



26 October 2022

ref: J00232

Bay of plenty Regional Council

Lodged Electronically

**RE: Updated Application for Subdivision Consent – Takarangi Farm Limited– 37 Shearer Road, Te Puke**

We hereby lodge an application for bulk earthworks consent on behalf of Takarangi Farm Limited for a Controlled Activity, at 37 Shearer Road, Te Puke.

The application deposit fee will be paid once invoice is issued from BOPRC.

I trust that this application satisfies the requirements of Section 88 and Schedule 4 of the Resource Management Act 1991 and will be accepted for processing.

If you require any further information please contact the undersigned.

Yours faithfully,

Maven (BOP) Limited

*Jack Mills*

INTERMEDIATE PLANNER

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# APPLICATION FOR EARTHWORKS CONSENT



## EARTHWORKS CONSENT 37 SHEARER ROAD TE PUKE

## PROJECT INFORMATION

CLIENT	TAKARANGI FARM LIMITED
PROJECT	J000232

## DOCUMENT CONTROL

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## 1 EXECUTIVE SUMMARY

Resource consent is sought by Takarangi Farm Limited to undertake bulks earthworks at 37 Shearer Road, Te Puke (Section 11 Block V Maketu SD). The site is located within the Bay of Plenty Regional Council and Western Bay of Plenty Jurisdiction.

The proposed Earthworks are required to upgrade Shearer Road, which involve soil disturbance of 1.12ha in area. Vehicle access to the site is currently via an unformed paper road, at the western end of Shearer Road. It is proposed to also extend Shearer Road to the boundary of the site, and establish a sealed road. The earthworks proposed will support an upgrade of the road and provide access to the recently consented lots.

The proposed upgrades of Shearer Road are required to provide access to the recently consented lifestyle lots under resource consent RC12905\*S. Earthworks are proposed over an area of 1.12ha comprising of a total earth works volume of 6,725m<sup>3</sup>. The proposed works will occur over one stage, please refer to Section 4 of this report for further detail.

The proposal includes Erosion and Sediment Control Plans (Appendix B) which highlight in detail the proposed earthworks, sediment and erosion controls, and calculations.

Overall, resource consent is required as a **Controlled Activity**. Specific details on the reasons for consent are outlined in Section 5, below.

This application is made pursuant to Section 88 of the Resource Management Act 1991 (RMA) and has been prepared in accordance with the Fourth Schedule of the RMA in such detail to satisfy the purpose for which it is required.

## 2 APPLICANT AND PROPERTY DETAILS

TABLE 1: SUMMARY OF APPLICATION

APPLICANT	Takarangi Farms
APPLICATION SITE ADDRESS	37 Shearer Road, Te Puke
DESCRIPTION OF PROPOSAL	The purpose of the bulk earthworks is to provide suitable contours to allow for roading, and private access to the lots located onsite. Earthworks are proposed over an area of 1.12Ha with total earthworks volume of 6,725m <sup>3</sup> ; comprising of topsoil strip 2,815m <sup>3</sup> and cut volume of 3,910m <sup>3</sup> .
RECORD OF TITLE	779865
LEGAL DESCRIPTION	Section 11 Block V Maketu SD
SITE AREA	10.72 ha
DISTRICT/REGIONAL PLAN (THE PLAN)	Bay of Plenty Natural Resources Plan (RNRP)
ZONING	Rural
SPECIAL FEATURES / OVERLAYS	Significant Ecological Area
CONSENTING REQUIREMENTS	Pursuant to <b>Rule LM R2 (Rule 1A)</b> consent is required as <b>Controlled Activity</b> for earthworks exceeding the permitted volume of 5000m <sup>3</sup> . It is proposed to undertake approximately 6,725m <sup>3</sup> of earthworks across the subject site.

### 3 THE APPLICATION SITE

#### 3.1 LOCATION AND SURROUNDINGS

The subject site is located 10km southwest of Te Puke. It is a large farming block bounded by undulating rural farmland to the south, Rural Productive Lots to the east and north, and a Pine Forest plantation to the west of the site. A large corridor of native vegetation extends beyond the pine forests to the west of Harray Road. A Department of Conservation reserve is located northwest of the site between No. 3 Road and Harray Road. The site is immediately surrounded by indigenous vegetation to the north and the east.



FIGURE 1: THE APPLICATION SITE (SOURCE: GRIP)

#### 3.2 TOPOGRAPHY, EXISTING USE AND SITE FEATURES

The subject site is bounded by Shearer Road to the north, which gains access from No.3 Road. The site is relatively flat along eastern boundary of the site, and of the site, and gradually slopes to the west. A ridgeline runs through the middle of the site and steeply descends to the west, then it gradually slopes to the western boundary. The site largely comprises of existing pasture for grazing and consists of shrubs and trees along the ridgeline.



### 3.3 SITE HISTORY

The site was subject to a three-lot rural subdivision and 12 lot boundary adjustment, where three lots were created from protection lots of forest and cultural heritage features. The consent was granted by WBOPDC on 6<sup>th</sup> December 2021, referenced RC12905\*S.

### 3.4 DISTRICT PLAN ZONING AND OVERLAYS

The site is subject to the Bay of Plenty Natural Resources Plan (RNRP). The site is located within the WBOPDC and is located in the Rural Zone under the WBOP District Plan.

### 3.5 LEGAL

The subject site is held in title in 779865, and the legal description is Section 11 Block 5 Maketu Survey District. The registered owners are Michael Robert Whyte, Patrick James Whyte and Robin Louise Whyte.

Records of title are attached as **Appendix A**.

### 3.6 ARCHAEOLOGY AND CULTURAL HERITAGE

There are no known Archaeological or heritage features on the site.



## 4 PROPOSAL

### 4.1 EARTHWORKS

The purpose of the bulk earthworks is to provide suitable contours to allow for roading, and private access to the lots located onsite. Earthworks are proposed over an area of 1.12Ha, with total earthworks volume of 6,725m<sup>3</sup>; comprising of topsoil strip 2,815m<sup>3</sup> and cut volume of 3,910m<sup>3</sup>. Earthworks are primarily focused within Sheerer Road and the Private Way. The earthworks will include cut and fill of up to 3 – 4m.

TABLE: 2 PROPOSED EARTHWORKS

Earthworks	
Cut to fill	3,910m <sup>3</sup>
Fill	3,690m <sup>3</sup>
Balance	120m <sup>3</sup> of excess (Cut)
Site Area	1.12 Ha
Topsoil Stripped	2,815m <sup>3</sup> (250mm depth)

Earthworks will commence upon issue of consent and once compliance with any pre-start conditions are undertaken. Furthermore, all Erosion and Sediment Control measures including perimeter controls must be operational prior to any works commencing onsite. Full set of earthwork plans are appended as Appendix B.

Works are intended to be carried out in the following steps:

- Stabilise entrance way
- Install clean water diversions on perimeter boundaries and other areas upslope from proposed earthworks.
- Install silt control measures on up-slope Clean Water diversions, and downslope Dirty water diversions and silt fences (perimeter boundaries).
- Install drainage systems, outlets, riprap and geotextile mat
- Silt socks and hay bales will be placed in swales
- Install decanting earth bunds with T-bar or upstand pipe, with clean water outlets located offsite.
- All trees, stumps, selected buildings, vegetation, and debris to be removed from site
- Form roading contours, construct and install chip sealed roads concurrently as site is stabilised
- Retain silt control measures until completion.

Sediment control measures are proposed to be installed onsite prior to or during (as specified) earthworks commencement. All sediment control measures will be checked and confirmed acceptable by the Engineer before relevant earthworks commence. The site will be progressively stabilised as areas of earthworks are completed. Erosion and sediment control measures will be maintained in accordance with the Erosion and sediment control plans (ESCP) (attached as Appendix B).

To limit the risks of offsite effects caused by sediment laden runoff, measures will be put in place firstly to prevent erosion. This will reduce the level of mitigation required by sediment control devices and reduce frequency of maintenance if erosion can be controlled. The primary erosion control measures for the site include clean water diversions, DEB's and progressive stabilisation. Refer to Appendix B for further details. An overview of the earthworks on the upgrade of Shearer Road, including overall cut and fill volumes and areas is shown in Figure 2 below. These works seek to achieve the desired landform and contours, illustrated in Figure 3 below.

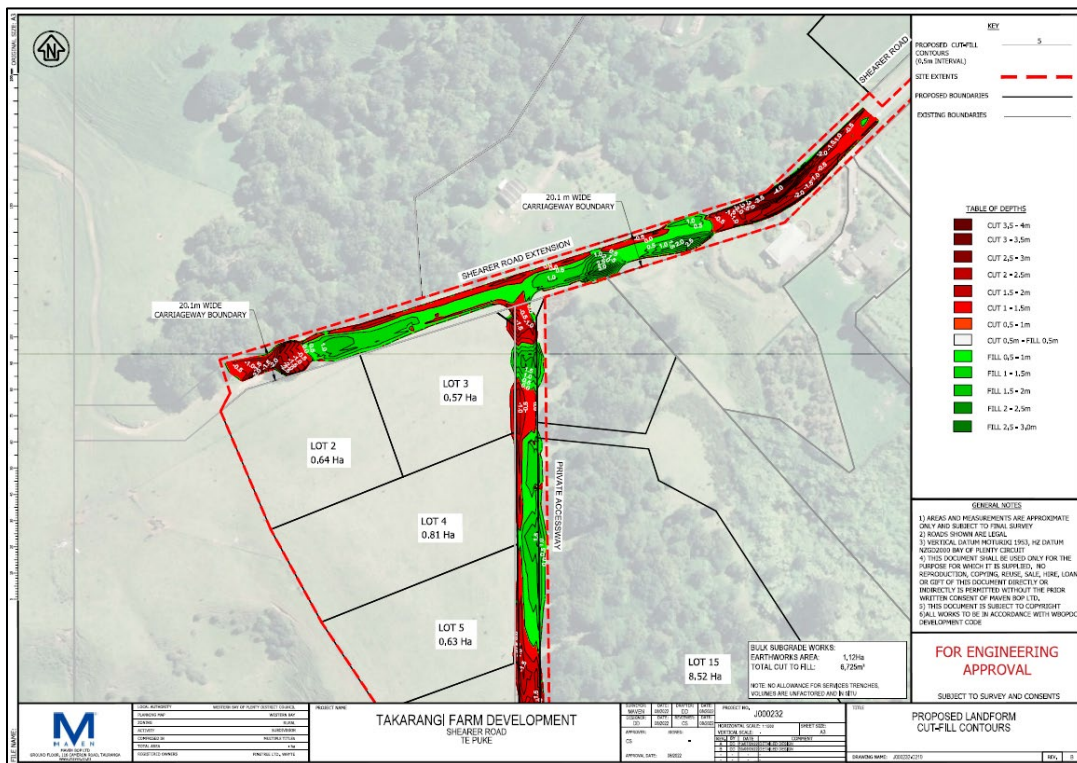


FIGURE 2: OVERALL CUT / FILL PLAN FOR THE ROAD

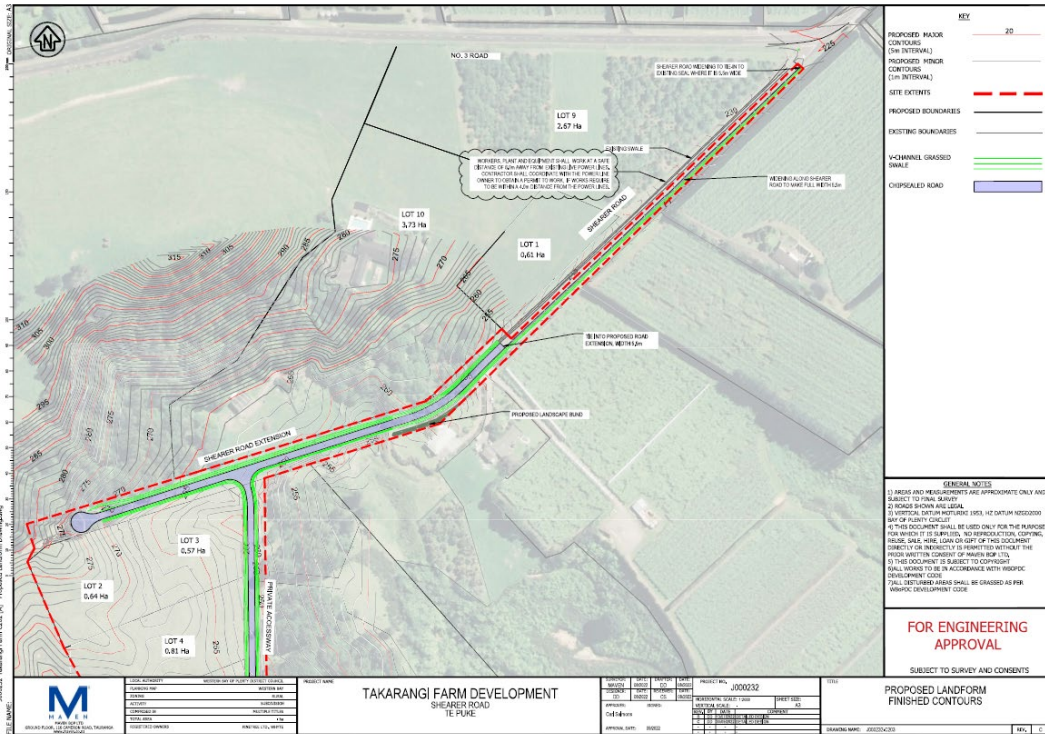


FIGURE 3: PROPOSED LANDFORM

#### 4.2 GEOTECHNICAL

A Geotech report was undertaken at the time of the previous subdivision consent. The consent was granted by WBOPDC on 6<sup>th</sup> December 2021, referenced RC12905\*S. Aurecon New Zealand Limited provided a geotechnical review of the subdivision and access, a second Geotech report was conducted by CMW Consultants, as technical reports, the details are not repeated here but should be read thoroughly. Please refer the Geotech reports attached as Appendix C.

#### 4.3 TRAFFIC

Access to the site is provided via the existing vehicle entrance from Shearer Road. Earthwork operations will be within the standard hours 7.30am – 6pm from Monday – Friday. The proposed earthworks will be carried out over the 2022/ 2023 earthworks season.

## 5 PLANNING FRAMEWORK

### 5.1 REGIONAL PLAN STATUS

Schedule 4, Part 2, subsection (2)(a) of the RMA requires an assessment to be provided against the relevant objectives, policies, or rules in a document. The following section provides an overview of resource consent requirements and identifies the relevant matters of control or assessment criteria of the Plan.

### 5.2 REASONS FOR CONSENT

In summary, this proposal requires resource consent under the Regional Natural Resource Plan for the following reasons:

- Pursuant to **Rule LM R2 (Rule 1A)** consent is required as **Controlled Activity** for earthworks exceeding the permitted volume of 5000m<sup>3</sup>. It is proposed to undertake approximately 6,725m<sup>3</sup> of earthworks across the subject site.

### 5.3 ASSESSMENT CRITERIA

This application for resource consent is a Controlled Activity. In determining this application, Council has reserved control over the following matters prescribed in LM R2 (Rule 1A within the Plan. These matters are considered within Section 6 of this report, and below:

- a) Measures to manage discharges of contaminants from the activity, including discharges of sediment contaminated stormwater.*
- b) Measures to avoid, remedy or mitigate erosion.*
- c) Timing and duration of the activity.*
- d) Effect on water flows, including overland or secondary flow paths that convey stormwater during rainfall events.*
- e) Measures to avoid, remedy or mitigate adverse effects on sites of significance to tangata whenua, indigenous biodiversity, and areas of significant indigenous vegetation and significant habitats of indigenous fauna.*
- f) Measures to protect and replace topsoil where the activity is recontouring.*
- g) Information and monitoring requirements.*
- h) The administration charges under section 36 of the Act.*



#### 5.4 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Schedule 4, Part, subsection (2)(c) of the RMA requires an assessment to be provided against the requirement of other documents, such as a national environmental standard or other regulations. The following section provides an assessment against the provisions of the NESCS.

Consideration has been given to the NESCS. The property is not listed as a known hazard on the Bay of Plenty HAIL Register. The balance of the site is currently residential land, comprising of established trees and a garage.

No further assessment of the NESCS will be undertaken as part of this application for consent.

## 6 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The actual and potential effects of the proposed activity on the environment have been evaluated as required under Clauses 2(2) and 2(3) as per Schedule 4 of the RMA. Using the assessment criteria (where relevant) as a guide, the actual and potential adverse effects of the subdivision relate to the following key topics:

- Erosion and sediment controls
- Timing and duration
- Temporary stormwater management
- Information and monitoring requirements
- Tangata Whenua values

### 6.1 EARTHWORKS

#### 6.1.1 EROSION AND SEDIMENT CONTROL

In order to control erosion and sedimentation during the period of earthworks, it is proposed to utilise a combination of silt fences, stormwater drains, swales and decanting earth bunds.

Prior to works commencing, an Engineer will be required to check and confirm that the silt control measures onsite are acceptable. During the earthworks period, these control measures will be maintained in working order and regularly checked. The site will be progressively stabilised as earthworks are completed. Silt control measures will only be removed once the site is stabilised.

#### Runoff

Stormwater runoff from the site will be diverted through the use of dirty water diversion channels being established on site to direct flows to the decanting earth bunds depending on what catchment dirty water is flowing from. The drains established within the site will be lined with geotextile cloth to assist with capturing sediments from stormwater runoff.

#### Surface Stabilisation

As the works are progressed and completed the site will be stabilised. If extreme rainfall events are forecasted, the contractor shall look at implementing immediate stabilisation techniques such as mulching to protect the soil surface from forces of raindrop impact.

#### Sediment Control

A system of dirty water diversion channels along the low side of the catchment areas (as indicated on the drawings) will collect any sediment laden runoff and direct it to the decanting earth bunds. Located

downslope from the earth work areas. Any areas from which runoff cannot be directed to the natural low-lying areas will have silt fences installed around the low side perimeter. The plans attached as Appendix B have been designed in accordance with BOPRC's Erosion and Sediment Control Guidelines for Land Disturbing Activities.

Regular monitoring and maintenance of the erosion and sediment controls will be undertaken, with specific monitoring and maintenance of each mitigation method. This will ensure that they are performing as intended by design. The proposed earthworks will be subject to the provisions as set out in the ESCP plans attached as Appendix B.

#### Dust Control

The potential dust effects will be mitigated as earthworks are progressively stabilised; via topsoil and grassing; hydroseeding and the use of hay and straw mulching. An adequate supply of water for dust control and effective application will be available on site and applied until the site is fully stabilised.

Overall, it is considered that the proposed earthworks will be managed through a variety of erosion and sediment controls and subject to suitable conditions of consent the proposed earthworks are considered to be less than minor.

## 6.2 TIMING AND DURATION

The commencement of the works will begin in the 2022/2023 earthworks. The aim will be to complete works over one earthwork season, equating to approximately half year from the issue of this consent (will not be started until after winter exclusion period). Therefore, a five-year earthworks consent is sought for the proposed works.

## 6.3 TEMPORARY STORMWATER MANAGEMENT

The earthworks require silt and sediment treatment of any stormwater on site. Decanting earth bunds and methodology of works will ensure that all sediment contaminated stormwater is treated appropriately prior to discharge from the site.

## 6.4 INFORMATION AND MONITORING REQUIRMENTS

A site walk over will be undertaken daily to identify any corrective maintenance required. A more thorough inspection will be undertaken at the end of each week, or before and after a forecast major storm event, to identify any preventative and/or corrective maintenance required.

Regular monitoring and maintenance of the erosion and sediment controls will be undertaken, with specific monitoring and maintenance of each mitigation method. This will ensure that they are performing as intended by design. The proposed earthworks will be subject to the provisions as set out in the ESCP plans attached as Appendix B.

## 6.5 TANGATA WHENUA VALUES

The proposed works will avoid, remedy and mitigate any effects on Tangata Whenua, the previous application involved consultation with Iwi and Hapu groups. Consultation with Tapuika and Waitaha has been undertaken, to ensure that tangata whenua values have been considered. During consultation, the subject site has previously been visited by Kaumatua and no issues have been raised. The proposed earthworks are strategically located outside of areas with significant indigenous vegetation and habitats of indigenous fauna.

Overall, given the assessment above and subject to conditions of consent (including measures around accidental discovery protocols), it is considered that the proposal will have less than minor effects on tanga whenua values.

## 6.6 CONCLUSION

Having considered the provisions of the RNRP inclusive of assessment criteria, objectives and policies of relevance, consultation outcomes and mitigation measures discussed, we conclude overall that the effects of the activity will be less than minor, for those reasons stated above.



## 7 OBJECTIVES AND POLICIES

The relevant Objectives and Policies of the Regional Natural Resource Plan are outlined in Sections 7.1 below.

### 7.1 LAND MANAGEMENT

The proposed earthworks are supported through the use of appropriate sediment and erosion control measures, avoiding, remedy or mitigate any impacts on the surrounding environment. To alleviate the risk of accelerated erosion, sediment and erosion control measures have been put in place which will progressively stabilised the earth worked areas and prevent erosion. The site is not located near a coastal marine area, lakes, estuaries, wetlands or caves. The proposed earthworks will control sediment latent runoff via the two temporary DEB's and a variety of erosion and sediment and control measures. The proposed erosion and sediment control plan will protect ant vulnerable area from erosion, and the erosion sediment controls will remain in place until the works have been completed.

Therefore, it is considered that the proposed application is consistent with the relevant objectives and policies, with in the Land Management chapter.

## 8 NOTIFICATION ASSESSMENT

### 8.1 CONSULTATION

Consultation with Tapuika and Waitaha Iwi has been carried out through the subdivision consent process.

### 8.2 SECTION 95A ASSESSMENT – PUBLIC NOTIFICATION

Section 95A of the RMA states a consent authority must follow the steps set out in this section, in the order given to determine whether to publicly notify an application for resource consent. An assessment of these steps is in Table 3 which shows that public notification is not required.

TABLE 3: SECTION 95A ASSESSMENT

RMA REQUIREMENT	YES/NO
<b>STEP 1: MANDATORY PUBLIC NOTIFICATION IN CERTAIN CIRCUMSTANCES</b>	
<i>The applicant has requested that the application be publicly notified:</i>	No
<i>Public Notification is required under Section 95C</i>	No
<i>The application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.</i>	No
<b>STEP 2: PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES</b>	
<i>The application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:</i>	No
<i>The application is for a resource consent for 1 or more of the following, but no other, activities: a controlled activity; OR a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity:</i>	Yes, public notification is precluded as the application is for a controlled activity.
<b>STEP 3: PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES</b>	
<i>The application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:</i>	No
<i>the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.</i>	No
<b>STEP 4: PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES</b>	
<i>Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified.</i>	No

Having regard to the above assessments, we consider that public notification is not required.

8.3 SECTION 95B ASSESSMENT

Section 95B of the RMA states a consent authority must follow the steps set out in this section, in the order given to determine whether to limited notify an application for resource consent. An assessment of these steps is in Table 4 which shows that limited notification is not required.

TABLE 4: SECTION 95B ASSESSMENT

RMA REQUIREMENT	LIMITED NOTIFICATION REQUIRED
<b>STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED</b>	
<i>Determine whether there are any affected protected customary rights groups; or affected customary marine title groups</i>	No
<i>Determine whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement AND whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.</i>	No
<b>STEP 2: LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES</b>	
<i>Determine whether the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or National Environmental Standard that precludes limited notification</i>	No
<i>The application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land)</i>	Yes, the application is for a controlled activity.
<b>STEP 3: IF NOT PRECLUDED BY STEP 2, CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED</b>	
<i>In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.</i>	No
<i>In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.</i>	No
<b>STEP 4: FURTHER NOTIFICATION IN SPECIAL CIRCUMSTANCES</b>	
<i>Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section. Notify any person identified in Step 4.</i>	No

Having regard to the above assessments, we consider that limited notification is not required.

## 9 STATUTORY ASSESSMENT

### 9.1 PART 2 OF THE RMA

Having assessed the proposal, it is considered that it is consistent with the purpose and principles set out in Part 2 (section 5-8) of the RMA. It is considered that the proposal is in accordance with the purpose of the RMA to promote the sustainable management of natural and physical resources and the associated principles as the proposal has been designed to minimize any adverse effects on the natural and physical resources.

### 9.2 SECTION 104(1)(A) AND 104(1)(AB)

When considering an application for a resource consent and any submissions received, the consent authority must subject to Part 2, have regard to:

- a) *Any actual and potential effects on the environment of allowing the activity; and*
- ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.*

The proposed earthworks and land disturbance will be subject to mitigation measures and appropriate conditions of consent imposed by Council, which will ensure that there will be less than minor adverse effects upon the environment as a result of the proposal. Section 6 of this report provides a detailed assessment which concludes that effects upon the environment overall, will be less than minor.

### 9.3 SECTION 104(1)(B)

This clause requires an assessment of the activity against any relevant provisions of a document referred to in Section 104(1)(b) of the RMA which includes:

- i) *A national environmental standard*
- ii) *Other regulations*
- iii) *A national policy statement*
- iv) *A New Zealand coastal policy statement*
- v) *A regional policy statement or proposed regional policy statement*
- vi) *A plan or proposed plan*

The NES-Soils has been addressed under Section 5 of this report.

With respect to the NES-Freshwater, no natural wetlands are identified within the subject site or near (within 100m) of the proposed works.



As such, where relevant the above documents have been considered within this report to satisfy Section 104(1)(b).

#### 9.4 SECTION 104(1)(C) – OTHER MATTERS

After undertaking a substantive assessment in previous sections of this report, we do not consider there to be any other matters deemed necessary with regard to this application for consent.



## 10 SUMMARY AND CONCLUSIONS

The applicant seeks consent as a **Controlled Activity** for bulk earthworks to enable the expansion and upgrade of shearer to road in association with the approved subdivision RC12905\*S.

This report demonstrates that the proposed development is consistent with the Principles and Objectives of Part 2 of the RMA and with the relevant Objectives and Policies of the Plan. The Assessment of Environmental Effects contained in Section 6 demonstrates that any adverse effects on the environment resulting from the proposal will be less than minor and that no parties are considered to be affected by the proposal.

Overall, it is considered that Council should grant consent for the proposed Controlled Activity, subject to suitable conditions being imposed.

If further information is required, please contact Jack Mills on 07 577 1520 or by email to [jackm@maven.co.nz](mailto:jackm@maven.co.nz).



## APPENDIX A: RECORD OF TITLE



## APPENDIX B: EROSION AND SEDIMENT CONTROL PLANS





## APPENDIX C: GEOTECH REPORTS