

Report for an application for resource consent under the Resource Management Act 1991



Discretionary activity

1. Application description

Application numbers:	BUN60449555 (Council Reference) LUC60449557 (s9 land use consent) DIS60449556 (s15 stormwater permit) DIS60451824 (Industrial or trade activity permit)
Applicant:	Taha Auto Limited
Site address:	395 Fitzgerald Road, Drury
Legal description:	Lot 3 DP 194356 (NA 123C/912)
Site area:	2.76ha
Auckland Unitary Plan (Operative in part)	
Zoning and precinct:	Business – Light Industrial zone Future Urban zone
Overlays, controls, special features, designations, etc:	Natural Resources: High-Use Aquifer Management Areas Overlay – Drury Sand Aquifer Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay – Drury Sand Aquifer Macroinvertebrate Community Index – Rural

2. Locality Plan



Figure 1 – Locality Plan (Source: Auckland Council GIS)

3. The proposal, site and locality description

Proposal

Will Clarke of Saddleback Planning Ltd has provided a description of the proposal on pages 11-13 of the Assessment of Environmental Effects (AEE) titled: *“Application for land use consent for vehicle dismantling facility, associated earthworks and stormwater management,”* dated 6 May 2025.

The AEE was later amended as part of a partial response to Council’s s92 letter on 18 August 2025. The AEE has not been amended since the 18 August response to include changes to the landscaping plan and responses to the recommendations of mana whenua.

The following is a summary of the key aspects of the proposal:

- The proposal involves establishing two warehouses (each 2000m² in size) for a vehicle dismantling, storage and warehouse activity. One warehouse will contain the vehicle dismantling activity and the other will be used for storage purposes, with the remainder of the site laid with hardfill for vehicles to be stored.
- Vehicles will be brought to site and manually dismantled by no more than 5 staff. Machinery such as crushers will not be used in the process.
- Dismantling will involve draining fluids (such as coolants and fluids). Coolants and fluids will be stored in 1m³ containers in dedicated storage areas.

- Removed items will be sold onsite or online or placed within shipping containers for export. This includes engines and other parts.
- Access will be obtained from Fitzgerald Road via the existing vehicle crossing and driveway, which will be upgraded to provide two-way access. (Formed width of 5.5m measured at the boundary). Parking, loading, and circulation space within the site will be unsealed / gravelled.
- The applicant's transportation consultant anticipates that the activity may generate up to 30 vehicle movements during the busiest hour of a typical working day, accounting for both staff and visitor activity.
- To mitigate the effect of increased run-off, an attenuation system has been designed to limit peak flows during 2, 10, and 100-year flood events and to meet Stormwater Management Area Flow 1 (SMAF) hydrological requirements. This will involve building a bund around the platform to capture runoff and release it at a controlled rate via a pipe outlet and weir arrangement. Stormwater will discharge via two outlet structures being an outlet structure to the watercourse that flows along the southern / rear boundary of the site, and an outlet structure adjacent to the proposed vehicle crossing, discharging to the swale that runs alongside the Fitzgerald Road carriageway. The proposed swales will also provide stormwater treatment.
- Earthworks are proposed over an area of 26,255m² with a total volume of 23,248m³ to create level outdoor storage areas and building platforms. This includes 14,605m³ of cut and 8,823m³ of fill. These works necessitate the construction of retaining walls along the eastern and western (side) boundaries and the Fitzgerald Road boundary of up to 2.5m in height above natural ground level. (A retaining wall of up to 2.5m in height will be located along the eastern boundary and a retaining wall of up to 2.3m in height is proposed along the western boundary).
- Planted batters are proposed within the riparian margin of the watercourse at the rear of the site and along the Fitzgerald Road boundary. Screen planting is proposed alongside the retaining walls.
- Two colour steel, gable-ended warehouse buildings are proposed. Both buildings will have a floor area of 2,016m² (63m x 32m) and maximum height of 7.9m to the pitch of the roof. 6m wide awnings / verandas are proposed on the main elevations of each building. No specific colour is proposed for the exterior of the warehouse buildings.

The following are key details of the proposal arising in response to Council's s92 requests for further information:

Earthworks and Enabling Works

- The application was amended to include E11.4.1(A9) as a reason for consent on 19 August 2025.
- Erosion and sediment control was modified on 18 August 2025 to address the concerns of Council's Consultant Earthworks Specialist (Steve Bryant).

General

- The proposed hours of operation are between Monday to Saturday, 8am to 5pm.
- Vehicles will not be stacked more than two vehicles high.
- A black wire-mesh fence is proposed around the boundary of the site. A black wire-mesh mesh gate is proposed at the site entrance to match the fence.
- The planting plan was updated and supplied on 27 August 2025.

Truck and vehicle movements

- The applicant has confirmed that there will be hourly truck movements, as follows: 1 x medium-sized service vehicle; 1 x heavy-sized service vehicle. There will be an LPG forklift and front loader used on site. A compressor will be used occasionally indoors to attenuate noise.
- Online sales will generally be transported off site. The applicant has not ruled out the possibility that customers will visit the site to pick-up goods in person. No car parking spaces, and designated loading spaces will be provided. However, on 26 September 2025, the applicant confirmed that the gate would be always closed to prevent casual pick-ups / drop-offs from occurring.
- Vehicles will arrive on site (by truck) intact and then will be manually dismantled on site. Vehicle parts will not be transported to the site.

Hazardous substances

- Petrol / fuel will be removed from vehicles within the workshop and transferred to a 20L jerry can, prior to being transferred to a staff vehicle. No more than 50L of fuel will be stored on site at any one time. Oil and coolant will also be stored in one of two 1m³ containers within a dedicated part of the warehouse.
- No wash water will be generated. Parts will be cleaned out with damp rags prior to discharge, if required.

Wastewater system

- A Hynds Lifestyle aerated treatment device followed by UV sterilisation will be installed to treat wastewater generated by the staff facilities (e.g. bathroom). The system involves installing a wastewater dripper field with an area of 200m² and a reserve area of 100m².

Landscape planting

- The applicant has confirmed that the planting is estimated to take about 5 years to establish to a height that would screen the retaining walls.
- The applicant has confirmed that they would need to access planted areas on adjacent landholdings to maintain the planting at the base of the retaining wall. The applicant has not provided written approval in principle from adjacent landholders to maintain mitigation planting.

Site and surrounding environment description

Will Clarke of Saddleback Planning Ltd has provided a description of the subject site and the surrounding environment on pages 6-11 of the Assessment of Environmental Effects (AEE) titled: *“Application for land use consent for vehicle dismantling facility, associated earthworks and stormwater management,”* updated on 18 August 2025 (Revision B).

Having undertaken a site visit on 26 May 2025, I concur with that description of the site and surrounding environment, and consider the following aspects as being particularly relevant to my assessment:

- Much of the site is zoned *“Future Urban”* under the AUP(OP), with only a small area of land along the Fitzgerald Road frontage being zoned *“Business – Light Industry.”* The Adopted Drury-Opaheke Structure Plan 2019 (Structure Plan) identifies that Business – Light Industry (or similar) would be an appropriate zoning for the site when it is rezoned as part of a future plan change.
- The surrounding environment is in transition from rural to urban, with significant industrial development either underway or recently completed to the south of the site. Land immediately to the north of the site has an operative *“Residential – Mixed Housing Urban”* zoning and land to the south and east is zoned *“Business – Light Industrial.”* In this regard, I agree with the agent that the site forms part of a “thin wedge” of land that is zoned Future Urban in between land that is zoned for urban purposes. Land to the west is zoned Future Urban.
- As shown on the Locality Plan, bulk earthworks are being undertaken on the adjacent 411 Fitzgerald Road. While zoned for Business – Light Industrial purposes, this site is also within the Drury South – Precinct and has been identified for stormwater management and recreation purposes.
- The site was previously used for horticultural purposes and contains a standalone dwelling and a disused / derelict greenhouse. The greenhouse was a requirement of consent notice D372034.2, however Council recently granted consent to cancel that requirement as it applies to the site (referenced: VCN70025543)¹.
- Consent Notice D372034.2 also referred to minimum habitable floor levels and foundation recommendations in a geotechnical report. These matters are not affected by VCN70025543.
- There are no other legal instruments that are registered on the Record of Title that are relevant to this resource consent application. Land Covenant ‘Z’ relates appears to relate to the dwelling and ‘curtilage’ area of the dwelling. In my experience, such covenants applied to manage the location of residential dwellings and to assess / manage related potential adverse effects on rural character when the land was subdivided. The Oaonui-Auckland pipeline, referred to on the Record of Title, is a significant distance from the site².

¹ Council granted VCN70025543 on 24 June 2025.

² As confirmed by email from Malcolm Todd of Babingtons, titled *“Re: 395 Fitzgerald Road,”* dated 16 July 2025.

- Some parts of the site are located within the 1% AEP floodplain. This includes a small land area in the northwest corner of the site and land south of the greenhouse in the vicinity of the small stream that runs along the southern boundary of the site. There is very limited vegetation within the stream margin / riparian areas³.
- Access to the dwelling and greenhouse is obtained from Fitzgerald Road via a sealed vehicle crossing, which is located at a natural low point in the northwest corner of the site, less than 5m from the vehicle crossing that serves 359 and 377 Fitzgerald Road. 359 and 377 Fitzgerald Road are rural properties that are located immediately to the south of the site, on the opposite side of the stream.
- Land immediately to the west of the site (341 Fitzgerald Road), appears to be currently used for rural / rural residential purposes, but the land is zoned Future Urban. While the two-storeyed dwelling on 341 Fitzgerald Road appears to be close to the boundary of the subject site, the property boundary is on the western side of the driveway that serves 359 and 377 Fitzgerald Road. The dwelling is setback approximately a further 15m from the legal boundary of the driveway, when measured from Auckland Council's GIS viewer. This means that dwelling at 341 Fitzgerald Road is approximately 22m from the western boundary of the subject site, when measured from Auckland Council's GIS viewer.

³ This is clearly shown in the aerial photograph provided in Figure 4 of the applicant's AEE.

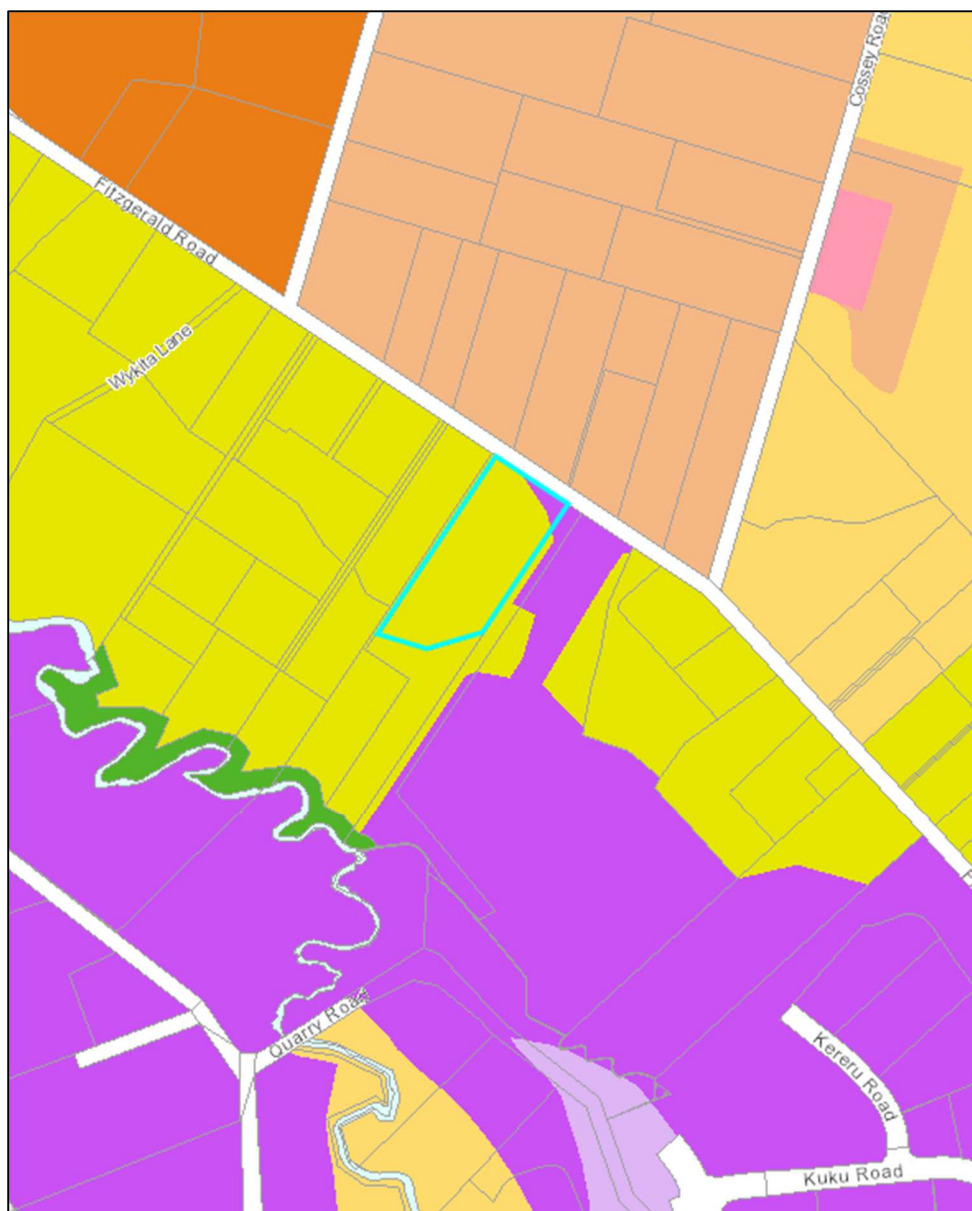


Figure 1: AUP(OP) Operative zoning maps. The application site is defined by the light blue lines.

4. Background

Specialist Input

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

- Dr. Arsini Hanna – Senior Stormwater and Industrial or Trade Activity Specialist
- Gabrielle Howdle – Principal Landscape Architect
- Steve Bryant – Consultant Earthworks Specialist
- Matt Richardson – Senior Specialist - Wastewater
- Varusha Pandian – Senior Development Engineer
- Louis Boamponsem – Senior Specialist – Contamination, Air and Noise (Air discharge)
- Andrew Gordon – Senior Specialist – Contamination, Air and Noise (Acoustic)
- Sharon Tang – Senior Specialist – Contamination, Air and Noise (Contaminated soils)

- Katrina David - Senior Policy Planner

Franklin Local Board

The Resource Consent Lead for the Franklin Local Board (Amanda Hopkins) provided feedback on the application on 30 May 2025. Her comments are as follows:

“The Board would like this application publicly notified for the following reasons:

- 1. The site is in close proximity to residential houses to the north, the Kiwi Property retail development and planned residential developments.*
- 2. The site is near waterways in close proximity to the Manukau Harbour.*
- 3. Car dismantling and storage is an industrial activity that could cause significant damage to the environment if a contamination event occurs – fire or spillage, especially when dealing with metal, lithium batteries, tyres etc.*

In more detail:

- ***The proximity of the waterway and the fact that the short distance to the Manukau Harbour makes it difficult to manage any unplanned contamination before it enters the harbour.***

Response: The potential for the activity, earthworks, and related discharges has been considered in this assessment and by Council Specialists. It is concluded that the effects on the watercourse can be managed, and the proposal will have a less than minor adverse effect on water quality.

- ***The waterway is part of a planned open space network in the Kiwi Property retail development and as such will allow direct access for the community, having industrial businesses with this amount of risk is inconsistent with the environmental outcomes being pursued in this part of Drury.***

Response: The stream that delineates the southern boundary of the site is identified as requiring a riparian margin in Figure 1 of the Structure Plan and therefore could become part of the wider open space network.

The riparian margin is not currently zoned for open space purposes – that land is within the Future Urban zone.

The Local Board representative could have been referring to the larger watercourse, that is located more than 200m south of the stream that forms the southern boundary of the application site or the Drury South development on 411 Fitzgerald Road.

The riparian margin along the northern bank for that watercourse that is more than 200m to the south of the site is zoned Open Space - Informal Recreation and the southern bank has an operative zoning of Business – Light Industrial zone. The land either side of the river is also subject to the Drury South Precinct – Sub-Precinct D, and Precinct plan 1 (I410.10.1) shows that “recreational circulation” is desirable alongside this watercourse.

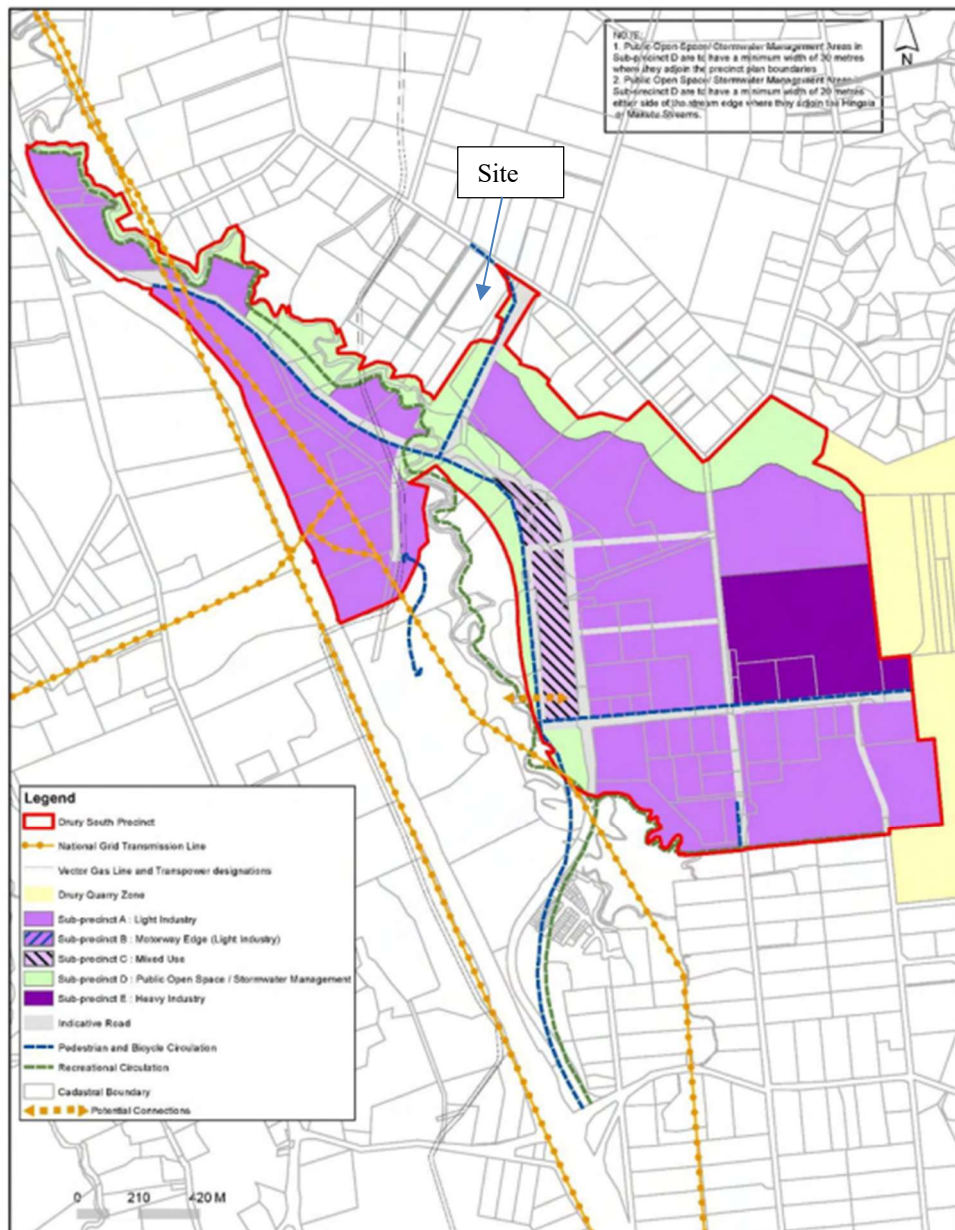


Figure 2: Drury Precinct Plan 1 (I410.10.1) with the location of the site annotated.

Precinct Plan 1 also shows that a separate pedestrian and cycling route is desirable on the adjacent site at 411 Fitzgerald Road (also within Drury South Precinct – Sub-Precinct D). While this land is partially zoned Business – Light Industrial, the Precinct Description (I10.1) states that the purpose of sub-precinct D is to provide for open space / stormwater management functions and will be rezoned for open space purposes once the extent of land needed for stormwater management purposes has been determined through detailed design.

The pathway is “indicatively” shown as being located through the centre of 411 Fitzgerald Road and cutting across the north-east corner of the subject site. (This aligns with the partial industrial zoning of the application site). The pathway has not been designated.

The note on the Precinct Plan 1 states that the open space requirement of the Drury South Precinct is to have a minimum width of 30m where the land adjoins a precinct boundary.

The visual amenity related effects of the proposal, from this land, have been considered in this report.

- ***With the demonstrated fire risk and difficulty to contain for FENZ due to fuel types, there is significant risk to planned residential developments within close proximity to the north of the property. Thought must be given to the fact that within this area the prevailing wind is from the south west meaning any fire would create huge risk to that residential area and conversely with proximity to SH1 to the south west, if there was a fire with a northerly wind (the other main wind direction) there would be significant impacts on the highway which is the primary road in and out of Auckland.***

Response: This matter was considered in the applicant’s s92 response and amended AEE. Small quantities of fuel will be stored on site and will be appropriately managed to mitigate the potential for high impact, low probability effect.

Mana whenua engagement

The applicant requested that Council engage mana whenua with an interest in the application / application site on their behalf. Accordingly, the Council’s Cultural Facilitation Service circulated a copy of the application to the following mana whenua groups on 27 May 2025 for feedback:

- Ngāi Tai Ki Tāmaki
- Ngāti Tamaoho
- Te Ākitai Waiohū
- Te Ahiwaru Waiohū
- Ngāti Te Ata Waiohū
- Ngāti Maru
- Waikato-Tainui

- Ngāti Whanaunga

Responses were received from the following mana whenua groups, within the 15 working day timeframe:

- Ngāti Tamaoho
- Ngāti Te Ata Waiohua
- Ngāti Whanaunga
- Te Aakitai Waiohua

Ngāti Tamaoho, Ngāti Te Ata Waiohua and Ngāti Whanaunga requested site meetings / further engagement. Feedback and a response to any recommendations was requested under s92.

Ngāti Tamaoho

Ngāti Tamaoho's RMA Technical Officer, Lucille Rutherford, visited the site (hui) and indicated that the site is located in an area that is culturally sensitive to Ngāti Tamaoho, and also indicated that there is a possibility of cultural areas being exposed.

Lucille Rutherford made the following recommendations:

- Site blessing prior to works commencing.
- Cultural induction for contractors with at least one-week prior notice to Ngati Tamaoho.
- Cultural monitoring of earthworks especially around the watercourse.
- Vegetated swales to be constructed with low growing native plantings (not grassed swales).
- Organic flocculation to be used and not chemical PAC.
- A 20m riparian native planted buffer with locally sourced plants (whakapapa).
- A small concrete bund around the buildings being used for demolition to ensure any contaminants spilt cannot reach the outside area.
- The silt pond at the rear of the property is moved further away from the watercourse.
- Only rock rip rap to be used, no gabion baskets or reno mattresses.

The applicant confirmed in their s92 response that these recommendations have been adopted, as summarised below:

- The applicant has offered a condition requiring a vegetation swale instead of a grassed swale but notes that grasses are more effective to treat stormwater. Native grasses are proposed within the swale, which is assumed to be the intent of the condition. (Lucie Rutherford later confirmed that this outcome was acceptable in an email dated 6 October 2025).
- A 15.3m-17m wide buffer is proposed with native planting next to the stream, not the 20m wide buffer that has been recommended. The planting includes screen planting.

- The applicant has not acted upon the recommendation to move the sediment control pond away from the watercourse. This is because it is the most appropriate location from the sediment control pond, being at the lowest elevation.

Ngāti Tamaoho have, through an email prepared by Lucille Rutherford on 10 October 2025, agreed with the applicant's response to their recommendations.

Ngāti Te Ata Waiohua

Ngāti Te Ata Waiohua Kaimahi Officer, David Fraser, visited the site (hui) on 5 September 2025 and prepared an Onsite Report, which the applicant provided to Council on 25 September 2025.

The Kaimahi Officer did not raise any significant issues or identify any unidentified / registered sites of significance to mana whenua. Mr. Fraser made the following recommendations on behalf of Ngāti Te Ata Waiohua:

- Sediment retention measures to achieve best-practice methods (such as Council's GD05).
- Ensure that fill is 'clean' (i.e. not containing elevated levels of contaminants).
- Pest vegetation species are removed from the site.
- Planting within the riparian 'buffer' area comprises of appropriate native species.
- Implement / adopt an archaeological discovery protocol.
- Engage Ngāti Te Ata Waiohua if the applicant seeks any other related applications.

The applicant confirmed in their s92 response that these recommendations have been adopted.

Ngāti Te Ata Waiohua have, through an email prepared by Karl Flavall on 8 October 2025, agreed with the applicant's response to their recommendations.

Te Aakitai Waiohua

Te Aakitai Waiohua representative Jeff Lee wrote an email to Council on 1 September 2025 that confirms that the applicant has undertaken meaningful consultation with Te Aakitai Waiohua and does not oppose the application proposal, provided that the following recommendations are offered as conditions of consent:

- A cultural monitoring condition which can incorporate any accidental discovery protocols.
- A cultural induction condition (prior to commencement of any earthworks).
- A blessing condition (prior to commencement of any earthworks).
- The proposed grassed swale is replaced with a bio retention swale which consist of dense native plantings. This will ensure that stormwater a better stormwater quality treatment standard is achieved.

The applicant's agent (Joe Clark) wrote an email to Council on 1 September 2025 confirming that the above recommendations are accepted and offered as conditions of consent.

Ngāti Whanaunga

Michael Baker of Ngāti Whanaunga requested a site visit on 28 May 2025 and advised the applicant of the associated costs. The applicant's agent provided Council with copies of emails sent on 29 May 2025 and 4 September 2025 that state that the applicant agreed to site visit related costs. The supplied emails indicate that there have been repeated attempts to engage Ngāti Whanaunga, and provide an opportunity for dialogue / feedback, however their feedback has not been forthcoming.

In the absence of a site visit being arranged or feedback being provided, the applicant undertook their own assessment of the proposal against the publicly accessible 'Environmental Management Plan' prepared by Ngāti Whanaunga. A copy of this assessment was sent to Michael Baker of Ngāti Whanaunga on 25 September 2025. The applicant advises that as at the time of writing this report, no feedback had been provided.

The applicant concludes that the activity and development will be undertaken in a manner that is in accordance with the Environmental Management Plan.

Wastewater – Permitted activity compliance check

Page 14 of the AEE states that the proposal would comply with the permitted activity standards that apply for on-site and small-scale wastewater treatment and disposal facilities under Part E5 of the AUP(OP).

Council's Senior Specialist – Wastewater (Matt Richardson) has confirmed by email dated 3 September 2025 that the proposed onsite wastewater system would comply with Auckland Council's Technical Publication 58 (TP58) and permitted activity standard E5.6.2.1. Accordingly, the proposed discharge from the onsite system complies with rule E5.4.1(A1).

Discharge of contaminants – Permitted activity compliance check

Page 14 of the AEE states that the proposal would comply with the permitted activity standards that apply to disturb contaminants under Part E30 of the AUP(OP).

Council's Senior Specialist – Contamination, Air and Noise Team (Sharon Tang) has confirmed by email dated 23 May 2025 that the earthworks (i.e. the disturbance of contaminated soil), are assessed as a permitted activity under Part E30 of the AUP(OP).

Air discharge – Permitted activity compliance check

Council's Senior Specialist – Contamination, Air and Noise Team (Louis Boamponsem) confirmed on 8 September 2025 that the potential discharges to air from the operation of the activity would meet the permitted activity standards of Part E14 of the AUP(OP).

Noise – Permitted activity compliance check

Section of the AEE states that the proposal does not require resource consent under Part E25 of the AUP(OP).

Council's Senior Specialist (Andrew Gordon) has confirmed by email dated 25 August 2025 that the activity can be undertaken in a manner that complies with the acoustic and vibration standards that apply under Part E25 of the AUP(OP).

Adopted Drury-Opaheke Structure Plan 2019 (Structure Plan)

As most of the site is zoned for Future Urban purposes, the Structure Plan is a relevant document in terms indicating the policy direction that Auckland Council will take when the land is rezoned.

Figure 1 of the Structure Plan (Figure 3 in this report) indicates that the application site and the land immediately to the south and west of the application site, may be rezoned to “Business – Light Industrial.”

As noted by the agent on Page 33 of the AEE, while the objectives and policies of the Future Urban zone prefer the use of the land for rural activities until it is rezoned for urban purposes, the objectives and policies do not prohibit non-rural activities from occurring until such time. It is in this context, being a dynamic rural environment that is located on the edge of a zoned urban environment, of which surrounding rural sites are in transition to an urban use that the application has been assessed.

I concur with the agent that urbanisation is inevitable, given that the land is sandwiched in between live-zoned residential and industrial land. The uncertainty lies in the timing of the rezoning and the weight that should be placed on the Structure Plan’s indicative industrial land use zoning.

The Auckland Council Future Development Strategy (FDS) indicates that the land will not be “*development ready*” before 2035. Large-scale three water infrastructure and transport projects are listed as being required prior to the land being development ready. This means that the land is likely to be rezoned 26+ years from when the Structure Plan was adopted.

Accordingly, for the purposes of assessing character and amenity related effects under s95A-E of the RMA, I have placed limited weight on the industrial zoning indicated by the Structure Plan.



Figure 3 – Extract from Figure 1 of the Adopted Drury Opaheke Structure Plan 2019.

Drury South – Sub-precinct D

As stated earlier in this report, the adjacent property at 411 Fitzgerald Road is mostly zoned Business – Light Industrial. However, this is somewhat misleading as the site is also subject to the Drury South – sub-precinct D provisions, which defaults to the Open Space – Information Recreation provisions (rule I410.4.5 A(A34)). This means that at this time, any industrial activity on 411 Fitzgerald Road would require resource consent for a non-complying activity. Furthermore, the Precinct Description states that the land used for stormwater management purposes will be rezoned to Open Space – Information Recreation in future.

This approach suggests that the exact location and extent of land required for stormwater management purposes will be ascertained through a more detailed design process, which means that some of the land that is not required for stormwater management purposes may retain Business – Light Industrial zoning.

Resource consent BUN60449555 (granted 15 December 2017), pertains to a bulk earthwork application on 411 Fitzgerald Road, which is underway and visible on Google Earth aerial photographs. This resource consent did not include the formation of wetlands, which will be included as part of a future resource consent application to subdivide the land into super lots.

Mill Road Corridor

Stage 3 of the Mill Road Corridor is a listed project in Schedule 2 of the Fast Track Approvals Act 2024 (referenced: FTAA#196). The road corridor has not been designated and the route through Drury has not been determined.

The Ministry for the Environment website relating to FTAA#196 provides an indicative route along Drury Hills Road to the east of the application site, connecting to a new interchange on the SH1 motorway. This follows one of the routes shown on the Structure Plan, avoiding the aforementioned land at 411 Fitzgerald Road, which will be utilised for stormwater management purposes, as per the Drury South – Sub-precinct D provisions.

Potential of a private plan change

The applicant's agent indicated on the telephone on 9 October 2025 that he had been instructed by to prepare a Private Plan Change request to rezone the application site to "*Business – Light Industrial*." The applicant also advised in an email dated 10 October 2025 that they will be pursuing the private plan change application in parallel with the resource consent application.

AUP(OP) definition of "building"

The definition of "building" in Part J of the AUP(OP) includes the following elements of the proposal:

- The sections of the proposed retaining walls that are within 1.5m of a public space.
- Retaining walls located within the front yard.
- Fences and walls that are over 2.5m in height.
- Stacked materials that over 2m in height.

The definition of “building” is also linked to the definition of “height” in the AUP(OP), which determines that height is calculated using the rolling height method from natural ground level at the time of subdivision.

In this instance, filling is proposed above natural ground level along a small section of the western boundary and along the southern and eastern boundaries. (Most of the site involves cuts). Wire mesh fences (2.0m in height) are proposed above the retaining walls, which have been added to the total height of the “building” for the purposes of determining the yard setback infringements.

The applicant has proposed to manage stacked vehicles so that they do not exceed 2.0m in height above finished ground levels (which may exceed 4m in height above natural ground level in the vicinity of the western and eastern boundaries).

5. Reasons for the application

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60449557

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

E12 – Land disturbance – District

- To undertake general earthworks of 26,255m² and 23,248 m³, as the earthworks are greater than 2,500 m² and 2,500m³ in a Future Urban zone, is a restricted discretionary activity under rules E.12.4.1(A6) and (A10) respectively.
- Earthworks that do not comply with the following standards require resource consent for a restricted discretionary activity under rule 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 Standard 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 establishing parking and vehicle access that does not meet the following standard and requires resource consent for 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 Standard E27.6.3.6.

E31 – Hazardous substances

- The proposal involves an aggregate quantity of hazardous substances (diesel, petrol, oil, coolants) classified 6.3-6.9 that exceeds the permitted threshold specified in E31.4.3(A101), which requires resource consent for a discretionary activity under rule E31.4.1(A7).

E36 – Natural hazards

- The proposal involves establishing retaining walls that are defined as a building under Part J of the AUP(OP) because they are greater than 1.5m in height. These retaining walls require resource consent for a restricted discretionary activity under rule C1.9(2):
 - The retaining walls do not meet Standard E36.6.1.9 on the eastern and western side boundary because they will be located where flood waters are expected to exceed 300mm above ground level.

H17 – Business – Light Industry zone

- The proposal involves establishing retaining walls that are defined as a building under Part J of the AUP(OP), which are located within 1.5m of the road / front boundary and infringe the minimum yard setback of 2m that applies under standard H17.6.4. This requires resource consent for a restricted discretionary activity under rule C1.9(2).

H18 – Future Urban zone

- To establish a vehicle dismantling facility which is not provided for under rule H18.4.1 requires resource consent for a discretionary activity under rule C1.7(1).
- The proposal involves establishing two buildings and retaining walls that are defined as “buildings” under Part J of the AUP(OP). This requires resource consent for a discretionary activity because under rule H18.4.1(A2) the same activity status applies to the new building that applies to the land use activity.
- The proposal involves establishing retaining walls that are more than 1.5m in height and retaining walls with security fencing on top that have a combined height of more than 2.5m, which are defined as a building under Part J of the AUP(OP), which infringe the minimum yard setback of 12m that applies under Standard H18.6.3. This requires resource consent for a restricted discretionary activity under rule C1.9(2).

Regional land use (operative plan provisions)

E11 – Land disturbance - Regional

- To undertake general earthworks of 26,255m² require resource consent for a restricted discretionary activity under rules E.11.4.1(A9) because earthworks will be undertaken over a contiguous land area that exceeds 2,500m², and these works will be undertaken within a Sediment Control Protection Area.

Stormwater discharge consent (s15) –DIS60449556

- 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 (actual area of proposal impervious

surfaces, being 2,3150m²). Therefore, it is a discretionary activity under rule E8.4.1(A10).

Industrial trade activity (s15) – DIS60451824

- Automotive dismantling activities of any size is classified as a high-risk activity under Table E33.4.3 and therefore resource consent is required for the following reasons:
 - Any new industrial trade activity that is listed as 'high risk' under Table E33.4.3 requires resource consent for a controlled activity under rule E33.4.1(A8).
 - The discharge of contaminants from a new industrial trade activity area listed as high risk in Table E33.4.3 is a discretionary activity under rule E33.4.2(A24).

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

- Resource consent is required for a restricted discretionary activity under Regulation 10(2) of the NEC:SC to disturb soil that may contain elevated levels of contaminants, over a land area of 2.7679ha, when a Detail Site Investigation (DSI) has been prepared.

The reasons for consent are considered together as a discretionary activity overall.

6. Status of the resource consents

Where a proposal:

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

the activities may be considered together.

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

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

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

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

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a))

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

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

The application is not precluded from public notification as:

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

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

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

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

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

The agent has provided, in accordance with schedule 4 of the RMA, an assessment of adverse environmental effects in such detail as corresponds with the scale and significance of the effects that the activities may have on the environment. This can be found on pages 17-26 of the AEE.

I concur with this assessment.

The AEE concludes that:

Adjacent land

I agree with the applicant's assessment of "*adjacent land*" for the purposes of Section 95A-95D in section 6.3 of the AEE. The adjacent properties are:

- 334, 360 and 380 Fitzgerald Road - all to the north of the application site, on the opposite side of Fitzgerald Road.
- 335, 341 and 359 Fitzgerald Road – land to the west of the application site. (I note that the portion of 359 Fitzgerald Road that is adjacent to the site is an access strip. 335 and 341 Fitzgerald Road is separated from the application site by the access strip).
- 377 Fitzgerald Road – land immediately to the south of the application site, on the opposite side of the watercourse that forms the southern boundary of the application site.

- Section 10 SO 543175 and 411 Fitzgerald Road – land immediately to the east of the application site.

Written approvals

It is acknowledged that the applicant has not provided the written approval of any persons who own and occupy the adjacent land at:

- 411 Fitzgerald Road (large property immediately to the east and southeast of the site).
- 334, 360, 368 and 380 Fitzgerald Road (properties immediately to the north of the site).
- 335, 341 and 359 Fitzgerald Road (properties immediately to the west of the site).

377 Fitzgerald Road (immediately to the south of the site), is owned by Ngati Tamoho, who have confirmed that the land is currently unoccupied.

While Ngati Tamaoho have provided support for the proposal, it is in the capacity as mana whenua, not as a landowner or occupant. They have not provided a signed written approval form. Therefore, I have been unable to treat their email of support (dated 23 September 2025) as a written approval.

Permitted baseline

I concur with the agent that in this instance, the permitted baseline is not useful to consider as any activity of similar scale would require resource consent.

While I note the greenhouses and buildings ancillary to farming activities (e.g. storage sheds) are permitted activities under the AUP(OP) and that there is no maximum no building coverage standard in the Future Urban zone that applies, I note that earthworks would be required to create a level building platform to establish greenhouses or farming sheds of a scale that is comparable to the proposed development.

The part of the site that is zoned Business – Light Industrial zone is very small and has an irregular / triangular shape. As such, there is no useful permitted baseline that can be applied with respect to the portion of the site that is zoned Business – Light Industrial.

Receiving Environment

A resource consent application for bulk earthworks is progressing at 411 Fitzgerald Road (BUN60449555). This consent covers bulk earthworks and does not cover or detail any associated works pertaining to sub-precinct D.

I note that the applicant has obtained consent to cancel consent notice D372034.2 that required that the existing greenhouse is maintained on the application site (referenced: VCN70025543).

I concur with the agent the surrounding area is in transition from rural land use to urban land uses, with nearby land zoned for industrial purposes and land opposite the site being zoned for residential purposes. Therefore, the existing rural character of the locality is expected to change as these landholdings are developed and used in a manner that is enabled by the operative zoning.

Despite this expected change in character, there are very few permitted activities in the Future Urban zone and therefore the landholdings zoned for Future Urban purposes will have elements of a rural character until at least 2035 when the land is to become “development ready” under

the FDS. The expectation is that land within the Future Urban zone will be utilised for rural purposes until such time as it has been rezoned (e.g. Objective H18.2(1)).

Infrastructure related adverse effects

The activity will be serviced on site and will not require extensions to existing or new reticulated services. Accordingly, I consider that the proposal will have a less than minor adverse effect on capacity and performance of public infrastructure.

Flooding and stormwater effects

Relying on the expertise of Council's Development Engineer (Varusha Pandian), I concur that the proposal will have a less than minor adverse effect on the 1% AEP floodplain, in terms of the extent, frequency, or intensity of the flood risk.

In this regard, I note that the warehouses and outdoor storage area will be located outside of the 1%AEP floodplain, as indicated on the Auckland Council GIS viewer, which are at the rear of the site (near the tributary) and the front of the site (near Fitzgerald Road). The buildings and the storage yard will be located at RL 18.5, which is above the flood level for a 100-year storm event (RL 16).

As it is noted that earthworks (filling) will be undertaken at the edges of the 1% AEP floodplain, and the size of the 1%AEP floodplain to the south of the site, Council's Development Engineer concurs with the Babbage Report conclusions that the proposed earthworks will have a less minor adverse effect in terms of the dispersal of floodwaters.

Relying on the expertise of Council's Senior Stormwater and Industrial or Trade Activity Specialist (Dr. Arsini Hanna) and Council's Development Engineer, it is considered that the effects of increased runoff from the proposed impervious surface areas can be managed through the proposed detention basins within the site.

Potential adverse effects on the downstream environment (e.g. erosion) will be managed by throttling the slow release of detained water.

Overall, it is considered that the proposal will have a less than minor adverse effect on flooding.

Effects on water quality from the operation of the activity

I acknowledge that the proposed activity has the potential to convey contaminants into the receiving environment, if not properly managed. This includes the transfer, storage and spilling of contaminants.

In this regard, I note the relatively small quantities of contaminants that will be stored on site, the proposed physical mitigation measures (swale and detention pond), and the management procedures outlined in the Environmental Management Plan (EMP). This includes staff training requirements and spill response measures.

I have relied on the expertise of Council's Senior Stormwater and Industrial or Trade Activity Specialist (Dr. Arsini Hanna) and consider that the potential adverse effects on water quality arising from the operation of the activity will be less than minor.

As previously noted, the onsite wastewater discharge to land from the small-scale septic system is a permitted activity and accordingly these potential adverse effects on water quality have been disregarded.

Effects on water quality from the earthworks

I acknowledge that the scale and extent of the proposed earthworks have the capacity to generate waterborne sediment that can adversely affect the downstream freshwater and marine environments if not mitigated. In this respect, I acknowledge that the earthworks will be undertaken in the vicinity of a watercourse.

I have relied on the expertise of Council's Consultant Earthworks Specialist (Steve Bryant), who considers the proposed erosion and sediment control measures to be appropriate. This includes two sediment retention ponds, dirty water diversions, chemical treatment of the sediment retention pond, silt fences, and a stabilised site entrance in accordance with GD05.

The applicant revised the erosion and sediment control methodology during the application process to undertake a cut and cover methodology in the vicinity of the stream, with silt fences deployed as a back-up measure. This satisfies Mr. Bryant's concerns that the silt fences would be inadequate on their own, given the proximity of earthworks to the stream.

Mr. Bryant states in section 4.4 of his assessment:

"The term Cut & Cover means that when earthworks is undertaken, that the exposed ground will be rapidly covered with stabilised material, generally with hay mulch, aggregate or geotextile cloth. The methodology describing Cut & Cover is detailed in GD05 (G3.1.1) and is considered an appropriate methodology for the proposed embankment earthworks operations. GD05 recommends that all exposed areas are stabilised on a daily basis. As such, provided this methodology is undertaken in accordance with GD05 the proposed 'Cut and Cover' approach with SFs as a backup control is considered appropriate."

I have relied upon Mr. Bryant's expertise and consider that the potential adverse effects of the proposed earthworks on water quality can be mitigated and will be less than minor.

Effects on land stability from the earthworks

Council's Development Engineer (Varusha Pandian) has not raised any concerns relating to the earthworks undermining land.

In this regard, it is noted that the applicant has not provided a geotechnical report or provided an assessment in the AEE. However, the site is not identified as being subject to instability issues and most of the excavations are proposed in the centre of the application site, away from property boundaries. The most significant excavations (up to 2.0m in depth), will occur within the centre of the application site, away from the property boundary. Most of the earthworks proposed within the vicinity of the property boundary comprise of fill, with the most significant areas of fill being stabilised by retaining walls.

It is therefore considered that potential instability related adverse effects can be mitigated and will be less than minor.

Potential adverse effects of construction traffic

I anticipate that traffic movements that are associated with the earthworks / enabling works will be of a short duration and can be safely accommodated within the road network, given that the applicant's traffic engineer considers that HCV movements from the operation of the activity will

have a less than minor adverse effect on the safe and efficient performance of Fitzgerald Road, provided that the vehicle crossing is upgraded as per the recommendations of Don McKenzie Consulting.

In this regard, I acknowledge that the applicant will widen the entrance prior to the construction phase to provide for safe, two-way truck movements onto the site from Fitzgerald Road⁴.

Potential air discharge related adverse effects

I have relied upon the expertise of Council's Senior Specialist (Louis Boamponsem), who concurs with the agent that the proposed vehicle dismantling activity will have less than minor adverse air quality effects and the odour mitigation measures are appropriate and consistent with industry best practice.

Therefore, the potential air discharge related adverse effects of proposed activity will be less than minor.

Adverse effects arising from the disturbance of potentially contaminated land

Relying on the expertise of Council's Senior Specialist – Contamination, Air and Noise Team (Sharon Tang), I concur with the agent that the potential adverse effects of disturbing potentially contaminated land will be less than minor.

The applicant has provided a Detailed Site Investigation (DSI) that confirms that the site is a 'HAIL' site, as the site has been used for horticultural activities. The DSI included soil sampling, which confirmed that the results were under background levels or within laboratory reporting limits.

Traffic effects

The application documents are supported by a Transportation Assessment that has been prepared by Don McKenzie. This report concludes that the proposal will have a less than minor adverse effect on the safe and efficient functioning of Fitzgerald Road, for reasons that include:

- a) The adequacy of sight distances on Fitzgerald Road from the vehicle access.
- b) The width of the proposed vehicle crossing will allow for the safe turning of trucks into and out of the site from Fitzgerald Road, as evidenced by the provided tracking curves.
- c) A relatively small number of vehicle movements are anticipated to be generated by the activity (30 vehicle movement during the busiest hour of a typical working day). The s92 response confirmed that the activity would generate approximately two truck movements per hour, as vehicles would be transported to the site intact for dismantling and parts would be sold online, rather than being open to the public for drop-ins. A gate will be closed to prevent casual visits / custom. Vehicles would not be driven to the site privately for dismantling.

While no formed / marked loading and car parking spaces are proposed, I agree with the agent that this arrangement is appropriate for the nature of the activity and given the size of the proposed storage yard, it is unlikely to lead to vehicles being parked on the public road or the road verge. I therefore concur with the agent that the storage area can be managed to ensure

⁴ Email titled "RE: 395 Fitzgerald Road," prepared by Joe Gray of Saddleback Ltd, on 10 October 2025.

that there is sufficient space for vehicles to be parked and for trucks to manoeuvre within the site so that they do not need to reverse onto Fitzgerald Road.

The transportation assessment has been reviewed by Council's Development Engineer (Varusha Pandian) who has not raised any concerns in relation to the potential traffic effects of the activity. I have relied upon the Development Engineer's assessment.

In conclusion, the potential adverse effects of the activity on the safe and efficient operation of the public road network will be less than minor.

Noise / Acoustic Effects

I have relied upon the assessment of Council's Senior Specialist (Andrew Gordon), who shares the opinion of the applicant's acoustic engineer that the activity will comply with the AUP(OP) daytime noise limits.

The closest sensitive receptor (a dwelling at 341 Fitzgerald Road) is located 13m from the northern site boundary and where the vehicle movements and most intensive vehicle dismantling activities will occur. Noise is measured at the notional boundary of this dwelling rather than the property boundary.

The AUP(OP) requires that noise is measured at the boundary of the vacant residential zoned land on the opposite side of Fitzgerald Road, not the notional boundary as in the case of Future Urban zoned land. As such, the acoustic assessment assesses effects on the activity on the planned character and amenity of residential land use. Residential zoned land is separated from the proposed activities by the public road corridor and the proposed stormwater detention pond, and typical operations are expected to comply with the daytime limit at this boundary of 50 dB LAeq.

Furthermore, I concur with the agent that the activity is not expected to generate a significant volume of traffic movements in the context of productive rural activities and emerging industrial land use. In addition, as industrial uses are introduced this will increase traffic volume on Fitzgerald Road with a corresponding increase in traffic noise, which will overtime influence the character of the receiving environment as the surrounding land is developed.

Accordingly, the activity will have a less than minor adverse effect upon the present rural character of the locality and will be consistent with the planned urban character from an acoustic / noise perspective.

Potential effects arising from the storage of hazardous substances

Relying on the expertise of Council's Hazardous Substance Specialist (Sharon Tang), the proposal will have a less than minor adverse effect on the environment resulting from hazardous substances. In this regard, I note that a relatively small quantity of hazardous substances that will be stored within the proposed warehouse buildings, which will be outside of the 1%AEP floodplain and riparian yards.

The applicant has proposed measures to ensure that a very small quantity of hazardous substances will be stored on site, in addition to proposing specific containment measures. Council's Hazardous Substance Specialist considers that the proposed measures and the limited quantity of hazardous substances stored on site, will mitigate the potential for a high impact, low-probability adverse effect, such as a fire / explosion.

Landscape / character effects

The applicant has supplied a Landscape Visual Assessment (LVA) prepared by Rob Pryor of LA4 Landscape Architects Ltd. Landscape plans and photomontages of the proposed development, when viewed from Fitzgerald Road, were provided in response to Council's s92 request. The applicant's planning consultant has relied upon the expertise of Rob Pryor to conclude that the proposal will have less than minor adverse landscape / character effects.

The reasons why Mr. Pryor concludes that the proposal will have 'low' landscape character effects are outlined in paragraph 6.16 of the LVA. They include:

- The site does not contain significant landscape features.
- The site is within a modified landscape, which is not high in landscape quality at a district level. Mr. Pryor advises that the landscape has a low sensitivity to change.
- Biophysical effects on landform are minor with the proposal only requiring limited changes to site topography.
- The proposal would not introduce elements or influence elements or features that would influence or adversely affect the landscape values and character of the area, as the proposal would be viewed in conjunction with horticultural and industrial activities within the wider landscape.

The applicant has provided visual simulations of the shed buildings, as viewed from two locations on Fitzgerald Road, with and without the proposed planting at maturity. The simulations include changes to landform from earthworks. However, the simulations do not include fences or gates, equipment or vehicles within the site compound, or retaining walls indicated as being proposed along the southern or northern boundary on the site plan, which are likely to be visible to an extent when viewed from Fitzgerald Road. The site plan indicates that these retaining walls will be up to 2.3m in height on the western boundary and up to 2.5m in height along the eastern boundary. However, these walls will only exceed 1.5m in height over a relatively short section of the western boundary and some of the eastern boundary.

The simulations show that the top of the building that is closest to Fitzgerald Road will be visible above the boundary planting at maturity. The simulations show that without planting, both buildings would be visible from Fitzgerald Road.

The applicant did not supply visual simulations from other locations. While Council requested this information primarily to assess visual amenity related effects from adjacent land, the simulations may have also assisted with the assessment of landscape character effects, particularly where the retaining walls will be at their highest along the western and eastern side boundaries. It is noted that the eastern retaining wall, stacked vehicles and buildings are likely to be visible from the future stormwater management / recreation reserve at 411 Fitzgerald Road.

The applicant's LVA, s92 response, cross sections and visual simulations have been peer reviewed by Council's Principal Landscape Architect, Gabrielle Howdle. While Mrs. Howdle concurs with some of Mr. Pryor's assessment, however, she notes:

- There will be significant changes in the landform with an earth bund and retaining walls, which will also result in a steep batter being formed in the southern part of the site,

towards the stream. The site works will not retain the rolling rural landscape that is currently present.

- While the land has been earmarked for urban development, until the land is rezoned (through a plan change), the use and development of land is required to maintain and complement rural character and amenity values (Policy H18.3(3)). Mrs. Howdle agrees with Mr. Pryor that the proposed development and activities would be consistent with the character expected within an industrial zoned area.
- The applicant estimates that the planting will take 5 years to mature and provide effective screening. Mrs. Howdle notes that this will require effective maintenance and has identified that this rate of growth may be compromised by the proximity of the retaining walls to the proposed planting. Until the planting matures, the retaining walls and the stacked vehicles within the proposed outdoor storage area would be visible through the wire mesh boundary fence.

For these reasons, Mrs. Howdle considers that the development is of a scale that does not complement the rural character of the immediate area, and accordingly the development will have a moderate to high adverse effect on landscape and rural values.

I have carefully considered the character of the surrounding landscape, as one in transition from rural to an urban land use, noting the operative zoning that surrounds the site. While I agree with Mrs. Howdle that the proposed industrial use would be inconsistent with the rural character and amenity that must be maintained until the land is rezoned (e.g. Policy H18.3(3)), I concur with the agent that potential adverse effects must be considered in the context of land on the periphery of a zoned urban area, with character changing over time from rural to urban. In this respect, I acknowledge that the adjacent 411 Fitzgerald Road is currently being developed, and it is anticipated that some of that land will be developed for industrial purposes in a manner that is consistent with the underlying zoning.

For this reason, I prefer the evidence of Mr. Prior with respect to his assessment of the landscape / character effects relating to the proposed earthworks. In this regard, I note that most of the site will be excavated to achieve a flat building platform, with only small areas of significant fill that require retaining along the side boundaries that are unlikely to be visible from land beyond those that are adjacent to the site or from Fitzgerald Road, given that these properties are large, with some containing large buildings for rural purposes.

Accordingly, I consider that the potential adverse effects relating to the height of the retaining walls and the outdoor storage activities, to be more visual amenity related.

While the site will involve an outdoor storage area that will have an industrial character, I note that most of the front yard will be occupied by a stormwater treatment swale, which means that the industrial activities will be setback from Fitzgerald Road and the screening vegetation will take less time to establish / become effective, given that there are no retaining walls that are more than 1.5m in height proposed within the front yard

Overall, I consider that the proposal will have a minor adverse effect on rural character values.

Cultural effects

There are no identified sites of cultural significance that will be adversely affected by the proposal.

As stated in section 3 of this report, I concur with the agent that the applicant has undertaken reasonable attempts to engage mana whenua with an identified interest in this location.

I consider that sufficient information has been supplied to assess the potential cultural effects of the proposal, which includes an assessment of the application proposal against the Environmental Management Plan prepared by Ngati Whanauga.

Most of the recommendations made by Ngai Tai ki Tamaki and Ngati Tamaoho have been adopted, and both mana whenua are satisfied with the reasons that have been provided for not adopting all the recommendations.

Overall, I concur with the agent that the proposal will have a no more than minor adverse effect on cultural values.

Overall, I agree with most of the conclusions of the AEE, except for some of those relating to landscape character related effects, where I have relied upon the expertise of Council's specialist. I conclude that the potential adverse landscape character related effects will be minor.

Step 4: public notification in special circumstances

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

Special circumstances are those that are:

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

In this instance, I have turned my mind specifically to the existence of any special circumstances given that the proposal seeks to use land for an industrial activity, within the Future Urban zone, ahead of the land being formally rezoned.

In this case, I consider that there are no special circumstances that warrant public notification, for the following reasons:

- While the land is zoned for Future Urban development, the land surrounding the application site is transitioning from rural to urban land use.
- While the FDS indicates that the land will not be development ready until at least 2035, there is a reasonable likelihood that land may be zoned for industrial purposes through the Adopted Drury Opaheke Structure Plan 2019 and the operative zoning of the adjacent 411 Fitzgerald Road.
- The activity can be serviced on site and without extensions to public infrastructure.
- While land north of the site is zoned for residential purposes, it is not unusual for residential land uses to be adjacent or opposite industrial land uses. In this regard, the activity is not one of those activities listed in H17.6.0 as requiring resource consent within 30m of residential zoned land.

- It is noted that land at 411 Fitzgerald Road will be used for stormwater and open space / recreational purposes. It is not unusual for industrial land uses to be adjacent to such reserves.

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

An assessment of the appropriateness of the activity in this location, given the statutory framework that applies, can be considered at s104 stage.

Public notification conclusion

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

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for activities other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

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

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

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

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

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

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

Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015

- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

In this instance, the proposal is located within a statutory acknowledgement area for Ngati Tamaoho. Auckland Council's GIS viewer shows that the statutory acknowledgement area covers a large area within Drury.

The applicant has obtained feedback from Ngati Tamaoho and has adopted their recommendations as part of the proposal.

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

The application is not precluded from limited notification as:

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

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

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

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

In determining whether a person is an affected person:

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

I agree with the applicant's assessment of 'adjacent land' in Section 2.3.1 of the supplied AEE, which I have repeated here.

- 334, 360 and 380 Fitzgerald Road - all to the north of the application site, on the opposite side of Fitzgerald Road.
- 335, 341 and 359 Fitzgerald Road – land to the west of the application site. (I note that the portion of 359 Fitzgerald Road that is adjacent to the site is an access strip. 335 and 341 Fitzgerald Road is separated from the application site by the access strip).
- 377 Fitzgerald Road – land immediately to the south of the application site, on the opposite side of the watercourse that forms the southern boundary of the application site.

- Section 10 SO 543175 and 411 Fitzgerald Road – land immediately to the east of the application site.

I have included an assessment of effects on the owners and occupiers of 377 Fitzgerald Road, given that it is unclear whether Ngati Tamaoho have provided their approval as a landowner.

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

The consultant has provided in accordance with schedule 4 of the RMA, an assessment of adversely affected persons in such detail as corresponds with the scale and significance of the effects that the activities may have on persons in the surrounding environment.

The AEE concludes that:

Potential adverse effects on the owners and occupants of 334, 360, 368 and 380 Fitzgerald Road – (all to the north of the application site, on the opposite side of Fitzgerald Road)

The applicant concludes that the adverse effects on the owners and occupants of these properties will be less than minor, because these sites will be separated from the application site by the Fitzgerald Road corridor and there will be no nuisance and amenity related adverse effects.

I concur with the applicant that the proposal will generate less than minor adverse “nuisance effects,” noting that noise and air discharge related adverse effects comply with the applicable District Plan standards. In this regard, it is noted that the acoustic assessment has been undertaken under the assumption that the residential zoned land is occupied by dwellings, in accordance with the operative zone provisions.

Furthermore, the construction related noise is anticipated to be within permitted noise standards. I am satisfied that dust and waterborne sediment can be managed through standard conditions of consent and therefore any adverse effects will be less than minor on the owners and occupants of these properties.

I have relied on the expertise of Council’s Contamination Expert who concludes that the effects on human health from disturbing potentially contaminated soils can be avoided and mitigated. These potential adverse effects will be less than minor.

However, I concur with the Council’s Principal Landscape Architect who concludes that there will be adverse visual amenity effects on the owners and occupants of these properties, as follows:

- 334 Fitzgerald Road – “low” adverse effects until the planting is established (5+ years).
- 360 Fitzgerald Road – “moderate” adverse effects (even once the planting is established).
- 368 Fitzgerald Road – “low” adverse effects until the planting is established (5+ years), when viewed from the dwelling. “Moderate” adverse effects (even once the planting is established), when viewed from their driveway.
- 380 Fitzgerald Road – “low” adverse effects until the planting is established (5+ years).

I note that under Te Tangi a te Manu, a “low” adverse visual effect can be either less than minor or minor under the RMA, and that a “moderate” adverse visual effect is a “more than minor.”

I also note that while the number of HCV movements are relatively low, they will be of a different character, being mostly car trucks bringing vehicles to the site for dismantling. Cargo (vehicles) is likely to be uncovered (i.e. visible) to the owners and occupiers of these properties and will not be of an appearance that is akin to a typical rural activity. This may add to the non-rural nature of the activity in terms of visual amenity effects from these properties.

The owners and occupants of these properties are therefore potentially adversely affected by the proposal and must be served notice of the application.

Section 10 SO 543175 and 411 Fitzgerald Road – land to the east of the application site

I agree with the applicant that this land is vacant and is being earthworked for future development.

I also agree with Council's Principal Landscape Architect that these values are likely to be low, given that industrial areas are generally less sensitive to the adverse effects expected from the proposed activity.

However, the site is also subject to the Drury South Precinct provisions that seek open space outcomes along its edge for stormwater / recreation purposes. (In fact, the open space provisions apply under the precinct, despite the land being zoned for industrial purposes).

A high retaining wall (defined as a “building” due to its height), will be constructed close to the boundary, adjacent to this space, with vehicles stacked on top of the retaining wall.

While the proposed planting may screen the retaining wall once established (5+ years), the applicant has not supplied visual simulations from 411 Fitzgerald Road that could confirm that the planting would also screen the stacked vehicles on top of the retaining wall.

I agree with the Council's Principal Landscape Architect that the applicant would need to obtain access over 411 Fitzgerald Road to maintain the planting. The applicant has not explained how access would be obtained or provided evidence of having reached an agreement with the landowner.

The combined height of the retaining wall and the stacked vehicles may also shade amenity spaces within 411 Fitzgerald Road, affecting the landowner's plans to create recreational spaces.

For these reasons, the proposal may have a potential minor adverse effect on the landowner of 411 Fitzgerald Road and must be served notice of the application.

For completeness, the amenity related adverse effects arising during the earthworks period can be avoided and mitigated by implementing best practice measures and will be less than minor.

I have relied on the expertise of Council's Contamination Expert who concludes that the effects on human health from disturbing potentially contaminated soils can be avoided and mitigated. These potential adverse effects will be less than minor.

377 Fitzgerald Road – land immediately to the south of the application site, on the opposite side of the watercourse that forms the southern boundary of the application site.

The land is owned by Ngati Tamaoho, and it is unoccupied. As previously mentioned, it is unclear whether their email in support of the project also constitutes a landowner / occupant written approval. Accordingly, I have been unable to disregard the adverse effects on the owners and occupants of this property.

Council's Principal Landscape Architect that the project considers that the project will have moderate visual effects on the owners and occupiers of this property and it will take time for planting to provide a level of screening. The values are likely to be moderate, given that industrial areas are generally less sensitive to the adverse effects expected from the proposed activity.

For this reason, the proposal may have a potential more than minor adverse effect on the landowner of 377 Fitzgerald Road and must be served notice of the application.

For completeness, the amenity related adverse effects arising during the earthworks period can be avoided and mitigated by implementing best practice measures and will be less than minor.

I have relied on the expertise of Council's Contamination Expert who concludes that the effects on human health from disturbing potentially contaminated soils can be avoided and mitigated. These potential adverse effects will be less than minor.

335 Fitzgerald Road – land to the west of the application site.

The applicant concludes that the adverse effects on the owners and occupants of these properties will be less than minor, because:

- The activity will not produce adverse nuisance effects (e.g. air discharges, noise).
- The site is surrounded by large buildings that are associated with rural activities.
- The retaining walls will be screened by vegetation and will be only visible from the driveway given the large amount of planting within the site.

I agree with the agent with respect to his assessment of the potential nuisance effects, but I disagree with his assessment of the potential visual amenity related effects.

I have relied upon the expertise of Council's Principal Landscape Specialist, who is of the opinion that the proposal will have "low" visual amenity related adverse effects, which in RMA language means either "less than minor" or "minor." In reaching this conclusion, she notes that although the primary rural outlook is to the west and south of the site, it will take time for the planting to establish and screen the retaining wall, which in this location will be up to 2.3m in height.

In this regard, I note that the requested visual simulations of the application site have not been provided that could have improved Council's understanding of the visual effects from 335 Fitzgerald Road, particularly during the first five years of the activity until the screening vegetation matures, or its long-term effectiveness in screening the stacked vehicles on top on the retaining wall.

I disagree with the applicant that the planting within 335 and 341 Fitzgerald Road can be considered as mitigation because the planting is not within the application site.

I agree with the Council's Principal Landscape Specialist that the applicant will need to access the driveway to maintain the planting proposed along the western boundary of site. The

applicant has not secured approval to maintain planting from third party land, which is needed to ensure that the planting establishes and is in good health to screen the retaining wall and proposed activities.

For these reasons, the proposal may have a potential minor adverse effect on the landowner of 335 Fitzgerald Road and must be served notice of the application.

For completeness, the amenity related adverse effects arising during the earthworks period can be avoided and mitigated by implementing best practice measures and will be less than minor.

I have relied on the expertise of Council's Contamination Expert who concludes that the effects on human health from disturbing potentially contaminated soils can be avoided and mitigated. These potential adverse effects will be less than minor.

341 Fitzgerald Road – land to the west of the application site.

The applicant concludes that the adverse effects on the owners and occupants of this property will be less than minor, because:

- The activity will not produce adverse nuisance effects (e.g. air discharges, noise).
- The site is surrounded by large buildings that are associated with rural activities.
- The retaining walls will be screened by vegetation and will be only visible from the driveway given the large amount of planting within the site.

I agree with the agent with respect to his assessment of the potential nuisance effects, but I disagree with his assessment of the potential visual amenity related effects.

I have relied upon the expertise of Council's Principal Landscape Specialist, who is of the opinion that the proposal will have "moderate" visual amenity related adverse effects on the owners and occupants of this property, which in RMA language means "more than minor." In reaching this conclusion, she notes that it will take time for the planting to establish and screen the retaining wall (5+ years), and longer to screen the storage yard being the wire mesh fence and on top of the retaining wall.

For these reasons, the proposal may have a potential minor adverse effect on the landowner of 335 Fitzgerald Road, and they must be served notice of the application.

For completeness, the amenity related adverse effects arising during the earthworks period can be avoided and mitigated by implementing best practice measures and will be less than minor.

I have relied on the expertise of Council's Contamination Expert who concludes that the effects on human health from disturbing potentially contaminated soils can be avoided and mitigated. These potential adverse effects will be less than minor.

359 Fitzgerald Road – land to the south of the application site.

The applicant concludes that the adverse effects on the owners and occupants of these properties will be less than minor, because the site is located approximately 100m to the south of the proposed development and the site is surrounded by other large structures (e.g. greenhouses).

I have relied on the Council's Principal Landscape Specialist, who is of the opinion that the proposal will have "moderate" visual amenity related adverse effects, which in RMA language

means “more than minor.” Mrs. Howdle notes that the earthworks, retaining walls, buildings and outdoor storage area will affect the rural character of the location.

The owners and occupants of this property are therefore potentially adversely affected by the proposal.

For completeness, the amenity related adverse effects arising during the earthworks period can be avoided and mitigated by implementing best practice measures and will be less than minor. I have also relied upon the expertise of Council’s Acoustic Specialist and Air Quality Specialist to conclude that such potential adverse effects will be less than minor.

I have relied on the expertise of Council’s Contamination Expert who concludes that the effects on human health from disturbing potentially contaminated soils can be avoided and mitigated. These potential adverse effects will be less than minor.

Overall, I conclude that the proposal will have adverse effects that are at least minor on the owners and occupants of adjacent land and notice must be served on owners and occupants of the following properties:

- 334, 360 and 380 Fitzgerald Road
- 335, 341 and 359 377 Fitzgerald Road
- Section 10 SO 543175 and 411 Fitzgerald Road

Step 4: further notification in special circumstances

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

Special circumstances are those that are:

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

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

Limited notification conclusion

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

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

- Under step 3, limited notification is required as it is considered that the activities will result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons.

It is therefore recommended that this application be processed with limited notification, and notice being served on the owners and occupiers of the following properties:

- 334, 360 and 380 Fitzgerald Road
- 335, 341 and 359 377 Fitzgerald Road
- Section 10 SO 543175 and 411 Fitzgerald Road

9. Notification recommendation

Non-notification

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

In addition, under section 95B, limited notification is required.

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



Bryce Powell
Consultant Planner
Resource Consents

Date: 29 October 2025

10. Notification determination

Approved for release

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



Scott Cheng
Team Leader
Resource Consents

Date: 30 October 2025