8.6.1 – Standards
- E9 - Stormwater Quality
 - E9.6.1.1 – Standards
 - E9.6.2.1 – Controlled Activity Standards
 - E9.7.2 – Assessment Criteria for Controlled Activities
- E11 – Regional Land Disturbance
 - E11.6 - Standards
 - E11.7.2 - Assessment Criteria for Controlled Activities
- E12 – District Land Disturbance
 - E12.6 - Standards
 - E12.8.2 1 - Assessment Criteria for Restrict Discretionary Activities
- E27 – Transport
 - E27.6 – Standards
 - E27.8.2(8) Restricted Discretionary Assessment Criteria for activity of development which infringes the standards for design of parking and loading areas or access under Standards E27.6.3, E27.4.2, E27.4.3 and E27.4.4
- E31 – Hazardous Substance
 - E31.6 Standards
- E33- Industrial and Trade Activities
 - E33.6 – Standards
- R36 – Natural Hazards and Flooding
 - E36.6.1.7

Chapter H19 – Rural Zones

H19.4.1 Activity Table Rural Zones		
H19.4.1	Under Table H19.4.1 Rural Industries (A21) and Rural Commercial Services(A16) are restricted discretionary activities .	
H19.10.1 Standards		
H19.10.1(1) And H19.10.1(2)	Disposal of Non-Residential Waste or Compost	N/A
H19.10.1(3)	Intensive Farming	N/A
H19.10.2	Maximum Building Height 1) Dwellings and buildings accessory to dwellings must not exceed 9m in height Other accessory buildings must not exceed 15m height	N/A
H19.10.3	Minimum Yard Setbacks Front yard adjoining arterial roads – 20m	.N/A no additional buildings are proposed.

	Front yard all other sites – 10m Side/rear for buildings other than dwellings – 12m Riparian yard – 20m from edge of permanent and intermittent streams	
H19.10.4	Buildings housing animals	N/A
H19.10.5	Maximum size of buildings	N/A
H19.10.6	Free range poultry	N/A
H19.10.7	Forestry	N/A
H19.10.8	Animal Breeding or Boarding	N/A
H19.10.9	Produce Sales	N/A
H19.10.10	Dwellings	N/A
H19.10.11	Minor Dwelling	N/A
H19.10.12	Workers Accommodation	N/A
H19.10.13	Home Occupation	N/A
H19.10.14	Markets	N/A
H19.10.15	Quarries – Farm or Forestry	N/A
H19.10.16	Mineral Prospecting and Mineral Exploration	N/A
H19.12.8 Assessment Criteria – Rural Zones		
H19.12.8.1(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 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: (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.	The activity does not involve any additional building. The site is relatively flat and all works for the activity are limited to topsoil removal to create a hardstand area. Established bunds and landscaping along the northern and Great South Road boundary help to screen the activity. The visual impact of the activity is assessed in the AEE and adverse effects are considered to be minor. Minimal signage is required for this activity. The proposal is not adjacent an any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character areas. It is located adjacent to an ONF however this do not require consideration under this assessment criteria.
H19.12.8.1(b)	Whether noise from fans, ventilators, heaters, or other machines, or from on-site activities can be adequately mitigated.	Noise is generally limited to vehicles coming and going from the site as activities are undertaken off-site. Servicing activities occur within a shed and are located well away from neighbours to mitigate any noise effects.
H19.12.8.1(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.	Traffic effects are discussed in the AEE and the Transport report prepared by TEAM. The activity and associated access have been designed to avoid effects on the road network.
H19.12.8.1(d)	Whether the control, treatment, storage, or disposal of stormwater can be adequately managed.	Specific stormwater design has been undertaken for the activity which is adequate for the proposed development.
H19.12.8.1(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 rely on it.	N/A the site does not contain elite soils.

H19.12.8.1(f)	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.	A portion of the activity area contains prime soils. There is an existing shed in this location that will be utilised. It is not practical to relocate this building.
H19.12.8.1(g)	For fire stations, the extent to which functional requirements and the benefits that having the emergency services in the location are to be taken into account.	N/A

E8 – Stormwater discharge and diversion

E8.4.1 Activity table

Diversion and discharge of stormwater runoff from impervious areas onto or into land or into water or to the coastal marine area pursuant to sections 14 and 15 of the RMA 1991

E8.4.1(A10)	All other diversion and discharge of stormwater runoff from impervious areas not otherwise provided for – <u>discretionary activity.</u>	Discretionary activity consent is required as impervious areas on the site exceed 5,000m ² and the site is located outside an urban area.
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E8.6 Standards

E8.6.1	<p>General standards</p> <p>(1) The design of the proposed stormwater management device(s) must be consistent with any relevant precinct plan that addresses or addressed stormwater matters.</p> <p>(2) The diversion and discharge must not cause or increase scouring or erosion at the point of discharge or downstream.</p> <p>(3) The diversion and discharge must not result in or increase the following:</p> <p style="padding-left: 20px;">(a) flooding of other properties in rainfall events up to the 10 per cent annual exceedance probability (AEP); or</p> <p style="padding-left: 20px;">(b) inundation of buildings on other properties in events up to the 1 per cent annual exceedance probability (AEP).</p> <p>(4) The diversion and discharge must not cause or increase nuisance or damage to other properties.</p> <p>(5) The diversion and discharge of stormwater runoff must not give rise to the following in any surface water or coastal water:</p> <p style="padding-left: 20px;">(a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</p> <p style="padding-left: 20px;">(b) any conspicuous change in the colour or visual clarity;</p> <p style="padding-left: 20px;">(c) any emission of objectionable odour;</p> <p style="padding-left: 20px;">(d) the rendering of fresh water unsuitable for consumption by farm animals; or</p> <p style="padding-left: 20px;">(e) any significant adverse effects on aquatic life.</p> <p>(6) Where the diversion and discharge is to ground soakage, groundwater recharge or peat soil areas any existing requirements for ground soakage, including devices to manage discharges or soakage, must be complied with.</p>	<p>Complies.</p> <p>(1) Not applicable as the site is not subject to a precinct plan.</p> <p>(2) Due to the design of the stormwater system, the stormwater discharge will not cause or increase scouring or erosion at the point of discharge.</p> <p>(3) The proposed diversion has been designed to accommodate pre-development flows and will not result in flooding in rainfall events up to the 10 per cent AEP or inundation or flooding of buildings on other properties in events up to the 1 per cent AEP.</p> <p>(4) The stormwater system proposed will ensure that there will be no nuisance or damage to other properties.</p> <p>(5) The stormwater discharge will not give rise to any of the items listed in (5)(a) to (e).</p> <p>(6) Stormwater discharge will not be to ground soakage.</p>
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E9 – Stormwater quality – High contaminant generating car parks and high use roads

E9.4.1 Activity table

E9.4.1 (A4)	Development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m ² is a <u>Controlled Activity</u> .	The proposed car park area is sealed/formed, exposed to rainfall and designed for 30 cars and 25 trucks with an area that exceeds 5000m ² .
E9.6 Standards		
E9.6.1.1	<p>General</p> <p>(1) Any required stormwater management device or system is built generally in accordance with design specifications and is fully operational within three months of commencement of the high contaminant generating car park or high use road.</p> <p>(2) 'As built' plans for any required stormwater management device or system are provided to the Council within three months of the practical completion of the works.</p> <p>(3) Any required stormwater management device or system is operated and maintained in accordance with best practice for the device or system.</p>	Compliance proposed.
E9.6.2.1.	<p>Development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m²</p> <p>(1) The development of a new or redevelopment of an existing high contaminant generating car park must not be located in an industrial and trade activity area.</p> <p>(2) Stormwater runoff from an impervious area used for a high contaminant generating car park must be treated by stormwater management device(s).</p> <p>(3) Where a high contaminant generating car park is more than 50 per cent of the total impervious area of a site, stormwater runoff from the total impervious area on the site must be treated by stormwater management device(s). (4) The stormwater management device(s) must meet the following:</p> <p>(a) the device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or</p> <p>(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.</p>	<p>Complies.</p> <ol style="list-style-type: none"> (1) The car park is not located in an industrial or trade activity area. (2) The stormwater management system has been designed in accordance with Auckland Council's Guideline Document 2017/001: Stormwater Management Devices in the Auckland Region. Refer to the Infrastructure Report provided in Appendix 6 for detail. (3) All impervious areas on the site will be treated by stormwater management devices. (4) Stormwater runoff from the carpark area will be conveyed to a grassed swale and a bioretention garden near the eastern boundary. The bioretention garden has been designed in accordance with Auckland Council's Guideline Document 2017/001: Stormwater Management Devices in the Auckland Region and has been sized and designed to treat the stormwater runoff from the carparking area.

E12 – Land Disturbance - District

E12.4.1 Activity table - District Land Disturbance		
E12.4.1 (A6)	General earthworks Mixed Rural Zone: Greater than 2,500m ² – <u>Restricted discretionary activity</u>	Restricted discretionary activity consent is required as earthworks over an area of 12,967m ² are proposed.

E12.4.1 (A10)	General earthworks Mixed Rural Zone: Greater than 2,500m ³ – <u>Restricted discretionary activity</u>	Restricted discretionary activity consent is required as the total volume of earthworks will be 11,991m ³ .
C1.9.2	Infringement of standards: The earthworks undertaken to create the hardstand resulted in more than 10m ³ of fill within a floodplain and does not comply with E12.6.2(11).	Restricted discretionary activity consent is required.
E12.6 - Standards		
E12.6.1	Archaeological discovery rule	Compliance proposed. An experienced contractor will be used to undertake the earthworks and will comply with the requirements of this rule should an accidental discovery be made during site development works.
E12.6.2 (1)	Land disturbance within riparian yards and coastal protection yards	The earthworks are not within a riparian or coastal yard.
E12.6.2 (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.	The earthworks will be undertaken in a manner that will avoid any instability of land or structures at the boundary of the property.
E12.6.2 (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.	Compliance proposed as the earthworks will not affect any network utilities.
E12.6.2 (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.	Access to public footpaths, berms, private properties, network utilities or public reserves will not be obstructed by the proposed earthworks.
E12.6.2 (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.	Compliance proposed as discharge of dust will be monitored by the contractor for the duration of the works. If necessary, a water tanker will be made available to suppress dust should dust nuisance beyond the site boundaries be observed by the contractor.
E12.6.2 (6)	Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.	N/A
E12.6.2 (7)	Land disturbance around Transpower NZ Ltd electricity transmission line poles must: <ul style="list-style-type: none"> (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E12.6.2(7)(a) and E12.6.2(7)(b) above. 	N/A
E12.6.2 (8)	Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:	N/A

	<ul style="list-style-type: none"> (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and (b) be no deeper than 3m between 6-12m from the outer visible edge of a transmission tower support structure. 	
E12.6.2 (9)	<p>Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:</p> <ul style="list-style-type: none"> (a) create an unstable batter that will affect a transmission support structure; or (b) result in a reduction in the ground to conductor clearance distances as required by New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001. 	N/A
E12.6.2 (10)	Only cleanfill material may be imported and utilised as part of the land disturbance.	Only cleanfill material is to be imported to the site in the form of metal.
E12.6.2 (11)	<p>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. 	Does not comply - The earthworks undertaken to create the hardstand resulted in more than 10m ³ of fill within a floodplain. This did not result in any adverse flood hazards beyond the site.
E12.6.2 (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.	The proposed earthworks do not change the entry and exit point of overland flow paths at the site boundary.
E12.6.2 (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 occur as part of construction or maintenance activities.	No material will be stockpiled within a floodplain.
E12.6.2 (14)	Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities on a site or places of Significance to Mana Whenua must be limited to the area and depth of earth previously disturbed or modified.	N/A
E12.6.2.17	Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the Historic Heritage Overlay must not extend more than 300 mm below the surface where additional rules for archaeological sites or features apply as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps.	N/A
E12.8.2 Assessment Criteria for restricted discretionary activities		
E12.8.2.1(a)	Whether applicable standards are complied with.	Refer assessment against the standards undertaken above.
E12.8.2.1(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.	Subject to works being undertaken in accordance with the submitted Engineering Plans, specifically the Earthworks Plan and the ESCP, it is considered that the earthworks will not generate any adverse effects in terms of

		<p>noise, vibration, odour, dust and lighting effects.</p> <p>The short term duration of the earthworks (anticipated to be completed within a 6 week period), ensure adverse traffic effects are avoided.</p> <p>A water sprinkler can be made available on the site to ensure potential dust effects are mitigated.</p>
E12.8.2.1(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.	The works are within the site boundaries and appropriately designed clear of site boundaries to avoid adverse effects on the stability of surrounding land, buildings and structures.
E12.8.2.1(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.	Due to the site specific stormwater management system proposed, the proposed earthworks and final ground levels will not increase the potential for flooding within the site or surrounding sites.
E12.8.2.1(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.	Compliance proposed as the discovery protocol set out in the AUP (OP) will be followed.
E12.8.2.1(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.	The earthworks required generally relate to creating a consistent site grade for the activity and constructing the stormwater pond and devices.
E12.8.2.1(g)	The extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken.	The works are minimised as far as practicable and are consistent with the scale of development proposed.
E12.8.2.1(h)	The extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance.	N/A
E12.8.2.1(i)	The extent of risks associated with natural hazards and whether the risks can be reduced or not increased.	The land is relatively flat and, subject to works being undertaken in accordance with the submitted Engineering Plans, there will not be any increase in risks associated with natural hazards.
E12.8.2.1(j)	Whether the land disturbance and final ground levels will adversely affect existing utility services.	The proposal will not adversely affect existing utility services.
E12.8.2.1(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.	N/A
E12.8.2.1(l)	For land disturbance near Transpower New Zealand Limited transmission towers:	N/A

	(i) the outcome of any consultation with Transpower New Zealand Limited; and (ii) the risk to the structural integrity of transmission lines.	
E12.8.2.1(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.	The site does not contain any known archaeological sites.

E11 – Regional Land Disturbance

E11.4.1 Activity Table		
E11.4.2(A4)	Under table E11.4.2(A4) general earthworks greater than 10,000m ² and less than 50,000m ² is a <u>Controlled Activity</u> .	Retrospective earthwork consent is required to cover the works related to the existing hardstand area. The total area of works is approximately 2.9ha.
E11.6 Standards		
E11.6.1 Accidental discovery rule	Archaeological discovery rules	The accidental discovery standard is duly noted and understood. An experienced contractor will be used to undertake the construction work and will comply with the requirements of this rule should an accidental discovery be made during the works.
E11.6.2. General standards		
E11.6.2.1	Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters: (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (b) any conspicuous change in the colour or visual clarity; (c) any emission of objectionable odour; (d) the rendering of fresh water unsuitable for consumption by farm animals; or (e) any significant adverse effects on aquatic life.	Erosion and sediment controls will manage sediment laden runoff to ensure that the adverse effects listed in 1a – e are avoided or mitigated. The works proposed are minimal and are not expected to result in any of the adverse effects listed.
E11.6.2.2	Best practice erosion and sediment control measures must be implemented for the duration of the land disturbance. Those measures must be installed prior to the commencement of land disturbance and maintained until the site is stabilised against erosion.	Erosion and Sediment controls will be installed in accordance with best practice options outlined in GD05/2016.
E11.6.2.3	Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.	N/A dewatering is not expected.
E11.6.2.4	Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.	N/A no trenching is required.
E11.6.2.5	Only cleanfill material may be imported and utilised as part of the land disturbance.	Metal has been imported to form this hardstand area. The metal is cleanfill.
E11.6.2.6	To prevent the spread of contaminated soil and organic material with kauri dieback disease, vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree. Soil and organic material from land disturbance within 3 times the radius of the canopy drip line must not be transported beyond that area unless being transported to landfill for disposal.	There are no NZ kauri tree within the earthworks area.
E11.6.2.7	Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the Significant Ecological Areas Overlay shall be limited to the area of earth previously disturbed or modified.	N/A

E11.6.2.8	Earthworks associated with a temporary activity within the Significant Ecological Areas Overlay shall be limited to the area of earthwork previously disturbed or modified.	N/A
E11.7.2 – Controlled Activity Assessment Criteria		
E11.7.2(a)	Whether applicable standards are complied with;	All applicable standards are complied with.
E11.7.2(b)	The proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on: water quality including of the coastal marine area; and ecological health including of the coastal marine area.	The earthworks are not located near any waterbody with the exception of an overland flow path which then enters a culvert that goes under the Motorway. The works undertaken were established as they were cut and it is unlikely any sedimentation of waterways occurred.
E11.7.2(c)	the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;	The earthworks did not compact soil unnecessarily. Topsoil was stripped and the clay surface metalled.
E11.7.2(d)	The proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;	The earthworks did not affect any area of significant ecological value.
E11.7.2(f)	Whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; and	This requirement is unnecessary as the exposed areas were stabilised as the works occurred.
E11.7.2(g)	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.	N/A the works have already occurred.

E27 – Transport

E27.4.1 Activity table		
E27.4.1(A2)	Parking, loading, and access which is an accessory activity but which does not comply with the standards for parking, loading and access – <u>restricted discretionary activity</u> .	Restricted discretionary activity consent is required as the proposal does not comply with standard E27.6.3.6 (Formation).
E27.6 Standards		
E27.6.1 Trip Generation	This rule applies where a proposal exceeds the thresholds set out in Table E27.6.1.1.	N/A as the assessment criteria for the activity requires an assessment of transport effects.
E27.6.2 Number of parking and loading spaces	Table E27.6.2.4(T80) (Parking rates - area 2) no minimum and no maximum.	Complies.
	Bicycle parking rates Table E27.6.2.5 (T91) 1 space required.	Complies
	End of trip facilities Table E27.6.2.6	N/A End of trip facilities are not required.
	Minimum loading space requirements – Table E27.6.2.7	N/A Loading is not required for this activity.
	E27.6.2 Accessible parking For between 21 and 50 car parks, a minimum of 2 accessible spaces are required.	Complies – Two accessible parking spaces can be provided but are not demarcated.
E27.6.3 Design of parking and loading spaces		
E27.6.3.1	Size and location of parking spaces	Complies – The proposal complies with all size and location requirements. Dimensions are not shown on the plans

		as there is ample space within the site for parking.
E27.6.3.2	Size and location of loading spaces.	N/A Loading is not required for the proposed activity.
E27.6.3.3	Access and Manoeuvring	Complies with all relevant standards.
E27.6.3.4	Reverse Manoeuvring	Complies – All vehicles will be able to exit the site in a forward direction.
E27.6.3.5	Vertical Clearance	N/A
E27.6.3.6	Formation and Gradient	Does not comply. Restricted discretionary activity consent is required in accordance with E27.4.1 (A2). The parking and manoeuvring areas will be formed in an all-weather surface and will be within the gradients specified. The parking spaces will not be delineated.
E27.6.3.7	Lighting (1) Lighting is required where there are 10 or more parking spaces which are likely to be used during hours of darkness.	The spaces will be used during hours of darkness. There is existing lighting on the building that lights the hardstand parking areas.
E27.6.4. Access		
E27.6.4.1	Vehicle Access Restrictions	A vehicle access restriction does not apply to this site.
E27.6.4.2	Width and number of vehicle crossings (T144)	Complies – Only one crossing is proposed.
E27.6.4.3	Table E27.6.4.3.2 Width of vehicle access and queuing requirements: (T148) Access is longer than 50m and requires 5.5m width. (T156) Rural zones be 3.0m minimum and 6.0m maximum.	The proposed vehicle crossing exceeds the maximum 6.0m vehicle crossing width specified in rule E27.6.4.3. However the rule allows a 9m width where the crossing accommodates heavy vehicles. The access has a width of at least 5.5m
E27.6.4.4	Gradient of Vehicle Access	Complies - The entrance and access comply with these gradients.
E27.6.5 Design and location of off-road pedestrian and cycling facilities.	The design and location of the proposed facility shall provide connections to existing pedestrian and cycling routes and facilities	N/A - There are no existing pedestrian and cycling routes and facilities to connect to.
E27.8.2 Assessment criteria – Restricted Discretionary activities		
E27.8.2 (8) Any activity or development which infringes the	(a) effects on the safe and efficient operation of the adjacent transport network having regard to: (i) the effect of the modification on visibility and safe sight distances;	These non-compliances will not generate any adverse effects in terms of the safe and efficient operation of the adjacent transport network. There will be no adverse effects on pedestrian amenity as there are no

<p>standards for design of parking and loading areas or access under Standard E27.6.3, E27.6.4.2, E27.6.4.3 and E26.6.4.4</p>	<ul style="list-style-type: none"> (ii) existing and future traffic conditions including speed, volume, type, current accident rate and the need for safe manoeuvring; (iii) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; or (iv) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes, footpaths and cycleways. <p>(b) effects on pedestrian amenity or the amenity of the streetscape, having regard to:</p> <ul style="list-style-type: none"> (i) the effect of additional crossings or crossings which exceed the maximum width; or (ii) effects on pedestrian amenity and the continuity of activities and pedestrian movement at street level in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone <p>(c) the practicality and adequacy of parking, loading and access arrangements having regard to:</p> <ul style="list-style-type: none"> (i) site limitations, configuration of buildings and activities, user requirements and operational requirements; (ii) the ability of the access to accommodate the nature and volume of traffic and vehicle types expected to use the access. This may include considering whether a wider vehicle crossing is required to: <ul style="list-style-type: none"> • comply with the tracking curve applicable to the largest vehicle anticipated to use the site regularly; • accommodate the traffic volumes anticipated to use the crossing, especially where it is desirable to separate left and right turn exit lanes; • the desirability of separating truck movements accessing a site from customer vehicle movements; • the extent to which reduced manoeuvring and parking space dimensions can be accommodated because the parking will be used by regular users familiar with the layout, rather than by casual users, including the number of manoeuvres required to enter and exit parking spaces; Note: Parking spaces for regular users can be designed to undertake more than one manoeuvre to enter and exit parking spaces in accordance with AS/NZS 2890.1: 2004 Off-Street Parking. 	<p>public footpaths in this location along Great South Road. While the parking is not demarcated all effects are internalised given the large area available for staff and truck parking. Staff will be aware of the parking layout the lack of demarcation is not expected to generate any adverse effects on the transport networks.</p>
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	(iii)	any use of mechanical parking installation such as car stackers or turntables does not result in queuing beyond the site boundary; or	
	(iv)	any stacked parking is allocated and managed in such a way that it does not compromise the operation and use of the parking area.	

Plan Change 79

A decision on Plan Change 79 was notified on the 9th of August 2024. The Plan Change makes changes to the transport provisions in Chapter E27. An assessment against those changes is set out below. In summary the application does not require any additional consents as a result of the changes made by this Plan Change.

Rule	Complies	Comments
E27.6.1.1 - Trip Generation	Yes	The activity does not exceed any of the trip generation threshold of 100 v/hr.
E27.6.2.2 - Parking Rates	N/A	Complies. No changes are proposed to these rules that affect this proposal. The changes apply to residential activities.
E27.6.3 1- Size and Location of Parking Space.	Yes	Complies – The accessible parking spaces will be able to comply with the NZS: 4121-2001.
E27.6.3.2 – Size and Location of Loading Space	Yes	The crossfall of the loading space does not exceed 1:50.
E27.6.3.2(A) – Accessible Parking	Yes	Two accessible parking spaces can be provided on the site.
E27.6.3.3 Access and manoeuvring	Yes	The loading space can accommodate the tracking curve of a 6.4m van as setout in Figure E27.6.3.3.3.
E27.6.3.4 Reverse manoeuvring	N/A	Reverse manoeuvring is not required.
E27.6.3.4A – Heavy Vehicle Access	N/A	This relates to heavy vehicle access in a residential zone.
E27.6.3.5 Vertical clearance	N/A	
E27.6.3.7 Lighting	N/A	The changes to the lighting requirements relate to residential activities.
E27.6.4.3.3 Speed Management Requirements	N/A	The changes relate to residential activities.
E27.6.6 Design and Location of pedestrian access in residential zones.	N/A	The changes relate to residential activities.
E27.6.7 Provision of Electric Vehicle Charging	N/A	The changes relate to residential activities.

E31 – Hazardous Substances

E31 Hazardous Substances - E31.6 Standards

<p>E31.6.1</p>	<p>Hazardous facilities site design Requires: (1) Any part of a hazardous facility involved in the manufacture, mixing, packaging, storage, loading, transfer, usage or handling of hazardous substances must be located designed, constructed and operated to ensure that: (a) on-site facilities are set back from the more sensitive uses and watercourses to comply with the distances specified in the activity tables above; and (b) hazardous substances are stored to: (i) ensure that in the event of an unintended spill or release substances are contained within the intended areas of the site; and (ii) prevent the accumulation of any solid, liquid, gas or vapour outside of the site area.</p>	<p>Onsite hazardous substances storage is not within 30m of any watercourse.</p> <p>Hazardous substances required for motor vehicle maintenance (oils, grease, lubricants) will be stored in an appropriate Dangerous Goods cabinet within the workshop interior when not in use. Small volumes of oils, coolants, lubricants are present within the workshop area for day to day use with risks from this footprint managed via a spill kit located in the workshop. An SRP is included in this document.</p> <p>No storage is proposed outside of the designated storage area.</p>
<p>E31.6.2</p>	<p>Site drainage systems The site drainage systems (including for washwater) must be designed, constructed and operated to prevent the entry or discharge of hazardous substances into: (a) the stormwater or sewerage systems unless authorised by the relevant network utility operator; and (b) air, land or water, including groundwater and potable water supplies, unless authorised by a resource consent or another rule in the Plan.</p>	<p>Complies – All mechanical work will be undertaken within the building to ensure that hazardous substances do not discharge into the stormwater network or water, land or air.</p> <p>Wastewater from the office building is discharged to a holding tank removed under contract.</p> <p>Stormwater collected from the roof of the existing sheds including the workshop building is discharged to ground soakage via retention within a 25,000 L tank.</p> <p>Stormwater from the remainder of the yard is discharged to a treatment swale and then to a stormwater pond.</p> <p>Water from the concrete wash pad is collected by grated drains, which is then treated by an oil and grit interceptor. Water will then be discharged to the swale system.</p>
<p>E31.6.3</p>	<p>Hazardous facilities spill containment Requires: (a) constructed from impervious materials resistant to all hazardous substances on-site; and (b) for liquid hazardous substances: (i) able to contain the maximum volume of the largest tank present plus an allowance for stormwater or fire water; (ii) for drums or other smaller containers, able to contain half of the maximum volume of substances stored, plus an allowance for stormwater or fire water; (iii) able to prevent any spill or other unintentional release of hazardous substances, and any stormwater and/or fire water that</p>	<p>Complies - The use and storage of hazardous substances will be internal within the building which has an impervious concrete floor.</p> <p>Low risk lubricants may be stored in stored in containers and drums as provided from the supplier.</p> <p>Minor volumes of other oils, greases, lubricants, and cleaning solutions will be stored in containers (tins, bottles, jerry cans) up to 25L in size. The locations of</p>

	has become contaminated, from entering the stormwater drainage system, unless authorised by the relevant network utility; and (iv) able to prevent any spill or other unintentional release of hazardous substances, and any stormwater and/or fire water that has become contaminated, from discharging into air, land or water, including groundwater and potable water supplies, unless authorised by a resource consent or another rule in the Plan.	these will include a Dangerous Goods cabinet with built in sump within the workshop area.
E31.6.4	Hazardous facilities waste management Hazardous waste must be disposed of by a suitably qualified contractor.	Complies - Waste will be stored inside the building in appropriate systems/containers for its type. Hazardous waste will be removed by Oil Recovery or similar contractor.
E31.6.5	Temporary storage of fertiliser	N/A

E33 Industrial and Trade Activities

E33 Industrial and Trade Activities - E33.6 Standards		
E33.6.1.1	Wastewater and wash water must be disposed of to the reticulated sewer with the approval from Watercare, or collected and disposed of appropriately.	Complies – All wastewater will be collected and disposed of by a contractor.
E33.6.1.2, 3, 4	Spill response plan appropriate for the hazardous substances identified in E31 is required.	Complies – A Spill Response Plan prepared in line with Table E.33.9.1 and Auckland Council’s 2015 Best Management Practice factsheet: <i>Spills and Emergency Management</i> has been prepared for the facility.
E33.6.1.5, 6	Hazardous substances must be stored in secondary containment and any other HSNO specific storage.	Complies – Volumes of hazardous substances stored on site are below the quantities specified in Schedule 3 and Schedule 4 of Part 4 of the HSEM Regulations 2001 (superseded by the HSWHS Regulations 2017). Hazardous substances will be stored in an appropriate DG cabinet with secondary containment on the exterior of the building.
E33.6.1.7	Above ground storage of hazardous subdivision a. for tanks the bund requires a storage capacity of at least 110% b. for drums storage height of at least 100mm	Complies - No environmentally hazardous substances not covered by Part 4 of the HSEM Regulations 2001 will be stored in above-ground storage tanks or drums. Where minor volumes of hazardous substances are required for truck maintenance, they will be located within certified dangerous goods cabinets within the interior of the workshop and will not be stored in tanks or drums (likely small containers such as tins etc.).
E33.6.1.8	All secondary containment devices must be designed so that uncontained rainwater is prevented from flowing into it.	The DG cabinet with built in sump will be located on the external portion of the workshop building. The cabinet is purpose built and not exposed to rainwater or stormwater runoff.
E33.6.1.9	Weekly inspections of must be undertake to check containment.	Complies - Inspections proposed as per the EMP.
E33.6.1.10	Regular reconciliation process required for underground storage tanks.	N/A
E33.6.1.11	Waste compactor must be operated to prevent leaks.	N/A

E33.6.1.12	All on-site vehicle re-fuelling areas must be segregated and housed under cover, and/or surrounded by a drain that drains to an appropriately designed and sized stormwater treatment and spill containment device fitted with a shut-off valve.	Compliance is proposed. Diesel fuel, petrol and Adblue is stored within an Allied Petroleum provided tank in tank, designed and constructed to WorkSafe Requirements. A spill kit is located adjacent to the refuelling area.
E33.6.1.13	Operations must be undertaken in accordance with an Environmental Management Plan prepared in accordance with Table E33.9.2.	Complies – Refer to EMP submitted in support of the application.
E33.6.1.14	Relates to industrial and trade activities located with sewage treatment facilities.	N/A
E33.6.1.2	Discharge from an industrial or trade activity area. The discharges of contaminants from an industrial or trade activity area must result in less than minor adverse environmental effects on the receiving environment without the need for stormwater treatment (with the exception of on-site vehicle refuelling areas requiring stormwater treatment and spill contaminant devices under the permitted activity Standard E33.6.1.1(12).	The site does not contain any ITA areas as defined by Chapter J of the AUP(OP) (effective ITA area of 0 m2). The potential discharge of contaminants to the environment are to be avoided in the first instance but are expected to be less than minor in the unlikely event of a spill or leak as workshop activities are to take place within the workshop building interior.

E36 – Natural hazards and flooding

E36.6.1.7. Surface parking areas and above ground parking areas within the 1 per cent annual exceedance probability (AEP) flood plain		
E36.6.1.7(1)	Surface parking areas and vehicle entry and exit points to above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain must be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 200mm above ground level.	Complies the flood waters do not exceed 200mm.

ATTACHMENT B: PHOTOSSET

PHOTOSET – 1799A GREAT SOUTH ROAD

Existing Site Photos



Photo 1: Looking towards the site from SH 1.



Photo 2: Existing sheds located on the site.



Photo 3: Existing shed on the site.

Note: All images in this photoset were taken by Chanel Hargrave during a site visit on the 5th July 2024 unless otherwise stated.

 **THE SURVEYING COMPANY**
Specialist Surveyors, Planners & Engineers

DRAWING TITLE: PHOTASET	DATE: 14/01/2025
CLIENT: VERNON DEVELOPMENTS LTD	DRAWN: CH
SITE: 1799A GREAT SOUTH RIAD	VERSION: A
REFERENCE: J224	PAGE: 1

PHOTOSET – 1799A GREAT SOUTH ROAD

Existing Site Photos

Photo 4: Hardstand area for staff and truck parking.



Photo 5: Existing metal access track.

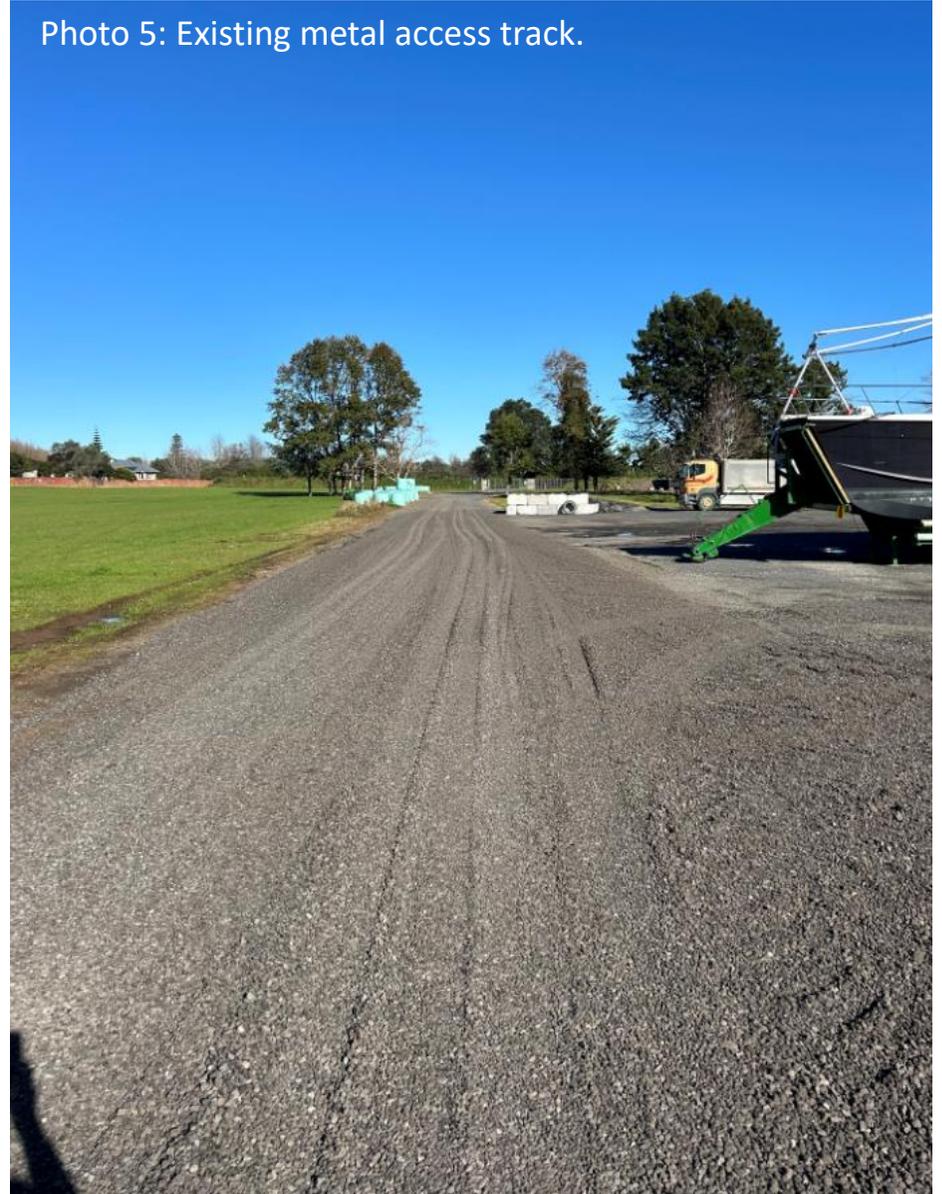


Photo 6: Existing paddock to the east of the activity.



PHOTOSET – 1799A GREAT SOUTH ROAD

Existing Site Photos

Photo 7: Existing shed and hardstand area.



Photo 9: Office building.



PHOTOSET – 1799A GREAT SOUTH ROAD

Existing Site Photos

Photo 11: Existing vehicle crossing.



PHOTOSET – 1799A GREAT SOUTH ROAD

Surrounding Environment Photos

Photo 12: Truck service activity visible from SH1.



Photo 13: Large rural sheds in surrounding environment.



Photo 14: Timberline Landscaping – 1121c Great South Road.



Photo 15: Commercial activities at 1121 Great South Road.

PHOTOSET – 1799A GREAT SOUTH ROAD

Surrounding Environment Photos



Photo 16: Commercial activities at 1974 Great South Road, Bombay.

PHOTOSET – 1799A GREAT SOUTH ROAD

Viewpoints



Photo 17 : Travelling north along SH 1. Existing vegetation screening the site.

PHOTOSET – 1799A GREAT SOUTH ROAD

Viewpoints



Photo 18: Travelling north along SH1. Yard and sheds visible for approximately 200m when directly passing the site.

PHOTOSET – 1799A GREAT SOUTH ROAD

Viewpoints



Photo 19: Travelling north along SH1. Yard and sheds visible for approximately 200m when directly passing the site.

PHOTOSET – 1799A GREAT SOUTH ROAD

Viewpoints



Photo 20: Looking back towards the site when travelling north along SH1. This view is only available to passengers looking back towards the site.

PHOTOSET – 1799A GREAT SOUTH ROAD

Viewpoints



Photo 21: Travelling south along SH1. Site screened by embankment and existing vegetation (right of image).

PHOTOSET – 1799A GREAT SOUTH ROAD

Viewpoints



Photo 22: Travelling south along SH1. Sheds becoming visible to passing motorists when coming around the bend.

PHOTOSET – 1799A GREAT SOUTH ROAD

Viewpoints



Photo 23: Travelling south along SH1. Both sheds visible to motorists for approximately 150m.

PHOTOSET – 1799A GREAT SOUTH ROAD

Viewpoints



Photo 24: Travelling south along SH1. Shed and yard no longer visible.

PHOTOSET – 1799A GREAT SOUTH ROAD

Viewpoints

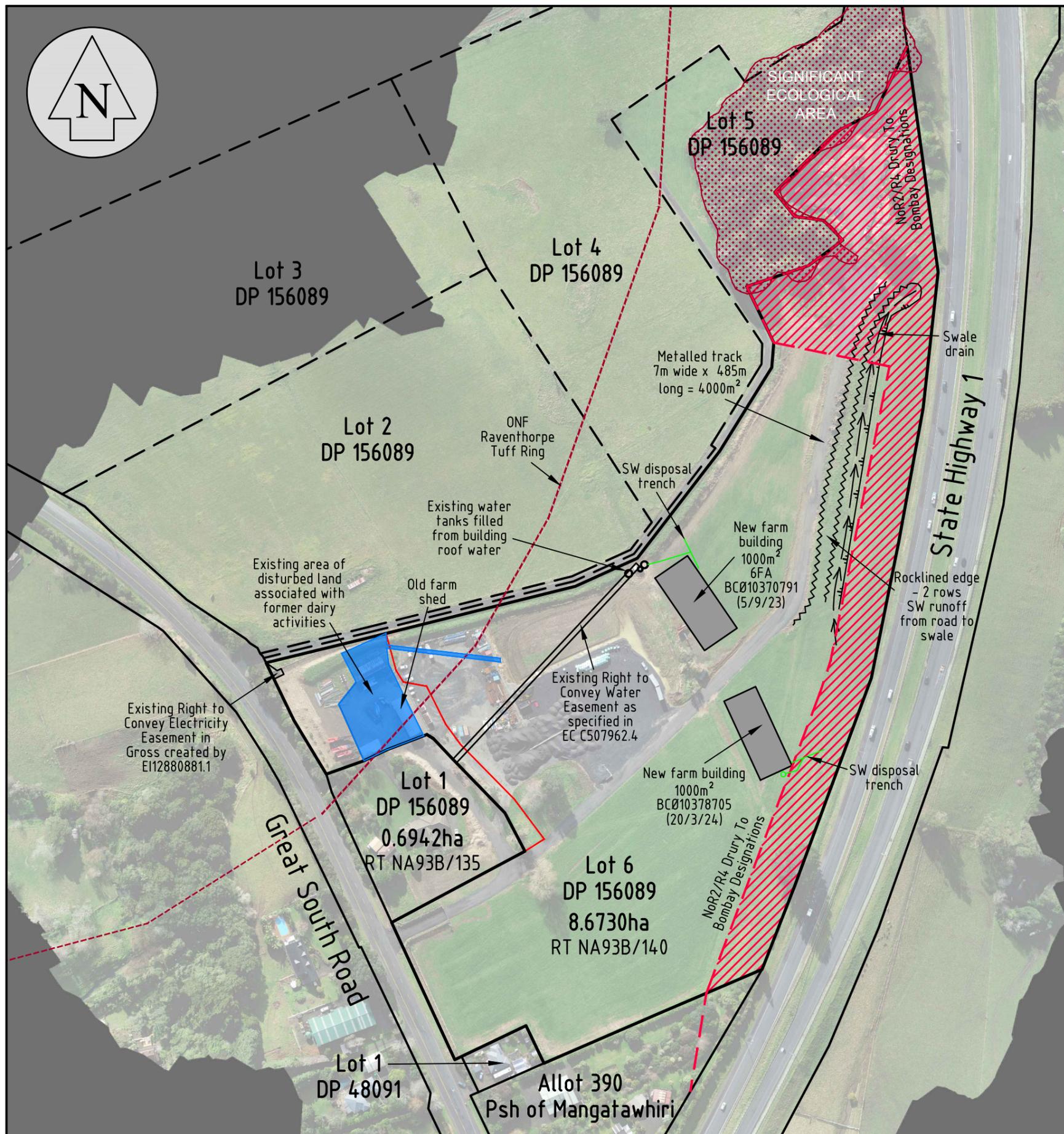


Photo 25: Approaching the site from the south along Great South Road. Existing vegetation screening the site.

ACTIVITY IMAGES

Photo 26 - 31: Examples of rural contracting machinery owned and operated by Vernon Developments. Images sourced from the applicant.





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

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VERNON DEVELOPMENTS LIMITED

SITE PLAN OF RECEIVING ENVIRONMENT AT
 1799A GREAT SOUTH ROAD, BOMBAY.

PROPOSED DEVELOPMENT PLAN

Drawn By RP	J2224 - RECEIVING ENVIRONMENT PLAN 1		
Scale @A3	1 : 2500	OCT 2024	J2224



**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

Subject to a right (in gross) to convey electricity over part A on DP 584469 in favour of Counties Energy Limited created by Easement Instrument 12880881.1 - 20.2.2024 at 10:55 am



View Instrument Details

Instrument No 12880881.1
Status Registered
Date & Time Lodged 20 February 2024 10:55
Lodged By Corscadden, Danielle Louise
Instrument Type Easement Instrument



Affected Records of Title	Land District
NA93B/140	North Auckland

Annexure Schedule Contains 9 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Mortgagee under Mortgage 12650751.5 has consented to this transaction and I hold that consent

Signature

Signed by Michael Peter Kemps as Grantor Representative on 08/11/2023 09:41 AM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Michael Peter Kemps as Grantee Representative on 08/11/2023 09:41 AM

*** End of Report ***

Easement instrument to grant easement or *profit à prendre*

Section 109, Land Transfer Act 2017

Land registration district

Auckland

Grantor*Surname(s) must be underlined.*Rebekca Kelsey Vernon, Cameron Graham Vernon and CG Vernon KW Trustee Limited**Grantee***Surname(s) must be underlined.*

Counties Energy Limited

Grant of Easement or *Profit à prendre*

The Grantor, being the registered owner of the burdened land set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A*Continue in additional Annexure Schedule if required.*

Purpose of Easement or <i>Profit à prendre</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to convey electricity	'A' on DP 584469	NA93B/140	In gross

**Easements or *profits à prendre* rights and powers
(including terms, covenants, and conditions)***Delete phrases in [] and insert memorandum number as required.**Continue in additional Annexure Schedule if required.*

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule Five of the Property Law Act 2007.

The implied rights and powers are ~~[varied]~~ ~~[negatived]~~ ~~[added to]~~ or ~~[substituted]~~ by:

Memorandum number _____, registered under section 209 of the Land Transfer Act 2017.

The provisions set out in the Annexure Schedule.

Annexure Schedule

Insert type of instrument

Easement instrument

Page 1 of 9 Pages

*Continue in additional Annexure Schedule, if required.***Continuation of easement rights and powers (including terms, covenants, and conditions)****1 DEFINITIONS AND INTERPRETATION**

1.1 In this instrument:

- (a) **Easement Area** means the part of the Land identified by reference to a survey plan in Schedule A;
- (b) **Emergency** means a situation in which there is a possible danger to life or property or an immediate risk to the continuity or safety of the supply or distribution of electricity;
- (c) **Fittings** means everything used or designed or intended for use, in or in connection with the generation, conversion, transformation, conveyance or use of electricity or telecommunications (or both), including any wires, cables, fibre optic cables, ducts, towers, poles, staywires, foundations, support structures, insulators, plinths, pillars, surface boxes, switching equipment, aerials, telecommunications equipment, signs, plaques and Transformers;
- (d) **Grantee** means Counties Energy Limited and includes its subsidiaries (within the meaning of section 5 of the Companies Act 1993);
- (e) **Grantor** means the registered owner for the time being of the Land;
- (f) **Land** means the burdened land set out in Schedule A (or any part thereof);
- (g) **Maximum Operating Voltage** means 22 kilovolts subject to usual operational variations and fluctuations;
- (h) **Rights** means the rights set out in clause 2.1;
- (i) **Transformer** means an electricity transformer (wherever located, including on the ground, on a pole or in a building) and includes all related equipment (including switching equipment) and, unless the context requires otherwise, any pole, foundations, floor, building, canopy, kiosk, earthmat and doors surrounding or supporting the Transformer;
- (j) **Vehicles** includes cars, motorbikes, trucks, tractors, trailers, drilling rigs, cranes, drones, helicopters and loading, excavation and earthmoving equipment;
- (k) **Working Day** means any day of the week other than:
 - (i) Saturday and Sunday;
 - (ii) any public holiday specified in section 44 of the Holidays Act 2003 including, if any public holiday falls on a Saturday or Sunday, the following Monday; and
 - (iii) a day in the period commencing with 25 December in any year and ending with 4 January in the following year; and
- (l) **Works** means all Fittings constructed or installed in the Easement Area by the Grantee.

1.2 In this instrument, unless the context requires otherwise:

- (a) headings are included for convenience only;

Annexure Schedule

Insert type of instrument

Easement instrument

Page 2 of 9 Pages

Continue in additional Annexure Schedule, if required.

- (b) words importing the singular include the plural and vice-versa;
- (c) the words "includes" or "including" do not imply any limitation;
- (d) a reference to anything located or undertaken "in the Easement Area" includes anything located or undertaken in, on, over or under the Easement Area;
- (e) references to a party include that party's:
 - (i) successors and permitted assigns; and
 - (ii) agents, employees, contractors, subcontractors, tenants, licensees and invitees;
- (f) derivations of a defined term have similar meanings to the defined term;
- (g) a prohibition against doing any thing includes a prohibition on permitting or allowing that thing to be done;
- (h) a reference to a statute, regulation or other document includes all amendments to that statute, regulation or other document and any substitute statute, regulation or other document; and
- (i) a reference to a statute includes all regulations, bylaws, orders, notices and other instruments made under that statute.

2 GRANTEE'S RIGHTS AND OBLIGATIONS**Nature of the Rights**

2.1 The easement created by this instrument grants the following rights to the Grantee:

- (a) to construct and install Fittings in the Easement Area provided that, apart from any pillars, surface boxes, switching equipment and Transformers, the Fittings must be located under the surface of the Easement Area;
- (b) to inspect, operate, repair, maintain, alter, renew, replace, upgrade and remove the Works;
- (c) to transmit, convey, conduct and transform electricity by means of the Works, provided that such electricity does not exceed the Maximum Operating Voltage;
- (d) to install signs and plaques in the Easement Area warning of the existence of the Works or any hazards;
- (e) to install staywires and related foundations and support structures on the Land within or outside the Easement Area where reasonably necessary to support the Works;
- (f) to undertake all tests, inspections, investigations and surveys that are reasonably necessary for the Grantee for the purpose of exercising its rights under this instrument;
- (g) to enter and remain in the Easement Area and such other part of the Land as is reasonably necessary in the circumstances (including any part of any building in which the Works are located), with or without Vehicles, tools, machinery or equipment, to exercise its rights under this instrument including, where reasonably necessary, to pass over the Land with drones and helicopters and to land drones and helicopters on the Land; and

Annexure Schedule

Insert type of instrument

Easement instrument

Page 3 of 9 Pages

Continue in additional Annexure Schedule, if required.

- (h) to undertake any works that the Grantee considers reasonably necessary to exercise its rights under this instrument, including excavating trenches, constructing hurdles and other temporary structures, trimming and removing trees and other vegetation, and installing tracks and gates.

2.2 The Grantor acknowledges that, except as set out in this instrument, the Rights:

- (a) are unrestricted;
- (b) may be exercised at any and all times; and
- (c) are not obligations on the part of the Grantee.

Notice

2.3 Except as set out in clause 2.4 or 2.5:

- (a) before entering the Land to inspect or operate the Works under this instrument, the Grantee will give reasonable notice (which may be given in writing, including by email or similar, or verbally, including by telephone) to the Grantor or to the occupier of the Land setting out the estimated date and time of entry and a general description of the activities to be undertaken by the Grantee on the Land; and
- (b) before entering the Land for any other purpose allowed by this instrument, the Grantee will give at least 10 Working Days' notice (which must be given in writing, including by email or similar) to the Grantor or to the occupier of the Land setting out the estimated date and time of entry and a general description of the activities to be undertaken by the Grantee on the Land.

2.4 The Grantee may enter the Land under this instrument without giving prior notice in an Emergency. The Grantee will give notice to the Grantor or to the occupier of the Land as soon as reasonably practicable afterwards setting out the date and time of entry and a general description of the activities undertaken by the Grantee on the Land.

2.5 The Grantee may enter the Land under this instrument without giving notice when, after making reasonable efforts, the Grantee is unable to identify or locate the Grantor or the occupier of the Land.

Grantee's access and works obligations

2.6 When accessing the Land and undertaking any works under this instrument, the Grantee will:

- (a) comply with any reasonable conditions of entry notified by the Grantor or, when notice is given to the occupier under clause 2.3, the occupier of the Land, provided that those conditions do not unreasonably delay the Grantee's entry, require any payment or effectively defeat the Rights;
- (b) use its reasonable endeavours to minimise inconvenience to the Grantor and the occupier of the Land by leaving gates as found, driving in a safe manner, taking reasonable steps not to disturb stock and completing any works as promptly as reasonably possible;
- (c) cause as little damage as reasonably possible to the Land and to any building, structure and vegetation on the Land; and
- (d) unless otherwise agreed with the Grantor, make good any damage caused to the surface of the Land or to any building or structure located on the Land as close as reasonably possible to its former condition or otherwise to the reasonable satisfaction of the Grantor.

Annexure Schedule

Insert type of instrument

Easement instrument

Page

4

of

9

Pages

*Continue in additional Annexure Schedule, if required.***Maintenance of the Works**

2.7 The Grantee will maintain the Works:

- (a) so that they do not become a danger or nuisance; and
- (b) in accordance with good electricity industry practice and all relevant laws.

Vegetation management costs

2.8 If the Works convey electricity at 110 kilovolts or higher, the Grantee will meet the costs of trimming or removing trees and other vegetation to maintain clearance distances to those Works, except any costs resulting from a breach by the Grantor of clause 3.1(d).

Compensation

2.9 The Grantee will compensate the Grantor for the Grantor's direct loss resulting from:

- (a) any damage to buildings and other structures caused by the Grantee's entry onto the Land (to the extent that the Grantee does not comply with clause 2.6(d));
- (b) any stock loss caused by the Grantee's entry onto the Land; and
- (c) any damage caused to any crop (except trees) by the Grantee's entry onto the Land.

2.10 Compensation under clause 2.9:

- (a) is not payable to the extent that the Grantor has caused or contributed to the loss; and
- (b) is not payable to the extent that the Grantor has not actively mitigated its loss where reasonably practicable.

3 GRANTOR'S OBLIGATIONS**Land use restrictions**

3.1 The Grantor must not, without obtaining the Grantee's prior written consent (which will not be unreasonably withheld):

- (a) place or allow to be placed any earth, buildings, fences, poles, pipes, wires, lines, cables or other structures or equipment:
 - (i) in the Easement Area; or
 - (ii) within 4 metres of the external edge of any part of the Works (including any Transformer); or
 - (iii) within any greater clearance distance imposed under any law or any electricity standard or code of practice;
- (b) excavate or remove or allow to be excavated or removed any earth to a depth of more than 300mm from the ground level as at the date of this instrument:
 - (i) from the Easement Area; or

Annexure Schedule

Insert type of instrument

Easement instrument

Page 5 of 9 Pages

Continue in additional Annexure Schedule, if required.

- (ii) within 5 metres of any pole or associated staywire of the Works; or
- (iii) within 12 metres of any tower or associated staywire of the Works;
- (c) construct or allow to be constructed any road or driveway in the Easement Area;
- (d) plant any vegetation, allow any vegetation to be planted or allow any vegetation to grow:
 - (i) in the Easement Area or into the airspace of the Easement Area; or
 - (ii) within any clearance distance imposed under any law or any electricity standard or code of practice (including the "growth limit zone" and "notice zone" under the Electricity (Hazards from Trees) Regulations 2003); or
 - (iii) if a diagram or table is attached to this instrument showing a clearance zone surrounding the conductors of the Works, within that zone,

except grass and annual crops;
- (e) operate or allow to be operated any Vehicles or equipment within 4 metres of any conductor of the Works;
- (f) do or allow anything to be done on the Land that may interfere with or limit the Rights;
- (g) do or allow anything that may interfere with or damage the Works;
- (h) breach or allow to be breached any legal requirements relating to the Works;
- (i) flood the Easement Area or cause or authorise the Easement Area to be flooded;
- (j) impede the Grantee's access to or along the Easement Area or allow that access to be impeded; or
- (k) subdivide the Land if that subdivision could prevent the Grantee's legal or practical access (or both) to or along the Easement Area.

Access

3.2 The Grantor must, at its cost and at all times, keep the vehicular and pedestrian access routes over the Land customarily used by the Grantee to and along the Easement Area clear and in a suitable condition for their intended use.

3.3 The Grantor must give to the Grantee a copy of all keys and codes required for access to and along the Easement Area.

Vegetation management costs

3.4 The Grantor must meet the costs of managing trees and other vegetation on the Land so that it complies with clause 3.1(d) except to the extent that the Grantee is required to meet those costs under clause 2.8.

Annexure Schedule

Insert type of instrument

Easement instrument

Page

6

of

9

Pages

*Continue in additional Annexure Schedule, if required.***Grantor's maintenance obligations**

- 3.5 If the Grantor owns any buildings, fences, driveways, Fittings or other structures or equipment in the Easement Area:
- (a) this instrument does not alter the Grantor's legal obligations in respect of those items;
 - (b) the Grantor will maintain those items in good order and repair so that they do not become a danger or nuisance to the Works; and
 - (c) the Grantor will maintain the Grantor's Fittings in accordance with good electricity industry practice and all relevant laws.

Grant of rights in Land

- 3.6 The Grantor must:
- (a) inform any tenant, licensee, invitee or grantee of an easement of the requirements of this clause 3; and
 - (b) ensure that any lease, licence, easement or similar right in the Land is granted subject to the obligations of the Grantor under this clause 3.

4 HEALTH AND SAFETY

- 4.1 Each party acknowledges that both parties have legal obligations regarding the health and safety of any persons on or in the vicinity of the Land.
- 4.2 Each party will comply with all obligations imposed on that party in respect of the health and safety of any persons on or in the vicinity of the Land.
- 4.3 In particular:
- (a) each party will actively consult, cooperate and coordinate activities with the other party to ensure the health and safety of persons on or in the vicinity of the Land;
 - (b) if the Grantor is required by law to have rules or procedures regarding the health and safety of persons on or in the vicinity of the Land or the identification, elimination and minimisation of risks and hazards, the Grantor will provide a copy of those rules and procedures to the Grantee; and
 - (c) if the Grantor enters any part of the Land in the vicinity of the Grantee's activities under this instrument, the Grantor will comply with the Grantee's directions regarding health and safety.

5 GENERAL

- 5.1 The Grantor will ensure that any easement, lease, licence or other rights granted in the Land are granted subject to this instrument.
- 5.2 The Rights are not in substitution for any statutory rights and powers which the Grantee may have under the Electricity Act 1992 or similar laws.
- 5.3 There is no power for the Grantor to cancel the easements created by this instrument, with the intention that the easements will continue forever until surrendered.

Annexure Schedule

Insert type of instrument

Easement instrument

Page 7 of 9 Pages

Continue in additional Annexure Schedule, if required.

- 5.4 The Works will not, for any reason, become part of the Land or the property of the Grantor.
- 5.5 The Grantee may:
- (a) transfer or assign this instrument; and
 - (b) grant a lease or licence of all or part of its Rights.
- 6 DEFAULT**
- 6.1 If either party does not meet any of its obligations under this instrument:
- (a) the party not in default may serve on the defaulting party a written notice requiring the defaulting party to meet that obligation;
 - (b) if the party in default has not met the obligation set out in the written notice within 5 Working Days from service of the notice, the other party may:
 - (i) meet that obligation; and
 - (ii) for that purpose, enter the Land and the Easement Area;
 but in doing so the Grantor must not interfere with the Works in any way or undertake any "prescribed electrical work" as defined in the Electricity Act 1992;
 - (c) the party in default is liable to pay the other party the cost of preparing and serving the default notice and the costs incurred in meeting the obligation; and
 - (d) the other party may recover from the party in default, as a liquidated debt, any money payable under this clause.
- 6.2 In an Emergency, the Grantee is not required to serve notice under clause 6.1(a) and may immediately remedy any default, but clause 6.1 will otherwise apply (with all necessary modifications).
- 7 DISPUTE RESOLUTION**
- 7.1 If any dispute arises between the Grantor and the Grantee concerning this instrument:
- (a) the party initiating the dispute must provide full written particulars of the dispute to the other party;
 - (b) the parties must first seek to resolve the dispute directly by negotiation;
 - (c) if the dispute is not resolved within 15 Working Days of the date on which the parties begin their negotiations, the dispute may be resolved by reference to mediation if both parties agree to do so; and
 - (d) if the dispute is not resolved within 15 Working Days of reference to mediation or if the parties do not agree to refer the dispute to mediation, the dispute must be referred to arbitration in accordance with the Arbitration Act 1996, in which case:
 - (i) the arbitration must be conducted by a single arbitrator to be agreed by the parties or, failing agreement, to be appointed by the President (or the President's nominee) of the New Zealand Law Society (or any replacement organisation);

Annexure Schedule

Insert type of instrument

Easement instrument

Page 8 of 9 Pages

Continue in additional Annexure Schedule, if required.

- (ii) the arbitrator must determine the issue of payment of costs as calculated on a solicitor to client basis; and
 - (iii) either party may appeal any question of law arising out of the arbitrator's decision to the High Court (or any court of competent jurisdiction).
- 7.2 Clause 7.1 is not intended to replace the right of either party to:
- (a) refer any dispute to any other dispute resolution scheme (provided that the dispute is within the jurisdiction of that scheme); or
 - (b) seek urgent or interim relief in the New Zealand courts.

C507962.4EC

Approved by the District Land Registrars: North Auckland 422175, 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

Beal
AW

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 K...
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

Chanel Hargrave

From: Evan Keating <Evan.Keating@nzta.govt.nz>
Sent: Monday, 13 January 2025 4:16 PM
To: Sam Furniss
Cc: South Papakura to Bombay
Subject: RE: Stormwater Discharge at 1799A Great South Road - Vernon Developments
Attachments: Proposed Designation Boundary_Adjacent to 1799A GSR.dwg

Hi Sam,

Thanks for confirming. I've attached a dwg of the designation on this site. When using the file, please note the following:

- The file contains both the notified NoR extent and the modified version. See image below which illustrates this with the former in pink and the latter in red. The modified version is the one you should be using;
- We're providing the image in good faith to ensure you can design the works to be outside of the NoR and accept no liability for any decisions you or your client make on the basis of the drawing;
- The extent could still change based on the commissioners' recommendations, the NZTA decision and any appeals; and
- Please contact us if there are any queries with the drawing and do not make assumptions as to what it contains.

Regards

Evan



From: Sam Furniss <sam@subdivision.co.nz>
Sent: Monday, January 13, 2025 11:53 AM
To: Evan Keating <Evan.Keating@nzta.govt.nz>
Subject: RE: Stormwater Discharge at 1799A Great South Road - Vernon Developments

You don't often get email from sam@subdivision.co.nz. [Learn why this is important](#)

Hi Evan,

Thanks for getting back to us. We are considering the pre-development site to be when the site was a grassed paddock.

Could you please send through a dwg file of the designation boundaries so that we can design our infrastructure outside of this boundary?

Kind regards,

Sam Furniss

Civil Engineer BE(Hons)



P: (09) 238-9991 | M 021 293 9353

From: Evan Keating <Evan.Keating@nzta.govt.nz>
Sent: Friday, 20 December 2024 3:56 PM
To: Sam Furniss <sam@subdivision.co.nz>
Cc: Avneet Kumar <avneet@subdivision.co.nz>
Subject: RE: Stormwater Discharge at 1799A Great South Road - Vernon Developments

Hi Sam,

Thanks for getting in touch.

We've looked at the concept and don't have many comments as its at an early stage. However, please consider the following in your design:

- There's a narrow gap between the new building and our designation so a swale may not fit here and piping should be considered;
- We need to understand what is the 'pre-development' scenario as there has been a lot of development on the property in recent years – does pre-development mean when the site was a grassed paddock? This will impact the calculations and how much flows would be toward the state highway.

I haven't had any comments for our internal experts yet and will chase them up now to see if they have anything additional to add.

Thanks

Evan

From: Sam Furniss <sam@subdivision.co.nz>
Sent: Friday, December 6, 2024 3:36 PM
To: Evan Keating <Evan.Keating@nzta.govt.nz>
Cc: Avneet Kumar <avneet@subdivision.co.nz>
Subject: Stormwater Discharge at 1799A Great South Road - Vernon Developments

You don't often get email from sam@subdivision.co.nz. [Learn why this is important](#)

Hi Evan,

I have been given your details from one of my colleagues. We are working on the stormwater management at 1799A Great South Road, Bombay for Vernon Developments Limited. At this stage we are going through the concept design and are looking for initial feedback from NZTA in regards to our proposal. The attached scanned plan has a sketch of what we are proposing

Our proposal is:

- Swale for treatment along the southern and eastern boundary.
- Pond for attenuation for the 2, 10 and 100 year storm events. We will attenuate these flows to pre-development levels. Discharge will be to the existing swale which flows into an existing 525Ø pipe under State Highway 1 (we currently don't know where this pipe is discharging to).

We understand there is a notice of requirement on the land (as shown on the attached scanned plan). No structures are proposed to be constructed inside this area.

Can you please provide me with any feedback that NZTA has on this proposal?

Could you also please provide any as-built data that you have for the infrastructure under State Highway 1 (in particular the stormwater network)? And also a dwg of the notice of requirement boundary?

Kind regards,

Sam Furniss

Civil Engineer BE(Hons)



Level One, 17 Hall St - PO Box 466 - Pukekohe 2340

P: (09) 238-9991 | M 021 293 9353 | W: www.subdivision.co.nz

Our office will be closing on Friday 20th December this year at 1pm and will re-open on Monday 13th January 2025. We wish you a very Merry Christmas and a Happy New Year.



This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by NZ Transport Agency Waka Kotahi for information assurance purposes.

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Written approval of affected persons for resource consent



PART A (to be completed by the applicant)

PART A - APPLICATION		
Applicant/s name: (please write all names in full)	Vernon Developments	
Address of proposed activity:	1799a Great South Road, Bombay	Application number if known:
Description of proposed activity:		
Rural Industry / Rural Commercial Service activity and associated earthworks and stormwater consents to operate Vernon Developments from the site at 1799a Great South Road.		
List of all documents and plans to be sighted (including title, author and date)		
Title	Author	Date
Assessment of Environmental Effects Report	Chanel Hargrave TSC	February 2025
Land Use Consent Plan - 1799A Great South Road Bombay	TSC	Feb 2025

Resource consent/s being sought for (describe why resource consent is required and details of any non-compliance)

H19.4.1 - Rural Industry (A2) and Rural Commercial Service (A16)
 E8.4.1(A10) - Stormwater discharge consent & E9.4.1(A6) High contaminant car parking
 E12.4.1(A6) & E11.4.2(A4) District and Regional land disturbance.
 E27.4.1 (A2) Accessory parking infringement (bicycle parking)

PART B (to be completed by the person/s and/or organisation/s who are providing written approval)

PART B - AFFECTED PERSON/S			
Full name: (in print)	HEVARE TANA	Tick if owner	Tick if occupier
Full name: (in print)		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Full name: (in print)		<input type="checkbox"/>	<input type="checkbox"/>
Address of affected property	1799 Great South Road.	Postcode:	
Email:		Mobile:	0223675978

PART B – AFFECTED PERSON/S (continued)

I have authority to sign on behalf of all (tick which one/s apply)

Property owners

Property occupiers

Please note: The approval of all the legal owners and occupiers of the affected property is required. If you have authority however to sign on behalf of others, please provide documentation providing you have this authority.

PART C (to be completed by the person/s and/or organisation/s who are providing written approval)

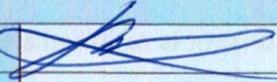
PART C – DECLARATION

Tick each box below that applies

- I/We have been given details of the proposal and plans to which I/we are giving written approval. A list of the documents I/we have sighted is included on page 1.
- I/We have signed each page of the plans in respect of this proposal. These need to accompany this form.
- I/We understand that by giving my/our written approval, the council cannot take account of any actual or potential effects of the activity on my/our property when considering the application.
- Further, I/we understand that at any time before a decision is made about the application, I/we may give notice in writing to the council that this approval is withdrawn.

In signing this form, I/we am/are satisfied that I/we fully understand the proposal.

Contact our Customer Service team on 09 301 0101 if you need more information about the resource consent process.

Signatures/s		Date	27.2.25
Signatures/s		Date	
Signatures/s		Date	

PRIVACY INFORMATION

The council requires the information you have provided on this form to process your application under the Resource Management Act 1991 and to collect statistics. The council will hold and store the information on a public register. The details may also be made available to the public on the council's website. These details are collected to inform the general public and community groups about all consents which have been processed or issued through the council. Under the Privacy Act 2020, you have the right to see and correct personal information Auckland Council holds about you.

Advice Note: If you are asked to give your written approval to someone's proposed activity as part of their application for a resource consent, you should do the following:

- Request that the applicant (or their representative) explain the proposal clearly and fully to you.
- Study the application and associated plans provided by them in order to understand the effects of the proposed activity. If there are no plans available at this stage, you may wish to wait until they are available.
- Ask the applicant (or their representative) if you have been provided with a copy of the full application, including plans.
- Ask for time to consider the documents if you think you need it.

- *Decide whether the proposed activity will adversely affect you or your property. You are entitled to ask the applicant for more information, but you should make a decision about whether you will sign the form or not as promptly as is reasonable in the circumstances. You may suggest amendments to the proposed activity that you consider would reduce the effects on you. If the proposal is amended by the applicant, then you should only sign the amended version of the proposal.*
- *If you consider that you will be adversely affected by the proposal and do not wish to sign the approval form, you will need to advise the applicant (or their representative).*
- *If you change your mind after signing this form, you may withdraw your approval at any time before a decision is made on the application by advising the council in writing that your approval is withdrawn.*

Written approval of affected persons for resource consent



PART A (to be completed by the applicant)

PART A - APPLICATION

Applicant/s name: (please write all names in full)	Vernon Developments	
Address of proposed activity:	1799a Great South Road, Bombay	Application number if known:

Description of proposed activity:

Rural Industry / Rural Commercial Service activity and associated earthworks and stormwater consents to operate Vernon Developments from the site at 1799a Great South Road.

List of all documents and plans to be sighted (including title, author and date)

Title	Author	Date
Assessment of Environmental Effects Report	Chanel Hargrave TSC	February 2025
Land Use Consent Plan - 1799A Great South Road Bombay	TSC	Feb 2025

Resource consent/s being sought for (describe why resource consent is required and details of any non-compliance)

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 E8.4.1(A10) - Stormwater discharge consent & E9.4.1(A6) High contaminant car parking
 E12.4.1(A6) & E11.4.2(A4) District and Regional land disturbance.
 E27.4.1 (A2) Accessory parking intrinsigent (bicycle parking)

PART B (to be completed by the person/s and/or organisation/s who are providing written approval)

PART B - AFFECTED PERSON/S

		Tick if owner	Tick if occupier
Full name: (in print)	Rebekca Vernon	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Full name: (in print)	Cameron Vernon	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Full name: (in print)		<input type="checkbox"/>	<input type="checkbox"/>
Address of affected property	1799a Great South Rd.	Postcode:	
Email:	rebekca@xtra.co.nz	Mobile:	02102779877

PART B – AFFECTED PERSON/S (continued)

I have authority to sign on behalf of all (tick which one/s apply)

Property owners

Property occupiers

Please note: The approval of all the legal owners and occupiers of the affected property is required. If you have authority however to sign on behalf of others, please provide documentation providing you have this authority.

PART C (to be completed by the person/s and/or organisation/s who are providing written approval)

PART C – DECLARATION

Tick each box below that applies

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In signing this form, I/we am/are satisfied that I/we fully understand the proposal.

Contact our Customer Service team on 09 301 0101 if you need more information about the resource consent process.

Signatures/s

Henson

Date

27/2/25

Signatures/s

Cullen

Date

27/2/25

Signatures/s

Date

PRIVACY INFORMATION

The council requires the information you have provided on this form to process your application under the Resource Management Act 1991 and to collect statistics. The council will hold and store the information on a public register. The details may also be made available to the public on the council's website. These details are collected to inform the general public and community groups about all consents which have been processed or issued through the council. Under the Privacy Act 2020, you have the right to see and correct personal information Auckland Council holds about you.

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- Ask the applicant (or their representative) if you have been provided with a copy of the full application, including plans.
- Ask for time to consider the documents if you think you need it.

- *Decide whether the proposed activity will adversely affect you or your property. You are entitled to ask the applicant for more information, but you should make a decision about whether you will sign the form or not as promptly as is reasonable in the circumstances. You may suggest amendments to the proposed activity that you consider would reduce the effects on you. If the proposal is amended by the applicant, then you should only sign the amended version of the proposal.*
- *If you consider that you will be adversely affected by the proposal and do not wish to sign the approval form, you will need to advise the applicant (or their representative).*
- *If you change your mind after signing this form, you may withdraw your approval at any time before a decision is made on the application by advising the council in writing that your approval is withdrawn.*

