



395 Fitzgerald Road, Drury

**Application for land use consent for vehicle dismantling
facility, associated earthworks and stormwater
management**

Taha Auto Limited

6 May 2025

Details and Version Control

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Acknowledgement of Submission



Will Clarke

Planner



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1 APPLICANT AND SITE DETAILS

Applicant Name:	Taha Auto Limited
Site Address:	395 Fitzgerald Road, Drury
Legal Description:	Lot 3 DP 194356
Site Area:	2.76 ha
Plans:	Auckland Unitary Plan – Operative in Part
Zoning:	Business – Light Industrial Zone Future Urban Zone
Precinct:	Drury South (sub-precinct D)
Overlays:	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer
Controls:	Macroinvertebrate Community Index – Rural Macroinvertebrate Community Index – Urban
Designations:	-



2 INTRODUCTION

The site is currently owned by Sin Hoon Lee and Jeong A Moon, however, Taha Auto Limited has a sale and purchase agreement in place.

Taha Auto Limited (the applicant) is intending to develop the site for light industrial purposes, in line with the underlying zoning of the site and surrounding area. It is proposed to remove the existing structures on the site in order to establish two warehouses. One warehouse would contain a vehicle dismantling facility and the other would be used as for storage purposes. The proposed use and development of the site require resource consent under the current Future Urban Zoning.

Overall, the proposed activity requires consent as a discretionary activity under the Auckland Unitary Plan (Operative in Part) (AUP(OP)).



Figure 1: Aerial photo showing subject site and surrounding environment.

3 SITE AND SURROUNDING ENVIRONMENT

3.1 Site Description

The 2.76-hectare site is located in Drury and is subject to two zones: Business – Light Industrial along a portion of the site’s road frontage and Future Urban for the vast majority of the site. North of the subject site are areas of residentially zoned land, whilst in all other directions the land is either Business – Light Industrial or Future Urban Zoned land (intended to be light industrial land in the future).

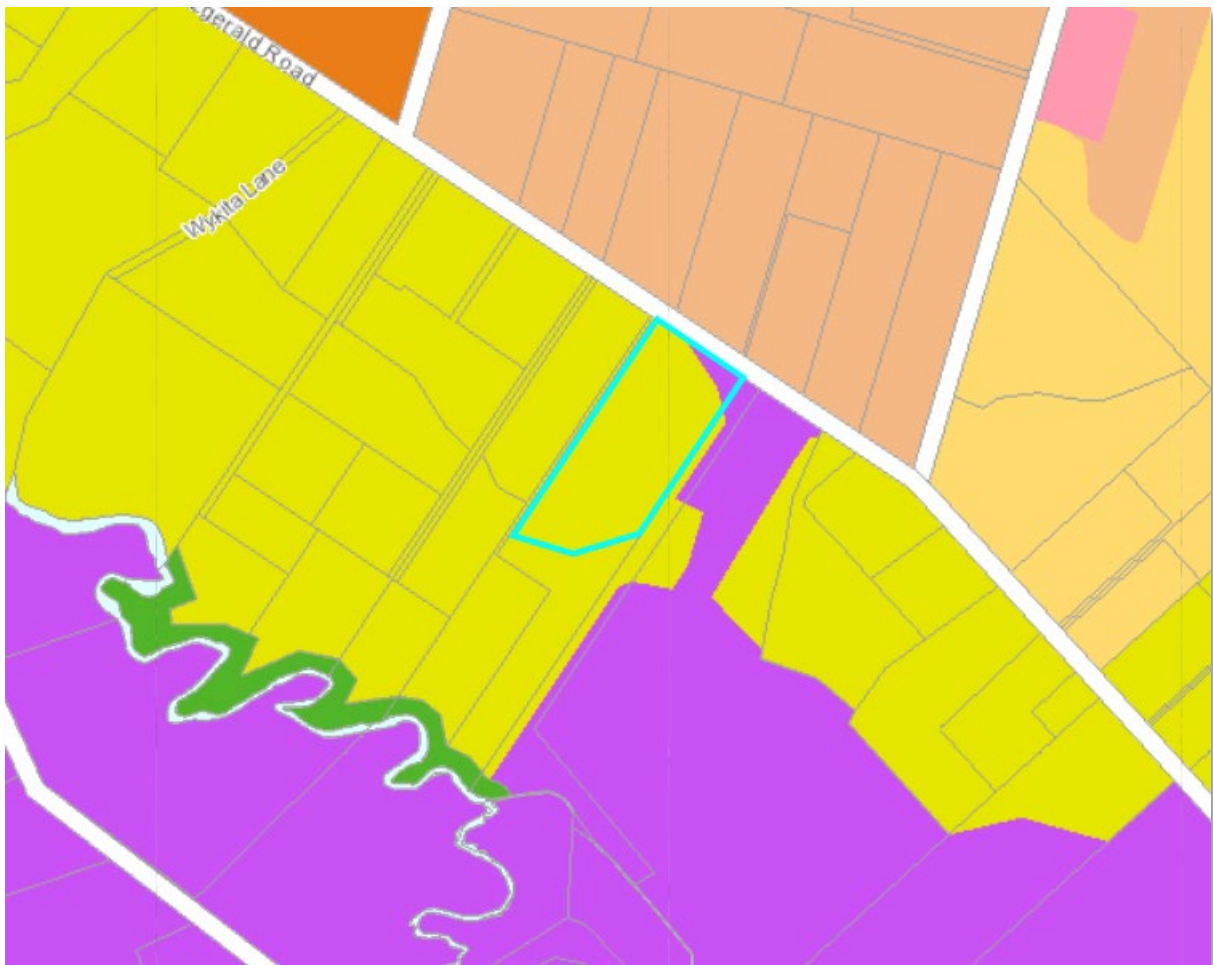


Figure 2: Zoning of the subject site and surrounding environment.

Some parts of the site are within a flood plain and there are overland flow paths that are present throughout the site. The flooding hazards are primarily located at the rear and front of the site – the natural low points. The site is highest at the centre and then slopes down to the north and south.



Figure 3: Flooding on site as per Auckland Council GeoMaps.

A small stream is present on site and runs along the rear boundary of the site, as shown by Figure 4:



Figure 4: Aerial image showing stream at the rear of the site.



The site is also located within a large area of land that is classified as LUC 2. However, the NPS-HPL states in 3.4(2): “despite anything else in this clause, land that, at the commencement date, is identified for future urban development must not be mapped as highly productive land”. As the site is zoned Future Urban, the NPS-HPL does not apply to the site and this proposal does not need to consider the NPS-HPL.

The site has been identified as a HAIL site in relation to HAIL activities that were undertaken there, and the NES:CS applies. Regulation 8(4) allows land-use change or subdivision of a piece of land as a permitted activity where it can be demonstrated it is highly unlikely that there will be a risk to human health given the intended activity. A detailed site investigation (DSI) has been prepared (refer Appendix E) which demonstrates that there were no exceedances of Auckland’s background levels or the adopted NES:CS SCS rural residential (lifestyle block) guideline criteria at the site. Therefore, the DSI concludes that a risk to humans is highly unlikely to exist, so the change of use is a permitted activity.

3.2 Future Zoning of the Site and Surrounding Environment

Drury is a key node for future development of residential and business activities as cemented by the recent Future Development Strategy released by Auckland Council. Significant parts of Drury are now ‘live zoned’, but the subject site and surrounding environment are one of the few remaining pockets of Future Urban Zone land.

Notably, the land immediately north of the subject site is currently zoned Residential - Mixed Housing Urban and large swathes of land to the south are currently zoned Business – Light Industrial. The extent of this area includes a small portion of the site’s north-eastern corner.

The surrounding sites are a mixture of established rural sites with rural-residential and rural-commercial (typically horticulture as evidenced by the density of greenhouses) being most dominant. However, given the recent live-zoning of surrounding sites, a number of sites are being earthworked in preparation for urban use and development.

As indicated by the Drury-Opaheke Structure Plan 2019, this site and the surrounding sites south of Fitzgerald Road are intended to be zoned in the future as Business – Light Industrial. Plan changes to the Auckland Unitary Plan to provide urban zoning are required to give effect to the Drury – Opāheke Structure Plan 2019.

Figure 4 (below) has been annotated to illustrate the location of the site within the Drury-Opaheke



Structure Plan area.

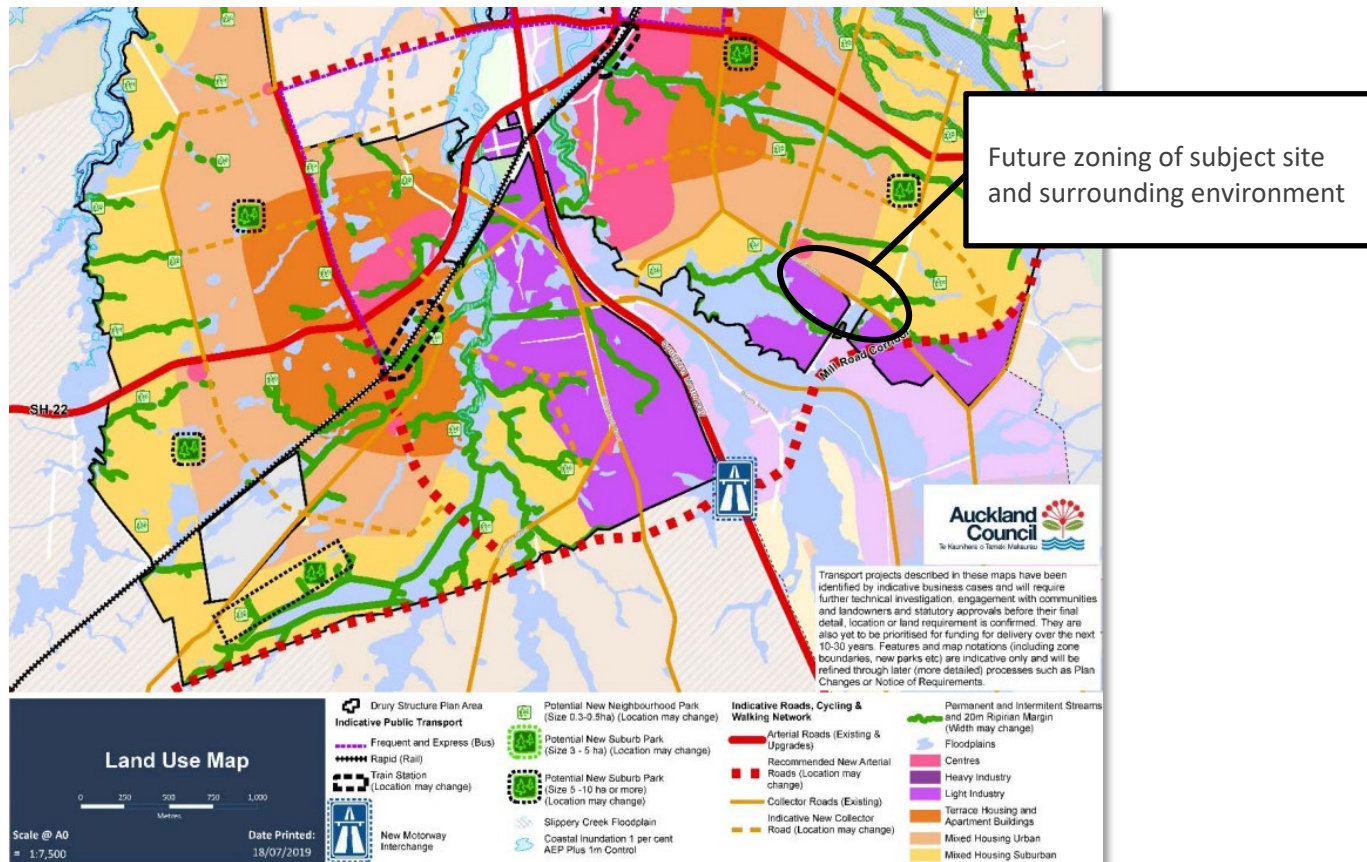


Figure 5: Drury-Opaheke Structure Plan Area, Land Use Map with annotations.

3.3 Records of Title and Interest

Copies of the record of title of the site are attached as Appendix A.

The site is subject to a consent notice (D372034.2) which includes the following key points:

- The lot was created for intensive/covered horticulture and shall be used for intensive/covered horticultural purposes on a continuing basis.
- The greenhouse on the site shall be maintained in good working condition.

The consent notice was established in 1999, when the site was under the jurisdiction of the Papakura District Council and some conditions are no longer considered to be relevant to the site given its current zoning under the Auckland Unitary Plan (Future Urban zoning).

The Drury-Opaheke Structure Plan 2019 sets out Auckland Council's overarching future strategy for the Drury area and the site is included within a future light industrial area. This signals a departure from the



historic use of the site and the surrounding environment for rural/rural industrial use, therefore, the requirement for intensive horticulture and the maintenance of the greenhouse is no longer considered relevant.

Under s221(3)(a) of the Resource Management Act 1991, “the owner may apply to a territorial authority to vary or cancel any condition specified in a consent notice”. Therefore, alongside the application for resource consent, the applicant wishes to make an application to remove the following conditions of the consent notice:

- *That Lots 1 – 3 are created for intensive/covered horticulture and shall be used for intensive/covered horticultural purposes on a continuing basis*
- *That the greenhouses on Lots 1 – 3 be maintained in good working order*
- *That a horticultural management plan as detailed in Condition 7 of the conditions of subdivision consent be submitted to Joyce Group TA Services Limited as agents for Papakura District Council for any change to the present cropping regime (intensive vegetable production for Lots 1 – 3).*
- *That a horticultural management plan as detailed in Condition 7 of the conditions of subdivision consent be submitted to Joyce Group TA Services Limited as agents for Papakura District Council within 2 months from the date of receiving any such written request.*



4 PROPOSAL

It is proposed to utilise the site for warehousing, vehicle storage and vehicle dismantling. The existing dwelling on the site and the large greenhouse at the rear of the site will be removed to provide space for the proposed development.

It is proposed to establish two warehouses on the site – each will be approximately 2000m² in size. One warehouse will contain the vehicle dismantling activity and the other will be used for storage purposes. The remainder of the site will be laid with hardfill, and vehicles will be stored across the site.

4.1 Vehicle dismantling and storage activity

Damaged vehicles are brought to the site and are dismantled within one of the warehouses. All vehicles are dismantled manually, with machinery such as crushers not used in the process. The vehicle dismantling activity will involve no more than 5 staff on site.

The dismantling process involves the draining of fluids, and removal of engines and popular items. Fuel removed into small containers and immediately transferred into staff vehicles. Oil and coolant are stored within one of two 1m³ containers in a dedicated storage area (within the warehouse).

Removed items are made available for online sales locally or placed within a shipping container for export.

The storage activity is ancillary to the vehicle dismantling activity, as car bodies are typically left intact and are stored in the yard area.

4.2 Traffic and vehicle access

The site has an existing vehicle crossing which provides access from Fitzgerald Road. The existing metal accessway will be upgraded to provide two-way access for the proposed development, with a crossing width of 5.5m.

Safe and functional on-site vehicle access, manoeuvring, parking and loading is provided for via the significant space on the site. Circulation areas surrounding and connecting to the proposed warehouses will be formed, unsealed gravel surfaces consistent with the general form of accessways and yards in this generally rural environment.

It is anticipated that the vehicle dismantling and storage activities on the site could generate up to



approximately 30 vehicle movements during the busiest hour of a typical operating day. This accounts for both staffing and visitor activity at the site.

4.3 Stormwater & Flooding

Auckland Council GIS indicates that large parts of the site are within flood plains and that there is an overland flow path that flows through the site. The proposed development of the site will also increase the level of stormwater runoff from the site.

To mitigate the effect of increased runoff, an attenuation system has been designed to limit peak flows. This will be achieved by building a bund around the platform to capture rainfall and release it at a controlled rate via a pipe outlet and weir arrangement.

The main risk to stormwater quality from the site activities is total suspended sediment and to a lesser degree metals and hydrocarbons. Stormwater treatment will be provided by swale treatment and sedimentation during extended detention within the ponding areas.

The warehouses will be located outside of the flood plain areas on GeoMaps and the designated ponding areas proposed for the site. The surface on the site will slope away from these structures to ensure stormwater is consistently directed towards the ponding areas.

4.4 Earthworks

Earthworks will be carried out over an area of 25,255m² with a total volume of 23,248m³. This includes 14,605m³ of cut and 8,823m³ of fill.

The earthworks are required to establish stable platforms for the construction of the two warehouses, as well as ensuring that the site is appropriately sloped towards the ponding areas at the rear and front.

It is also proposed to construct retaining walls along the majority of the length of both side boundaries and a small portion of the front boundary (in the eastern corner). The retaining walls range in height, with a maximum height of 2.5m.

4.5 Wastewater and potable water

Wastewater will be treated on site with an aerated treatment station to provide secondary level treatment. The required staffing for the dismantling operation will be no more than 5 but it is proposed to conservatively size the field to allow for 15 days staff at 40L/day (TP58 allowance).



Water supply will be provided by roof water collection into reuse tanks.

4.6 Landscaping

A landscape batter is proposed at the rear of the site along the existing stream. This will involve placing fill up to 2m in height to ensure that the stream is protected from potential adverse effects of the industrial activities taking place as well as providing riparian planting to improve ecological outcomes.

At the front of the site, the bund will be planted out across the frontage. In the portion of the section that is zoned Business – Light Industrial, the proposed landscaping will meet the front yard requirements of the zone.



5 REASONS FOR THE APPLICATION

5.1 Permitted activities: Auckland Unitary Plan

E5 On-site and small-scale wastewater treatment and disposal

- The proposed development will be serviced by an on-site wastewater system that discharges 0.6m³ treated wastewater to land per day. This is a **permitted** activity under E5.4.1(A1).

E30 Contaminated land

- Section E30.6.1.2 of the AUP allows up to 200 m³ of disturbance on a site containing elevated levels of contaminants. As outlined in the DSI, there are no exceedances of levels prescribed in table E30.6.1.4.1, therefore earthworks are **permitted** and chapter E30 does not apply.

5.2 Reasons for consent: Auckland Unitary Plan

E8 Stormwater - Discharge and diversion

- The proposed development will result in stormwater runoff from an impervious area greater than 5,000m² which is diversion and discharge of stormwater runoff from impervious areas not otherwise provided for. Therefore, it is a **discretionary** activity under rule E8.4.1(A10).

E11 Land disturbance – Regional

- The proposed earthworks will occur over an area greater than 10,000m² up to 50,000m² where land has a slope less than 10 degrees outside the Sediment Control Protection Area which is a **controlled** activity under rule E11.4.1(A4)). The area of earthworks is approximately 26,255m².

E12 Land disturbance – District

- It is proposed to undertake earthworks over an area larger than 2,500m² which is a **restricted discretionary** activity under rule E12.4.1(A6)). The area of earthworks is approximately 26,255m².
- It is proposed to undertake earthworks greater than 2,500m³ which is a **restricted discretionary** activity under rule E12.4.1(A10)). The volume of earthworks is approximately 23,248m³.
- The above restricted discretionary activities are unable to comply with the following standards which is a **restricted discretionary** activity under C1.9(2):
 - The proposed earthworks involve land disturbance within the riparian yard which infringes Standard E12.6.2(1) as they exceed the required area and volume limits set out in E12.6.2(1)(b). Within the Future Urban Zone, the riparian yard requires a 20m setback from



the edge of permanent and intermittent streams. The proposed earthworks to create the landscape batter are, in some locations, within 1m of the edge of the stream on site.

- The proposed earthworks include works within a 100-year AEP floodplain that infringe Standard E12.6.2(11) as it will raise ground levels more than 300mm and include a total fill volume that exceeds 10m³.

E27 Transport

- The proposal involves accessory parking and access that does not meet the following parking and access standards and is a **restricted discretionary activity** under rule E27.4.1(A2) as follows:
 - Parking and manoeuvring areas are not formed, drained, or provided with an all-weather surface as required by E27.6.3.6.

E33 Industrial and trade activities

- Automotive dismantling of any size is a high-risk activity under Table E33.4.3 therefore the following applies to this proposal:
 - The use of land for a new industrial or trade activity listed as high risk in Table E33.4.3 is a **controlled** activity under rule E33.4.1(A8).
 - The discharge of contaminants from a new industrial or trade activity area listed as high risk in Table E33.4.3 is a **discretionary** activity under rule E33.4.2(A24).

E36 Natural hazards

- The proposal involves retaining walls that are higher than 1.5m and are therefore considered to be buildings under Chapter J – Definitions. Parts of the retaining walls along the western and eastern side boundary are located within the 1% AEP floodplain. The footprint of the retaining walls will be less than 10m² therefore this is a permitted activity under E36.4.1(A34), however, it cannot comply with the following standard(s), making it a **restricted discretionary** activity under C1.9(2):
 - The retaining walls on the eastern and western side boundary will be located where flood waters exceed 300mm above ground level. Therefore, the retaining walls are unable to meet Standard E36.6.1.9.

H17 Business – Light Industry Zone

- The proposal involves retaining walls that occur within 1.5m of the road and are therefore considered as buildings under Chapter J – Definitions. New buildings are a permitted activity in



the Business – Light Industrial Zone under rule H17.4.1(A37), however the retaining walls are located within the 2m front yard setback, therefore infringing Standard H17.6.4 Yards. This is a **restricted discretionary** activity under C1.9(2).

H18 Future Urban Zone

- It is proposed to establish a vehicle dismantling facility on site which is an activity not provided for within the Future Urban Zone. Therefore, this activity is a **discretionary** activity under rule C1.7(1).
- The proposal involves construction of two new warehouse buildings. Under H18.4.1(A2), the same activity status and standards as applies to the land use activity that the new building is designed to accommodate, therefore this is a:
 - **Discretionary** activity under rule H18.4.1(A2) as the vehicle dismantling facility is an activity not provided for.
- The proposal involves retaining walls that are higher than 1.5m and are therefore considered as buildings under Chapter J – Definitions. Under H18.4.1(A2), the same activity status and standards as applies to the land use activity that the new building is designed to accommodate. The retaining walls along the side boundaries are designed to accommodate the vehicle dismantling facility, therefore this is **discretionary** activity.
 - Furthermore, the retaining walls are located within the 12m side yard setback on both side yard boundaries, therefore infringing Standard H18.6.3 Yards.

5.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS)

- Soil disturbance that will take place during pre-construction earthworks will encompass the entire 2.7679-hectare site. The anticipated disturbance volume will exceed the permitted activity volume threshold under the NES:CS of 25 m³ of disturbance per 500 m². The earthworks will require a **restricted discretionary** activity consent as a DSI has been prepared.

5.4 Activity Status

The application therefore seeks resource consent for a **discretionary** activity.



6 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Introduction

When considering an application for resource consent, the consent authority must, subject to part 2, have regard to any actual and potential effects on the environment of allowing the activity. In the Act, the term effect includes both adverse and positive effects.

6.1.1 Permitted Baseline

The permitted baseline is relevant to both the assessment under sections 95A to 95G and section 104 of the RMA. Under these sections, Council has the discretion to disregard those effects. In this instance, the permitted baseline is not useful to consider as any activity of a scale similar to this would require resource consent.

6.1.2 Receiving Environment

The receiving environment is a mandatory consideration when assessing the potential adverse effects on the environment. The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented also form part of this foreseeable receiving environment.

The receiving environment in which the adverse effects of the proposed development has been assessed is described in Section 2 of this report.

6.2 Adverse Environmental Effects Assessment

6.2.1 Flooding and stormwater effects

The application has been supported by an Infrastructure Report which includes information regarding flooding and stormwater on the site (refer Appendix C).

I note the following key information in regard to flooding and stormwater:



- The vehicle dismantling facility and warehouse will be located outside of the flood plain and the site has been designed so that the land slopes away from the built structures towards the edges of the site.
- It is proposed to bund the front and rear boundary of the facility which will allow ponding to occur during a flooding event. The water will be released at a controlled rate via a pipe outlet and weir arrangement. This will ensure any flooding effects related to the additional hardstand on the site are contained within the site and no additional adverse effects occur on the surrounding persons or environment as a result of the proposed development.

Overall, any adverse stormwater and flooding effects are considered to be less than minor.

6.2.2 Water quality effects

The main contaminants associated with the vehicle dismantling and car part storage are:

- TSS (Total Suspended Solids)
- Petroleum Hydrocarbons
- Heavy Metals
- Ethylene Glycol
- Sulphuric Acid

There is a risk that the contaminant generating activities could potentially be conveyed to the stormwater system and receiving environments if the contaminants were spilled, dripped or washed on the outdoor yard surfaces. The site is bunded at the boundaries (as discussed above) to detain stormwater and release it at a controlled rate. In addition, stormwater treatment will be provided on-site via swale treatment and sedimentation during extended detention within the ponding areas. As per the Infrastructure Report (refer Appendix C), This approach is considered to be the best practicable option in this situation.

The Environmental Management Plan (Appendix D) contains procedural controls and practices that are crucial aspects of contaminant control. The stormwater treatment outlined above is considered to be the last point of defence to avoid contaminant discharge to the environment. Procedural controls within the EMP include:

- Staff education
- Inspection of parked vehicles for leaks
- Yard surface inspection and maintenance



- Stormwater treatment device inspection and maintenance

The EMP also contains an Emergency Spill Response Plan which outlines the procedures to be followed in the event of a spill on the site.

6.2.3 Earthworks effects

The Infrastructure Report outlines that:

Bulk earthworks will be carried out over an area of 26,255m² requiring 14,605m³ of cut and 8,823m³ of fill resulting in 23,248m³ of disturbance. Retaining in cut and fill will be required on the north and south boundaries to a maximum height of 2.5m. Two sediment retention ponds (SRP) will be constructed in accordance with GD05 to provide sediment control during bulk earthworks.

I also note the following regarding the proposed earthworks:

- The subject site does not contain any significant landforms, vegetation, or natural habitat that would be adversely affected by the proposed earthworks.
- The earthworks in close proximity to the stream are necessary to create a landscape buffer which will ensure that the stream is completely buffered from the effects of the industrial activities taking place across the majority of the site.
- Appropriate erosion and sediment control measures will be put in place prior to any earthworks commencing, these will be retained and maintained in good working order until all site works have been completed and the site secured. This will prevent erosion and the generation of discharge of any further sediment from the site, including in relation to the earthworks undertaken adjacent to the stream.

Any adverse effects associated with earthworks are less than minor.

6.2.4 Landscape and visual effects

The application is supported by a Landscape and Visual Effects Assessment (LVEA) prepared by Rob Pryor of LA4 Landscape Architects (refer to Appendix F).

The LVEA makes the following comments:



- The Drury landscape is transitioning rapidly. Significant industrial development is occurring as part of the Drury South Precinct to the south and east of the site, with much of this area already zoned for urban industrial activities.
- The earthworks, road construction and other development activities that have taken place (and will continue to take place) result in the landscape being highly modified from its original condition.
- The proposal would fit comfortably in the 'semi-rural' landscape which combines industrial activities with enduring rural activities. The small scale of the development in relation to the wider surrounding environment combined with the restricted visual catchment, existing landform and vegetation patterns will mitigate any adverse effects on the existing landscape character.

I agree with Mr Pryor. The proposed development is compatible with the established character. Overall, any adverse landscape and visual effects are less than minor.

6.2.5 Contaminated land effects

The Detailed Site Investigation (refer to Appendix E) outlines that although the site is “more likely than not” a HAIL site due to previous horticultural activities, the soil sampling undertaken across the site demonstrates that there are no exceedances of contamination levels, and the soils are suitable to remain on the site.

In addition, hardfill will be laid down to stabilise the site and provide suitable platforms for the storage activity. This will cap any underlying soil and mitigate any contaminated land effects.

Therefore, any adverse contaminated land effects are less than minor.

6.2.6 Transport effects

The application is supported by a Transportation Assessment prepared by Don McKenzie (attached as Appendix G). The Transportation Assessment makes the following comments:

- The estimated traffic generation of the proposed activities on site can be appropriately catered for by the current vehicle crossing and the operating carriageway of Fitzgerald Road.
- The site access point has sufficient sight distances in both directions and passing traffic volumes along Fitzgerald Road are generally modest.
- Vehicle tracking analysis has been undertaken and the upgraded (widened) vehicle crossing can facilitate the two-way movement of vehicles to and from Fitzgerald Road as well as safe movement of larger truck vehicles.



- There is sufficient space within the site and as a result of the proposed arrangement of warehouses, to enable:
 - a. The expected movement of 20m truck and trailer vehicles within the site
 - b. A passenger car to move into and out of the site concurrently.

I also note that while specific designs for bicycle or vehicle parking areas are not provided, there is sufficient space throughout the site to offer informal parking areas for anyone requiring vehicle parking including staff and visitors. In respect to the requirement of the site to provide a visitor bicycle parking space, there is sufficient space within or adjacent to the proposed warehouse building to accommodate a cycle stand or rack. This arrangement is considered to be appropriate to service the activity, and acceptable in the context of the wider traffic network.

Overall, any transport effects will be less than minor.

6.2.7 Noise effects

Noise effects arising from the proposed activities will produce less than minor adverse effects for the following reasons:

- Vehicles are dismantled via manual labour and the process does not include any machinery that could potentially generate significant amounts of noise. In addition, any vehicle dismantling will take place within the warehouse which will further reduce any noise produced by this activity.
- The storage of vehicles and parts will not be operating on site for any length of time beyond that which is necessary to move around the site. This aspect of the proposal will not result in any noise effects beyond those that can be reasonably anticipated in an area used for rural production and vehicle storage.
- The site will not be subject to significant traffic movements and the level of traffic is anticipated within the surrounding environment which comprises of 'live zoned' industrial land and a variety of rural-commercial operations. Overall, the noise effects from the movement of vehicles to, from and within the site will be less than minor.

6.3 Adverse Effects on Persons

The site is adjacent to the following properties identified in Figure 6:



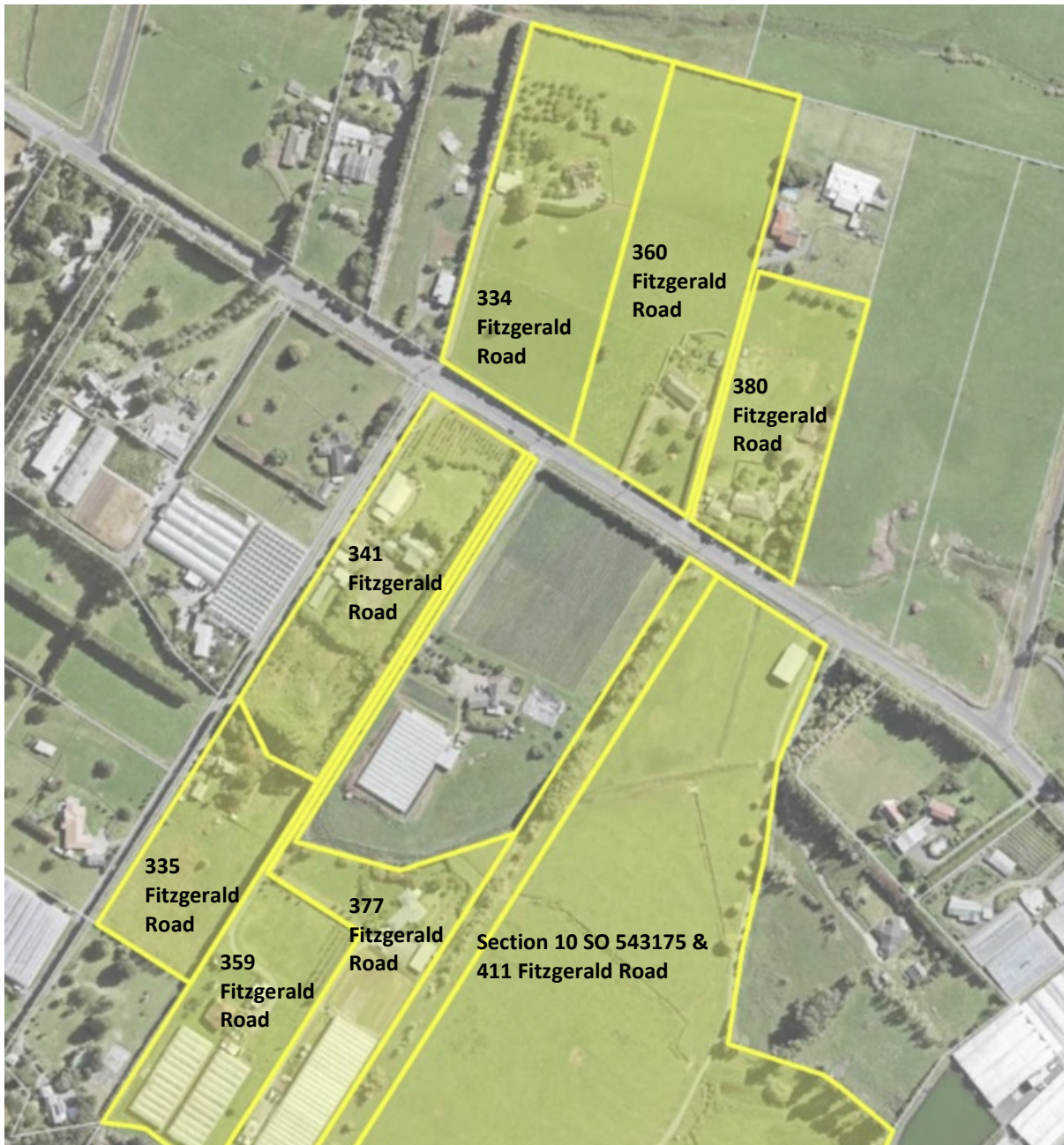


Figure 6: Adjacent sites

Section 10 SO 543175 and 411 Fitzgerald

- These sites are directly east of the subject site. Both sites are owned by Drury South Limited, who are undertaking a large master-planned development (known as Drury South Crossing) in the surrounding area. The sites are also within Drury South sub-precinct D.
- The Drury South Precinct Plan 1 and Plan 2 illustrates that the two sites (Section 10 SO543175 and 411 Fitzgerald Road) are the locations of indicative transport corridors to serve the future

development to the south. Additionally, the sites will have large open space areas for stormwater management.

- At present, earthworks have begun on the sites to prepare them for their future use.
- The proposal is considered to have less than minor effects on persons at Section 10 SO 543175 and 411 Fitzgerald Road for the following reasons:
 - The site does not contain any dwellings or accommodation; therefore, no persons are occupying the site.

377 Fitzgerald Road

- This site is directly south of the subject site. It is utilised for intensive horticulture at present, as indicated by the large greenhouse on the site. This site is accessed from Fitzgerald Road and the accessway is adjacent to the existing access for the subject site.
- 377 Fitzgerald Road has a dwelling on the northern part of the site, while the greenhouse and other horticulture structures are at the south (rear). The greenhouse is approximately 100m south of the boundary with the subject site at its nearest point, while the dwelling is roughly 12m south of the boundary.
- The proposal is considered to have less than minor effects on persons at 377 Fitzgerald Road for the following reasons:
 - The vehicle dismantling facility will not produce adverse noise or odour effects on adjacent persons.
 - The proposed use and development of the subject site is not outside what can be anticipated in the surrounding environment and therefore does not represent an unusual nuisance.
 - The proposed warehouses will not introduce a significant change to the built environment for the following reasons:
 - Given the alignment of the structures, only one warehouse will be in view when looking towards the subject site from the south
 - The subject site and other sites in the surrounding area currently have large warehouse-like structures, including greenhouses
 - The landscape batter proposed along the stream will be planted, providing an appropriate amount of visual screening.

359 Fitzgerald Road



- This site is south of the subject site (slightly further south than 377 Fitzgerald Road). It is used for intensive horticulture at present.
- 359 Fitzgerald Road contains two greenhouses and a dwelling on the site. The dwelling is situated slightly north of the greenhouses. At the nearest point, the dwelling at 359 Fitzgerald Road is approximately 110m south of the subject site's boundary.
- The site is accessed from Fitzgerald Road, utilising the same accessway as 377 Fitzgerald Road.
- The proposal is considered to have less than minor effects on persons at 359 Fitzgerald Road for the following reasons:
 - The dwelling at 359 Fitzgerald Road has a significant separation distance (100m+) from the proposed activities on the subject site. This separation means that the site will not be subject to any notable nuisance or amenity effects.
 - Nevertheless, the subject site and other sites in the surrounding environment are already developed with large structures, including greenhouses, therefore the proposed warehouses will not introduce a significant change to the built environment at present or the anticipated environment.

341 Fitzgerald Road and 335 Fitzgerald Road

- These two sites are west of the subject site, only separated by the accessway of 359 and 377 Fitzgerald Road - a distance of ~8.5m.
- 314 Fitzgerald Road is utilised for a range of activities. There are two key buildings on the site: a large dwelling and a fully equipped commercial restaurant. The site has large gardens, complementary to the restaurant venue.
- 335 Fitzgerald Road is rural-residential site. It is mostly in pasture except for the dwelling at the north of the site.
- The proposal is considered to have less than minor effects on persons at 341 and 335 Fitzgerald Road for the following reasons:
 - The vehicle dismantling facility will not produce adverse noise or odour effects on adjacent persons.
 - The proposed use and development of the subject site is not outside what can be anticipated in the surrounding environment and therefore does not represent an unusual nuisance.
 - The subject site and other sites in the surrounding environment are already developed with large structures, including greenhouses, therefore the proposed warehouses will not introduce



a significant change to the built environment. Planting along the site boundaries will also assist in screening the subject site.

- The proposed retaining walls on the western side boundary of the subject site are not considered significant adverse effects as will only be visible from the adjacent accessway given the large amounts of planting along the boundaries of 341 and 335 Fitzgerald Road.

334 Fitzgerald Road, 360 Fitzgerald Road, 380 Fitzgerald

- These sites are located across the road from the subject site (to the north).
- 360 Fitzgerald Road is directly opposite the subject site, while the other sites have small frontages across the road.
- All of the sites are large (1ha or more) and currently used for rural-residential purposes (lifestyle blocks). However, the sites are zoned Residential - Mixed Housing Urban which anticipates significant residential growth in the future.
- The proposal is considered to have less than minor effects on persons at 334, 360 and 380 Fitzgerald Road for the following reasons:
 - These sites are physically separated from the subject site by being located on the opposite side of Fitzgerald Road. The separation distance will be sufficient in ensuring that the adjacent persons in this instance are not subject to nuisance or amenity effects, whilst also noting that the proposal is not outside what can be anticipated in the surrounding environment.

6.4 Conclusion

For these reasons, it is considered that the proposal's adverse effects on the environment and persons on adjacent land regarding land use will be less than minor and the relevant assessment criteria will be achieved.



7 NOTIFICATION ASSESSMENT

7.1 Public Notification

Section 95A of the RMA specifies the steps the Council must follow to determine whether to publicly notify an application, as:

- The applicant is not requesting public notification and does not relate to the exchange of recreation and reserve land;
- Public notification is not precluded by applicable rules and national environmental standards and the application is not exclusively for a controlled activity and/or boundary activity;
- Public notification is not required under applicable rules and environmental standards and will not result in environmental effects that are more than minor; and
- There is nothing exceptional or unusual about the application to warrant public notification as the proposed buildings, site works, subdivision and infrastructure servicing are appropriate to and anticipated within the Auckland Unitary Plan.

The application may be processed without public notification.

7.2 Limited Notification

If the application is not publicly notified under section 95A, the Council must follow the steps in section 95B to determine whether to limitedly notify the application, as:

- There are no known affected protected customary rights groups, customary maritime title groups, or persons under a statutory acknowledgement.
- Limited notification is not precluded by all applicable rules and national environmental standards and the application is not exclusively for a controlled activity.
- The application is not for a boundary activity and the proposal will not adversely affect any person to a degree that is minor or more than minor.
- There is nothing exceptional or unusual about the application that warrant limited notification for the same reasons identified in the public notification assessment above.

The application may be processed without limited notification.

7.3 Notification Conclusion

Based on the reasons above, it is considered that there are no reasons to notify the application.



8 STATUTORY ASSESSMENT

Under section 104(1) of the RMA, the Council must, subject to Part 2, have regard to the following matters when assessing a resource consent application and any submissions received.

8.1 Section 104(1)(a)

Council must have regard to the actual and potential effects on the environment of allowing the activity.

As assessed in Section 5 above, the proposal will have actual and potential effects that are less than minor and acceptable.

8.2 Section 104(1)(ab)

Council must have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

In this case, the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.

8.3 Section 104(1)(b)

Council must have regard to the relevant provisions of operative or proposed national, regional and district planning documents as well as other regulations.

An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that activity may have on the environment has been provided below.

National Policy Statement on Freshwater Management

The proposal is consistent with the requirements of the National Policy Statement for Freshwater Management as:

- In alignment with the Objective of the NPS-FM and Policies 1, 3 and 5, the proposal will not result in any significant adverse effects on downstream waterbodies during:
 - a. The operation of the site via proposed treatment of stormwater, attenuation of flows and discharge design, or



- b. The earthworks stage via erosion and sediment control measures including a silt fence along the length of the stream.
- No wetlands have been identified in proximity to the point of discharge (Policy 6).
 - No river extent or values will be lost as a result of the earthworks within the riparian yard. The landscape buffer is intended to provide positive ecological outcomes for the stream on site (Policy 7).
 - No indigenous freshwater species will be adversely affected by the earthworks or stormwater discharge (Policy 9).
 - The proposal will not hinder the achievement of the national target for water quality improvement due to the proposed treatment and the nature of the proposed stormwater management strategy (Policy 12).

Auckland Unitary Plan

E1 Water quality and integrated management

- The Environmental Management Plan contains operational procedures that will reduce the potential for contaminants within stormwater runoff and also outlines treatment measures that form part of the proposed stormwater network. This will adequately reduce the amount of sediment and/or other contaminants within stormwater runoff and ensure adequate discharge quality (E1.2(1), E1.2(3), E1.3(8), E1.3(9), E1.3(11)).
- Due to the proposed stormwater treatment and flow attenuation, there are no anticipated significant adverse effects on downstream water quality, ecology or bank stability (E1.2(1), E1.2(3), E1.3(1)).
- A comprehensive approach has been taken to stormwater management on site and the proposed strategy addresses all flows generated on site, the water quality of those flows and any downstream effects (E1.2(1), E1.2(3), E1.3(10)).
- Any contaminants that arise from the change in activity on site will be managed with the proposed network of swales and sedimentation during extended detention which are considered to offer adequate treatment (E1.2(1), E1.2(3), E1.3(12)).
- Stormwater flow and treatment will be addressed on site and is not reliant on any offsite infrastructure assets (E1.2(1), E1.2(3), E1.3(13)).
- The proposed stormwater management strategy is considered the best practicable option as it will not require any active treatment of stormwater, uses green infrastructure (grassed swales),



adequately addresses water quality issues and does not preclude the future development of the site (E1.2(1), E1.2(3), E1.3(14)).

E11 Land disturbance – Regional

- The earthworks will be conducted in a manner that protects the safety of people and avoids adverse effects on the environment. This will be ensured by the conditions of consent (E11.2(1), E11.3(1)).
- The proposed earthworks will keep sediment generation to a minimal level as set out in the earthworks proposal and ensured by the conditions of consent (E11.2(2)).
- The earthworks enable a wider range of activities to be undertaken on the site in line with the site's future zoning thus supporting economic wellbeing of people and communities (E11.3(4)).
- The earthworks will be undertaken in a manner that does not compromise, in any way, the safety and stability of surrounding land, buildings and structures (E11.3(6)).

E12 Land disturbance – District

- The proposed earthworks will be conducted in a manner that protects the safety of people and avoids adverse effects on the environment (E12.2(1), E12.3(2)).
- The proposed earthworks will enable a range of activities to be undertaken on the site thus providing economic well-being to people and communities (E12.3(3)).
- The proposed earthworks will not adversely affect the stability and safety of surrounding land, buildings and structures (E12.3(6)).

E27 Transport

The proposal is consistent with the requirements of Chapter E27 of the AUP(OP) as:

- Chapter E27 requires that land use and transport networks are integrated and provide for pedestrian and road user safety, including locating access points in safe and efficient locations. In particular, the unsealed areas are considered appropriate within the Future Urban Zone context, given that unsealed gravel parking and circulation areas are the general form in the rural environment (E27.2(1-6), E27.3(20-21)).

E33 Industrial and trade activities

- The site operations, in particular, the vehicle dismantling activity are subject to an Environmental Management Plan which specifies a number of procedures that will be implemented to ensure any potential contaminants do not discharge to the receiving environment. In the event that any



contaminants do enter the stormwater system, the proposed stormwater treatment will effectively mitigate any potential adverse effects on land and water (E33.2(1), E33.3(1), E33.3(2), E33.3(3)).

E36 Natural hazards and flooding

- The application involves use and development outside an urban area subject to natural hazards. This application has shown that the risks of adverse effects from natural hazards are not increased by the use and development of the site (E36.2(1), E36.3(4)).
- The use and development of the site has managed to safely maintain the conveyance function of floodplains and overland flow paths as stated in the assessment of effects (E36.2(5), E36.3(29), E36.3(30)).
- The site does not contain more vulnerable activities, instead enabling less vulnerable (industrial) activities to be located in flood plains and/or overland flow paths (E36.3(13), E36.3(14), E36.3(15)).
- All development within the flood plains has been assessed as not increasing adverse effects on upstream or downstream properties from flood hazards or increased flood depths and velocities (E36.3(21)).
- This application has demonstrated that the site's accessways will not increase flood hazard risks and vehicle egress can be completed during a 1% AEP event (E36.3(26)).

H17 Business – Light Industry Zone

- The subject site is only zoned Business – Light Industrial in a small area. This area contains part of the proposed vehicle storage yard at the front of the site.
- Storage yards are a permitted industrial activity; therefore, the proposal allows light industrial activities to be located and function efficiently within the zone (H17.2(1), H17.3(1)).
- The proposed use and development (including the retaining walls) on the site do not compromise the functionality of the zone, including via reverse sensitivity effects, as the activities proposed are common within a light industrial landscape (H17.2(2), H17.3(2), H17.3(3)).

I410 Drury South Precinct

- The area of the site zoned Business – Light Industrial is also within the Drury South sub-precinct D. The proposal is considered in alignment with the relevant objectives and policies of the Precinct for the following reasons:



- Landscape and amenity values of Drury South will be maintained under this proposal (I410.2(3) and (I410.2(4)).
- The proposed use of land will not produce inappropriate noise or air pollution (I410.2(4)).
- The proposal does not compromise the ability for a “convenient and well-designed industrial area with good quality streetscapes” from being established in the future (I410.2(5)).
- The site can be appropriately accessed and will not be detrimental to the overall safety and efficiency of the transport network (I410.2(7)).
- The proposal does not produce any significant adverse effects on existing infrastructure related to high voltage electricity, natural gas and communications (I410.2(9)).
- The stream on site will be protected from adverse effects relating to the proposed use and development on the site (I410.3(1)).
- The proposal has considered the flooding risk on the site and has produced adequate solutions to ensure floodwaters can be detained without leading to adverse effects on upstream and downstream areas (I410.3(15) & (I410.3(16)).
- No buildings are located within the floodplain on site (I410.3(18)).

H18 Future Urban Zone

- A full assessment of the proposal against the objectives and policies contained in H18 Future Urban Zone is provided below:

Objective H18.2(1) – Land is used and developed to achieve the objectives of the Rural – Rural Production Zone until it has been rezoned for urban purposes.

Policy H18.3(1) – Provide for use and development which supports the policies of Rural – Rural Production Zone unless that use and development is inconsistent with policies H18.3(2) to (6)

- The proposed use and development of the site is not considered inappropriate in the context that this land has been earmarked to pass out of productive use, therefore, the proposal is aligned to Objective H19.3.2(2).
- Whilst the vehicle storage yard and warehousing aspect of this proposal are not specifically rural industries, they are both activities that can complement and support rural activities within the surrounding environment (i.e., storage of farm equipment / vehicles).
- I note that Policy H19.3.3(3) aims to “enable the establishment of new greenhouses and the expansion of existing greenhouses in specific locations where there are advantages for



operational efficiencies, transport accessibility and the provision of energy such as natural gas supplies and services, and manage the amenity expectations of other activities in these area”.

The vehicle dismantling activity will take place within a warehouse that will ‘replace’ the existing greenhouse on the site, and an additional new warehouse is proposed on site. The structures will be of a similar size and appearance to the existing greenhouse – which is a form of development specifically enabled in the above policy. Therefore, any adverse visual effects, landscape effects or amenity effects that could potentially arise need to consider the baseline that exists on site – which includes the current greenhouse. The same can be said for the surrounding sites – there are a number of large greenhouses within the surrounding environment. Therefore, the proposed built additions to the site will not be inconsistent to the built form seen on the subject site at present and on surrounding sites.

- Overall, the proposal is not inconsistent with or contrary to Objective H18.2(1) and Policy H18.3(1).

Objective H18.2(2) – Rural activities and services are provided for to support the rural community until the land is rezoned for urban purposes.

Policy H18.3(2) – Enable activities that are reliant on the quality of the soil or require a rural location to operate or which provide for the day to day needs of the local rural community.

- The proposed vehicle dismantling facility is not specifically a rural activity, although there is the potential that it will support rural industry by providing a service for storage and/or dismantling of vehicles used for farming or other rural activities. Nevertheless, this objective does not have an explicit direction to ‘avoid’ non-urban activities like the one proposed from establishing in the zone. Therefore, the proposal is not contrary to Objective H18.2(2).
- The proposal is in alignment with Policy H18.3(2) as it does not diminish the opportunity to operate activities that are reliant on the quality of soil or require a rural location.

Objective H18.2(3) – Future urban development is not compromised by premature subdivision, use or development.

Policy H18.3(4) – Avoid subdivision that will result in the fragmentation of land and compromise future development

- The nature of the proposed activities on the site ensure that future urban development will not be compromised by the proposal. Any future development of the site will be of light



industrial character and the proposed warehousing aligns with this. Therefore, the proposal is consistent with Objective H18.2.(3).

- No fragmentation of the land will occur via subdivision, as subdivision is not proposed. Therefore, the proposal is consistent with Policy H18.3(4).

Objective H18.2(4) – Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.

- The High Court (in the *High Quality* decision) found that the Future Urban Zone does not prohibit non-rural activities. I consider that the proposed vehicle dismantling facility including warehouses and storage yard are not specifically rural, but, equally, they are not urban activities. The following factors demonstrate the activity is not urban:
 - a. The proposal does not require any public infrastructure above what already exists on the site in order, a trait that is generally at odds with an urban environment.
 - b. The proposed activities will involve hardstand and physical structures, but this does not automatically qualify it as an urban activity. The warehouse structures are not prohibited activities within a rural zone and both structures have the potential to support rural activities.
 - c. A suitable built form comparison for the warehouse structures is a large greenhouse. The proposed warehouses are both ~2000m². The existing greenhouse on the site is ~1,900m² and the site immediately south of the subject site (377 Fitzgerald Road), contains a ~3,400m² greenhouse. Other sizeable greenhouses are common in the surrounding environment. As the greenhouses demonstrate, the presence of a structure this large, which is capable of facilitating commercial activity, does not automatically result in the site being used for urban purposes.
- Given that the established rural character and amenity can be maintained, it is considered that the proposed use and development of the site is not at odds with the existing or intended environment of the FUZ.
- Additionally, the *High Quality* decision found that Policy H18.3(6) implements Objective H18.2(4) and the following is noted against each of the policy's sub-clauses:

Policy H18.3(6) – Avoid subdivision, use and development of land that may result in one or more of the following:



a) Structures and buildings of a scale and form that will hinder or prevent future development

- The warehouses will not prevent the future development of the site for light industrial purposes. If anything, the structures will support future light industrial use and development of the site given the multitude of potential uses for a warehouse of this scale.

b) Compromise the efficient and effective operation of the local and wider transport network

- The proposal will not compromise the efficient and effective operation of the local and wider transport network. The site will continue to gain suitable access via Fitzgerald Road.

c) Require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure.

- No upgrades are required to the reticulated three waters infrastructure to allow the proposal to occur. The site will utilise a private on-site wastewater system as outlined in the application.

d) Inhibit the efficient provision of infrastructure

- No additional public infrastructure is provided to facilitate the proposed activity and there is no evidence to suggest that the proposal will inhibit the efficient provision of infrastructure.

e) Give rise to reverse sensitivity effects when urban development occurs;

- In this instance, the proposed activities would not be out of place in a light industrial area and would not give rise to reverse sensitivity effects.

f) Give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure

- It has been demonstrated that the proposed activities are not sensitive to rural activities and will therefore not give rise to reverse sensitivity effects.

g) Undermine the form or nature of future urban development.

- Subdivision that could potentially fragment the site is not proposed nor is infrastructure or other development that could undermine the form or nature of future urban development. The proposed warehouses will not undermine the form or nature of future light industrial urban development on the site given development of this kind is commonplace within a light industrial site.

Policy H18.3(3) – Require subdivision, use and development to maintain and complement rural character and amenity.



- An assessment of the adverse effects of rural character and amenity was provided by Mr Pryor. Mr Pryor notes that the surrounding rural character and amenity value is low due to the established activities in the area. The brief views of the site and proposed planting on the site boundary will ensure the development maintains and complements the rural character and amenity of the area. It is important to note that while two warehouses will be introduced into the landscape, it would be viewed in the context of the existing surrounding area where large structures including greenhouses and packing houses are characteristic. Therefore, the proposal is not inconsistent with Policy H18.3(3).

Policy H18.3(5) – Prevent the establishment of more than one dwelling on a site except for the provision for minor dwellings and workers’ accommodation.

- This policy is not applicable as no residential development is proposed.

B2 Urban growth and form (Regional Policy Statement)

- The objectives and policies of the RPS that are pertinent to this proposal are contained in B2.2 Urban growth and form. The proposal is not inconsistent with the other provisions of B2 Urban growth and form and an exhaustive objectives and policies assessment is considered unnecessary, as well as detracting from the key points of this proposal.
- Objectives B2.2.1(1), (2), (3), (4), (5) and Policy B2.2.2(4) focus on the location of urban growth, asserting the importance of urbanisation occurring within the Rural Urban Boundary. As demonstrated, the proposed activities do not represent urbanisation and therefore the proposal is not considered contrary to the objectives and policy listed above.
- Policies B2.2.2(1), (2), (3), (5), (6) and (9) are not relevant considerations for this proposal.
- Policy B2.2.2(7) focus on enabling urban growth in particular locations via rezoning. As mentioned above, the proposed activity is not considered to be an urban activity or represent a form of urbanisation. It is also not proposed to re-zone the site for urban purposes within this application.
- Policy B2.2.2(8) is notable for this proposal. As the High Court noted in the *High Quality* decision, Policy B2.2.2(8) “is one of the few in B2.2 which refer expressly to land that is zoned Future Urban, although other policies in B2 are of general application”. For clarity, B2.2.2(8) is as follows:

“Enable the use of land zoned future urban within the Rural Urban Boundary or other land zoned future urban for rural activities until urban zonings are applied, provided that the subdivision, use and development does not hinder or prevent the future urban use of the land.”



- The *High Quality* decision made it clear that although rural activities are preferred in the FUZ, Policy B2.2.2(8) does not preclude non-rural activities from occurring. As the *High Quality* decision states, “B2.2.2(8) does contemplate that there may be subdivision, use and development in the Future Urban Zone provided it does not hinder or prevent the future urban use of the land”. In this case, the proposal is an acceptable activity within the FUZ, it does not propose subdivision that would fragment the land, it does not result in the degradation of soil or water, and it does not impact public infrastructure. All these factors combined mean that the proposed non-rural activities do not hinder or prevent the future urban use of the land, therefore, the proposal is consistent with Policy B2.2.2(8).

B3 Infrastructure, transport and energy

- In terms of infrastructure and energy, it is not proposed to impact the wider infrastructure or energy networks as a result of the proposal. There are no requirements for new or additional public infrastructure connections or upgrades. Therefore, the proposal is not inconsistent with provisions contained in B3.2 Infrastructure and B3.4 Energy. An exhaustive assessment of the objectives and policies would be unnecessary and detract from the key points at hand.
- In terms of B3.3 Transport, the transport effects of the proposal have been assessed at various points and the conclusions have remained the same: any adverse transport effects of the proposal will be less than minor. Furthermore, the existing transport network will be able to function safely and efficiently during (and after) the five-year consent duration.

B9 Rural environment

- The proposal does not restrict the establishment and operation of rural activities (including rural production) by generating reverse sensitivity effects as the activity is unaffected by rural effects such as noise and odour (B9.2.1(3), B9.2.1(4), B9.2.1(5), B9.2.2(2))
- The proposal does not represent an urbanisation of rural areas, as addressed above (B9.2.2(1)).

8.4 Section 104(1)(c)

Council must have regard to any other matter that it considers relevant and reasonably necessary to determine the application.



8.4.1 Drury-Opaheke Structure Plan

The proposed activity is consistent with the Drury-Opaheke Structure Plan, which envisages that future light industrial activities in the area are undertaken on generally flat pieces of land in areas zoned for future urban development. The proposed development and use of the site represents an appropriate transition between the existing rural environment and the future urban environment that will not have undue effects on amenity of character values.



9 CONCLUSION

It is therefore concluded that the resource consents can be granted by Council on a non-notified basis.

It is requested that draft conditions are shared for review prior to the issuing of the resource consents.

Please contact us should you require further information or clarification in relation to this application.



395 Fitzgerald Road, Drury

Assessment of Environmental Effects



Appendix A **Record of Title**



Job: 202407002

6 May 2025

395 Fitzgerald Road, Drury

Assessment of Environmental Effects



Appendix B **Site Plans**



Job: 202407002

6 May 2025

Appendix C **Infrastructure Report**



Appendix D **Environmental Management Plan**



Appendix E Detailed Site Investigation



Appendix F Landscape and Visual Effects Assessment



Appendix G **Transportation Assessment**



Appendix H **Warehouse Plans and Elevations**

