

# 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 [Form 9](#)). 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):

- |   |   |
|---|---|
| <input type="radio"/> Land Use  | <input type="radio"/> Discharge                           |
| <input type="radio"/> Fast Track Land Use*  | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input type="radio"/> Subdivision   | <input type="radio"/> Extension of time (s.125)           |
| <input type="radio"/> Consent under National Environmental Standard<br>(e.g. Assessing and Managing Contaminants in Soil) |   |
| <input type="radio"/> Other (please specify) _____  |   |

*\*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](mailto:tehonosupport@fndc.govt.nz)*

## 5. Applicant details

<b>Name/s:</b>	Alison Moloney	
<b>Email:</b>		
<b>Phone number:</b>	Work	Home
<b>Postal address:</b> (or alternative method of service under section 352 of the act)	63 McCaughan Road, Kerikeri	
	Postcode 294	

Have you been the subject of abatement notices, enforcement orders, infringement notices and/or convictions under the Resource Management Act 1991? ☒ Yes ☐ No

If yes, please provide details.

Please see attached

## 6. Address for correspondence

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

<b>Name/s:</b>	Steven Sanson	
<b>Email:</b>		
<b>Phone number:</b>	Work	Home
<b>Postal address:</b> (or alternative method of service under section 352 of the act)	PO Box 318, Paihia 0247	
	Postcode 294	

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

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## 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)*

<b>Name/s:</b>	Refer title attached to application	
<b>Property address/ location:</b>		
	Postcode	

## 8. Application site details

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

Name/s:

Site address/  
location:

  
  
  
 Postcode

Legal description:

Val Number:

Certificate of title:

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.

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

## 14. Draft conditions:

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

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

## 15. 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)

Alison Moloney

**Email:**

**Phone number:**

Work

Home

**Postal address:**

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

63 McCaughan Road Kerikeri

0294

Postcode

### 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.



## 15. Billing details continued...

### 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)

Alison Moloney

**Signature:**

(signature of bill payer)

**Date** 21-Nov-2025

**MANDATORY**

## 16. 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](http://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.

## 17. Declaration

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

**Name** (please write in full)

Steven Sanson

**Signature**

**Date** 21-Nov-2025

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

*See overleaf for a checklist of your information...*

## 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.

**BAY OF ISLANDS PLANNING LIMITED**

**Kerikeri House  
Suite 3, 88 Kerikeri Road  
Kerikeri**

**Email – [office@bayplan.co.nz](mailto:office@bayplan.co.nz) Website - [www.bayplan.co.nz](http://www.bayplan.co.nz)**

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24 November 2025

Dear Team Leaders,

**Re: Proposed Second Residential Unit at the Scale of a Minor Residential Unit (MRU) – 63 McCaughan Road, Kerikeri**

Our clients, Alison Moloney and Don Orr seek a retrospective resource consent for a second residential unit at 63 McCaughan Road, Kerikeri. The site is zoned Rural Production within the Far North District Council Operative District Plan (**ODP**), and Horticulture zone under the Proposed District Plan (**PDP**).

Resource Consent is required as the property already has an established principal residential unit and while the second residential unit can meet the size requirements for an MRU [less than 65m<sup>2</sup> and on a site greater than 5,000m<sup>2</sup>], it is located 38m from the principal residential unit and has its own separate access.

Please note that abatement notices have been served in relation to this application. The application reflects an attempt to ameliorate the Resource Management Act 1991 concerns associated with the development.

Overall, the application is a **Non-complying Activity**. Please do not hesitate to contact me should you require any further information.



Steven Sanson  
Consultant Planner

## 1. INTRODUCTION

### 1.1 Applicant & Property Details

**Applicant:** Donald Frank Orr and AJ Moloney Trustee Limited

**Site Address:** 63 McCaughan Road, Kerikeri

**Legal Description:** Lot 13 DP 194246

**Site Area:** 1.0123 hectares

**Zoning (ODP):** Rural Production Zone

**Zoning (PDP):** Horticulture Zone

### 1.2 Proposal Summary

The applicants seek retrospective Land Use Consent to establish a second residential unit on the site. The unit is a "Tiny Home" situated on a trailer chassis. While the structure is moveable, the applicant accepts that for the purposes of the ODP, the unit meets the definition of a "building" and a "residential unit."

The proposal comprises:

- A "Tiny Home" unit (approx. 29.29m<sup>2</sup>) containing a kitchen, lounge, bathroom, and bedroom.
- An associated deck (approx. 24m<sup>2</sup>).
- The total floor area is approximately 53.29m<sup>2</sup>, which meets the size definition of a Minor Residential Unit (MRU).

Additionally, the applicant seeks consent under Section 221 of the Resource Management Act 1991 to vary Consent Notice D390811.3 Condition (ii)(b) registered on the Record of Title.

This condition restricts buildings to specific identified areas. The proposed Tiny Home is located outside of this identified area.

The Record of Title with relevant instruments are found in **Appendix A**.

Overall, the application falls to be considered as a **Non-Complying Activity**.

## 2. SITE DESCRIPTION



**Figure 1 – Site (Source: Prover)**

The subject site is located at 63 McCaughan Road, Kerikeri. It is a regular-shaped allotment of approximately 1.01 hectares. The site currently contains:

- A principal existing dwelling (330m<sup>2</sup>).
- An existing shed (65m<sup>2</sup>).
- Established driveways and landscaping.

The topography is generally flat to gently rolling. The site is surrounded by similar rural-residential lifestyle blocks. The specific location of the proposed Tiny Home is set back from the road and the principal dwelling, utilising an existing gravel pad area. This pad area provides sufficient space for 2 x car parks and has direct access to the privately owned JOAL. The dwelling is serviced with its own wastewater and water supply, as well as power supply.

## 3. RECORD OF TITLE, CONSENT NOTICES AND LAND COVENANTS

The site Record of Title is attached at **Appendix A**. The relevant instruments are provided for Council consideration. It is noted that all of the consent notices are complied with, save for the requirement for all buildings to be located within the specified building envelope. This envelope



is outlined below.

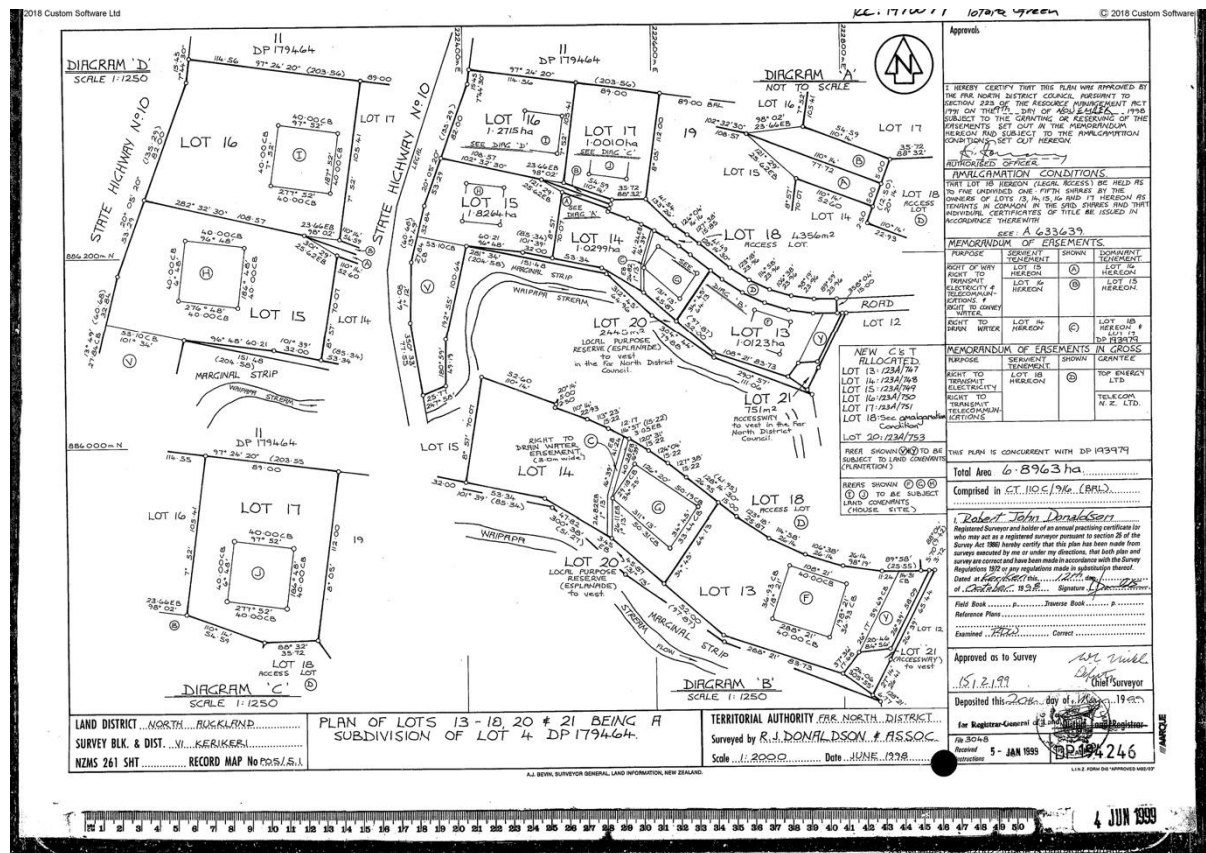


Figure 2 – Approved Building Envelope (Source: Prover)

## 4. DESCRIPTION OF THE PROPOSAL

### 4.1 Retrospective Dwelling (Tiny Home)

The proposal is to legitimize the existing Tiny Home stationed on the property.

- **Nature of Unit:** The unit is a moveable structure constructed on a tri-axle trailer base with a towbar. It is currently on wheels and is not structurally attached to the adjacent deck. The unit can be easily removed or relocated via truck.
- **Size:** The enclosed floor area is well under the 65m<sup>2</sup> threshold for a Minor Residential Unit (MRU).
- **Location:** The unit is located greater than 30m from the principal dwelling.
- **Access:** The unit utilizes a separate vehicle access/parking area and does not share the immediate vehicle maneuvering area of the principal dwelling.
- **Servicing:** The unit is connected to its own wastewater system which has already received a Code Compliance Certificate (CCC). This can be sourced and provided if the Council RC engineer requires confirmation of this.

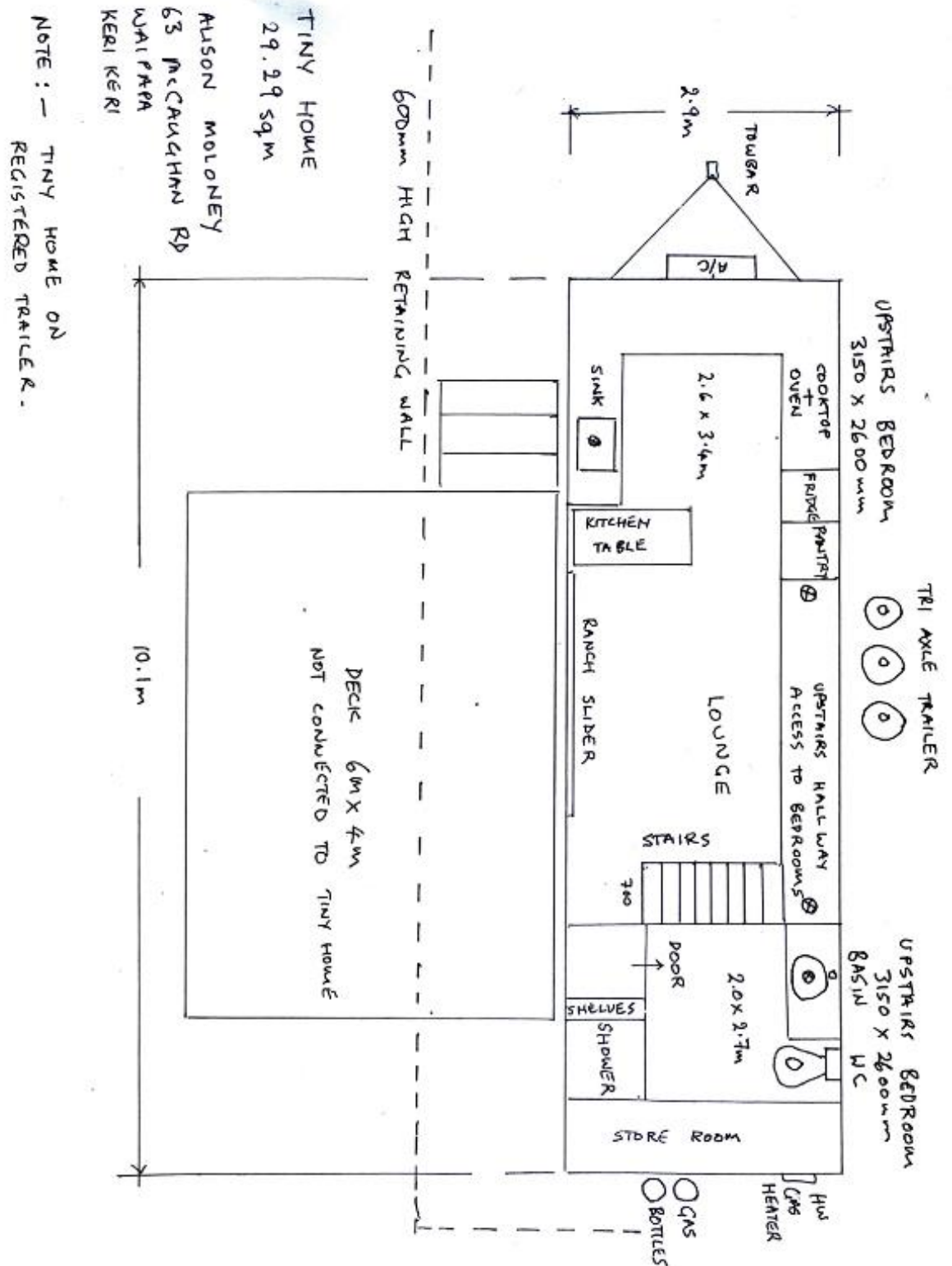


Figure 3 - Floor plan (Source: Applicant)

A site plan, floor plan and photos of the unit is provided in **Appendix B**.

#### 4.2 Variation to Consent Notice (s221)

Consent Notice D390811.3 contains conditions relevant to this proposal. specifically:

- **Condition (ii)(b):** *"That all buildings on the site hereon be limited to those areas identified on the plan of subdivision."*

The proposed Tiny Home is located outside of the building platform identified in the original subdivision plan (RC 1970077). Therefore, a variation is required to legitimise the location of the second residential unit.

### Proposed Variation Wording:

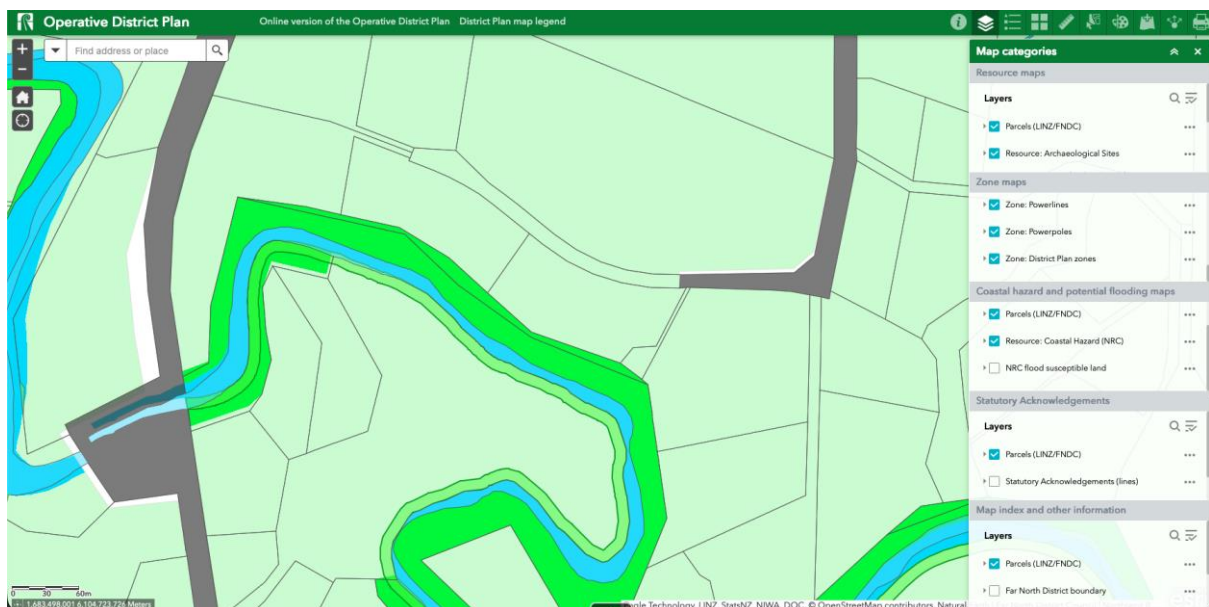
The applicant proposes to add an exception clause to the condition. The suggested wording is underlined below:

*"That all buildings on the site hereon be limited to those areas identified on the plan of subdivision, except for the second residential unit authorised under Resource Consent [Insert RC Number]."*

### 4.3 Compliance Matters

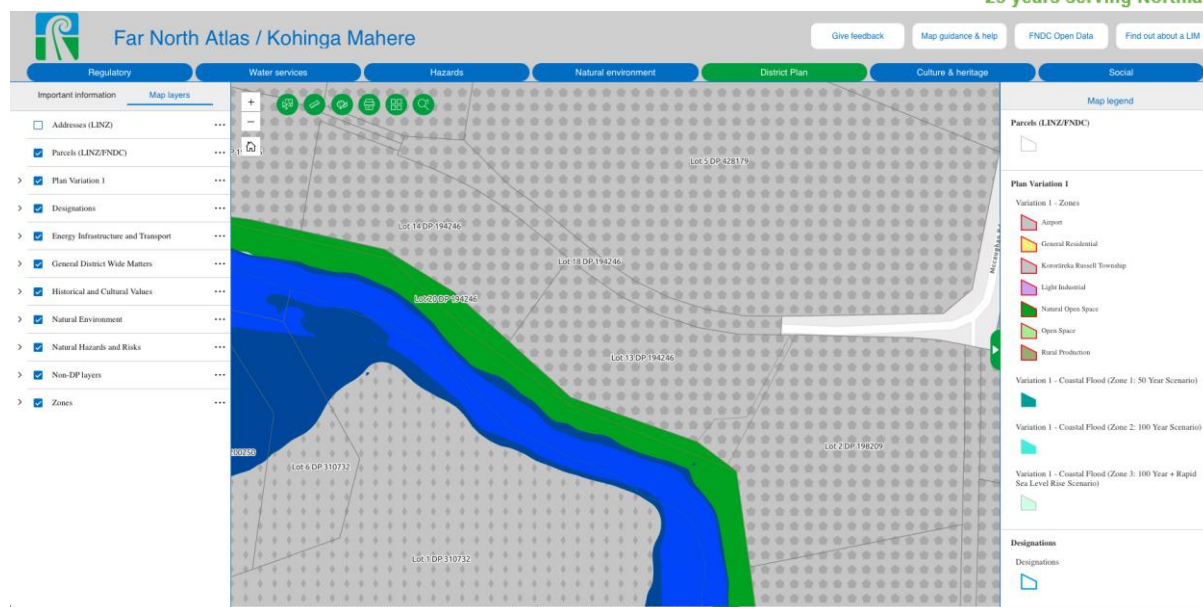
Attached in **Appendix C** are compliance letters from FNDC. The application seeks to address the concerns of these letters for the applicants. It is noted that the interpretation of the trailer as a residential unit and building may have wider implications for other vehicles such as campervans. The applicants in this instance were not aware a consent was needed for a vehicle.

## 5. REASONS FOR CONSENT



**Figure 4 - ODP Map – Rural Production Zone (Source: Far North Maps)**





**Figure 5 – PDP Map – Horticulture Zone (Source: Far North Maps)**

Tables below provide an assessment against the applicable ODP and PDP performance standards and identifies the reasons for resource consent. For the ODP these comprise the rules of the Part 2- Environment Provisions and the Part 3 - District Wide Rules. For the PDP these comprise of the rules with immediate legal effect.

## 5.1 ODP Rules

**Table 1 – Rural Production Zone - Performance Standards**

Rural Production Zone standards		
Rule	Standards	Performance/Comments
Residential Intensity	<p><b>Permitted</b> – One unit per 12ha of land</p> <p><b>Restricted Discretionary</b> - One unit per 4ha of land</p> <p><b>Discretionary</b> – One unit per 2ha of land</p> <ul style="list-style-type: none"> <li>In all cases the land shall be developed in such a way that each unit shall have at least 2,000m<sup>2</sup> for its exclusive use surrounding the unit plus a minimum of 1.8ha elsewhere on the property.</li> </ul>	<p>The proposed dwelling is for all intents and purposes considered a MRU, however it cannot technically be considered one due it being more than 30m from the principal dwelling and not sharing an accessway.</p> <p><b>Non-complying</b></p>
Sunlight	<p><b>Permitted</b> - No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site</p>	<p><b>Complies</b></p>

	boundary <b>Restricted Discretionary</b> – if permitted standard breached	
Stormwater Management	<b>Permitted</b> - The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%. <b>Controlled</b> - The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 20%.	Refer Site Plan <sup>1</sup> .  <b>Complies</b>
Setback from Boundaries	<b>Permitted</b> - No building shall be erected within 10m of any site boundary; <b>Restricted Discretionary</b> – if permitted standard breached	Refer Site Plan.  <b>Complies</b>
Keeping of Animals		Not relevant.  <b>Complies</b>
Noise		Residential activity  <b>Complies</b>
Building Height	<b>Permitted</b> - The maximum height of any building shall be 12m. <b>Restricted Discretionary</b> - The maximum height of any building shall be 15m.	The proposed dwelling will be less than 12m in height.  <b>Complies</b>
Helicopter Landing Area		Not relevant.  <b>Complies</b>
Building Coverage	<b>Permitted</b> - Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 12.5% of the gross site area. <b>Controlled</b> - Any new building or alteration/addition to an existing building is a controlled activity if the total Building Coverage of a site does not exceed 15% of the gross site area.	Refer Site Plan.  <b>Complies</b>
Scale of Activities		Not relevant.  <b>Complies</b>
Temporary Events		Not relevant.  <b>Complies</b>

<sup>1</sup> Note – I have not included the 1/5<sup>th</sup> portion of the access on the shared ROW / JOAL. If this was included as a 1/5<sup>th</sup> share to the property and even if considered as fully impervious, the total coverage would be 13.3%. This remains compliant.

Minor Residential Unit	<p><b>Controlled</b> - Minor residential units are a controlled activity in the zone provided that:</p> <ul style="list-style-type: none"> <li>a) there is no more than one minor residential unit per site;</li> <li>b) the site has a minimum net site area of 5000m<sup>2</sup></li> <li>c) the minor residential unit shares vehicle access with the principal dwelling;</li> <li>d) the separation distance of the minor residential unit is no greater than 30m from the principal dwelling.</li> </ul>	<p>The proposed dwelling is for all intents and purposes considered a MRU, however it cannot technically be considered one due to not meeting Clause [c] and Clause [d] of the rule.</p> <p><b>N/A</b></p>
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**Table 2 – District Wide Performance Standards**

District Wide Standards		
Rule	Standard	Performance/Comments
<b>Natural and Physical Resources</b>		
12.1 Landscape & Natural Features	<p><b>12.1.6.1.1 Protection of Outstanding Landscape Features</b></p> <p><b>12.1.6.1.2 Indigenous Vegetation Clearance in Outstanding landscapes</b></p> <p><b>12.1.6.1.3 Tree Planting in Outstanding Landscapes</b></p> <p><b>12.1.6.1.4 Excavation and/or filling within an outstanding landscape</b></p> <p><b>12.1.6.1.5 Buildings within outstanding landscapes</b></p> <p><b>12.1.6.1.6 Utility Services in Outstanding Landscapes</b></p>	<p>Not relevant.</p> <p><b>Complies</b></p>

District Wide Standards		
Rule	Standard	Performance/Comments
12.2 Indigenous Flora and Fauna	<b>12.2.6.1.1</b> Indigenous Vegetation Clearance Permitted Throughout the District <b>12.2.6.1.2</b> Indigenous Vegetation Clearance in the rural Production and Minerals Zones <b>12.2.6.1.3</b> Indigenous Vegetation Clearance in the General Coastal Zone <b>12.2.6.1.4</b> Indigenous Vegetation Clearance in Other Zones	Not relevant.  <b>Complies</b>
12.3 Earthworks	<b>12.3.6.1.1 Excavation and/or filling, excluding mining and quarrying, in the Rural Production Zone or Kauri Cliffs Zone</b>  <b>Permitted</b> – Maximum of 5,000m <sup>3</sup> within a 12-month period and cannot be higher than 1.5m cut or fill.	Earthworks were less than the permitted figure to establish the MRU.  <b>Complies</b>
12.4 Natural Hazards	<b>12.4.6.1.1</b> Coastal Hazard 2 Area <b>12.4.6.1.2</b> Fire Risk to Residential Units	Proposed dwelling is not within 20m from non-landscaped vegetation.  <b>Complies</b>
12.5 Heritage	<b>12.5.6.1.1</b> Notable Trees <b>12.5.6.1.2</b> Alterations to/and maintenance of historic sites, buildings and objects <b>12.5.6.1.3</b> Registered Archaeological Sites	Not relevant.  <b>Complies</b>
12.5A Heritage Precincts	There are no Heritage Precincts that apply to the site.	Not relevant.  <b>Complies</b>
12.6 Air	Not applicable	Not relevant.  <b>Complies</b>

District Wide Standards		
Rule	Standard	Performance/Comments
12.7 Lakes, Rivers, Wetlands and the Coastline	<p><b>12.7.6.1.1</b> Setback from lakes, rivers and the coastal marine area</p> <p><b>12.7.6.1.2</b> Setback from smaller lakes, rivers and wetlands</p> <p><b>12.7.6.1.4</b> Land Use Activities involving the Discharges of Human Sewage Effluent</p> <p><b>12.7.6.1.5</b> Motorised Craft</p> <p><b>12.7.6.1.6</b> Noise</p>	<p>Proposed dwelling is outside the necessary setbacks from lakes and rivers.</p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p>Not relevant.</p> <p><b>Complies</b></p> <p>Not relevant.</p> <p><b>Complies</b></p>
12.8 Hazardous Substances		<p>Not relevant.</p> <p><b>Complies</b></p>
12.9 Renewable Energy and Energy Efficiency		<p>Not relevant.</p> <p><b>Complies</b></p>
Chapter 15 - Transportation standards		
Maximum daily one-way traffic movements - Rural Production	<b>Permitted</b> – 60 or 30 if access is via a State Highway	<p>The primary dwelling is excluded from the total number of traffic movements. Therefore, an additional 10 traffic movements will be generated from this proposal.</p> <p><b>Complies</b></p>
Parking	<b>Appendix C</b>	<p>There will be sufficient parking areas associated with the dwelling.</p> <p><b>Complies</b></p>
Access	<b>Permitted</b> – Private access may serve a maximum of 8 household equivalents	<p>The proposed second dwelling has an established access and crossing from the JOAL. The JOAL is owned by 5 parties and the MRU would make it the 6<sup>th</sup> unit. Regardless, 5-8 users on a private access is subject to the</p>

		<p>same standards as per Appendix 3B-1.</p> <p><b>Complies</b></p>
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In terms of the ODP the application falls to be considered as a Non-complying Activity in accordance with Section 104A of the Resource Management Act 1991 (RMA).

## 5.2 PDP Rules with Legal Effect

These comprise relevant rules that have immediate effect under the PDP.

**Table 3 – PDP Rule Assessment**

Proposed District Plan				
Matter	Rule/Std Ref	Relevance	Compliance	Evidence
Hazardous Substances Majority of rules relates to development within a site that has heritage or cultural items scheduled and mapped however Rule HS-R6 applies to any development within an SNA – which is not mapped	<p>Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource</p> <p>HS-R5, HS-R6, HS-R9</p>	N/A	Yes	Not relevant as no such substances proposed.
Heritage Area Overlays (Property specific) This chapter applies only to properties within identified heritage area overlays (e.g. in the operative plan they are called precincts for example)	<p>All rules have immediate legal effect (HA-R1 to HA-R14)</p> <p>All standards have immediate legal effect (HA-S1 to HA-S3)</p>	N/A	Yes	Not indicated on Far North Proposed District Plan

<p>Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an identified heritage item)).</p> <p>Rule HH-R5 Earthworks within 20m of a scheduled heritage resource. Heritage resources are shown as a historic item on the maps)</p> <p>This chapter applies to scheduled heritage resources – which are called heritage items in the map legend</p>	<p>All rules have immediate legal effect (HH-R1 to HH-R10)</p> <p>Schedule 2 has immediate legal effect</p>	N/A	Yes	Not indicated on Far North Proposed District Plan
<p>Notable Trees (Property specific)</p> <p>Applied when a property is showing a scheduled notable tree in the map</p>	<p>All rules have immediate legal effect (NT-R1 to NT-R9)</p> <p>All standards have legal effect (NT-S1 to NT-S2)</p> <p>Schedule 1 has immediate legal effect</p>	N/A	Yes	Not indicated on Far North Proposed District Plan
<p>Sites and Areas of Significance to Māori (Property specific)</p> <p>Applied when a property is showing a site / area of significance to Maori in the map or within the Te Oneroa-a Tohe Beach Management Area (in the</p>	<p>All rules have immediate legal effect (SASM-R1 to SASM-R7)</p> <p>Schedule 3 has immediate legal effect</p>	N/A	Yes	Not indicated on Far North Proposed District Plan

operative plan they are called site of cultural significance to Maori)				
Ecosystems and Indigenous Biodiversity SNA are not mapped – will need to determine if indigenous vegetation on the site for example	All rules have immediate legal effect (IB-R1 to IB-R5)	N/A	Yes	Not indicated on Far North Proposed District Plan. No vegetation clearance proposed.
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	N/A	Yes	Not indicated on Far North Proposed District Plan
Earthworks all earthworks (refer to new definition) need to comply with this	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	Yes	Yes	No earthworks required.
Signs (Property specific) as rules only relate to situations where a sign is on a scheduled heritage resource (heritage item), or within the Kororareka Russell or Kerikeri Heritage Areas	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	N/A	Yes	Not indicated on Far North Proposed District Plan
Orongo Bay Zone	Rule OBZ-R14 has partial immediate	N/A	Yes	Not indicated on Far North



(Property specific as rule relates to a zone only)	legal effect because RD-1(5) relates to water			Proposed District Plan
<b>Comments:</b>				
No consents are required under the PDP.				

Overall, the application will be considered as a **Non-complying Activity** due to the proposed second dwelling despite being commensurate in scale with that of a MRU, but not meeting the full definition of a MRU.

Clause 2(1)(d) of Schedule 4 of the RMA requires applicants to identify other activities of the proposal with the intention of capturing activities which need permission or licensing under other enactments.

Given the proposal does not include any discharges exceeding 3,000 litres daily or large-scale earthworks, or seeks to take any resources under the management of the Northland Regional Council, it is considered that no Regional Council authorizations are required to carry out the proposed development.

## 6. STATUTORY CONSIDERATIONS

Section 104B of the RMA governs the determination of applications for Non-Complying activities:

### **104B Determination of applications for discretionary or non-complying activities**

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under [section 108](#).

With respect to Non-complying activities, a consent authority may grant or refuse the application, and may impose conditions under section 108 of the RMA.

Section 104 of the RMA sets out matters to be considered when assessing an application for a resource consent,

#### 104 Consideration of applications

- (1) 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; and
  - (b) any relevant provisions of—
    - (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; and
  - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

For this application, the following relevant RMA plans, policy statements and national environmental standard have been considered:

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, 2011

- National Policy Statement for Highly Productive Land
- Northland Regional Policy Statement
- Operative Far North District Plan 2009
- Proposed Far North District Plan 2022

As part of this application and Assessment of Effects, the relevant regional and district level objectives and policies, performance standards and assessment criteria have been considered.

The RMA (section 3) meaning of effect includes:

### 3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—  
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

Section 104(2) of the RMA states that:

*“when forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.”*

This is referred to as the “permitted baseline”, which is based on the permitted performance standards and development controls that form part of a district plan.

For an effects-based plan such as the Far North District Plan where specified activities are not regulated, determining the permitted baseline is a useful tool for determining a threshold of effects that are enabled by the zone. In this instance, a standard application for a second residential unit or a MRU requires consent.

The focus of this AEE is on addressing the matters directly related to the rules in the ODP regarding the second residential unit.

## 7. NOTIFICATION ASSESSMENT

### 7.1 Public Notification

The table below outlines the steps associated with public notification insofar as it relates to s95 of the Act.

**Table 4 – Notification Assessment – Environment**

Step 1	Mandatory public notification in certain circumstances	
S95A(3)(a)	Has the applicant requested that the application be publicly notified?	No
S95A(3)(b)	Is public notification required under section 95C?(after a request for further information)	TBC
S95A(3)(c)	Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.	No
Step 2	if not required by step 1, public notification precluded in certain circumstances	
S95A(5)(a)	Is the application 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?	No
S95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but no other, activities; (i) a controlled activity; (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;	No
Step 3	if not precluded by step 2, public notification required in certain circumstances	
S95A(8)(a)	Is the application 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.	No

S95A(8)(b)	Does 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	TBC
<b>Step 4</b>	<u>public notification in special circumstances</u>	
S95A(9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified.	No

The proposed development does not meet the tests for mandatory public notification, nor does it meet the tests for precluding public notification. There are not considered to be any special circumstances that warrant the application to be notified. Therefore, an assessment of the proposals effects on the environment is required to ascertain the effects of the development and whether public notification is required.

## 7.2 Assessment of Effects on the Environment

**Table 5 – Residential Intensity Effects Assessment**

Criterion	Assessment & Evidence
Positive Effects	<p>The proposal provides for the wellbeing of the applicants whilst ensuring that relevant adverse effects are considered and mitigated by the proposal.</p> <p>As the proposal is already constructed, the benefits to the economy and job creation have already occurred.</p>
<p>(a) Character and Appearance</p> <p>Extent to which effects are consistent with the principal activity and surroundings.</p>	<p>The proposed unit is a "Tiny Home" of approximately 29.29m<sup>2</sup> with an associated deck. The design features modern vertical corrugate steel cladding, which is compatible with the rural-residential nature of the site and surrounding lifestyle blocks. The scale is modest and commensurate with a Minor Residential Unit (MRU).</p>
<p>(b) Siting, Sunlight &amp; Privacy</p> <p>Relative to adjacent properties and road frontage.</p>	<p>The residential unit does not breach the setback from boundaries rules to localised neighbours or the road. It is also sufficiently setback that sunlight is not a concern. The site is well screened from vegetation and so is the proposed unit.</p>
<p>(c) Open Space &amp; Landscaping</p> <p>Use of trees/garden to mitigate effects.</p>	<p>The site contains extensive planting on all boundaries and in close proximity to the proposed unit that helps to screen it from the wider environment and localised parties.</p>
(d) & (e) Traffic & Access	<p>The second residential unit does not create additional traffic effects. The private JOAL is owned by 5 parties and if the MRU is</p>

Vehicular capacity, access design, and parking.	considered as a 6th HUE then this is within the same band for formation requirements as in Appendix 3B-1 [i.e the formation standards from 5-8 users is the same]. The formation of the private access is considered appropriate with no upgrades required.
(i) Servicing	The second residential unit is appropriately serviced in accordance with current standards and the consent notice conditions.
Water supply and waste disposal.	
(j) Stormwater	No concerns with respect to the proposal.
Avoid/remedy/mitigate discharge effects.	
(m) Soils	Soils are largely Class 4 on the site.
Life supporting capacity.	
(r) Reverse Sensitivity	There are some rural production activities in the surrounds but the separation distance and screening from these is considered sufficient in this instance to mitigate effects.
Proximity to rural production.	
Change of Consent Notice Condition Assessment – Building Outside Building Envelope	<p>Consent Notice D390811.3 Condition (ii)(b) restricts buildings to areas identified on the plan of subdivision1.</p> <p>A review of the title and the original subdivision file indicates that this restriction appears to be a mechanism imposed by the developer to ensure a cohesive subdivision layout and to cluster residential activities, rather than a Council-imposed mitigation for environmental constraints.</p> <p>This is supported by the following:</p> <ul style="list-style-type: none"> <li>• <b>Absence of Geotechnical Constraints:</b> There are no specific geotechnical completion reports or consent notices suggesting that the land outside the envelope is unstable or unsuitable for building. The site topography is generally flat to gently rolling, indicating that the restriction was not based on land stability requirements.</li> <li>• <b>Absence of Landscape Conditions:</b> While Condition (iii) protects specific bush areas (W, X, Y, and Z), there are no landscaping conditions explicitly tied to the building envelope itself (i.e., requirements to screen the envelope).</li> </ul>

	<p>This implies the envelope was not established to mitigate a specific visual effect or protect a sensitive ridgeline, but rather was a preference of the developer at the time of subdivision.</p> <p>The proposed location of the Tiny Home, while outside the envelope, does not compromise the rural character or amenity values of the zone:</p> <ul style="list-style-type: none"> <li>• <b>Compliance with Setbacks:</b> Despite being outside the envelope, the unit fully complies with the setback rules requiring a 10m setback from all boundaries. This ensures that the spaciousness anticipated in the Rural Production Zone is maintained.</li> <li>• <b>Screening:</b> The specific location chosen benefits from established vegetation along the boundaries, providing effective screening from the road and neighbours. This achieves the outcome of visual mitigation without requiring a specific envelope.</li> </ul> <p>Locating the unit outside the envelope in this specific instance represents an efficient use of the land:</p> <ul style="list-style-type: none"> <li>• <b>Access:</b> The unit utilizes an existing gravel pad and vehicle access off the Jointly Owned Access Lot (JOAL).</li> <li>• <b>Reduced Earthworks:</b> Forcing the unit into the identified envelope would likely require the construction of a new, longer driveway and additional hardstanding areas. The current location minimizes earthworks and impermeable surfaces, aligning with low-impact design principles.</li> </ul> <p>The proposed location is approximately 38m from the principal dwelling. Placing the unit outside the envelope allows for this increased separation, which significantly improves the acoustic and visual privacy for the occupants of both the principal dwelling and the Tiny Home. Confining the Tiny Home to the original envelope would force the two dwellings closer together, potentially reducing the amenity for both households. It</p>
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	<p>is also positioned to limit effects to adjacent neighbours and therefore results in effects that are appropriate internally and externally.</p> <p>The proposal is for a "Tiny Home" on a trailer chassis with wheels. Unlike a permanent dwelling on concrete foundations, this structure is movable. Its location outside the envelope does not result in a permanent alienation of the rural soil resource or a permanent modification of the landscape. If the use ceases, the unit can be removed, and the site returned to its original state immediately.</p> <p>The variation to allow the Tiny Home outside the building envelope is appropriate as the restriction appears to be a legacy developer preference rather than an environmental necessity. The proposed location creates a better planning outcome by utilizing existing infrastructure, ensuring privacy between units, and maintaining full compliance with District Plan setbacks and rural amenity controls.</p>
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As the proposal is for a second unit acting as an MRU, criterion 11.1(s) is highly specific to this application.

- (i) Separation Distance: The unit is located approximately 38m from the principal dwelling. The 8m difference is not considered to result in additional effects, rather increases privacy to the main unit whilst being in a position on the site that does not affect neighbours.
- (ii) Compatibility of Design: The unit utilizes modern materials (vertical steel) that complement the principal dwelling.
- (iii) Shared Services: The unit does not share services or access in this particular case and is self sufficient in this respect.
- (iv) Fit for Purpose Floor Plan: The floor plan demonstrates a functional layout including a kitchen, lounge, bathroom, and bedroom within a compact 29.29m<sup>2</sup> footprint.
- (v) Landscaping Mitigation: The site features established vegetation that screens the unit from the road and neighbors.
- (vi) Removability: A key feature of this proposal is that the unit is a "Tiny Home" on a tri-axle trailer base with a towbar. It is on wheels, not structurally attached to the deck, and

can be easily removed or relocated via truck.

For the reasons outlined above, the effects on the environment are considered to be no more than minor.

### 7.3 Limited Notification

The table below outlines the steps associated with limited notification insofar as it relates to s95 of the Act.

**Table 6 – Notification Assessment – Persons**

<b>Step 1</b>	<u>certain affected groups and affected persons must be notified</u>	
S95B(2)(a)	Are there any affected protected customary rights groups?	No
S95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?	No
S95B(3)(a)	Is the proposed activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?	No
S95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	No
<b>Step 2</b>	<u>if not required by step 1, limited notification precluded in certain circumstances</u>	
S95B(6)(a)	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:	No
S95B(6)(b)	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)	No
<b>Step 3</b>	<u>if not precluded by step 2, certain other affected persons must be notified</u>	
S95B(7)	If in the case of a boundary activity, whether an owner of an allotment with an infringed boundary is an affected person in accordance with s95E.	TBA
S95B(8)	If in the case of any other activity, a person is an affected person in accordance with section 95E.	TBA
<b>Step 4</b>	<u>further notification in special circumstances</u>	
<u>S95B(10)</u>	If 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.	No



#### **7.4 Affected Person Determination**

As the proposed activity does not trigger mandatory limited notification, nor is it precluded, an assessment of potential affected persons must be undertaken.

The consent authority has discretion to determine whether a person is an affected person. A person is affected if an activity's adverse effects are minor or more than minor to them.

The activity complies with all District Plan boundary setbacks and traffic intensity standards. While the unit is located outside the specific building envelope identified on the title, it remains fully screened by established vegetation and utilizes a compliant shared access arrangement. Consequently, the amenity, privacy, and access rights of adjoining landowners are preserved, and no persons are considered 'affected' under Section 95E of the RMA. The nearest dwelling is 35m away which is more than sufficient for such a small residential unit.

The proposal results in effects on immediately adjoining neighbours that are less than minor.

#### **8. National Policy Statements And Environmental Standards**

The site is not within the Coastal Environment. Therefore, the NZCPS is not relevant.

The site is zoned in the Rural Production Zone and is not implicated by the NPS-UD.

Mapping from the Far North Maps indicates that the site has not been used for previous HAIL use. In any event there is no change of use proposed and the works to establish the activity was small in scale to not trigger any relevant rules. The NES-CS is not considered relevant.

There was no vegetation clearance required, therefore the NES-IBS is not relevant.

There are no known wetlands in the surrounds. Therefore, the NES-FW is not relevant.

The site has very small areas of Class 3 soils present. The Class 3 areas are outlined in the Figure below. The Class 3 area intersects a very small portion of the site and is mapped across the existing JOAL. The development has negligible effects on these aspects, and the second residential unit is located entirely within the Class 4 soils.



**Figure 6 – Soils Map (Source: Far North Maps)**

## 9. Regional Policy Statement & Plans

### 9.1 Northland Regional Policy Statement

The subject site is within the Northland region and is subject to the governing objectives and policies of the operative Northland Regional Policy Statement - operative May 2016 (RPS). With respect to any identified features, the site is not within any area of 'High' or 'Outstanding' Natural Character Area and is outside the Coastal Environment boundary.

Owing to the relevant characteristics of the site (considered earlier in the report) not all matters of the RPS are relevant when considered at a micro level. Those relevant matters are considered below.

**Table 7 – RPS Assessment**

Objective / Policy	Comment
Integrated Catchment Management	Not relevant.
Region-Wide Water Quality	Not relevant.
Ecological Flows and Water Levels	Not relevant.
Indigenous Ecosystems & Biodiversity	Not relevant.
Enabling Economic Wellbeing	The proposal allows for various goods/services in the construction sector in Kerikeri.

Economic Activities – Reverse Sensitivity and Sterilization	The proposal does not result in any reverse sensitivity or sterilization effects.
Regionally Significant Infrastructure	The proposal does not impact any regionally significant infrastructure.
Efficient and Effective Infrastructure	The proposal generally seeks to use existing on site infrastructure.
Security of Energy Supply	Power is already provided to the boundary of the site.
Use and Allocation of Common Resources	Not relevant.
Regional Form	The proposal does not result in any reverse sensitivity effects, or a change in a character or sense of place.
Tangata Whenua Role in Decision Making	Not relevant in this instance.
Natural Hazard Risk	Not relevant.
Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes and Historic Heritage	Not relevant.

There are no other relevant matters that pertain to a second dwelling that requires consideration over and above what is already considered by way of the ODP. No consents are required from the Northland Regional Council, therefore the Northland Regional Plan is not relevant.

Overall, it is considered that the proposal would not be inconsistent with relevant regional planning documents.

## 10. FNDC ODP and PDP

### 10.1 ODP Objectives and Policies

The relevant objectives and policies of the Plan are those related to the Rural Environment in general, and the Rural Production Zone. The general intent of the Rural Production Zone is revolved around land use compatibility and reverse sensitivity. It has been proven with reference to the relevant matters of control for a MRU that this type of development is enabled in the Rural Production zone generally. It is acknowledged that the site does not meet the size which ordinarily provides for a MRU, however the assessment concludes that the introduction of this second dwelling, commensurate with that of a MRU, will not give rise to any undue reverse sensitivity or land use compatibility matters.

#### **Table 8 – FNDC ODP Assessment**

Objectives	Assessment
8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.	The proposal utilises an existing rural-residential site to provide for social well-being (housing) without compromising the life-supporting capacity of air, water, soil, or ecosystems. The unit is small in scale and utilises existing infrastructure
8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.	The proposal represents an efficient use of the land by co-locating a second residential unit on a site already developed for lifestyle purposes. It contributes to housing stock (social wellbeing) without requiring new subdivision or significant infrastructure extension
8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.	The "Tiny Home" is small in scale (approx. 29m <sup>2</sup> ) and is screened by established vegetation, ensuring visual amenity is maintained. The increased setback from the principal dwelling (38m) actually enhances amenity and privacy for both occupants compared to a compliant 30m separation
8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.	There are no mapped Significant Natural Areas (SNAs) or significant values affected by the proposal.
8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.	The site is located on McCaughan Road, not the identified stretch of Kerikeri Road
8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.	The site is surrounded by similar rural-residential lifestyle blocks. The unit is adequately separated from boundaries and screened, mitigating potential conflicts. As a residential activity within a lifestyle context, it is compatible with the surrounding environment.
8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.	The activity is residential in nature and commensurate with an MRU, which is generally anticipated in the zone. It is not considered an incompatible use.
8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.	The activity is residential and does not have a functional need to be in the rural environment, however, the plan enables MRUs as a Controlled activity, recognising them as an acceptable ancillary use
8.6.3.9 To enable rural production activities to be undertaken in the zone.	The small footprint of the unit and its location on a gravel pad ensures that the vast majority of the site remains available for any potential rural production activities, although the site is primarily a lifestyle block.
Policy	Assessment

8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.	The proposal is for a second dwelling that is ancillary to the principal dwelling. Effects are mitigated through screening, setbacks, and the small scale of the building. It will not be to the detriment of rural productivity due to the site size and existing use.
8.6.4.2 That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.	The proposal complies with all bulk and location standards (setbacks, height, noise) ensuring off-site effects are mitigated
8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.	The unit is moveable (trailer-based) and located on an existing gravel pad, minimising earthworks and permanent soil sealing.
8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.	The scale is "tiny" (approx. 53m <sup>2</sup> total including deck) and fits the definition of an MRU in terms of size. This scale ensures rural amenity is maintained.
8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.	Utilises existing access and land area without requiring subdivision
8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.	The site is not located on Kerikeri Road.
8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.	See assessment for Objective 8.6.3.6. No conflict with surrounding lifestyle uses is anticipated.
8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities	The unit meets all boundary setbacks (10m) and is separated from the principal dwelling by 38m, ensuring internal and external separation is achieved
8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in	The location is set back from rural production activities and screened. The residential use is consistent with the immediate neighbourhood character.

neighbouring zones.

In terms of district wide matters such as those that affect biophysical elements and physical elements such as infrastructure and transport, the proposal is not impacted by biophysical characteristics that require any consideration and from an infrastructure perspective the proposal can be serviced within its boundary with no resulting effects. The proposal is therefore consistent with the aims and intents of the ODP.

## 10.2 PDP Objectives and Policies

**Table 9 – FNDC PDP Assessment**

Objectives	Assessment
HZ-O1 - The Horticulture zone is managed to ensure its long-term availability for horticultural activities and its long-term protection for the benefit of current and future generations.	The proposal involves a moveable "Tiny Home" on wheels. It does not result in permanent soil sealing or concrete foundations that would alienate the land from future horticultural use if the unit were removed.
HZ-O2 - The Horticulture zone enables horticultural and ancillary activities, while managing adverse environmental effects on site.	While not a horticultural activity, the residential use is ancillary to the primary rural-residential use of the site. Adverse effects are managed on-site via wastewater and stormwater disposal.
<p>HZ-O3 - Land use and subdivision in the Horticulture zone:</p> <ul style="list-style-type: none"> <li>a. avoids land sterilisation that reduces the potential for highly productive land to be used for a horticulture activity;</li> <li>b. avoids land fragmentation that comprises the use of land for horticultural activities;</li> <li>c. avoids any reverse sensitivity effects that may constrain the effective and efficient operation of primary production activities;</li> <li>d. does not exacerbate any natural hazards;</li> <li>e. maintains the rural character and amenity of the zone;</li> <li>f. is able to be serviced by on-site infrastructure.</li> </ul>	<p><b>Sterilisation:</b> The unit is moveable/temporary in nature, avoiding permanent sterilisation.</p> <p><b>Fragmentation:</b> No subdivision is proposed.</p> <p><b>Reverse Sensitivity:</b> The site is already a lifestyle block; the addition of a small unit does not materially increase reverse sensitivity risk.</p> <p><b>Hazards/Amenity:</b> No hazards exacerbated; rural character maintained via screening.</p> <p><b>Infrastructure:</b> Serviced on-site.</p>
Policy	Assessment
HZ-P1 - Identify a Horticulture zone in the Kerikeri/Waipapa area using the following criteria:	This is a directive for the Council's mapping methodology.

<ul style="list-style-type: none"> <li>a. presence of highly productive land suitable for horticultural use;</li> <li>b. access to a water source, such as an irrigation scheme or dam able to support horticultural use; and</li> <li>c. infrastructure available to support horticultural use.</li> </ul>	
<p>HZ-P2 - Avoid land use that:</p> <ul style="list-style-type: none"> <li>a. is incompatible with the purpose, function and character of the Horticulture zone;</li> <li>b. will result in the loss of productive capacity of highly productive land;</li> <li>c. compromises the use of highly productive land for horticultural activities in the Horticulture zone; and</li> <li>d. does not have a functional need to be located in the Horticultural zone and is more appropriately located in another zone.</li> </ul>	<p>The site is approx. 1ha and currently used for rural-residential living. It is not a commercial orchard. The proposal is a moveable structure that does not result in the permanent loss of productive capacity of highly productive land</p>
<p>HZ-P3 - Enable horticulture and associated ancillary activities that support the function of the Horticulture zone, where:</p> <ul style="list-style-type: none"> <li>a. adverse effects are contained on site to the extent practicable; and</li> <li>b. they are able to be serviced by onsite infrastructure.</li> </ul>	<p>The proposal is for a residential activity, not a horticultural one</p>
<p>HZ-P4 - Ensure residential activities are designed and located to avoid, or otherwise mitigate, reverse sensitivity effects on horticulture activities, including adverse effects associated with dust, noise, spray drift and potable water collection.</p>	<p>The unit is compliant with setbacks and screened by vegetation, mitigating dust/spray drift issues. It is located centrally on the lifestyle block, away from potential intense productive boundaries.</p>
<p>HZ-P5 - Manage the subdivision of land in the Horticulture zone to:</p> <ul style="list-style-type: none"> <li>a. avoid fragmentation that results in loss of highly productive land for use by horticulture and other farming activities;</li> <li>b. ensure the long-term viability of the highly productive land resource to undertake a range of horticulture uses;</li> <li>c. enable a suitable building platform for a future residential unit; and</li> <li>d. ensure there is provision of appropriate onsite infrastructure.</li> </ul>	<p>No subdivision is proposed.</p>
<p>HZ-P6 - Encourage the amalgamation or boundary adjustments of Horticulture zoned</p>	<p>No boundary adjustment proposed.</p>



<p>land where this will help to make horticultural activities more viable on the land.</p>	
<p>HZ-P7 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> <li>a. whether the proposal will increase production potential in the zone;</li> <li>b. whether the activity relies on the productive nature of the soil;</li> <li>c. consistency with the scale and character of the rural environment;</li> <li>d. location, scale and design of buildings or structures;</li> <li>e. for subdivision or non-primary production activities: <ul style="list-style-type: none"> <li>i. scale and compatibility with rural activities;</li> <li>ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;</li> <li>iii. the potential for loss of highly productive land, land sterilisation or fragmentation</li> </ul> </li> <li>f. at zone interfaces: <ul style="list-style-type: none"> <li>i. any setbacks, fencing, screening or landscaping required to address potential conflicts;</li> <li>ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;</li> </ul> </li> <li>g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;</li> <li>h. the adequacy of roading infrastructure to service the proposed activity;</li> <li>i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;</li> <li>j. Any historical, spiritual, or cultural association held by tangata whenua,</li> </ul>	<p><b>Scale:</b> The unit is compatible with the rural environment (approx. 29m<sup>2</sup> dwelling).</p> <p><b>Productive Soil:</b> Does not rely on productive soil but does not permanently destroy it (moveable).</p> <p><b>Reverse Sensitivity:</b> Mitigated by setbacks and screening.</p> <p><b>Infrastructure:</b> Site has capacity for water and wastewater.</p> <p><b>Roading:</b> Access is via an existing JOAL with capacity</p>



with regard to the matters set out in Policy TW-P6.	
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## Proposed Far North District Plan Objectives & Policies & Weighting

Section 88A(2) provides that “any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).” This requires applications to be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

In the event of differing directives between objective and policy frameworks, it is well established by case law that the weight to be given to a proposed district plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan move through the notification and hearing process. In *Keystone Ridge Ltd v Auckland City Council*, the High Court held that the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include:

- The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making;
- Circumstances of injustice; and
- The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.

In my view the PDP has not gone through the sufficient process to allow a considered view of the objectives and policies for the Horticulture Zone overlay, however this has still been provided. The activity is non-complying overall, therefore both the ODP and PDP have been assessed accordingly and the proposal is deemed to meet the relevant objectives and policies.

## 11. PART II – RMA

### Purpose

The proposal can promote the sustainable management of natural and physical resources on site, as current and future owners and users of the land are able to provide for their social, cultural and economic wellbeing and their health and safety.

The proposal will provide a small second residential unit, commensurate with a MRU, on an existing property that is utilized for residential/lifestyle purposes within the rural Kerikeri surrounds. The proposal provides a second residential unit within this area enabling additional accommodation, this will help contribute to the local economy, utilise local services and infrastructure. Housing is sorely needed within the local area, in all shapes and sizes to accommodate various members of the community. In doing so, this achieves all four well beings as identified within Part 2. Air, water, soil, and ecosystems are not anticipated to be adversely affected by the proposed second dwelling within the Rural Production zone. Any effects on the

environment are anticipated to be less than minor.

### **Matters of National Importance**

In achieving the purpose of the RMA, a range of matters are required to be recognized and provided for. This includes:

- a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- f) the protection of historic heritage from inappropriate subdivision, use, and development:
- g) the protection of protected customary rights:
- h) the management of significant risks from natural hazards.

In context, the relevant items to the proposal and have been recognized and provided for.

Māori are not considered to be adversely affected by this proposal, nor is any historic heritage likely to be impacted, however in the event anything is discovered the accidental discovery protocol will be adhered to.

### **Other Matters**

In achieving the purpose of the RMA, a range of matters are to be given particular regard. This includes:

- (a) kaitiakitanga:
  - (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
  - (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) [Repealed]
- (f) maintenance and enhancement of the quality of the environment:

- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

These matters have been given particular regard through the design of the proposal.

The proposal will result in an efficient use of resources with the development occurring within the Kerikeri rural area and the proposal is not anticipated to adversely affect agricultural activities in this area.

Amenity values will be maintained because the proposal is small in scale and has existing boundary landscaping and screening. There will be no adverse impact on local ecosystems or overall.

### **Treaty of Waitangi**

The Far North District Council is required to take into account the principles of the Treaty of Waitangi when processing this consent. This consent application may be sent to local iwi and hapū who may have an interest in this application.

## **12. 'Gateway' Assessment**

### **Section 104D – Particular Restrictions for Non-Complying Activities**

When dealing with non-complying activities, before granting an application Council must be satisfied that either the adverse effects of the activity on the environment will be minor (s104D(1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104D(1)(b)).

This consideration for non-complying activities is commonly known as the 'threshold test' or the 'gateway test'. If either of the limbs of the test can be passed, then the application is eligible for approval, but the proposed activity must still be considered under s104. There is no primacy given to either of the two limbs, so if one limb can be passed then the 'test' can be considered to be passed.

In this instance it has been demonstrated that both the effects of the proposal are no more than minor and that there is positive consistency with all objective and policies of relevance to the proposal. Therefore, FNDC in this instance has both 'limbs' to appropriately decide in favour of this application.

## **13. Conclusion**

This application seeks resource consent to add a second dwelling, commensurate with a MRU within the Rural Production Zone.

The proposal is consistent with the purpose of the NES-CS, NPS-HPL, the aims of the RPS, it is generally compatible with the aims of the ODP and is also considered to achieve the purpose of the RMA (Part II).

While the application does not wholly align with the intent of the Horticulture zone in the PDP, it is considered that the size of the site is not economic in terms of productive horticultural use. Further, the PDP is not far enough along in the process to apply sufficient weight.

In terms of the potential adverse effects being minor or more than minor, it is considered that there are no directly affected parties to this proposal and that effects can be adequately mitigated, as such notification is not required. Further, there are not considered to be any special circumstances applying to the application.

We look forward to receiving acknowledgment of the application and please advise if any additional information is required.



Steven Sanson  
Consultant Planner



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

**Guaranteed Search Copy issued under Section 60 of the Land  
Transfer Act 2017**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **NA123A/747**  
**Land Registration District** **North Auckland**  
**Date Issued** 20 May 1999

**Prior References**  
NA110C/916

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**Estate** Fee Simple  
**Area** 1.0123 hectares more or less  
**Legal Description** Lot 13 Deposited Plan 194246  
**Registered Owners**  
Donald Frank Orr as to a 1/2 share  
AJ Moloney Trustee Limited as to a 1/2 share

---

**Estate** Fee Simple - 1/5 share  
**Area** 4356 square metres more or less  
**Legal Description** Lot 18 Deposited Plan 194246  
**Registered Owners**  
Donald Frank Orr as to a 1/2 share  
AJ Moloney Trustee Limited as to a 1/2 share

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**Interests**

Subject to Section 241(2) Resource Management Act 1991

Saving and excepting all minerals within the meaning of the Land Act 1924 on or under the land

Appurtenant hereto is a right of way, right s to convey water and transmit electricity and telecommunications specified in Easement Certificate D127397.5 - 7.4.1997 at 2.34 pm

The easements specified in Easement Certificate D127397.5 are subject to Section 243 (a) Resource Management Act 1991

Fencing Covenant in Transfer D150307.1 - 30.5.1997 at 11.19 am

D390811.3 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 20.5.1999 at 3.26 pm (affects Lot 13 DP 194246)

The easements specified in Easement Certificate D390811.10 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right to drain water specified in Easement Certificate D390811.10 - 20.5.1999 at 3.26 pm (affects Lot 18 DP 194246)

The easements created by Transfer D390811.11 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to transmit telecommunications (in gross) over part marked D on DP 194246 in favour of Telecom New Zealand Limited created by Transfer D390811.11 - 20.5.1999 at 3.26 pm (affects Lot 18 DP 194246)

Subject to a right to transmit electricity (in gross) over part marked D on DP 194246 in favour of Top Energy Limited created by Transfer D390811.12 - 20.5.1999 at 3.26 pm (affects Lot 18 DP 194246)

The easements created by Transfer D390811.12 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Transfer D581494.1 - 21.2.2001 at 1.49 pm

Fencing Covenant in Transfer D581494.1 - 21.2.2001 at 1.49 pm

PLAN OF LOTS 13-18, 20 & 21 BEING A SUBDIVISION OF LOT 4 DP 179464.

LAND DISTRICT NORTH, ROCKLAND SURVEY BLK. & DIST. VI, KERIKER. RECORD MAP No 105/51.

DATE: 17/11/11 10:28 green

Diagram 'A' NOT TO SCALE

Diagram 'B' SCALE 1:1250

Diagram 'C' SCALE 1:1250

PLAN OF LOTS 13-18, 20 & 21 BEING A SUBDIVISION OF LOT 4 DP 179464.

LAND DISTRICT NORTH, ROCKLAND SURVEY BLK. & DIST. VI, KERIKER. RECORD MAP No 105/51.

DATE: 17/11/11 10:28 green

Diagram 'A' NOT TO SCALE

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Diagram 'C' SCALE 1:1250

PLAN OF LOTS 13-18, 20 & 21 BEING A SUBDIVISION OF LOT 4 DP 179464.

LAND DISTRICT NORTH, ROCKLAND SURVEY BLK. & DIST. VI, KERIKER. RECORD MAP No 105/51.

DATE: 17/11/11 10:28 green

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LAND DISTRICT NORTH, ROCKLAND SURVEY BLK. & DIST. VI, KERIKER. RECORD MAP No 105/51.

DATE: 17/11/11 10:28 green

Diagram 'A' NOT TO SCALE

Diagram 'B' SCALE 1:1250

Diagram 'C' SCALE 1:1250

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DATE: 17/11/11 10:28 green

Diagram 'A' NOT TO SCALE

Diagram 'B' SCALE 1:1250

Diagram 'C' SCALE 1:1250

PLAN OF LOTS 13-18, 20 & 21 BEING A SUBDIVISION OF LOT 4 DP 179464.

LAND DISTRICT NORTH, ROCKLAND SURVEY BLK. & DIST. VI, KERIKER. RECORD MAP No 105/51.

DATE: 17/11/11 10:28 green



D390811-3 CONO

FAR NORTH DISTRICT COUNCIL

CONSENT NOTICE UNDER SECTION 221  
RESOURCE MANAGEMENT ACT 1991

193975


ANN

1916246

FAR NORTH DISTRICT COUNCIL PLAN No. RC 1970077

MCCAUGHAN ROAD, KERIKERI

TOTARA GREEN ESTATE LIMITED at Auckland (hereinafter called "the Owner") being the registered proprietor of an estate in fee-simple in the Auckland Land Registry Office being Lot 4 on Deposited Plan 179464 containing 18.4250 hectares more or less and being all of the land in Certificate of Title 110C/916.

The Far North District Council hereby gives notice pursuant to Section 221 of the Resource Management Act 1991 that the subdivision consent in respect of Plan No. RC 1970077 being a subdivision of Lot 4 on Deposited Plan 179464 was granted  subject to the following conditions being complied with on a continuing basis:

(i) In respect of Lots 11-17:

Any building on these lots will require engineer-designed waste water treatment and disposal system, the details of which are to be submitted in conjunction with the Building Consent application.

(ii) In respect of Lots 11 and 13-17:

(a) The operation of agricultural and horticultural equipment including sprays and chemicals (subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, where rainwater is collected from exposed surfaces for human consumption in connection with any residential development on the site, the occupiers of any such dwelling shall install an approved water filtration system.

(b) That all buildings on the site hereon be limited to those areas identified on the plan of subdivision.

(iii) In respect of Lots 11-13 and 19:

The landowners of the above allotments shall preserve the trees and bush on areas W, X, Y and Z and shall not without the prior written consent of the Council and then in strict compliance with any conditions imposed by the Council cut down, damage or destroy any vegetation required to be planted as part of the landscape plan (showing new lot reconfiguration). The landowners shall not be deemed to be in breach of this prohibition if any such



11-17, 19

vegetation shall die from natural causes not attributable to any act or default by or on behalf of the landowners or for which the landowner is responsible.

(iv) In respect of Lots 12 and 19 (which are held in one Certificate of Title):

That for the purposes of building development of the site that all buildings be limited to Lot 12 for the purposes of horticultural soil preservation on Lot 19. Any building proposed for Lot 19 shall require the express permission of the Council and may only be built if directly related to horticultural activities and is considered essential to the operation of the activity on that Lot 19.

(v) In respect of the area marked V on the plan of subdivision, not to take any action which could detrimentally affect the land as an area of undisturbed native flora and fauna and in particular:

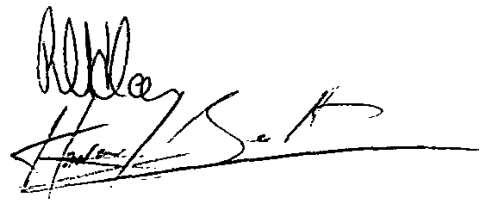
- (a) not to permit stock on the land;
- (b) not to allow boundary fences to fall into disrepair;
- (c) not to plant any exotic tree species;
- (d) not to carry out any planting or clearing without the prior written approval of the Department of Conservation;
- (e) not to carry out any other activity which harms or has a detrimental effect on the existing regenerating native vegetation.

Dated at ~~Kaitake~~ this day of 9<sup>th</sup> FEBRUARY 1999.

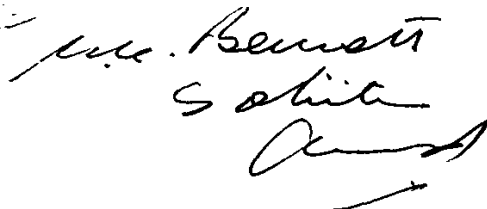
SIGNED by an Authorised Officer  
of the Far North District Council  
under delegated authority given  
pursuant to Section 716 of the  
Local Government Act 1974:



SIGNED by the Owner  
Totara Green Estate Limited  
by its Directors  
in the presence of:



Directors



LINZ COPY

11-17 1 17  
-hold 12/1/19

3.26 20.MAY99 D 390811.3



PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY NORTH ISLAND  
FOR REGISTRAR - GENERAL



516

Lot 13 DP 194246 -  
1.0123ha

1/5 share of Lot 18 DP  
194246 - 871m2

Total = 1.0994ha

Building Coverage

Existing House =  
330m2

Shed = 65m2

Proposed Tiny House  
& Deck = 53.29m2

Total Building  
Coverage = 448.29  
[4.4%]

Impermeable Surface

Driveway to Existing  
Dwelling = 425m2

Existing Dwelling  
Paths & Outdoor Areas  
- 55m2

Gravel Pad for Tiny  
Home = 110m2.

Total = 590m2 [5.8%].

Total Coverage =  
10.2%



Date - 19/11/2025

Site Plan - McCaughan Road

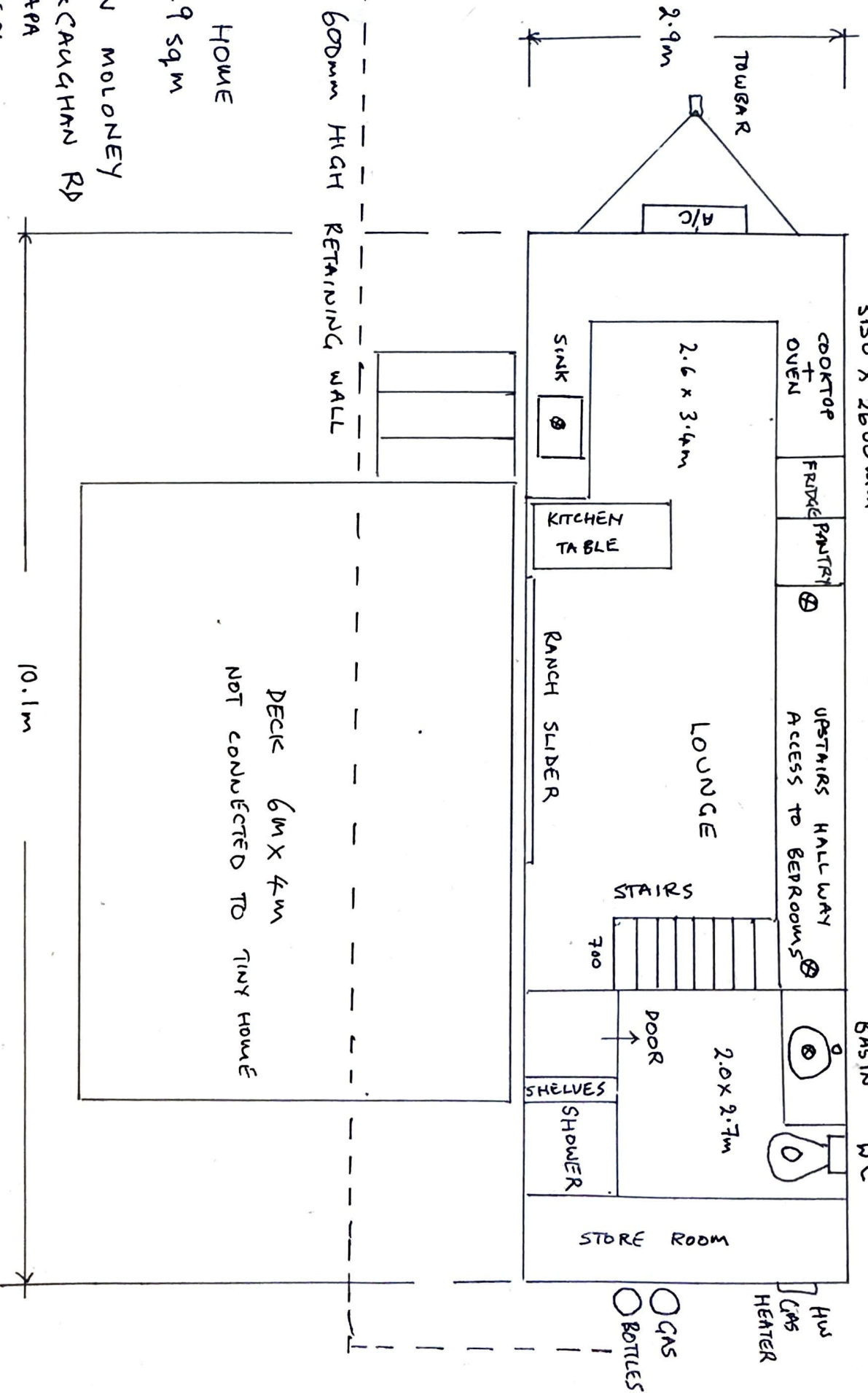


TRI AXLE TRAILER

UPSTAIRS BEDROOM  
3150 X 2600mm



UPSTAIRS BEDROOM  
3150 X 2600mm  
BATH W.C.



TINY HOME

29.29 sqm

AUSON MOLONEY  
63 MCCAGHAN RD  
WAIPIA  
KERI KERI

NOTE: - TINY HOME ON  
REGISTERED TRAILER.

## Photos of Proposal



*Figure 1 Vegetation Screening MRU*





*Figure 2 - Access and Crossing for MRU*





Figure 3 - MRU Side View & Parking





*Figure 4 MRU Side View with Deck and Parking*





*Figure 5 MRU With Deck and Wastewater and Water System*





Figure 6 MRU On Trailer with Rego





Figure 7 MRU on Wheels



Figure 8 MRU Delivered to Site



# Abatement Notice

(Issued under the authority of section 324 of the Resource Management Act 1991)



Notice No: ABATE-2025-78

Issue Date: 12 June 2025

To:

Donald Frank Orr  
63 McCaughan Road  
RD 1  
Kerikeri 0294

By Date:

11-July-2025

**The Far North District Council gives notice that you must cease the following action:**

The breach of rule 8.6.5.1.1 RESIDENTIAL INTENSITY Operative Plan Far North District Council by having 2 residential units on one property.

## The location to which this abatement notice applies:

63 McCaughan Road, Kerikeri 0294

LOT 13 DP 194246 - HAVE A 1/5 SH IN LOT 18 DP 194246 - SUBJ TO & INT IN ESMTS

## This notice imposes the following further conditions:

**This notice imposes the following further condition(s):**

Confirm in writing by 19 June 2025 to the Enforcement Officer who issued this notice Aneta Kingi how you achieved or will achieve compliance with this notice.

## Notice Issued Under

**This notice is issued under Section 322(1)(a)(i) of the Resource Management Act 1991.**

## The reasons for this notice are:

On 22 May 2025 at 1201hrs, I carried out a site inspection at 63 McCaughan Road, Kerikeri 0294. The property is in the Rural Production Zone. I found a second residential unit/dwelling on the property which appears to be occupied.

FNDC District Plan definition of Residential unit/dwelling is:

*A building, a room or a group of rooms, used, designed or intended to be used by one or more persons as a self-contained single, independent and separate household. Any accessory building providing sleeping accommodation and bathroom facilities but no cooking or dishwashing or laundry facilities will be treated as forming part of a residential unit / dwelling.*

**8.6.5.1.1 Residential Intensity states** "Residential development shall be limited to one unit per 12ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 3,000m<sup>2</sup> for its exclusive use surrounding the unit plus a minimum of 11.7ha elsewhere on the property."

This abatement notice is issued because in my opinion such an activity is a contravention of section 9(3) of the Resource Management Act 1991 and rule 8.6.5.1.1 in the Far North District Plan. Such a contravention is an offence.

If you do not comply with this notice, you may be prosecuted under section 338 of the Resource Management Act 1991 (unless you appeal and the notice is stayed as explained below).

You have the right to appeal to the Environment Court against the whole or any part of this notice. If you wish to appeal, you must lodge a notice of appeal in form 49 with the Environment Court within 15 working days of being served with this notice.

An appeal does not automatically stay the notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge under section 325(3A) of the Resource Management Act 1991 (see form 50). To obtain a stay, you must lodge both an appeal and a stay with the Environment Court.


You also have the right to apply in writing to the Far North District Council to change or cancel this notice in accordance with section 325A of the Resource Management Act 1991.

Far North District Council enforcement officers will, from time to time, undertake inspections to check whether you are complying with section 9 of the Resource Management Act 1991 (RMA) and this abatement notice.

#### Authority To Issue

**The Far North District Council authorised the enforcement officer who issued this notice. Its address is: 5 Memorial Avenue, Kaikohe 0440**

The Enforcement Officer is acting under the following authorisation: a warrant of authority issued by the Far North District Council pursuant to Section 38 of the Resource Management Act 1991. The warrant authorises the Officer to carry out all of the functions and powers as an Enforcement Officer under the Resource Management Act 1991.

<b>Name of Enforcement Officer:</b>	<b>Aneta Kingi</b>	<b>Date:</b>	<b>12-June-2025</b>
<b>Signature of Enforcement Officer:</b>			



# Abatement Notice

(Issued under the authority of section 324 of the Resource Management Act 1991)



Notice No: ABATE-2025-89

Issue Date: 12 June 2025

To:

A J Moloney Trustee Limited  
63 McCaughan Road  
RD 1  
Kerikeri 0294

By Date:

11-July-2025

**The Far North District Council gives notice that you must cease the following action:**

The breach of rule 8.6.5.1.1 RESIDENTIAL INTENSITY Operative Plan Far North District Council by having 2 residential units on one property.

## The location to which this abatement notice applies:

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LOT 13 DP 194246 - HAVE A 1/5 SH IN LOT 18 DP 194246 - SUBJ TO & INT IN ESMTS

## This notice imposes the following further conditions:

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**8.6.5.1.1 Residential Intensity states** "Residential development shall be limited to one unit per 12ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 3,000m<sup>2</sup> for its exclusive use surrounding the unit plus a minimum of 11.7ha elsewhere on the property."

This abatement notice is issued because in my opinion such an activity is a contravention of section 9(3) of the Resource Management Act 1991 and rule **8.6.5.1.1** in the Far North District Plan. Such a contravention is an offence.

If you do not comply with this notice, you may be prosecuted under section 338 of the Resource Management Act 1991 (unless you appeal and the notice is stayed as explained below).

You have the right to appeal to the Environment Court against the whole or any part of this notice. If you wish to appeal, you must lodge a notice of appeal in form 49 with the Environment Court within 15 working days of being served with this notice.

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You also have the right to apply in writing to the Far North District Council to change or cancel this notice in accordance with section 325A of the Resource Management Act 1991.

Far North District Council enforcement officers will, from time to time, undertake inspections to check whether you are complying with section 9 of the Resource Management Act 1991 (RMA) and this abatement notice.

#### Authority To Issue

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The Enforcement Officer is acting under the following authorisation: a warrant of authority issued by the Far North District Council pursuant to Section 38 of the Resource Management Act 1991. The warrant authorises the Officer to carry out all of the functions and powers as an Enforcement Officer under the Resource Management Act 1991.

<b>Name of Enforcement Officer:</b>	<b>Aneta Kingi</b>	<b>Date:</b>	<b>12-Jun-2025</b>
<b>Signature of Enforcement Officer:</b>	