

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) Cancellation of conditions under s127 of the Act

*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:

Leanne and John McKinnon

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Northland Planning & Development 2020 Ltd

Email:

Phone number:

Postal address:

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

** 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:

John Lindsay McKinnon and Leanne Gay McKinnon

**Property Address/
Location:**

94 Te Ahu Ahu Road, Ohaeawai

Postcode

0472

8. Application Site Details

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

Name/s:

John and Leanne McKinnon

**Site Address/
Location:**

94 Te Ahu Ahu Road, Ohaeawai

Postcode

0472

Legal Description:

Lot 2 DP172429

Val Number:

00527-24100

Certificate of title:

NA105C/478

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.

Site visit is not considered necessary for this cancellation of consent conditions application. However, if required, please contact the applicants prior to 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.

Cancellation of Consent conditions under s127 of the Act.

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
- Changing the use of a piece of land
- Disturbing, removing or sampling soil
- 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) John and Leanne McKinnon

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)

John Lindsay McKinnon Leanne Gay McKinnon

Signature:

(signature of bill payer)

Date 27/9/2024

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...

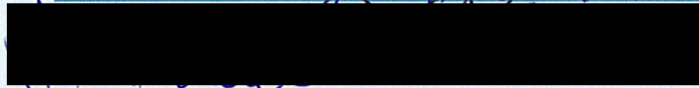
Declaration

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

Name: (please write in full)

John Lindsay McKinnon Leanne Gay McKinnon

Signature:



Date 27/9/2024

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.

**Cancellation of Consent Conditions
For RC2240288-RMACOM
Leanne and John McKinnon
94 Te Ahu Ahu Road, Ohaeawai**

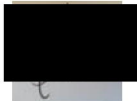
Date: 1 October 2024

Please find attached:

- an application form to cancel consent conditions pursuant to Section 127 of the Resource Management Act;
- an Assessment of Environmental Effects in support of the cancellation of conditions 4(e) and 5(i), (ii) and (iii) of RC 2240288.

The application has been assessed as a **Discretionary Activity** under Section 127 of the Resource Management Act 1991.

Regards,



Alex Billot
Resource Planner

Reviewed by:



Rochelle Jacobs
Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED



CONTENTS

1. Description of the Proposed Activity	3
2. Site Description	4
3. Activity Status	5
Section 127 of the RMA	5
4. Cancellation of Consent Conditions	6
5. Assessment of Environmental Effects	6
6. Statutory Assessment	8
Section 104B of the Act	8
Section 104(1)(a) of the Act	8
7. Policy Documents	9
National Environmental Standards	10
National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health	10
National Environmental Standards for Freshwater 2020	10
Other National Environmental Standards	10
National Policy Statements	10
Regional Policy Statement	10
Far North District Plan	11
Proposed District Plan	11
Summary	11
8. Consideration of potentially affected parties	11
9. Conclusion	13
10. LIMITATIONS	14

Appendices

1. FNDC Application Form signed
2. Record of Title – LINZ
3. Ecological Report – Kiwi Monitoring – Bay Ecological
4. RC2240288 Approved Decision – FNDC
5. RC2240288 Approved Plans – FNDC



Assessment of Environment Effects Report

1. DESCRIPTION OF THE PROPOSED ACTIVITY

- 1.1. RC 2240288 was issued on 11 March 2024, with an amended version issued under s133A on 13 March 2024. RC 2240288 included subdivision of Lot 2 DP 172429 to create one additional allotment and also land use consent to authorise the existing shed on Lot 1 to be located approximately 4 metres from the new internal boundary, breaching the Setback from Boundaries Rule in the Rural Production zone. The proposal was assessed as a Non-Complying Activity under the ODP and Restricted Discretionary Activity under the PDP, due to the site being within a heritage overlay area.
- 1.2. As the survey plan has yet to be deposited, we are seeking to cancel conditions 4(e) and 5(i), (ii) and (iii) under RC 2240288 under s127 of the Act. These consent conditions relate to exclusions of future cats and dogs within the sites, grandfather clause for existing dogs on Lot 1 and restrictions on who can own the existing dogs on Lot 2. These consent conditions had been imposed due to the site being located within a mapped area of kiwi high density on FNDC Maps.
- 1.3. The applicant has engaged Bay Ecological to undertake a Kiwi Monitoring Assessment to determine whether kiwi are in fact present on the site and within the immediate area. Bay Ecological undertook standardised kiwi monitoring at the subject site to ascertain the level of kiwi occupancy and determined that *'the kiwi count character of the McKinnons property is not in keeping with the High Density scenarios, likely due to the surrounding lack of dog control in this closely suburban island. To avoid contributing to preclusion of kiwi in the future we would advocate for the standard protective controls applied in Kiwi Present scenarios such as kiwi aversion training and keeping dogs inside at night.'*
- 1.4. As such, it is requested that the following consent conditions are cancelled in their entirety.
 - 4(e) – *Provide the Far North District Council's Resource Consent Monitoring Officer or duly delegated officer evidence of the existing one dog on Lot 1 and the existing two dogs on Lot 2 for Council's records e.g., a photograph and proof of microchip.*
 - 5 - *Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:*
 - i. *No occupier of the lot, contractor and/or visitor shall keep or introduce on to the site carnivorous or omnivorous exotic animals (including but not limited to: mustelids, cats, or dogs). [Lot 1]*
 - ii. *Grandfather clause for existing dogs – The occupier shall be permitted to keep the existing dog (1) for the life of the animal identified by Condition 4(e). [Lot 1]*
 - iii. *With the exception of the applicants, John and Leanne McKinnon, who shall be permitted to keep the existing two dogs for the life of those animals identified by Condition 4(e). [Lot 2]*



- 1.5. As the survey plan has yet to be deposited, this application is made pursuant to Section 127 of the Resource Management Act 1991.

2. SITE DESCRIPTION

- 2.1. The property is located at 94 Te Ahu Ahu Road, Ohaeawai. As mentioned, the site contains two established dwellings and ancillary buildings. The second dwelling was constructed under BC-2005-2107. The site boasts landscaped gardens, a small orchard used for private use of the occupants/applicants as well as a man-made pond being located within Lot 2 DP 604609. There is one existing access point within the north-eastern corner of the site, which currently provides access to both dwellings. As part of RC 2240288, it was proposed that a new entrance was constructed to Proposed Lot 2, so that the lots have independent access, simplifying access to and from the sites.
- 2.2. The site is not serviced by Council's reticulated services and as such, all services are provided for onsite.
- 2.3. The surrounding environment is mixed use with lots being utilised for rural-lifestyle use, rural production, horticulture and bushland. Many allotments in this area are Māori Freehold Land.

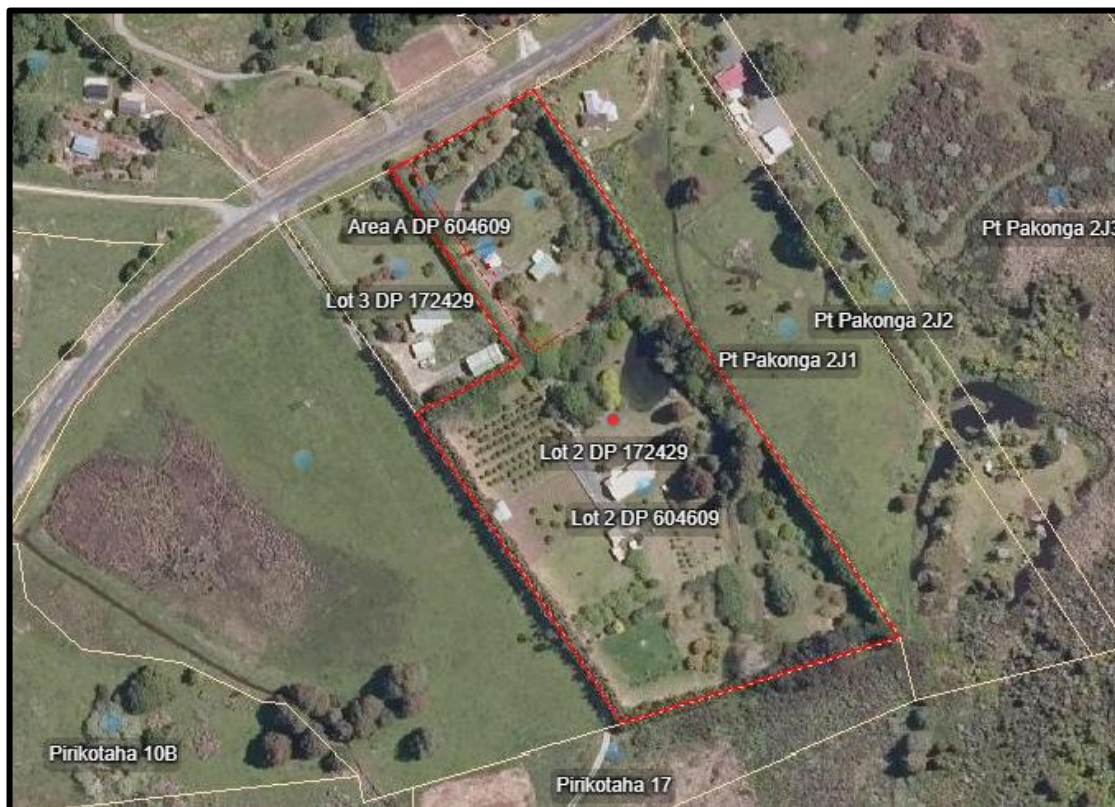


Figure 1: Aerial Image of the subject site. Source: Prover.



3. ACTIVITY STATUS

- 3.1. The original proposal was to subdivide the site to create one additional allotment, with LUC also required for a breach of setback from the internal boundary to the existing shed. This proposal was assessed as a Non-Complying Activity under the ODP. Consent under the PDP for subdivision within a heritage overlay area was also sought as a Restricted Discretionary Activity.
- 3.2. The proposal will not alter the subdivision layout or any infrastructure within or access to the sites.
- 3.3. The proposal is to cancel consent conditions under s127 of the Act. This cancellation of consent conditions is assessed as a **Discretionary activity**, under section 127 of the Act.

Section 127 of the RMA

- 3.4. The following section of the Resource Management Act (RMA) is relevant to the proposed change to consent conditions.

127 Change or cancellation of consent condition on application by consent holder

(1) The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:

(a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under [section 221](#) for a variation or cancellation of a consent notice after the deposit of the survey plan); and

(b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.

(2) [Repealed]

(3) [Sections 88 to 121](#) apply, with all necessary modifications, as if—

(a) the application were an application for a resource consent for a discretionary activity; and

(b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

(3A) If the resource consent is a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, no aquaculture decision is required in respect of the application if the application is for a change or cancellation of a condition of the consent and does not relate to a condition that has been specified under [section 186H\(3\)](#) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.

(4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—

(a) made a submission on the original application; and

(b) may be affected by the change or cancellation.



4. CANCELLATION OF CONSENT CONDITIONS

- 4.1. The proposal will involve the cancellation of consent conditions, in their entirety, within RC2240288. The consent conditions to be cancelled are shown below.
- *Condition 4(e) – Provide the Far North District Council’s Resource Consent Monitoring Officer or duly delegated officer evidence of the existing one dog on Lot 1 and the existing two dogs on Lot 2 for Council’s records e.g., a photograph and proof of microchip.*
 - *Condition 5 - Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:*
 - i. *No occupier of the lot, contractor and/or visitor shall keep or introduce on to the site carnivorous or omnivorous exotic animals (including but not limited to: mustelids, cats, or dogs). [Lot 1]*
 - ii. *Grandfather clause for existing dogs – The occupier shall be permitted to keep the existing dog (1) for the life of the animal identified by Condition 4(e). [Lot 1]*
 - iii. *With the exception of the applicants, John and Leanne McKinnon, who shall be permitted to keep the existing two dogs for the life of those animals identified by Condition 4(e). [Lot 2]*

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

- 5.1. As has been mentioned, the applicant has engaged Bay Ecological to undertake a Kiwi Monitoring Assessment to determine whether kiwi are in fact present on the site and/or within the immediate area. This report is included within Appendix 3 of this application. Bay Ecological undertook standardised kiwi monitoring during the time of year when kiwi are most active at the subject site to ascertain the level of kiwi occupancy and determined that *‘the kiwi count character of the McKinnons property is not in keeping with the High Density scenarios, likely due to the surrounding lack of dog control in this closely suburban island. To avoid contributing to preclusion of kiwi in the future we would advocate for the standard protective controls applied in Kiwi Present scenarios such as kiwi aversion training and keeping dogs inside at night.’*
- 5.2. As the site has been determined to **not be** within an area where kiwi are present in high density numbers, it is considered that the relevant consent conditions imposed within RC 2240288 are not required, as these conditions impose high restrictions on cats and dogs which would not result in any beneficial outcome to the kiwi population. While Council sometimes makes the point that in order to improve kiwi numbers in a local, that restrictions should be imposed at time of subdivision. Then when neighbouring sites subdivide, they will also be subject to similar restrictions which benefits the whole area. In this case, the subject site is surrounded by Māori land and general titles which are already of a size where subdivision would not be permitted by the District Plan. As a result, it is highly unlikely that any neighbouring allotment would be subject to a similar restriction to that imposed by RC 2240288. As a result, it is likely that this would be the only site in the area with such a restriction in place.



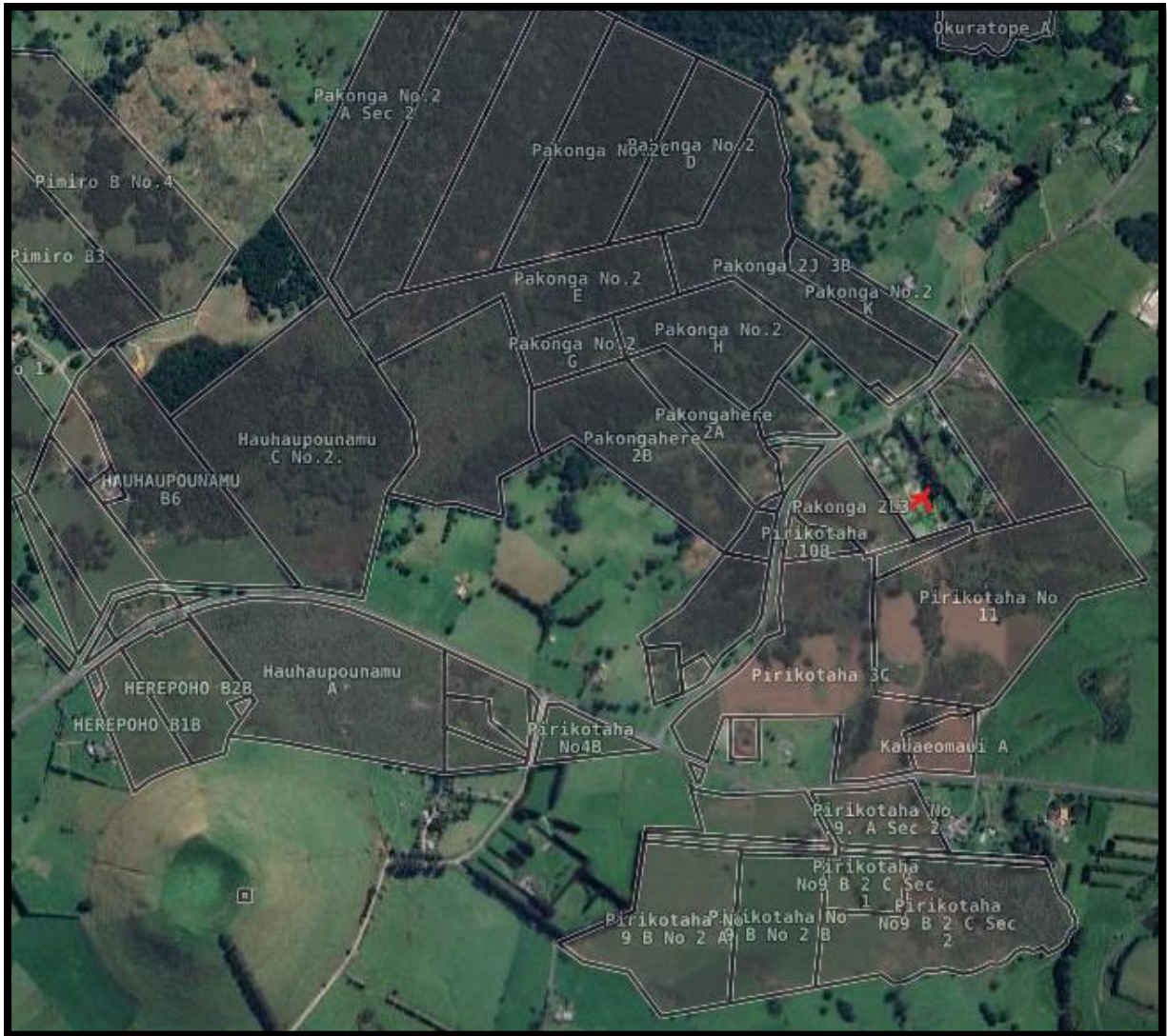


Figure 2 - Pataka Whenua Map indicating blocks of land in Maori Land Tenure

- 5.3. Through this variation, the applicants would like to secure the right to own cats and dogs within both allotments in the future, once their existing animals have passed on. Given the above, that the site is not in fact within a High Kiwi concentration area, and that it is unlikely that any similar notice would ever be established on neighbouring sites it is considered superfluous to impose the strict controls on cats and dogs for the purpose of kiwi protection.
- 5.4. The current site owners have smaller pet dogs who generally live indoors. They have existing provisions on site for containing their dogs such that they cannot roam around the property. The applicants have existing gates on all deck areas and doors which restricts their dogs from leaving the footprint of the dwelling. These existing measures are shown in Figure 3 below. These existing measures ensure that if a kiwi was to ever roam the property at night that there would be no predation by the existing animals on the property.





Figure 3: Images of existing gates on the decks at the dwelling to contain dogs.

- 5.5. It is therefore requested that the consent notice conditions listed within Condition 5 of RC 2240288, are cancelled in their entirety. Condition 4(e) is also requested to be cancelled as there is no need for evidence of the dogs to be provided to Councils Resource Consent Monitoring Officer, as this is only need if Condition 5 of RC 2240288 is to be executed. It is noted that Bay Ecological have recommended the standard protective controls apply to the site, similar to kiwi present scenarios. These comments are usually issued as an Advice Note on the decision document, and therefore it is considered suitable for an Advice Note to be placed on the decision document stating the following or similar:

To avoid contributing to preclusion of kiwi in the future, any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predating of North Island Brown Kiwi by domestic cats and dogs.

- 5.6. Overall, it is considered that the proposal will result in no more than minor environmental effects, given the fact that it has been determined by Bay Ecological that kiwi are not present in high density numbers within or near the site, and if the restriction was to remain that it is unlikely to have any impact on kiwi numbers in the wider area now and into the future.

6. STATUTORY ASSESSMENT

Section 104B of the Act

- 6.1. Section 104B governs the determination of applications for Discretionary and Non-Complying Activities. With respect to both Discretionary and Non-Complying Activities, a consent authority may grant or refuse an application, and impose conditions under section 108.

Section 104(1)(a) of the Act

- 6.2. Section 104(1) of the Act states that when considering an application for resource consent –

“the consent authority must, subject to Part II, have regard to –

(a) Any actual and potential effects on the environment for allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive 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 reasonable necessary to determine the application.'

- 6.3. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of the act). As assessed in Section 5 above, the proposal will have actual and potential effects that are acceptable.
- 6.4. Section 104(1)(ab) requires that the consent authority consider 'any measure proposed or agreed to by the applicant for the purposes 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'.
- 6.5. Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in Section 7 below.
- 6.6. Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application'. There are no other matters relevant to this application.

7. POLICY DOCUMENTS

- 7.1. Section 104(1)(b) requires that when considering an application for a resource consent, the consent authority must, subject to Part 2, have regard to:

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

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



National Environmental Standards

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health

7.3. As determined within the previous application under RC2240288, the NESCS is not considered applicable to the proposal. As such, the application has been considered Permitted in terms of the NESCS.

National Environmental Standards for Freshwater 2020

7.4. As determined within the previous application RC2240288, the built development on the sites are existing. The proposal was not considered to impact any natural wetland areas and was deemed to be permitted in terms of the NES-F.

Other National Environmental Standards

7.5. No other NES are considered applicable to this proposal.

National Policy Statements

7.6. There are currently eight National Policy Statements in place. These are as follows:

- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy on Electricity Transmission
- New Zealand Coastal Policy Statement
- National Policy for Highly Productive Land
- National Policy Statement for Indigenous Biodiversity
- National Policy Statement for Greenhouse Gas Emissions from industrial Process Heat 2023

7.7. As per RC2240288, there are no NPS applicable to the proposal.

Regional Policy Statement

7.8. The role of The Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northlands natural and physical resources.

7.9. The proposal is considered to create less than minor effects on the character of the locality. The proposal will not compromise the sustainable management of natural and physical resources of the environment. The proposal is considered to have negligible effects on the life supporting capacity of air, water, soil and ecosystems. As such, it is considered the proposal is compatible with the intent of the RPS.



Far North District Plan

7.10. A full assessment of the relevant objectives and policies within the Operative District Plan was undertaken as part of the recent consent application. As the proposal will not alter the number of allotments, it is considered that the statements made within the recent application are relevant to this proposal and will not change as a result of the cancellation to consent conditions.

Proposed District Plan

7.11. A full assessment of the relevant objectives and policies within the Proposed District Plan was undertaken as part of the recent consent application. As the proposal will not alter the number of allotments, it is considered that the statements made within the recent application are relevant to this proposal and will not change as a result of the cancellation to consent conditions.

Summary

7.12. The assessment above demonstrates that the proposal will be consistent with the relevant objectives and policies and assessment criteria of the relevant statutory documents.

8. CONSIDERATION OF POTENTIALLY AFFECTED PARTIES

8.1. Sections 95D and 95E (shown below) detail the requirement of consideration of likely effects on any person or party by the consenting authority to determine if a person is considered to be an “affected” by the proposed activity.

95D Consent authority decides if adverse effects likely to be more than minor

A consent authority that is deciding, for the purpose of section 95A(2)(a), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

(a) must disregard any effects on persons who own or occupy—

(i) the land in, on, or over which the activity will occur; or

(ii) any land adjacent to that land; and

(b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and

(c) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and

(d) must disregard trade competition and the effects of trade competition; and

(e) must disregard any effect on a person who has given written approval to the relevant application.

8.2. The proposal includes assessment of the effects, that demonstrates that the actual and potential adverse effects of the proposal are no more than minor on the environment.

95E Consent authority decides if person is affected person

(1) A consent authority must decide that a person is an affected person, in relation to an activity, if the activity’s adverse effects on the person are minor or more than minor (but are not less than minor).



- (2) *The consent authority, in making its decision, —*
- (a) *may disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect; and*
 - (b) *in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity on the person that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and*
 - (c) *must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
- (3) *Despite anything else in this section, the consent authority must decide that a person is not an affected person if—*
- (a) *the person has given written approval to the activity and has not withdrawn the approval in a written notice received by the authority before the authority has decided whether there are any affected persons; or*
 - (b) *it is unreasonable in the circumstances to seek the person's written approval.*

The application must be limited notified to the relevant persons if the following are determined, as specified by section 95B(2) and (3):

- (2) (a) *affected protected customary rights groups; or*
- (b) *affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*
- (3) (a) *whether the proposed activity is 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](#); and*
- (b) *whether the person to whom the statutory acknowledgement is made is an affected person under [section 95E](#).*

8.3. There are no rules or NES that permit the activity. The proposal is not for a controlled or restricted discretionary activity. There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are relevant to this application as per the assessment undertaken in RC2240288.

8.4. Other affected persons must be notified in the following circumstances specified by section 95B(7) and (8):

- (7) Determine whether, in accordance with section 95E, the following persons are affected persons:*
- (a) *in the case of a boundary activity, an owner of an allotment with an infringed boundary; and*
 - (b) *in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.*
 - (8) *In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*

8.5. The proposal is not for a boundary activity nor is it a prescribed activity.

- In deciding who is an affected person under section 95E, a council under section 95E(2):*
- (2) *The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—*
 - (a) *may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*



(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

- 8.6. A council must not consider that a person is affected if they have given their written approval, or it is unreasonable in the circumstances to seek that person's approval.
- 8.7. With respect to section 95B(8) and section 95E, the effects of the proposal was considered as part of the assessment of environmental effects undertaken in Section 5 of this report, which found that the potential adverse effects on the environment will be less than minor. In regard to effects on persons, the assessment in Sections 5, 6 & 7 are also relied on and the following comments made:
- The proposed changes are not considered to be contrary to the objectives and policies under the District Plan or the Proposed District Plan.
 - The proposed changes are not contrary to the relevant National Policy Statements or the Northland Regional Policy Statement.
 - The cancellation of consent conditions can still achieve the intent of the original subdivision consent and will not alter the number or layout of lots nor any access or infrastructure.
 - The proposal is accompanied by a Kiwi Assessment which is in support of the proposal.
 - The proposal will not result in any adverse effects on adjoining sites.
- 8.8. Taking into account the intent of the original subdivision consent and the consent conditions that are in place to mitigate the various effects; it is considered that no persons or parties are considered to be actually or potentially affected by the proposal. Overall, the adverse effects on any persons are considered to be less than minor.

9. CONCLUSION

- 9.1. The proposal is considered suitable for the site and surrounding environment. As the applicant has had a suitably qualified professional undertake a Kiwi Assessment which determined that the site and surrounding environment is not a location where kiwi are of high density, the previous consent conditions restricting cats and dogs to protect kiwi are no longer necessary for the subject site. An Advice Note has been recommended to be placed on the decision document advising that cats and dogs should be controlled at night, which will ensure that kiwi are not precluded from the area in the future.
- 9.2. No significant adverse effects are anticipated to arise from the activity included in the application and no consideration of alternatives has been undertaken. All effects of the activity are considered to be managed within the property boundaries. Overall, it is considered that the proposal will result in no more than minor effects on the environment.
- 9.3. Written approval has not been sought from any parties, given that the proposal is not considered to adversely affect adjacent property owners/occupiers.



- 9.4. As a Discretionary Activity, the application has been assessed under the matters specified under Section 127 of the Resource Management Act 1991. It is considered that that the proposal results in no more than minor effects on the environment, and that the activity is generally consistent with the relevant objectives and policies of the Operative District Plan and the Proposed District Plan. In accordance with sections 104 and 104B of the Act, it is considered that the variation should be granted on a non-notified basis.

10.LIMITATIONS


- 10.1. This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 10.2. Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 10.3. Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 10.4. Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.





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




R. W. Muir
Registrar-General
of Land

Identifier **NA105C/478**
Land Registration District **North Auckland**
Date Issued 24 April 1996

Prior References

NA56A/1320 NA56A/1321

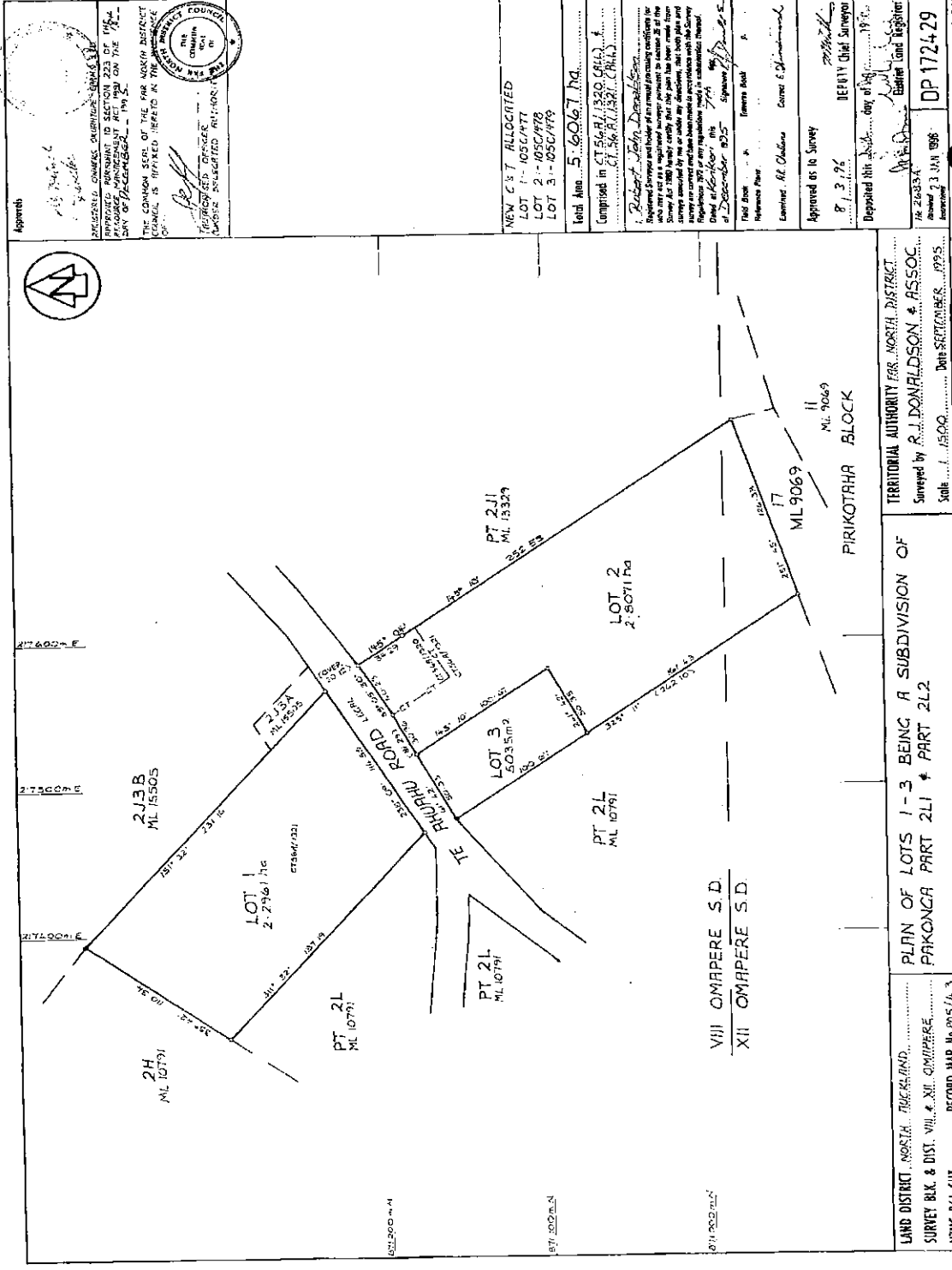
Estate Fee Simple
Area 2.8071 hectares more or less
Legal Description Lot 2 Deposited Plan 172429

Registered Owners

John Lindsay McKinnon and Leanne Gay McKinnon

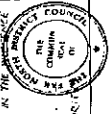
Interests

7691618.3 Mortgage to Kiwibank Limited - 4.3.2008 at 12:23 pm



Appendix

REGISTERED SURVEYOR GENERAL
 APPROVED PURSUANT TO SECTION 223 OF THE SURVEY ACT 1987 ON THE DAY OF SIGNATURE 1995
 THE COMMON SEAL OF THE SURVEY DISTRICT COUNCIL IS AFFIXED HEREIN AT THE REQUEST OF THE REGISTERED OFFICER
 REGISTERED OFFICER
 REGISTERED SURVEYOR GENERAL



NEW C.V.T. ALLOCATED
 LOT 1 - 105C/471
 LOT 2 - 105C/478
 LOT 3 - 105C/479
 Total Area 5.6067 ha
 Comprised in CT 56R/1320 (414) & CT 56R/1321 (414)

Robert John Donaldson
 Registered Surveyor and holder of an instrument of authority for the purposes of the Survey Act 1987 hereby certifies that this plan has been made from a survey conducted by me or under my direction, that both plan and survey are correct and that the boundaries and areas are as indicated on the plan and that the survey was conducted in accordance with the Survey Act 1987.
 Dated at Auckland, this 27th day of December 1995
 Signature *Robert John Donaldson*

Field Book
 Reference Plan
 Examined by *M. O'Connell* Coroner
 Approved as to Survey by *Robert John Donaldson* DEPUTY CHIEF SURVEYOR
 Deputed with authority on the day of 1995
 Date of Survey 27/12/95
 DP 172429

LAND DISTRICT NORTH TACKS/LAND
 SURVEY B.L. & DIST. VIII & XII OMAREPE
 NZMS 261 SH1
 RECORD MAP No 205/A/3
 PLAN OF LOTS 1-3 BEING A SUBDIVISION OF PAKONCA PART 2L1 & PART 2L2
 TERRITORIAL AUTHORITY FOR NORTH DISTRICT
 Surveyed by R.J. DONALDSON & ASSOC
 Scale 1:1500
 DATE SECTIONED 1995



KIWI MONITORING

LOT 2 DP 172429 (RT:105C/478) 2240288-RMACOM
MCKINNON 94 TE AHU AHU RD, OHAEAWAI
AUGUST 20th 2024



PO Box 229, Kerikeri
PH 021 151 8315

The McKinnon property is zoned *Kiwi Density* (DoC 2018) and as such we understand that, as standard, the subdivision consent (2240288-RMACOM) requires exclusion of cats; dogs and mustelids after the passing of the currently resident dogs. However, query was made whether kiwi are infact present at all due to a number of dogs with unfettered access throughout the neighbouring Pirikotaha 11; 17 & Part Pakonga 2J1-3 BLKS.

To provide a factual basis to consider this contention, Bay Ecological Consultancy Ltd undertook standardised kiwi monitoring at 94 Te Ahu Ahu Rd to ascertain the level of kiwi occupancy. This was comprised


- 5 consecutive nights mid July
- 2 DoC AR4 listening devices recording dusk and dawn (5.30 am/ pm for 4 hrs; LOW frequency optimal for kiwi)
- two localities 200m apart at either end of the property to give coverage of adjacent available habitat

Although overlapping with the end of the annual coordinated call count window, it is considered that the weather and time of year remained largely appropriate to garner reliable data. Acoustic recording and call counts of adult kiwi calls is the well-established method for remote monitoring of kiwi populations and although direct correlation between call rates and population density is not possible, call rates can give some indication of relative abundance. The sound files were reviewed and compared to the indices for the *Kiwi Present* and *Kiwi Density* designations.

- There were no typical call patterns illustrated on sonograms e.g. ascending male call pattern
- No male and female duet sequences were recorded, as a proxy representation of a pair territory
- Visually noisy files were listened to in full to determine any masked calls
- Distant indeterminate potentially male kiwi whistles were noted. These were infrequent and not at the *High Density* rate (5 or greater/ hr)
- There were frequent dog barking/ howling records outside of the property (large dogs c.f McKinnons toy/ miniatures)
- Frequent pukeko calls indicate a resident territorial local population; morepork; cows; chickens; geese; ducks; traffic; possum; tui; song birds

We consider that the kiwi count character of the McKinnons property is not in keeping with the *High Density* scenarios, likely due to the surrounding lack of dog control in this closely suburban island. To avoid contributing to preclusion of kiwi in future we would advocate for the standard protective controls applied in *Kiwi Present* scenarios such as kiwi aversion training & keeping dogs inside at night.

Sincerely,

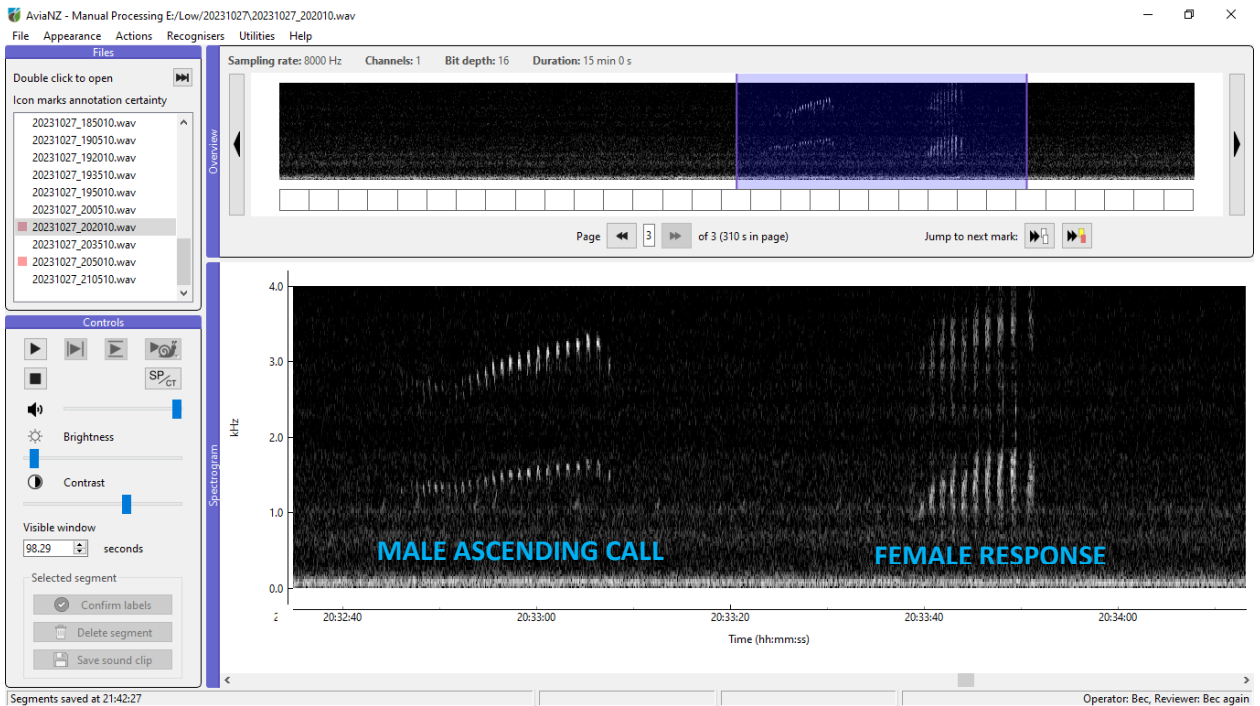


Rebecca Lodge, Director

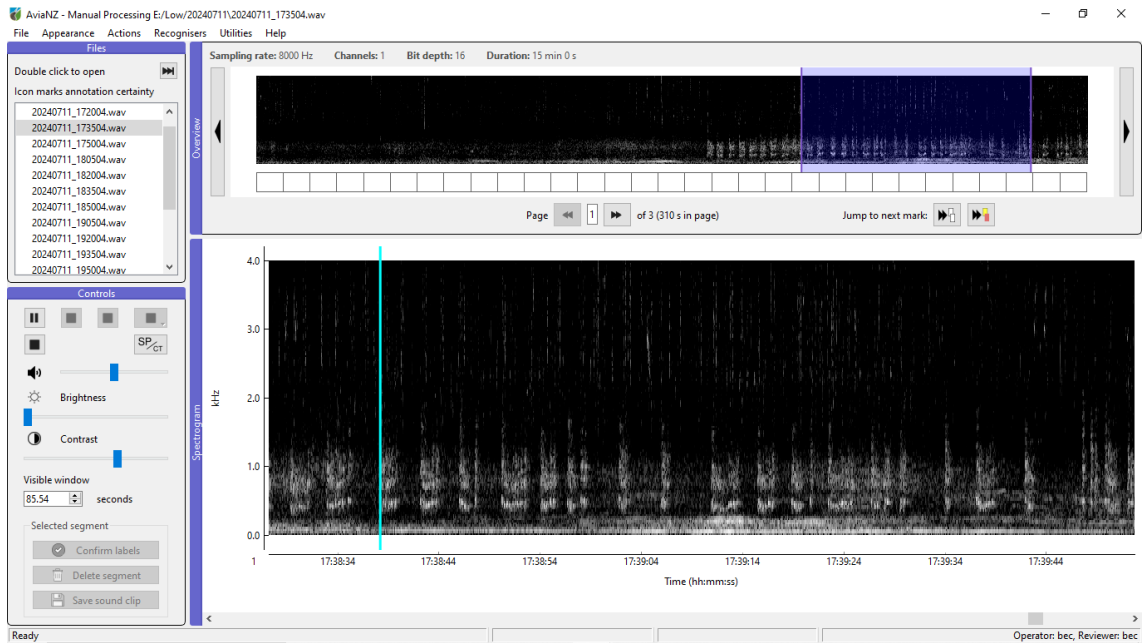
BSc Ecology, PGDipSci Botany (Distinction) OTAGO

Bay Ecological Consultancy Ltd – 021-1518315

EXAMPLE MALE AND FEMALE DUET (NOT RECORDED ONSITE)



Typical extended duration barking of large resident dog nearby at McKinnons property



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

Amended pursuant to s133A

Decision

Pursuant to section 34(1) and sections 104, 104B and 104D, 106, 108 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: John Lindsay McKinnon and Leanne Gay McKinnon

Council Reference: 2240288-RMACOM

Property Address: 94 Te Ahu Ahu Road, Ohaeawai 0472

Legal Description: Lot 2 DP 172429 (RT:105C/478)

The activities to which this decision relates are listed below:

Activity A – Subdivision:

Subdivision in the Rural Production Zone to create one additional lot as a Non-Complying Activity, including subdivision within a Heritage Overlay Area under the Proposed District Plan.

Activity B – Land Use:

The existing shed on Lot 1 is located approximately 4 meters from the new internal boundary breaching the Setback from Boundaries rule in the Rural Production zone.

Subdivision Conditions

Pursuant to sections 108 and 220 of the Act, this subdivision consent is granted subject to the following conditions:

1. The activity shall be carried out in general accordance with the approved plan prepared by Williams and King, referenced Proposed Subdivision of Lot 2 DP 172429, dated August 2023, 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 shall show:
 - a. All easements in the memorandum to be duly granted or reserved.

Section 223(c) compliance conditions

3. Prior to the issuing of a certificate pursuant to section 223(c) of the Act, the consent holder shall:
 - a. Provide evidence by a registered drainlayer or maintenance contractor that wastewater systems on both lots are in good working order, and that the wastewater system, including any trenches and/or effluent fields are fully contained within the new boundaries, and:
 - Should either system not be in good working order, evidence shall be provided that the existing system has been repair and/or decommissioned and replaced with a new on-site wastewater treatment system designed in accordance with the TP58/ASNZS1547 design manual.
 - Should any trenches and/or effluent fields found to be not fully located within the new boundaries, evidence is to be provided that they have been relocated to be fully contained within the new boundaries.

Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
 - a. Upgrade the existing entrance to Lot 1 to provide an entrance which complies with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.7.1 of the Engineering Standard and NZS4404:2004. Seal the entrance for a minimum distance of 5m from the road edge.
 - b. Provide a formed double width entrance to Lot 2 which complies with the Councils Engineering Standard FNDC/S/6, 6B, and section 3.3.7.1 of the Engineering standards and NZS4404:2004. Seal the entrance for a minimum distance of 5m from the road edge.
 - c. Lot 2 driveway access shall be constructed to have a minimum 3.0m carriageway in accordance with a 1 H.E under Appendix 3B-1 of the FNDC District Plan.
 - d. Stormwater runoff from the driveway and associated hardstand areas for Lot 2 shall be attenuated in accordance with recommendations within the Civil Site Suitability Report prepared by Wilton Joubert, referenced 129661 and dated 19/02/2024.
 - e. Provide the Far North District Council's Resource Consent Monitoring Officer or duly delegated officer evidence of the existing one dog on Lot 1 and the existing two dogs on Lot 2 for Council's records e.g., a photograph and proof of microchip.
5. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:

- i. No occupier of the lot, contractor and/or visitor shall keep or introduce on to the site carnivorous or omnivorous exotic animals (including but not limited to: mustelids, cats, or dogs).

[Lots 1 & 2]

- ii. *Grandfather Clause for existing dogs*

The occupier shall be permitted to keep the existing dog (1) for the life of the animal identified by Condition 4 (e).

[Lot 1]

- iii. With the exception of the applicants, John and Leanne McKinnon, who shall be permitted to keep the existing two dogs for the life of those animals identified by Condition 4 (e)

[Lot 2]

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.

General

2. 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).
3. The consent holder is advised that Top Energy have assets within the vicinity of 94 Te Ahu Ahu Road. Any development undertaken within close proximity of these assets as a result of this activity may require a Close Approach Consent from Top Energy. It is recommended that the consent holder consult with Top Energy before commencing development. Top Energy can be contacted online via <https://topenergy.co.nz/i-want-to/get-a-service/work-near-power-lines> or via 0800 867 363.
4. Erosion and sediment control measures in accordance with Auckland Council GD05 requirements are to be implemented prior to any earthworks and construction activities commencing within the approved allotments to ensure compliance with rule EW-S5 – Erosion and Sediment Control of the Draft District Plan. Alternatively, you may obtain resource consent where compliance cannot be achieved.

5. *Evidence will need to be provided that a Traffic Management Plan (TMP) has been approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to vehicle crossings being constructed or upgraded.*

Land Use Conditions

Pursuant to sections 108 of the Act, this land use consent is granted subject to the following conditions:

1. The activity shall be carried out in general accordance with the approved plan prepared by Williams and King, referenced Proposed Subdivision of Lot 2 DP 172429, dated August 2023, and attached to this consent with the Council's "Approved Stamp" affixed to it.

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:
 - The new allotments will remain unchanged, as such it is considered that there are no potential adverse effects created to which will adversely affect adjacent neighbours or surrounding environment.
 - The new access for Lot 2 will be created down the boundary of the adjacent neighbour (Lot 3 DP 172429), however, the landowner of this property has provided written approval, therefore, any potential adverse effects have been disregarded.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
 - Northland Regional Policy Statement 2018,
 - Operative Far North District Plan 2009,
 - Proposed Far North District Plan 2022

The activity is consistent with these documents for the reasons set out in pages 35-52 of the Assessment of Environmental Effects submitted with the application.

Northland Regional Policy Statement 2018

The role of the Northland Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource managing issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources.

Whilst the activity has a status of non-complying, the existing environment consists of mixed allotment sizes and uses in the area as well as the site directly adjoining the allotments which are of similar size to the activity. The activity provides for small scale rural lifestyle purposes with existing built development, as consistent with other lots in

the surrounding environment, and the use of the sites will remain unchanged and is considered to achieve the objectives and policies of the Northland Regional Policy Statement.

Operative Far North District Plan

The following objectives and policies of the District Plan have been considered:

- The objectives and policies of the Rural Environment (Chapter 8 sections 8.3 and 8.4)
- The objectives and policies of the Rural Production Zone (Chapter 8.6 section 8.6.3, and 8.6.4)
- The objectives and policies of Subdivision (Chapter 13 section 13.3, and 13.4)

The objectives and policies of the Rural Production zone promotes the sustainable management of natural and physical resources while enabling the efficient use and development of the Rural Production zone, in a way that enables people and their communities to provide for their social, economic and cultural wellbeing and for their health and safety, along with promoting the maintenance and enhancement of the amenity values to a level that is consistent with the productive intent of the Rural Productive zone.

The activity has been designed in a way that maintains amenity values and fits in with the surrounding environment. Both lots will contain existing development and will not alter the existing rural-lifestyle character that is present in the immediate area. The activity will not alter the perception of the site as seen from the wider environment as a result of the existing development.

The subject site does not contain indigenous vegetation or protected natural areas, nor any outstanding landscapes or sites that are significant to Māori.

The site is located in an area identified as being within a high kiwi zone. The applicant has offered a no cats/dog covenant, with a grandfather clause for the existing dogs that are currently on site.

Both sites are developed, and no further development is proposed.

The activity is consistent with the relevant objectives, policies, and assessment criteria of the Operative District Plan.

Proposed Far North District Plan

- Objectives and policies of the Rural Production zone
- Objectives and policies of the Heritage Area Overlays
- Objectives and policies of Subdivision

The objectives and policies of the Rural Production zone promotes the sustainable management of natural and physical resources while enabling the efficient use and development of the Rural Production zone, in a way that enables people and their

communities to provide for their social, economic and cultural wellbeing and for their health and safety, along with promoting the maintenance and enhancement of the amenity values to a level that is consistent with the productive intent of the Rural Productive zone for current and future generations.

The objectives and policies of the Heritage Area Overlays is to ensure that heritage sites are identified and protected, and to avoid adverse effects on an heritage values, in this particular instance, on the Te Waimate Mission House, which is the second oldest standing building in New Zealand. The subdivision will have no adverse effects on the Te Waimate Mission House.

For this resource consent application, the relevant provisions of both an operative and any proposed plan must be considered. 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.

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. In regard to section 104D of the Act the activity meets both tests as any adverse effects arising from this activity will not be more than minor, and the activity will not be contrary to the objectives and policies of the Operative District Plan. Therefore, consent can be granted for this non-complying activity. Lots 1 & 2 are generally smaller than the majority of the surrounding environment, however there are lots of similar size in close proximity to the site, so the subdivision is not considered to be out of context to the surrounding environment, nor is the subdivision considered to be setting precedent due to the immediate surrounding environment.
8. In terms of s106 of the RMA the subdivision is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. 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 activity will avoid, remedy, or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.

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 Jo Graham, Intermediate Resource 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.



Tianxu (Brian) Huang

Date: 11 March 2024

Team Leader – Resource Consents

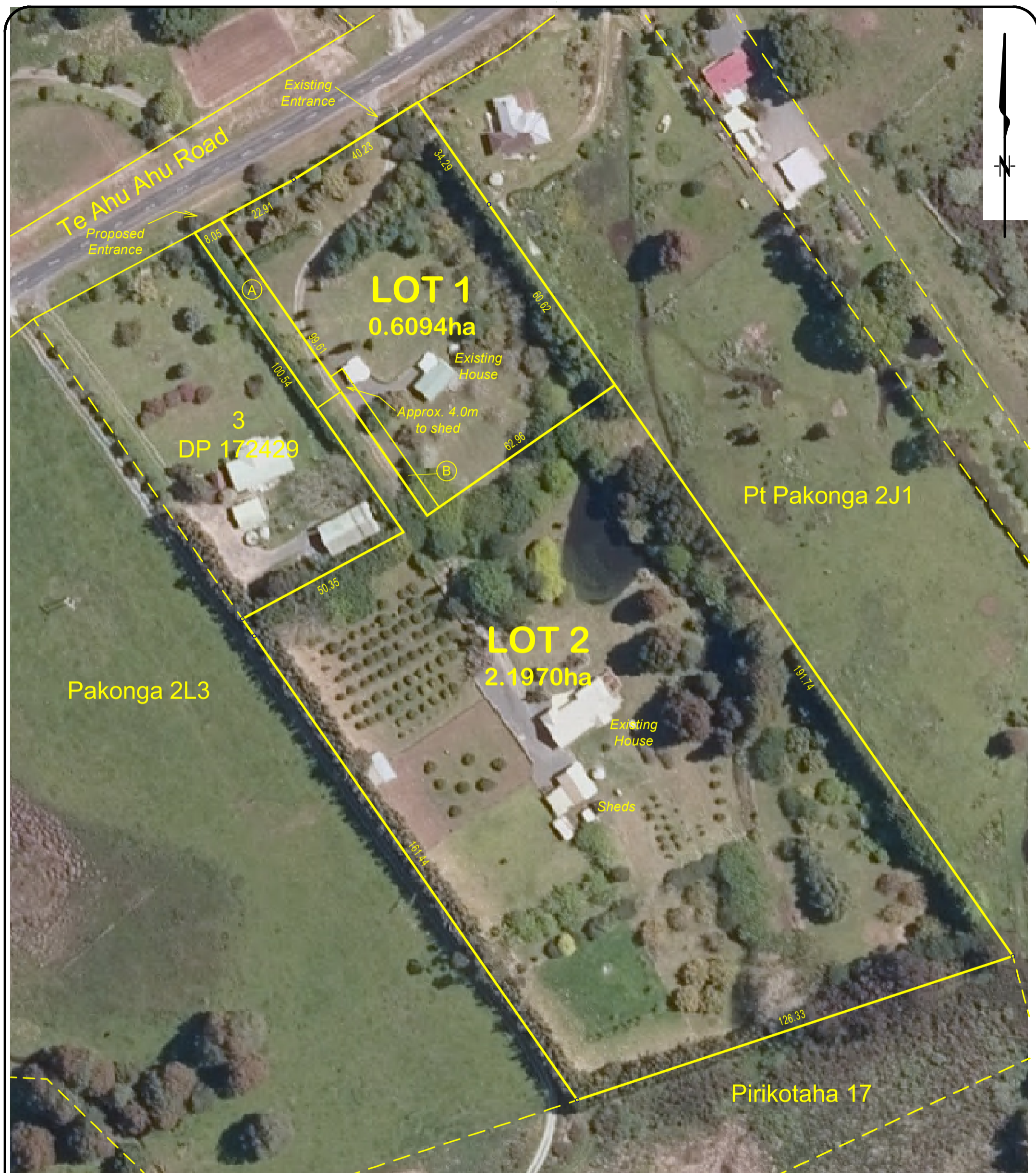
Amended version pursuant to s133A granted under delegated authority by:



Tianxu (Brian) Huang

Date: 13 March 2024

Team Leader – Resource Consents



PROPOSED MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
RIGHT TO CONVEY ELECTRICITY AND TELECOMMUNICATIONS	A	LOT 2 HEREON	LOT 1 HEREON
	B	LOT 1 HEREON	LOT 2 HEREON

Local Authority: Far North District Council
 Zone: Rural Production
 Total Area: 2.8071ha
 Comprised in: NA105C/478

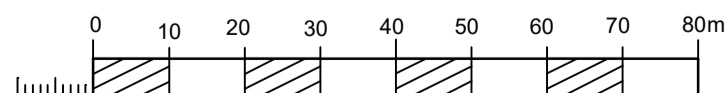
APPROVED PLAN

Planner: **SBrown**
 RC: **2240288**
 Date: **11/03/2024**

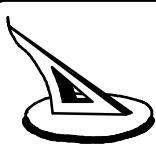
THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk



Prepared For: J L & L G McKinnon



WILLIAMS AND KING
 Registered Land Surveyors, Planners &
 Land Development Consultants

Ph: (09) 407 6030 27 Hobson Ave,
 Email: Kerikeri@saps.co.nz PO Box 937, Kerikeri

**Proposed Subdivision of
 Lot 2 DP 172429**

Name	Date
Survey	
Design	
Drawn	WK Aug 2023
Ver 1	

ORIGINAL SCALE SHEET SIZE
 1:1000 A3

FILE
 24184