

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? ☐ Yes ☒ No

2. Type of Consent being applied for

(more than one circle can be ticked):

- | | |
|---|---|
| ☐ Land Use | ☐ Discharge |
| ☐ Fast Track Land Use* | ☐ Change of Consent Notice (s.221(3)) |
| ☐ Subdivision | ☐ Extension of time (s.125) |
| ☐ Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) | |
| ☒ Other (please specify) <u>Resource consent variation</u> | |

* The fast track is for simple land use consents and is restricted to consents with a controlled activity status.

3. Would you like to opt out of the Fast Track Process?

☐ Yes ☒ No

4. Consultation

Have you consulted with Iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council tehonosupport@fndc.govt.nz

5. Applicant Details

Name/s:

Kathy Peterson

Email:

Phone number:

Work

Home

Postal address:

(or alternative method of service under section 352 of the act)

Postcode

6. Address for Correspondence

Name and address for service and correspondence (if using an Agent write their details here)

Name/s:

Donaldsons Surveyors

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

Postcode

0245

** All correspondence will be sent by email in the first instance. Please advise us if you would prefer an alternative means of communication.*

7. Details of Property Owner/s and Occupier/s

Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s:

Kathy Peterson

**Property Address/
Location:**

8. Application Site Details

Location and/or property street address of the proposed activity:

Name/s:

Kathy Peterson

**Site Address/
Location:**

291 & 293 AUUCKS ROAD, RUSSELL

Postcode

Legal Description:

Lot 1 DP 187447 & SO 517848

Val Number:

Certificate of title:

RT 857675

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? ☐ Yes ☒ No

Is there a dog on the property? ☐ Yes ☒ No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Amend consent notice and at permitted boundary activity

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request Public Notification?

☐ Yes ☒ No

11. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

- ☐ Building Consent
- ☐ Regional Council Consent (ref # if known)
- ☐ National Environmental Standard consent
- ☐ Other (please specify)

12. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) ☐ Yes ☒ No ☐ Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. ☐ Yes ☒ No ☐ Don't know

- | | |
|--|--|
| ☐ Subdividing land | ☐ Disturbing, removing or sampling soil |
| ☐ Changing the use of a piece of land | ☐ Removing or replacing a fuel storage system |

13. Assessment of Environmental Effects:

Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as Written Approvals from adjoining property owners, or affected parties.

Your AEE is attached to this application ☒ Yes

13. Draft Conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? ☒ Yes ☐ No

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? ☐ Yes ☒ No

14. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write in full)

Donaldsons Surveyors Ltd

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name: (please write in full)

Micah Donaldson

Signature:

(signature of bill payer)

Date 02-Oct-2026

15. Important Information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, www.fndc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

15. Important information continued...

Declaration

The information I have supplied with this application is true and complete to the best of my knowledge.

Name: (please write in full)

Micah Donaldson

Signature:

Date 02-Oct-2026

A signature is not required if the application is made by electronic means

Checklist (please tick if information is provided)

- ☒ Payment (cheques payable to Far North District Council)
- ☒ A current Certificate of Title (Search Copy not more than 6 months old)
- ☐ Details of your consultation with Iwi and hapū
- ☒ Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- ☒ Applicant / Agent / Property Owner / Bill Payer details provided
- ☒ Location of property and description of proposal
- ☒ Assessment of Environmental Effects
- ☐ Written Approvals / correspondence from consulted parties
- ☐ Reports from technical experts (if required)
- ☐ Copies of other relevant consents associated with this application
- ☒ Location and Site plans (land use) AND/OR
- ☒ Location and Scheme Plan (subdivision)
- ☐ Elevations / Floor plans
- ☒ Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.



8753

2 October 2026

Resource Planner
Far North District Council
Private Bag 752
KAIKOHE 0440

RC 2270028-RMACOM – Kathy Peterson

291 & 293 Aucks Road, Okiato, Russell

**APPLICATION TO VARY RESOURCE CONSENT PURSUANT TO SECTION 127 RMA 1991
AND REQUEST FOR PERMITTED BOUNDARY ACTIVITY NOTICE UNDER SECTION 87BA**

The applicant seeks a variation to combined subdivision and land use consent RC 2270028-RMACOM. The variation is limited to updating the approved scheme plan to expressly show the existing Cabin 1 height-in-relation-to-boundary (sunlight/recession plane) infringement, and amending the kiwi protection wording that is to be secured by consent notice under subdivision condition 4(c).

In parallel, the applicant requests that the Cabin 1 height-in-relation-to-boundary infringement be recognised as a permitted boundary activity under sections 87AAB and 87BA of the Resource Management Act 1991 (RMA). The applicant currently owns the land on both sides of the proposed internal boundary.

2. SCOPE OF THE PROPOSED VARIATION

The variation does not alter the approved lot layout, lot areas, access arrangements, servicing, impervious surface limits, bush protection area, or any physical development. The proposed changes are:

- replace the approved scheme plan referred to in subdivision condition 1 with the updated Ref 8753 scheme plan showing the Cabin 1 height-in-relation-to-boundary infringement;
- amend subdivision condition 4(c), being the kiwi protection provision required to be secured by consent notice under section 221 of the RMA; and
- obtain a written notice under section 87BA confirming that the Cabin 1 height-in-relation-to-boundary infringement is a permitted boundary activity or simply add this breach to this resource consent as another infringement.

All other conditions of RC 2270028-RMACOM are to remain unchanged.

3. PERMITTED BOUNDARY ACTIVITY – CABIN 1

The Cabin 1 infringement relates to the dimensions of an existing structure in relation to its distance from the proposed internal boundary. It is therefore a boundary-rule matter of the kind contemplated by section 87AAB of the RMA. The relevant boundary is private and is not a public boundary.

The updated scheme plan provides the information necessary to identify the infringement, including the location of Cabin 1, the 4.1 m setback, ground levels, eave level, the 2.0 m recession-plane origin and the 35° recession angle. The applicant is the current owner of the underlying land comprising



both proposed allotments and can therefore provide the written owner approval required in respect of the infringed boundary.

4. PROPOSED AMENDMENTS TO CONSENT CONDITIONS

Subdivision Condition 1 – Approved Plan

It is requested that subdivision condition 1 be replaced with the following wording:

*1. The activity must be carried out in general accordance with the updated plan prepared by Donaldsons Registered Land Surveyors titled “PROPOSED SUBDIVISION OF LOT 1 DP 187447 & SEC 1 SO 517848”, reference 8753, **dated September 2026**, as updated to show the Cabin 1 height-in-relation-to-boundary infringement and attached to the varied consent with the Council’s “Approved Stamp” affixed to it.*

Subdivision Condition 4(c) – Kiwi Protection Consent Notice

The existing condition 4(c) is requested to be replaced in full with the following:

c) On Lots 1 and 2: The lot is identified as being within a kiwi high density zone. On all lots no occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators.

Note: This Consent Notice does not relate to one dog per site that has been Kiwi aversion trained, microchipped, and where that dog is kept in a fenced-off enclosure and indoors at night.

A photographic record of the dog and evidence of current Kiwi aversion training must be provided to Council.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

Cabin 1 – height in relation to boundary

No new building work is proposed. The cabin is existing and the infringement is created by the approved subdivision boundary. The updated plan does not increase the degree of infringement or move the boundary; it records the relationship more clearly.

The affected side of the boundary is within the same landholding at the time of this application. The land immediately adjoining the cabin on the Lot 2 side is also associated with the approved access/right-of-way arrangement rather than a new residential building platform. The potential shading and amenity effects arising from the recession-plane infringement are therefore confined within the subject land and do not create an additional effect on any separately owned adjoining property.

Council has already assessed the same Cabin 1 infringement in the original consent for its setback from boundary infringement, and accepted that the effects are confined within the subject site. The adverse effects arising from this aspect of the variation are considered **less than minor**.

Kiwi protection consent notice

The property is identified in the approved consent as being within high-value kiwi habitat. The proposed amendment does not remove kiwi protection from either lot. Cats, mustelids and other carnivorous or omnivorous animals with the potential to prey on kiwi remain **prohibited**.

The amendment introduces a limited exception for one dog per site, subject to specific controls: the dog must be Kiwi aversion trained and microchipped, must be kept within a fenced enclosure when outside, must be kept indoors at night, and a photographic record and evidence of current Kiwi aversion training must be provided to Council.

These requirements provide an identifiable and enforceable management regime while retaining the core purpose of the consent notice. No vegetation clearance, habitat modification or other physical works are proposed as part of this variation, and the separate protection of indigenous vegetation within area “X” remains unchanged. On that basis, the adverse ecological effects arising from the proposed wording change are considered **less than minor**.

6. SECTION 127 RMA ASSESSMENT

Under section 127(3) of the RMA, the application is considered as if it were an application for a discretionary activity, with the assessment directed to the proposed change or cancellation of conditions and the effects of those changes.

The proposed variation is narrow in scope. It does not revisit the underlying two-lot subdivision or the physical land use already authorised. The original consent remains the appropriate baseline for assessment. The updated plan records an infringement already recognised by Council, while the consent notice amendment changes only the management regime applying to potential kiwi predators.

The original decision assessed the proposal against the New Zealand Coastal Policy Statement, Northland Regional Policy Statement, National Policy Statement for Indigenous Biodiversity, Operative Far North District Plan and Proposed Far North District Plan – Appeals Version. Nothing in the proposed variation alters the site characteristics or the approved development in a manner that would result in a different outcome under those statutory documents.

The proposed changes are therefore consistent with the basis on which RC 2270028-RMACOM was granted and do not undermine the objectives or policies relied upon in the original decision.

7. NOTIFICATION / AFFECTED PERSONS

The effects are less than minor therefore no concern.

8. SUMMARY

The applicant seeks a limited variation to RC 2270028-RMACOM to update the approved scheme plan and amend the kiwi protection consent notice wording. The updated plan expressly records the Cabin 1 height-in-relation-to-boundary infringement.

The height to boundary infringement effectively constitutes a permitted boundary activity under section 87BA and therefore can instead be included as a breach under the subdivision consent.

The subdivision layout and all other approved development remain unchanged.

Subject to the proposed kiwi-management controls, the adverse effects arising from the variation are considered **less than minor**.

Yours faithfully,
Micah Donaldson
 NZPI - NZIS



Attachments

- Updated scheme plan – Ref 8753, showing Cabin 1 height-in-relation-to-boundary detail.
- RC 2270028-RMACOM.
- Record of Title 857675



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




R.W. Muir
Registrar-General
of Land

Identifier **857675**
Land Registration District **North Auckland**
Date Issued 18 September 2018

Prior References

GN 11232408.1 NA117C/104

Estate Fee Simple
Area 2.2222 hectares more or less
Legal Description Lot 1 Deposited Plan 187447 and Section 1
Survey Office Plan 517848

Registered Owners

Kathleen Peterson

Interests

Subject to a power supply right over part Lot 1 DP 187447 marked B on DP 187447 specified in Easement Certificate D351424.4 - 26.1.1999 at 9:07 am

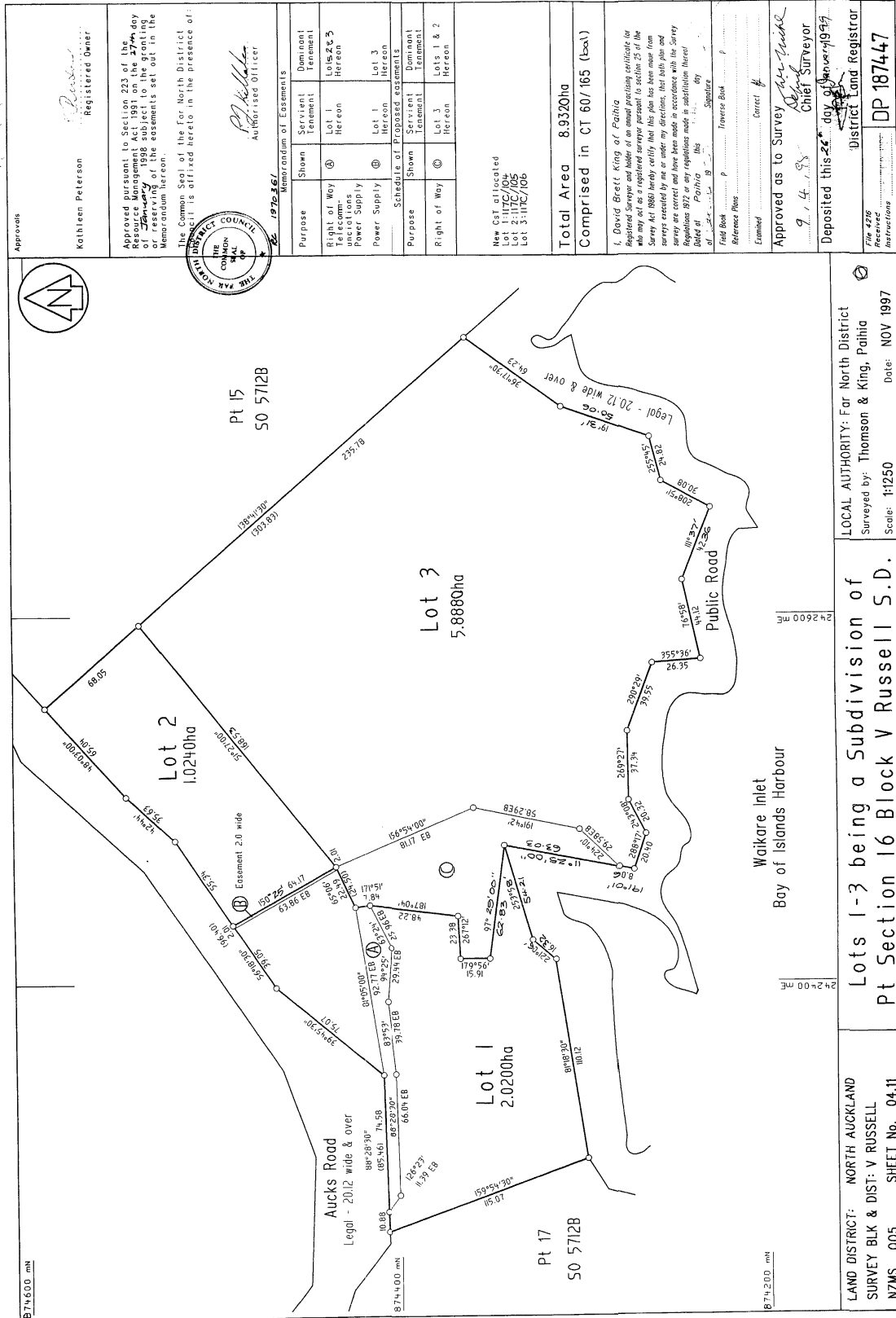
The easement specified in Easement Certificate D351424.4 is subject to Section 243 (a) Resource Management Act 1991 Appurtenant to Lot 1 DP 187447 is a right of way specified in Easement Certificate D430751.1 - 16.9.1999 at 9:00 am

Subject to a right of way, telecommunications and power supply over part Lot 1 DP 187447 marked A on DP 319357 created by Easement Instrument 5593859.3 - 21.5.2003 at 9:00 am

Subject to Section 120(9) Public Works Act 1981

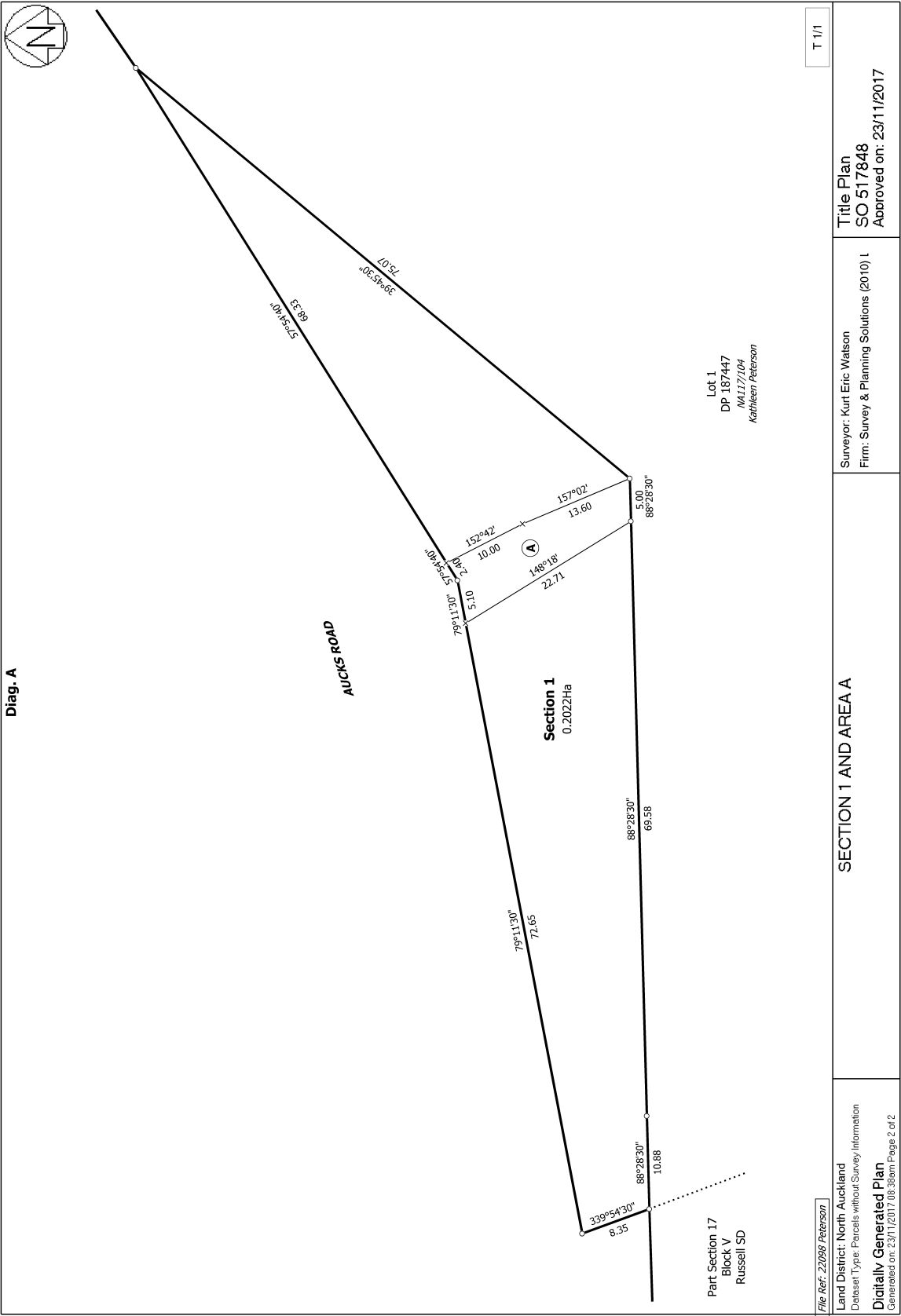
11379405.2 Bond pursuant to Section 348 Local Government Act 1974 - 8.5.2019 at 8:50 am

Subject to a right of way over part Section 1 SO Plan 517848 marked A on SO Plan 517848 created by Easement Instrument 11379405.3 - 8.5.2019 at 8:50 am



11 FEB 1999

40 41 42 43 44 45 46 47 48 49 50



DECISION ON COMBINED RESOURCE CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34A(1) and sections 104, 104B, 104D, 106, 108, 220 and 221 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council grants land use and subdivision resource consent for a Non-Complying activity, subject to the conditions listed below to:

Applicant: Kathy Peterson

Council Reference: 2270028-RMACOM

Property Address: 291 & 293 Aucks Road, Okiato, Russell 0272

Legal Description: Lot 1 DP 187447 and Section 1 SO 517848, comprised in Record of Title 857675

The activities to which this decision relates are listed below:

Activity A – Subdivision:

Subdivision to create one additional allotment, being a Discretionary activity in the Coastal Living Zone under the Operative Far North District Plan (rule 13.7.2), and a Non-complying activity in the Rural Lifestyle Zone under the Proposed District Plan – Appeals Version (rules SUB-R3, SUB-R12 and SUB-R20).

Activity B – Land Use:

Land use consent for the existing cabin on proposed Lot 1 and for impervious surface coverage on proposed Lot 1, being a Restricted Discretionary activity under rules RLZ-R1 and RLZ-R2 in the Rural Lifestyle Zone under the Proposed District Plan – Appeals Version, and a Discretionary activity under rules 10.7.5.1.6 and 10.7.5.1.7 in the Coastal Living Zone under the Operative Far North District Plan.

The activities have been bundled and are granted as a Non-complying activity overall.

Operative Far North District Plan

Rule number	Description of breach	Activity status
13.7.2 Allotment Sizes, Dimensions and other Standards (Coastal Living Zone)	Proposed Lot 1 is 5,552m ² and proposed Lot 2 is 16,670m ² . Section 1 SO 517848 (2,021m ²), being former legal road stopped and amalgamated with the title, is shown on the Operative Plan maps as Road. Under the definition of ROAD in Chapter 3, all roads carry the same zoning as the adjoining land, so that area takes the Coastal Living zoning of the balance of the site. Of that	Discretionary

	area, 828m² lies within proposed Lot 1 and 1,193m² within proposed Lot 2. Proposed Lot 1 (5,552m²) meets the Discretionary activity minimum allotment size of 5,000m² but not the Restricted Discretionary minimum of 8,000m². Proposed Lot 2 (16,670m²) meets the Restricted Discretionary minimum. Neither meets the Controlled activity minimum of 4ha.	
10.7.5.1.6 Stormwater Management	Total impervious surface on proposed Lot 1 is 753m ² (13.5%), exceeding the permitted maximum of 10% or 600m ² whichever is the lesser (555m ² on a 5,552m ² lot) by 198m ² .	Discretionary
10.7.5.1.7 Setback from Boundaries	Cabin 1 located on proposed Lot 1 is setback 4.1m. Cabin 3 to the north of proposed Lot 1 breaches the setback. Both are unable to meet the required 10m setback from site boundary. The breach of Cabin 1 is an internal breach.	Restricted Discretionary

Proposed Far North District Plan – Appeals Version

Rule number	Description of breach	Activity status
RLZ-R1 New buildings or structures ...	PER-1 is met. The buildings accommodate activities that are permitted in the zone. PER-2 is not met. RLZ-S3 Setback: Cabin 1 on proposed Lot 1 is set back 4.1m from the proposed internal boundary with Lot 2 where 10m is required. Cabin 3 does not meet the required setback from the northern boundary. RLZ-S2 Height in relation to boundary is also infringed. The standard applies a 35° recession plane measured inwards from a point 2m above ground level at the southern boundary. Ground level at that boundary is RL 37.6, giving a plane origin of RL 39.60 and a plane height of RL 42.47 at the 4.1m setback. The eave of Cabin 1 is at RL 43.07 and projects approximately 0.6m beyond the plane. RLZ-S3(4) requires buildings containing sensitive activities to be set back at least 20m from the boundary of a Rural Production zone. Residential activities are sensitive activities as defined. The existing buildings lie between approximately 10m and 12.4m from the boundary of Section 1 SO 517848 and the standard is not met. The buildings comply with RLZ-S1 Maximum height and with RLZ-S4 to RLZ-S8.	Restricted Discretionary
RLZ-R2 Impermeable surface coverage	Total impervious surface on proposed Lot 1 is 753m ² (13.5%), exceeding the PER-1 maximum of 12.5% or 2,500m ² whichever is the lesser (694m ² on a 5,552m ² lot) by 59m ² .	Restricted Discretionary
SUB—R3 Subdivision of land to create a new allotment	The proposal can comply with CON-1.	Non-Complying

	CON-2 The proposal is unable to meet the minimum allotment sizes of the Rural Lifestyle and Rural Production Zone and is Non-Complying activity. CON-3 Not applicable	
SUB-R12 Subdivision of a site within coastal hazard areas	An 11m ² area of the site, being 0.05% of the total site area, is mapped within the Coastal Flood (Zone 3: 100 Year Rapid Sea Level Rise Scenario) area. The rule is restricted discretionary where RDIS-1 is met — all building platforms and associated access for each allotment located wholly outside the spatial extent of the Coastal Hazard Area. The mapped area cannot accommodate a building platform or an access, and the clear building area on each allotment lies wholly outside it. RDIS-1 is met and the activity is restricted discretionary.	Restricted Discretionary
SUB-R20 Subdivision creating one or more additional allotments within the Coastal Environment (excluding Outstanding Natural Character Areas)	The site is identified as being within the Coastal Environment and therefore this rule applies and is Discretionary by default.	Discretionary

Subdivision Conditions

Pursuant to sections 108 and 220 of the Act, this subdivision consent is granted subject to the following [conditions](#):

1. The activity must be carried out in general accordance with the approved plan prepared by Donaldsons Registered Land Surveyors titled "PROPOSED SUBDIVISION OF LOT 1 DP 187447 & SEC 1 SO 517848", reference 8753, dated August 2026 and received by Council on 7 September 2026, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act must show:
 - a. The easements shown in the Proposed Memorandum of Easements and the Proposed Schedule of Easements on the approved plan referred to in condition 1 are to be duly granted or reserved in the memorandum of easements on the survey plan. Where an area identifier on the approved plan is used both for an existing easement and for a proposed easement, the survey plan must adopt distinct identifiers.
 - b. The area identified as "X" on the approved plan referred to in condition 1, annotated on that plan as "Proposed Covenant", is to be shown on the survey plan and marked as subject to the consent notice required by condition 4(a). For the avoidance of doubt, the instrument required by condition 4(a) is a consent notice issued under section 221 of the Act.

Section 224(c) compliance conditions

3. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:

- a. Upgrade the existing vehicle crossings to Lots 1 and 2 to a sealed entrance, to comply with the Council's Engineering Standards 2023 in accordance with Type 1A, Sheets 21, 22 and 23.

Note: Vehicle crossings must be sealed to the lot boundary or for a minimum distance of 10 metres from the edge of the carriageway (whichever is the greater) and to a standard not less than that of the adjoining road surface. Asphaltic concrete or concrete may be used as alternative to chip seal (for sealed roads).

- b. Provide written certification from a suitably qualified person that firefighting water supply is available to proposed Lot 2 in accordance with the Council's Engineering Standards 2023 and SNZ PAS 4509:2008.
 - c. Prior to the issue of a certificate pursuant to section 224(c) of the Act, the consent holder shall trace and confirm the location of the existing power supply serving the site, as noted on the approved plan.
4. Prior to the issue of a certificate pursuant to section 224(c) of the Act, the consent holder shall secure the obligations below by way of a consent notice issued under section 221 of the Act, to be registered against the record of title for the allotment identified in each case. The costs of preparing, checking and executing the notice shall be met by the consent holder.
 - a. On Lot 2: the owner must preserve the indigenous vegetation indicated on the survey plan as area "X" and shall not, without the prior consent of the Far North District Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
 - b. On Lot 1: the total impervious surface coverage of the lot shall not exceed 753m², being the coverage approved by this consent, unless a stormwater management design demonstrating appropriate control measures has first been submitted to and approved by the Far North District Council. The design must be prepared by a suitably qualified and experienced person in accordance with the Council's Engineering Standards 2023.
 - c. On Lots 1 and 2: the land is within an area identified as high-value kiwi habitat. No cat or dog shall be kept on the lot. This restriction does not apply to a disability assist dog as defined in the Dog Control Act 1996.

Subdivision Advice Notes

Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
 - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or

- b) *An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.*

Section 224 Certification

2. *A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other costs associated with the Resource Consent have been paid in full.*

General

3. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*

Monitoring

4. *Council will monitor compliance with the conditions of this consent. A monitoring charge will be levied in accordance with the Council's Fees and Charges schedule current at the time the monitoring is undertaken.*

Land Use Conditions

Pursuant to sections 108 of the Act, this land use consent is granted subject to the following [conditions](#):

1. The land use consent shall not be given effect to other than in conjunction with the subdivision consent granted by this decision, and the activity must be carried out in general accordance with the approved plan referred to in subdivision condition 1.
2. The total impervious surface coverage on Lot 1 shall not exceed 753m².

Land Use Advice Notes

Lapsing of Consent

1. *Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;*
 - a) *The consent is given effect to; or*
 - b) *An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.*

General Advice Notes

Right of Objection

1. *If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.*

Archaeological Sites

2. *Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an*

archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Non-Complying activity resource consent as such under section 104 the Council can consider all relevant matters.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - a. While the proposed allotments do not meet the allotment size thresholds for the zone, the proposal will remain consistent with the wider environment in terms of character and amenity. The immediate receiving environment comprises an established rural residential to rural lifestyle environment. The proposal has been assessed as not having any discernible shift in rural-residential character from the receiving environment.
 - b. In terms of servicing the allotments and infrastructure, these configurations are existing and are well functioning. Access is existing in which both lots retain existing, lawfully established crossings.
 - c. The retention and protection of the indigenous vegetation shown as Area "X" on the approved plan is secured by the consent notice at condition 4(a) and provides an environmental benefit.
 - d. The land use infringements relate to existing buildings on proposed Lot 1. The impervious surface coverage is existing and is not increased by the subdivision. The setback and height in relation to boundary infringements affecting Cabin 1 arise in relation to the internal boundary proposed to be created between Lots 1 and 2, and the land immediately adjoining on the Lot 2 side is subject to the proposed right of way. The infringement affecting Cabin 3 relates to the northern boundary of proposed Lot 1, which is the frontage to Aucks Road. No building works are proposed. The effects of the infringements are confined within the subject site and are acceptable.
4. In regard to section 104(1)(ab) of the Act, no measures to offset or compensate for adverse effects are proposed, as no adverse effects requiring offsetting or compensation have been identified. The applicant nevertheless offers the retention and protection of the indigenous vegetation shown as Area "X" on the approved plan, located in the south-western corner of proposed Lot 2, secured by a consent notice under section 221. The

protection of this vegetation is therefore not considered an offset or compensation measure for the purposes of section 104(1)(ab), but is instead recognised as a positive effect of the proposal and weighed as such under section 104(1)(a).

5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:

- a. New Zealand Coastal Policy Statement 2010,
- b. Northland Regional Policy Statement 2016,
- c. National Policy Statement for Indigenous Biodiversity 2023,
- d. Operative Far North District Plan 2009,
- e. Proposed Far North District Plan - Appeals Version 2026

New Zealand Coastal Policy Statement 2010 (NZCPS)

The site is located within the coastal environment, and the relevant provisions of the New Zealand Coastal Policy Statement (NZCPS) have been considered. The proposal involves subdivision around two existing residential dwellings and does not provide for new buildings, earthworks, accessways or significant infrastructure. The existing residential character of the site and surrounding area will be maintained, and the proposed allotments are configured around the established development and servicing arrangements.

In relation to Policies 5 and 6, the proposal will not result in significant changes to the use or intensity of development within the coastal environment and is not anticipated to adversely affect the functioning or resilience of the coastal environment. In relation to Policy 11, the site contains areas of indigenous vegetation and is within the Kiwi High zone. No vegetation clearance is proposed, and the applicant has offered a consent notice to protect identified areas of indigenous vegetation.

In relation to Policies 13 and 15, the site is already developed for residential purposes and is not identified as an Outstanding Natural Landscape or Outstanding Natural Feature. The subdivision will not materially alter the natural character or landscape values of the site, particularly as no new physical works are proposed.

Overall, the proposal is considered consistent with the relevant provisions of the NZCPS and will result in less than minor adverse effects in this regard.

Operative Far North District Plan 2009

Chapter 13 Subdivision

The proposal is generally consistent with the relevant subdivision objectives and policies. While the proposed allotments do not meet the minimum lot size anticipated by the Coastal Living Zone provisions, the non-compliance relates to allotment size only. The allotments have been configured around the existing residential development and are of sufficient size and dimensions to accommodate the established dwellings, access and servicing. No new earthworks, access or significant infrastructure are proposed, and the subdivision is not anticipated to adversely affect existing land uses, natural resources or amenity values. This is consistent with Objectives 13.3.1 and 13.3.2 and Policies 13.4.1, 13.4.3 and 13.4.5.

Existing access and servicing arrangements will be retained, including onsite water storage, wastewater and stormwater disposal, electricity and telecommunications. No new crossings or significant infrastructure are required, consistent with Objectives 13.3.5, 13.3.8 and 13.3.10 and Policies 13.4.2, 13.4.4 and 13.4.8.

The site is not identified as an Outstanding Natural Landscape or Feature and no vegetation clearance is proposed. The identified indigenous vegetation will be protected through a proposed consent notice. The subdivision will therefore not compromise landscape, ecological or natural character values, consistent with Objective 13.3.3 and Policy 13.4.6.

Overall, although the proposal is non-complying with respect to the minimum allotment size, the proposed subdivision reflects the established residential development, makes efficient use of existing infrastructure and does not result in significant adverse environmental effects. The proposal is therefore considered generally consistent with the relevant objectives and policies of Chapter 13.

Chapter 10.7 Coastal Living Zone

The proposal is generally consistent with the objectives and policies of the Coastal Living Zone. While the proposed allotments are below the minimum lot size, the subdivision is designed around the existing residential development, with each allotment containing an established dwelling. No new earthworks, access or significant infrastructure are proposed, and existing servicing will be retained. The proposal therefore avoids significant additional development and maintains the established character, amenity and natural character of the coastal environment.

The existing areas of indigenous vegetation will be protected through a proposed consent notice, and the subdivision does not adversely affect identified landscape, heritage or cultural values. The proposal therefore provides for the established residential use while avoiding, remedying or mitigating adverse effects on the coastal environment, consistent with Objectives 10.7.3.1 and 10.7.3.2 and Policies 10.7.4.1–10.7.4.3.

Proposed Far North District Plan – Appeals Version (PDP-AV)

Subdivision

The proposal is generally consistent with the relevant subdivision objectives and policies of the PDP-AV. The subdivision is designed around the two existing residential dwellings and makes efficient use of established access and servicing. It maintains the existing rural-residential character and is not anticipated to result in reverse sensitivity effects or increase natural hazard risk, consistent with SUB-O1.

The proposal also recognises the environmental values of the site. No new earthworks or vegetation clearance are proposed and identified areas of indigenous vegetation will be protected through a proposed consent notice. The site is not identified as containing an Outstanding Natural Feature or Landscape, or a Site or Area of Significance to Māori or historic heritage. The proposal is therefore consistent with SUB-O2.

Existing access and infrastructure are adequate to service the proposed allotments, with no new crossings or significant infrastructure required. This is consistent with SUB-O3 and SUB-O4.

The proposal does not comply with SUB-P3(2) as the proposed allotments are below the minimum allotment size for the Rural Lifestyle Zone. However, the allotments are of sufficient size and shape to accommodate the existing residential development and have legal and physical access, consistent with the remaining aspects of SUB-P3.

SUB-P9 is particularly relevant as it seeks to restrict rural residential subdivision in the Rural Lifestyle Zone unless superior environmental outcomes are achieved. In this case, the subdivision is undertaken around existing residential development and includes the proposed legal protection of identified indigenous vegetation. This provides an environmental benefit through the retention and long-term protection of indigenous biodiversity, while the subdivision itself does not require vegetation clearance or earthworks. On this basis, the proposal is considered to provide an environmental outcome consistent with the intent of SUB-P9.

The proposal is also consistent with SUB-P11, having regard to the established scale and character of the surrounding environment, adequacy of servicing, natural hazard considerations and the absence of identified adverse effects on natural character, indigenous biodiversity, heritage or cultural values.

Overall, while the proposal does not comply with the minimum allotment size sought by SUB-P3(2), it is otherwise generally consistent with the relevant PDP-AV subdivision objectives and policies. The existing development established surrounding subdivision pattern, adequate servicing and proposed protection of indigenous vegetation support the proposal as an appropriate site-specific outcome.

Rural Lifestyle

The proposal is generally consistent with the objectives and policies of the Rural Lifestyle Zone. The subdivision retains the established low-density residential use of the site, with each proposed allotment containing an existing dwelling. While the allotments are smaller than anticipated for the zone, the surrounding environment already contains a pattern of smaller rural lifestyle allotments, and the proposal will not introduce an urban form or incompatible activity. The proposal is therefore consistent with RLZ-O1, RLZ-O2, RLZ-O3 and RLZ-P1 and P2.

The proposal will not compromise primary production activities in the surrounding Rural Production Zone or create reverse sensitivity effects, consistent with RLZ-O4 and RLZ-P3.

In considering RLZ-P4, the subdivision reflects the existing scale and character of the site and surrounding environment. Existing access and onsite servicing are adequate, no new earthworks or significant development are proposed, and existing vegetation provides screening to adjoining properties. The proposed protection of indigenous vegetation further assists in maintaining the environmental character of the site. No adverse effects on identified heritage, cultural, natural feature, landscape or indigenous biodiversity values are anticipated.

Overall, while the proposed allotments are below the anticipated minimum size, the established residential use, surrounding rural lifestyle character, existing infrastructure and absence of significant adverse effects mean the proposal is generally consistent with the Rural Lifestyle Zone objectives and policies.

Weighting Assessment (ODP and PDP-AV)

For this resource consent application the relevant provisions of both an operative (ODP) and any proposed plan must be considered. At the time of this decision, the proposed plan (PDP-AV) is subject to appeal. Accordingly, both the ODP and PDP-AV provisions are relevant and a weighting assessment is required. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans.

As the outcomes sought are the same under the operative and the proposed plan frameworks, no weighting is necessary.

The provisions relied on in this decision that are the subject of appeal are SUB-R3, SUB-R12, SUB-R20, RLZ-R1 and RLZ-S3. RLZ-R2 and RLZ-S2 are not subject to appeal. Section 86F(1) operates on rules only; the objectives and policies of the Operative District Plan remain relevant under s104(1)(b)(vi) irrespective of the appeals.

6. In regard to section 104(1)(c) of the Act the following other matters are relevant and reasonably necessary to determine the application:

The potential for precedent effects and effects on the integrity of the District Plan has been considered, particularly given the proposed allotments are below the anticipated minimum lot size for the Coastal Living Zone.

The proposal is considered to be sufficiently site-specific such that approval is unlikely to establish an undesirable precedent. The subdivision is designed around two existing dwellings and established residential development, rather than enabling a new pattern of development within an undeveloped area. The immediate receiving environment also contains a number of smaller rural-lifestyle allotments, particularly to the north, with existing lot sizes of approximately 4,200m² to 5,200m². This established pattern of smaller allotments and rural-residential development reduces the extent to which the proposal would represent an isolated departure from the anticipated subdivision pattern.

The character and amenity of the surrounding area are therefore unlikely to materially change as a result of the subdivision. The eastern and western interfaces are also substantially screened by existing vegetation, with further protection proposed through the consent notice.

While approval of the subdivision would depart from the minimum allotment size, it would not undermine the broader intent of the Coastal Living Zone provisions or establish a pattern of subdivision that would necessarily be appropriate across the zone. The particular circumstances of the site, including the existing development, established surrounding subdivision pattern, existing servicing and proposed protection of indigenous vegetation, distinguish the proposal from a general relaxation of the minimum lot size standard.

On this basis, the proposal is not considered to result in adverse precedent effects or compromise the integrity or effectiveness of the District Plan.

Relevant iwi/hapū management plans, bylaws and other legislation have been considered. No specific provisions have been identified that would materially affect the proposed subdivision. The proposal does not involve works or activities that would adversely affect any identified sites of significance to Māori, wāhi tapu or other known cultural values.

The proposal remains subject to the relevant requirements of the Resource Management Act 1991 and other applicable legislation, including the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 should any previously unidentified archaeological site be encountered. No additional approvals or consents under other legislation have been identified as necessary for the proposed subdivision.

Overall, there are no matters arising under iwi/hapū management plans, bylaws or other legislation that would weigh against the proposal.

7. The activity is non-complying under the Proposed District Plan – Appeals Version by reason of rule SUB-R3, and is a discretionary activity under the Operative District Plan. Section 104D therefore applies, and consent may be granted only if the activity passes at least one of the two gateway tests in s104D(1).

The adverse effects of the activity on the environment will be no more than minor, for the reasons given in the notification assessment and at paragraph 3 above. The activity therefore satisfies s104D(1)(a).

The activity is also not contrary to the objectives and policies of the Proposed District Plan – Appeals Version, for the reasons given in the assessment of SUB-O1 to SUB-O4, SUB-P3, SUB-P9 and SUB-P11 and the Rural Lifestyle Zone objectives and policies above, nor to those of the Operative District Plan. The activity therefore also satisfies s104D(1)(b).

Consent may accordingly be granted.

8. In terms of s106 of the Act, part of proposed Lot 2 is mapped within the Coastal Flood (Zone 3: 100 Year Rapid Sea Level Rise Scenario) area. The existing dwelling on that lot lies outside the mapped extent. No new building is authorised by this consent. The subdivision is therefore not considered likely to accelerate, worsen or result in material damage to the land, other land or a structure by reason of inundation within s106(1)(a). Sufficient provision has been made for legal and physical access to each allotment. Accordingly, council is able to grant this subdivision consent subject to the conditions above.

9. Based on the assessment above the activity will be consistent with Part 2 of the Act.

The following matters of national importance under section 6 are relevant. The site lies wholly within the Coastal Environment and is mapped as an area of High Natural Character; section 6(a) applies, and the preservation of natural character is addressed in the assessment of SUB-R20 and the NZCPS above. The site contains areas of indigenous vegetation and lies within an area identified as high-value kiwi habitat; section 6(c) applies, and the protection of those values is provided for by the consent notice at condition 4(a) and the restriction at condition 4(c). Public access to and along the margin of the Waikare Inlet is maintained by the existing public road adjoining the southern boundary; section 6(d) applies and is addressed under Access to Waterbodies. Part of proposed Lot 2 is subject to a mapped coastal inundation hazard; section 6(h) applies and is addressed under section 106 above. Having regard to those matters, and for the reasons set out above, granting consent will achieve the purpose of the Act.

10. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

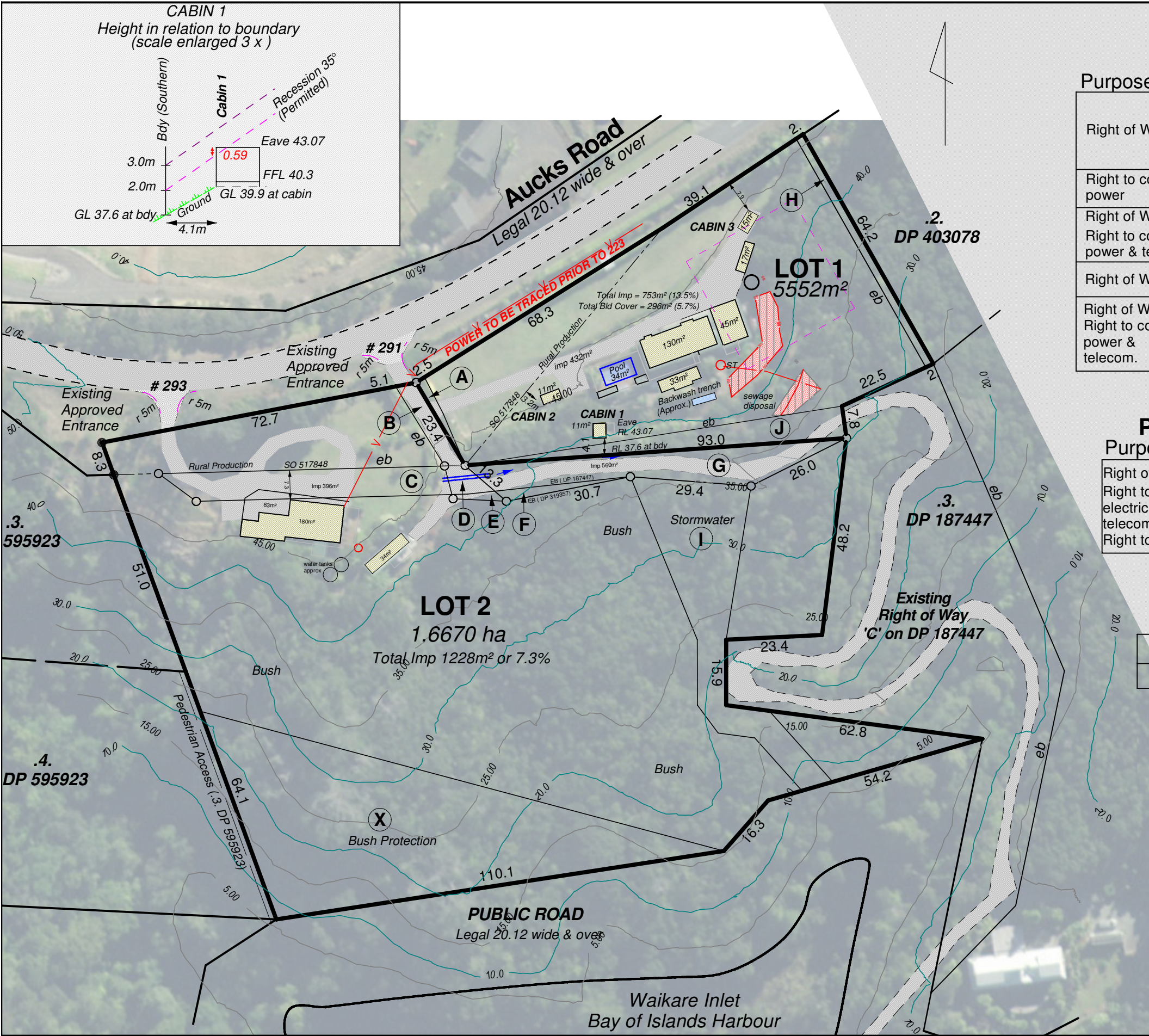
This resource consent has been prepared by Salamasina Brown, Intermediate Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



Nick Williamson

Date: 9 September 2026

Team Leader Resource Consents



Existing Easements			
Purpose	Burdened	Shown	Benefited
Right of Way	.3. DP 187447	C on DP 187447	Lots 1 & 2 hereon EI D43075.11
	Lot 2 hereon	'C' 'D' 'G'	.3. DP 187447 EI D351424.4
Right to convey power	Lot 1 hereon	'H'	.3. DP 187447 EI D351424.4
Right of Way Right to convey power & telecom.	Lot 2 hereon	'D' 'E' 'F' 'G'	.3. DP 187447 EI 5593859.3
Right of Way	Lot 2 hereon	'A' 'B'	.3. DP 187447 EI 11379405.3
Right of Way, Right to convey; power & telecom.	Lot 1 hereon	J	.3. DP 187447 EI D351424.4 EI 5593859.3

Proposed Memorandum of Easements			
Purpose	Burdened	Shown	Benefited
Right of Way Right to convey; electricity, telecommunications, Right to drain water.	Lot 1	A	Lot 2
	Lot 2	B	Lot 1

Proposed Schedule of Easements			
Purpose	Burdened	Shown	Benefited
Right to drain water	Lot 2	G & I	Lot 1
Right of Way	Lot 1	J	Lot 2

Proposed Covenant Pursuant to Sec 221 RMA
Area 'X' is designated for bush protection

Applicant : K. Peterson
Title : 857675
Total Area : 2.2222 ha
Zone : Coastal Living (TDP)
Rural Lifestyle (PDP)

Areas and measurements are subject to survey