

Our Reference: 10868.221(3)

10th December 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed Change to Consent Notice pursuant to s221(3) of the RMA – Julie and Leslie Cates

I am pleased to submit application on behalf of Julie and Leslie Cates, for a change to consent notice pursuant to s221(3) of the Act. The application is regarded as a discretionary activity.

The application fee of \$1,264 has been paid separately via direct credit.

Regards



Lynley Newport
Senior Planner
THOMSON SURVEY LTD

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 checked="" 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
(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

5. Applicant details

Name/s:

Julie and Leslie Cates

Email:

Phone number:

Postal address:

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

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.

6. Address for correspondence

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

Name/s:

Lynley Newport

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:

As per item 5 above

**Property address/
location:**

Postcode

8. Application site details

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

Name/s:	as per item 5 above		
Site address/ location:	as per item 5 above		
	Postcode		
Legal description:	Lots 1 & 2 DP 603554	Val Number:	
Certificate of title:	1180887 & 1180888		

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.

Variation to Consent Notice 13227795.2, clauses (vii) and (viii) as they affect Records of Title 1180887 & 1180888.
Refer to planning report and AEE for further detail.

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):

<input type="radio"/> Building Consent	Enter BC ref # here (if known)
<input type="radio"/> Regional Council Consent (ref # if known)	Ref # here (if known)
<input type="radio"/> National Environmental Standard Consent	Consent here (if known)
<input type="radio"/> Other (please specify)	Specify 'other' here

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)

Julie Ellen Cates

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.

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)

Julie Ellen Cates

Signature:

(signature of bill payer)

Date 10-Dec-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. 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)

Julie Ellen Cates

Signature

Date 10-Dec-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.

Julie & Leslie Cates

**Application for a variation to Consent Notice
13227795.2 pursuant to s221(3)**

119 Hikurua Road, Kaeo

**PLANNER'S REPORT &
ASSESSMENT OF ENVIRONMENTAL EFFECTS**

**Thomson Survey Ltd
Kerikeri**

1.0 INTRODUCTION

1.1 The Proposal

The applicants were granted consent to subdivide to create two additional lots in February 2022. Titles have since deposited, in March 2025. A condition of the subdivision consent was the registration of a Consent Notice on both titles. This Consent Notice, referenced 13227795.2, is attached in Appendix 1. It contains a clause affecting Lots 1 and 2 DP 603554 as follows:

"No occupier of the land shall keep or introduce on to the site carnivorous or omnivorous animals (such as mustelids, cats or dogs)".

The balance, and larger, Lot 3 DP 603554 is subject to a different consent notice reading as follows:

"No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids).

A maximum of one dog is exempted from this condition if they are:

- a. Micro-chipped,*
- b. Within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,*
- c. Kept in a kennel or tied up at night.*
- d. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.*

Prior to the keeping or introduction of any working dog to the site the occupier must provide the following to the Council's Resource Consents Monitoring Officer:

- a. A photograph of the dog
- b. Written confirmation that the dog(s) have been micro-chipped,
- c. A plan showing the extent of the dog proof fenced area.

The applicants seek the deletion of clause (vii) in its entirety as it affects Lots 1 and 2, and for the other clause (viii) to apply to all lots (not just Lot 3).

1.2 Scope of this Report

This assessment and report accompanies the application to vary a Consent Notice pursuant to s221(3) of the Resource Management Act 1991 (RMA). As stated in s221(3A) of the RMA, such an application is subject to Sections 88 to 121, and 127(4) to 132, and this report is provided in accordance with those relevant sections, as if it were an application for a resource consent. The application is regarded as a discretionary activity under the RMA. The information provided in this assessment and report is considered commensurate with the scale and intensity of the proposal for which consent is being sought. The name and address of the owner of the property is contained in the Form 9 Application form.

2.0 PROPERTY DETAILS

Location:	119 Hikurua Road, Kaeo - refer Appendix 2 for Location Map
Legal description:	Lots 1 & 2 DP 603554, contained in Records 1180887 & 1180888 – copies attached in Appendix 3.

3.0 SITE DESCRIPTION

The site is zoned Rural Production in the Operative District Plan and contains areas of Protected Natural Area (shrublands). The site is mapped as 'kiwi present', not high density kiwi.

The application site was 40ha at the time the consent was issued. Lots 1 & 2 are 4004m² apiece, with Lot 3 making up the 39.449ha balance. Both Lots 1 and 3 supported existing residential dwellings with only Lot 2 being vacant.

The topography of the site is relatively flat along the road frontage, which is in pasture. This is where Lots 1 & 2 area situated. The balance of land is dominated by bush.

Legal Interests

As well as the Consent Notice that is the subject of this application, Lot 1 DP 603554 is subject to a right to convey electricity and telecommunications in favour of Lot 3, and has

appurtenant right of way, right to convey electricity and telecommunications, over Lot 3 – all easements pursuant to 13227795.3. Lot 2 DP 603554 is subject to the Consent Notice only.

Consent History of the Site

Resource consent history of the site consists of the subdivision consent referred to above.

4.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The original application, as lodged, did not offer a total ban on mustelids, cats and dogs for any lot. It was a Council initiative to impose such a ban, despite the site not being in a high density kiwi area and is 5kms from the nearest high density kiwi area.

This is inconsistent with Council's current practice of only imposing complete bans where land is high density kiwi concentration, and only looking to restrictions (not a ban) where a kiwi present 'zoning' applies.

At the time, the site also contained what was referred to as Proposed SNA, something that no longer exists as a feature. The site does contain an area of Protected Natural Area (PNA) and this is protected by way of consent notice protection affecting Lot 3 – the only lot to contain such vegetation/habitat.

The consent holders undertake pest control on their property and continue to manage and enhance the large area of indigenous vegetation that is protected by Consent Notice. With this habitat management in mind, the consent notice intentionally provides for formation and maintenance of tracks for the purpose of carrying out pest control.

The consent holders do not consider, however, that a total ban on dogs for Lots 1 & 2 is warranted or necessary. An allowance for a single dog on Lots 1 & 2 is therefore sought, subject to the same requirements as that applying to a single dog able to be kept on Lot 3. It is often preferable to promote responsible dog ownership and control, with clear reasons as to why there are controls, than to simply invoke a total ban which can sometimes have a negative response with non compliance resulting.

The Council's standardised approach for kiwi present areas is:

"The lot is within a 'kiwi present' area. Lot owners are advised to keep cats and dogs under control at all times and inside or securely tied up/enclosed at night. No mustelids shall be kept or introduced to the lot".

Acknowledging the presence of the nearby habitat/vegetation, the consent holders are prepared to retain a restriction that is more than that generally applied to properties in a kiwi present area.

Research shows no immediately adjacent properties are subject to any restrictions on the keeping of dogs.

I believe precedent has now been set in regard to properties within a kiwi present area and that the proposal being put to the Council in this application is in keeping with that precedent.

5.0 STATUTORY ASSESSMENT

An application lodged pursuant to s221(3) of the RMA is subject to Schedule 4. This in turn requires an assessment of the proposal against the matters set out in Part 2 of the RMA. Schedule 4 also requires an assessment against any relevant provisions (objectives and policies) of a document referred to in Section 104(1)(b).

5.1 Part 2 Matters

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposal is considered to provide for the sustainable management of natural and physical resources. It provides for the continued protection of those resources whilst enabling people to provide for their social well-being and for their health and safety.

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (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 regard part (c) above, the ongoing protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is assured with (a) bush protection; and (b) proposed restriction to one dog on each of the lots subject to strict identification and control.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (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*.

I believe the proposal has sufficient regard to relevant s7 matters. The ethic of stewardship is promoted in the proposed amended wording.

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The principles of the Treaty of Waitangi have been considered and I believe that this proposal does not offend any of those principles.

5.2 National Policy Statements and National Environmental Standards

There are no National Environmental Standards considered relevant to this proposal. The site is not coastal and therefore the NZ Coastal Policy Statement is not relevant.

The National Policy Statement for Indigenous Biodiversity (NPSIB), amended 2024, has relevance to this application. The Objective of the NPSIB reads:

- (1) *The objective of this National Policy Statement is:*

-
- (a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and
 - (b) to achieve this:
 - (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and
 - (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
 - (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
 - (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

The proposal to remove a total ban on the keeping of dogs and its replacement with an allowance of one dog per lot, subject to restrictions continues to promote stewardship and responsible dog ownership, and is not contrary to the above objective. This recognises people, including landowners, as "stewards of indigenous biodiversity". The ability to own a dog in a responsible manner provides for the social and cultural wellbeing of people – in this instance the owners of the properties concerned.

Lots 1 & 2 do not contain any significant indigenous vegetation or significant habitats of indigenous fauna, and no SNA's (Policies 6 & 8). There is adjacent bush on Lot 3 and this is subject to permanent protection. The properties are within a large generic area mapped as 'kiwi present', and more than 5kms from the nearest mapped 'high density' kiwi area. There are no existing restrictions on the keeping of cats and dogs on immediately adjacent properties. I believe, in the circumstances, the requested alternative wording continues to take a 'precautionary approach' when considering potential adverse effects on biodiversity (Policy 3).

I believe the alternative approach being suggested in this application, is not contrary to the objective and relevant policies of the NPS IB.

5.3 Regional Policy Statement for Northland

In preparing this application, the Regional Policy Statement for Northland has been considered, in particular those Objectives and Policies relevant to indigenous biodiversity. Also relevant is Objective 3.5:

Objective 3.5 Enabling economic wellbeing

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

I believe the proposed amended wording represents sustainability and provides for the property owners' social and economic wellbeing.

4.4.1 Policy – Maintaining and protecting significant ecological areas and habitats

Application pursuant to s221(3)

(3) Outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are not significant on any of the following:

- (a) Areas of predominantly indigenous vegetation;
- (b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;
- (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, dunelands, northern wet heathlands, headwater streams, floodplains and margins of freshwater bodies, spawning and nursery areas.....

I consider the approach being requested is sufficient mitigation against potential risk. The sites do not contain any habitats listed in (c).

4.4.2 Policy – Supporting restoration and enhancement

Support voluntary efforts of landowners.....

Explanation: Regulation under the RMA only plays a partial role in safeguarding and enhancing the ecological integrity of indigenous ecosystems. Policy 4.2 recognises that the stewardship of landowners and community groups is vital for achieving the objective.

What is being proposed in this application is entirely consistent with Policy 4.4.2. It recognises and encourages stewardship of landowners in safeguarding ecological integrity.

4.4.5 Method – Advocacy and education

The regional and district councils should promote voluntary efforts ...

Methods include:

- (a) Providing advice on voluntary mechanisms for protecting significant ecological areas and species;

....

What is being proposed in this application is entirely consistent with Policy 4.4.5(a).

In summary I consider the proposal to be consistent with the relevant objectives and policies in the Regional Policy Statement related to the indigenous biodiversity.

5.4 Operative District Plan Objectives and Policies

Objectives and policies relevant to indigenous vegetation and habitat are found in Chapter 12.2.

12.2.3.1 To maintain and enhance the life supporting capacity of ecosystems and the extent and representativeness of the District's indigenous biological diversity.

12.2.3.2 To provide for the protection of, and to promote the active management of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

12.2.3.3 To recognise issues of wellbeing including equity for landowners in selecting methods of implementation.

12.2.3.4 To promote an ethic of stewardship.

The existing indigenous vegetation within Lot 3 is subject to protection (12.2.3.2 and policies 12.2.4.1 and 12.2.4.2). The proposed changes to the consent notice recognise issues of wellbeing including equity for landowners and promote an ethic of stewardship, whilst maintaining and enhancing the life supporting capacity of ecosystems.

Policy 12.2.4.3 focuses on the disturbance of indigenous vegetation and habitat within a site, which is not the case here. Similarly, Policies 12.2.4.4 and 12.2.4.5 apply to areas within a site and there is no indigenous vegetation within Lots 1 & 2. Policy 12.2.4.6 is about the Council providing support to programmes for weed and pest control and is not overly relevant to this proposal.

Policy 12.2.4.7 is about promoting community awareness of the need and reasons for protecting significant habitats of indigenous fauna. The proposal is consistent with this policy.

Policy 12.2.4.8 is only in regard to flora species. Policy 12.2.4.9 requires Council to "work with landowners and communities to ensure outcomes are achieved in an effective and equitable manner". I believe granting consent to this proposal would be consistent with this requirement.

Policies 12.2.4.10 and 12.2.4.11 are related in that they both look to the protection of known kiwi habitat, potentially imposing conditions to ensure dogs are not introduced to such areas. The proposal being put forward here, is consistent with that approach in that any dogs are required to be in a dog proof enclosure and under effective control at all times when not in that enclosure, and also to be kept inside or secured (tied up or in a run) at night. The dog must also have undergone kiwi aversion training.

The remaining policies are in regard to habitat restoration – not relevant to this proposal; maintenance of riparian vegetation and habitat – not relevant to this proposal; and vegetation clearance within a property – not relevant to this proposal.

In summary I am of the opinion that the proposal provides for lot owners to understand the need for responsible ownership and control of dogs, and to act accordingly, such that consistency with the relevant policies above is achieved.

5.5 Proposed District Plan Objectives and Policies

Ecosystems and indigenous biodiversity Objectives and Policies

IB-O1 Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations.

IB-O2 Indigenous biodiversity is managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.

IB-O3 The relationship between tangata whenua and indigenous biodiversity, including taonga species and habitats, is recognised and provided for.

IB-O4 The role of tangata whenua as kaitiaki and landowners as stewards in protecting and restoring significant natural areas and indigenous biodiversity is provided for.

IB-O5 Restoration and enhancement of indigenous biodiversity is promoted and enabled.

Indigenous biodiversity within the site remains protected. Indigenous biodiversity beyond the properties' boundaries will not, in my opinion, be compromised by the proposed change to the Consent Notice. Responsible ownership and control of dogs is promoted, as is an ethic of stewardship.

In regard to policies, IB-P1 is in regard to the identification of SNA's and not relevant. IB-P2 only applies to the coastal environment and is not relevant. IB-P3 and IB-P4 apply to areas outside the coastal environment, with a focus on SNA's (not relevant) and avoiding, remedying or mitigating adverse effects on areas of important and vulnerable indigenous habitat. The application properties do not contain such habitat, albeit adjacent Lot 3 does. This habitat is permanently protected. The policies speak of applying an effects management hierarchy, where offsetting can be used. This is relevant when wanting to clear or disturb areas of significant indigenous vegetation/habitat, but not overly relevant in the case of this application.

Policy IB-P5 is not overly relevant to the proposal as its focus is on not restricting primary production, existing infrastructure and the like. Policy IB-P6 focuses on encouraging the protection, maintenance and restoration of indigenous biodiversity through non regulatory methods. The proposal is consistent with this approach, whilst nonetheless imposing a 'bottom line'.

IB-P7 is not relevant as it relates solely to the active management of pest plants and pest animals. IB-P8 only applies to plant species and is not relevant.

IB-P9 is perhaps the most (and perhaps the only) relevant policy related to indigenous biodiversity and the requested change to the consent notice wording. It reads:

IB-P9 *Require landowners to manage pets and pest species, including dogs, cats, possums, rats and mustelids, to avoid risks to threatened indigenous species, including avoiding the introduction of pets and pest species into kiwi present or high-density kiwi areas.*

The suggested wording being put forward still requires landowners to 'manage' pets (dogs and cats) to avoid risks to threatened indigenous species, as specified in the above policy. The policy then goes on to include one means of doing so - avoiding the introduction of pets into kiwi present or high-density kiwi areas. I do not believe the policy, as written intends the total exclusion of pets in kiwi present areas as the only means of achieving IB-P9, but rather places emphasis on the management of such pets to avoid risks to threatened species such as kiwi. There are no rules in the PDP requiring the exclusion of dogs and cats, nor any rules in the PDP's subdivision chapter requiring the exclusion of dogs and cats.

IB-P10 only applies to indigenous vegetation clearance and is not relevant.

6.0 CONSULTATION & s95 ASSESSMENT

The original subdivision was consented under delegated authority. No Written Approvals were provided or required.

I do not believe there to be any adjacent properties that would be affected persons in regard to the proposed change to consent notice wording and I do not consider the Department of Conservation to be adversely affected either given the monitoring; restraint and control mechanisms required of a lot owner in the keeping of a single dog on the property.

7.0 CONCLUSION

The sites are within a kiwi present area, not a high density kiwi area. The nearest high density area is over 5kms away. No immediately adjacent properties are subject to any dog restriction. The proposed change does not suggest removing any restriction altogether, but instead promotes a stewardship approach whereby the lot owner is required to practise responsible dog ownership and to control their dog, understanding and supporting the reason why.

The proposal is more consistent than not with the relevant objectives and policies of the Operative and Proposed District Plans; any relevant National Policy Statement, and the Regional Policy Statement, as well as Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified and no persons have been identified as adversely affected by the proposal. No special circumstances have been identified that would suggest notification is required.

It is therefore requested that the Council grant approval to the change to Consent Notice on a non notified basis.



Lynley Newport
Senior Planner
Thomson Survey Ltd

Date

10th December 2025

8.0 APPENDICES

Appendix 1	Consent Notice 13227795.2
Appendix 2	Location Map
Appendix 3	Record of Title and Relevant Instruments
Appendix 4	RC 2220288-RMASUB

Appendix 1

Consent Notice 13227795.2



View Instrument Details

Instrument No	13227795.2
Status	Registered
Lodged By	Baker, Lisa Anne
Date & Time Lodged	05 Mar 2025 15:22
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991

Affected Records of Title	Land District
1180887	North Auckland
1180888	North Auckland
1180889	North Auckland

Annexure Schedule	Contains 3 Pages
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Signature

Signed by Isabella May Nathan as Territorial Authority Representative on 05/03/2025 02:17 PM

*** End of Report ***



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THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC-2220288-RMASUB

Being the Subdivision of PT MAHIMAHI C NO 3 BLOCK
North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

SCHEDULE

Lot 2 DP 603554

- (i) In conjunction with the construction of any building on Lot 2, the lot owner shall form a single-width entrance to Lot 2 which complies with the Councils Engineering Standard FNDC/S/6 and 6B, section 3.3.7.1 of the Engineering Standards, and NZS4404:2004. Sight distances at the crossing locations to the corner of the east turning should be minimum of 95m.
- (ii) In conjunction with the construction of any building with a gross floor area of 50m² or more, the lot owner shall install a stormwater detention tank with a flow attenuated outlet or similar. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 10% and 1% AEP plus an allowance for climate change. The details of the on-site detention storage and flow attenuation or similar system shall be prepared by a Chartered Professional Engineer and submitted with the Building Consent application. The report shall reference "Subdivision Site Suitability Engineering Report, reference C0017-S-01-R01, Date October 2021, Geologix Consulting Engineers" submitted within the application documents of RC2220288-RMASUB.
- (iii) All habitable buildings or Importance level 2 and greater structures (as defined in AS/NZS 1170) will require engineering assessment for foundations and ground suitability. The design shall be by a Chartered Professional Engineer with recognized competence in relevant geotechnical, structural matters and include an indication of construction monitoring requirements for the foundation construction. The foundation design details shall be submitted in conjunction with the Building Consent application.



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- (iv) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system, the applicant shall submit for Council approval an onsite wastewater report prepared by a Chartered Professional Engineer or a Council-approved TP58 Report Writer. The report shall reference "Subdivision Site Suitability Engineering Report, reference C0017-S-01-R01, Date October 2021, Geologix Consulting Engineers" submitted within the application documents of RC2220288-RMASUB, to identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.
- (v) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and is to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
- (vi) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

Lots 1 and 2 DP 603554

- (vii) No occupier of the land shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs).

Lot 3 DP 603554

- (viii) No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids).

A maximum of one dog is exempted from this condition if they are:

- a. Micro-chipped,
- b. Within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- c. Kept in a kennel or tied up at night.
- d. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.

Prior to the keeping or introduction of any working dog to the site the occupier must provide the following to the Council's Resource Consents Monitoring Officer:

- a. A photograph of the dog
 - b. Written confirmation that the dog(s) have been micro-chipped,
 - c. A plan showing the extent of the dog proof fenced area.
- (ix) Excluding any formation and maintenance of tracks for the purpose of carrying out pest control, planting of indigenous vegetation, or access for rural activities, the indigenous



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vegetation within area 'X' on Lot 3 shall not be cut down, damaged, or destroyed without prior written consent of the Council. Such consent may be given in the form of resource consent. The owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

A handwritten signature in black ink, appearing to read "Nicola Cowley".

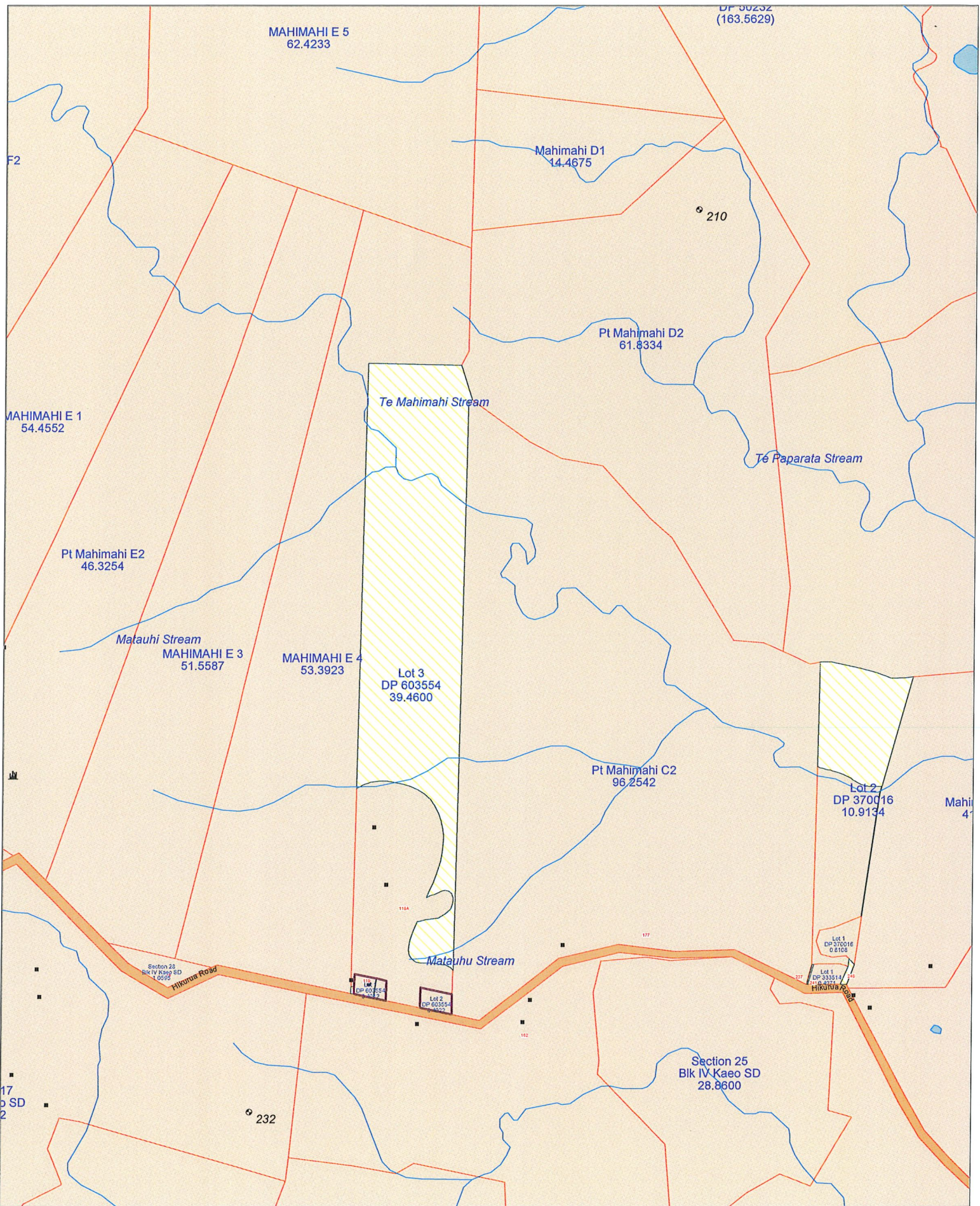
SIGNED:

Ms Nicola Cowley - Authorised Officer
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE CONSENTS

DATED at **KERIKERI** this 10th day of February 2025

Appendix 2

Location Map



Appendix 3

Records of Title



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




R. W. Muir
Registrar-General
of Land

Identifier 1180887
Land Registration District North Auckland
Date Issued 05 March 2025

Prior References
NA9D/688

Estate Fee Simple
Area 4012 square metres more or less
Legal Description Lot 1 Deposited Plan 603554
Registered Owners
Leslie Warren Cates and Julie Ellen Cates

Interests

Subject to Section 10 Maori Affairs Amendment Act 1967

A339793 Status order declaring that the status of the within land shall cease to be Maori Freehold Land and shall become General Land - 6.2.1969 at 9.00 am

13227795.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 5.3.2025 at 3:22 pm

Subject to a right to convey electricity and telecommunications over part marked B on DP 603554 created by Easement Instrument 13227795.3 - 5.3.2025 at 3:22 pm

Appurtenant hereto is a right of way, right to convey electricity and telecommunications created by Easement Instrument 13227795.3 - 5.3.2025 at 3:22 pm

The easements created by Easement Instrument 13227795.3 are subject to Section 243 (a) Resource Management Act 1991



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




R. W. Muir
Registrar-General
of Land

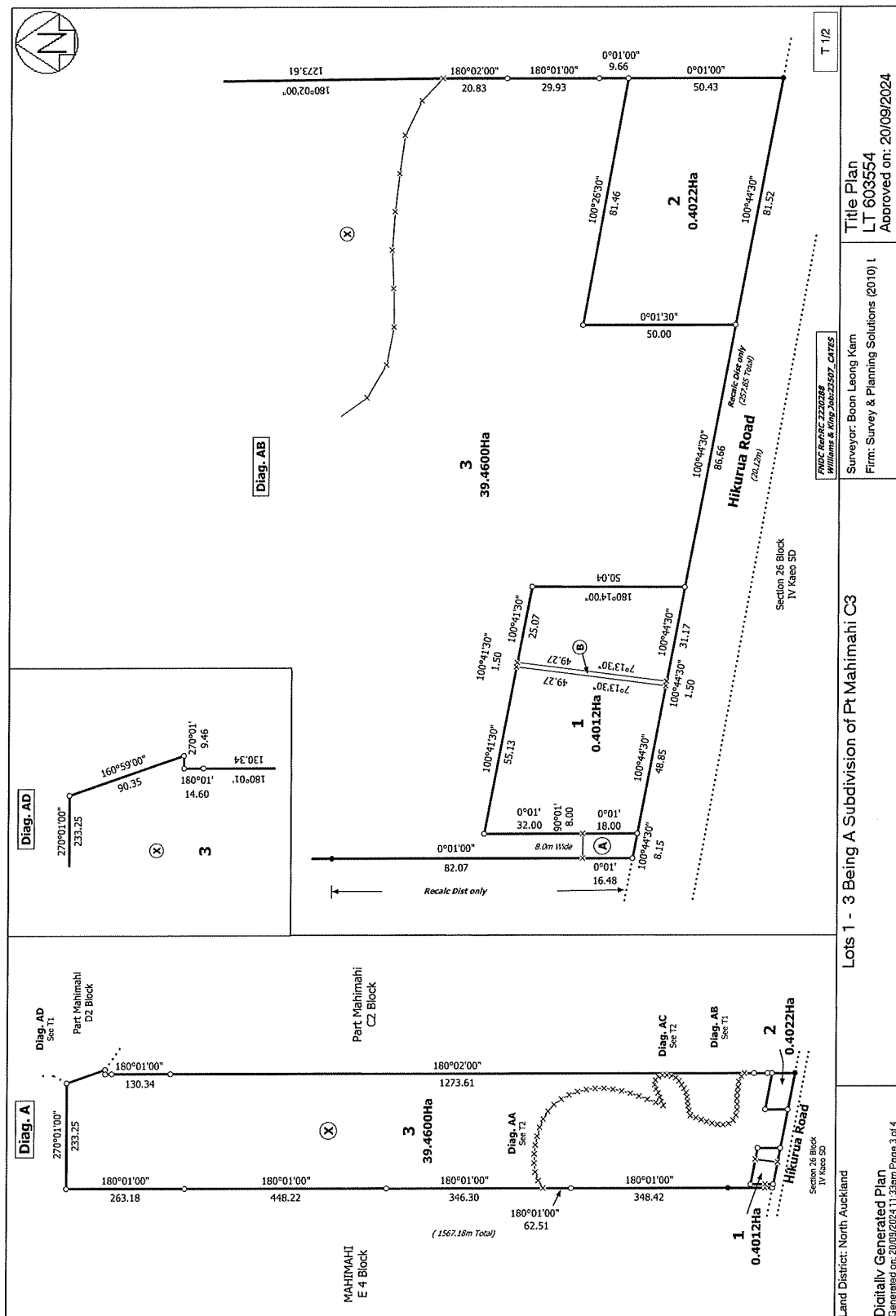
Identifier 1180888
Land Registration District North Auckland
Date Issued 05 March 2025

Prior References
NA9D/688

Estate Fee Simple
Area 4022 square metres more or less
Legal Description Lot 2 Deposited Plan 603554
Registered Owners
Leslie Warren Cates and Julie Ellen Cates

Interests

Subject to Section 10 Maori Affairs Amendment Act 1967
A339793 Status order declaring that the status of the within land shall cease to be Maori Freehold Land and shall become General Land - 6.2.1969 at 9.00 am
13227795.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 5.3.2025 at 3:22 pm



Appendix 4

RC 2220288-RMASUB



**Far North
District Council**

**FAR NORTH DISTRICT COUNCIL
FAR NORTH OPERATIVE DISTRICT PLAN
DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)**

Resource Consent Number: 2220288-RMASUB

Pursuant to section 104 B of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

Julie and Leslie Cates

The activity to which this decision relates:

Activity A: Subdivision to create two additional allotments in the Rural Production zone.

Activity B: Land use consent to breach Frontage to Existing Road standards in the Rural Production zone.

Subject Site Details

Address:	119 Hikurua Road, Kaeo 0478
Legal Description:	Mahimahi C No 3 Block
Record of Title reference:	NA9D/688

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King referenced Proposed Subdivision of Pd Mahimahi C3, dated September 2021 and attached to this consent with the Council's "Approved Stamp" affixed to it.
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.
 - (b) The survey plan shall show:

Areas of Lot 3 that contain indigenous vegetation and are within the Mahimahi Protected Natural Area (P04/078) as recorded in the 'Natural areas of Kerikeri Ecological District Reconnaissance Survey Report for the Protected Natural Areas Programme' as being subject to a land covenant (Area 'X' to be referred to in Consent Notice Condition 3(e)(ix)).

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

- (a) Provide a formed and metalled double width entrance to Lot 1 which complies with the Councils Engineering Standard FNDC/S/6 and 6B including min 375 mm dia RCP culvert, section 3.3.7.1 of the Engineering Standards, Rule 15.1.6C.1.5 of the operative plan and NZS4404:2004. Sight distances at the crossing locations are to comply with the requirements of the FNDC Engineering Standards.
- (b) Provide formed and metalled access on ROW easement A to 3m finished metalled carriageway width, to comply with Appendix 3B-1 of the Far North District Plan. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. The design of the swale drains, crossings and ROW shall reference the recommendations of the "Subdivision Site Suitability Engineering Report, reference C0017-S-01-R01, Date October 2021, Geologix Consulting Engineers" submitted within the application documents of RC2220288-RMASUB.
- (c) Provide to Council written confirmation from a registered surveyor that the access carriageway is fully contained within the easements provided for access.
- (d) Provide written confirmation from a suitably qualified experienced engineer that the stormwater attenuation and management system and tank orifice is installed for ROW A within Lot 1 is in general accordance with the recommendations of the "Subdivision Site Suitability Engineering Report, reference C0017-S-01-R01, Date October 2021, Geologix Consulting Engineers" submitted within the application documents of RC2220288-RMASUB.
- (e) 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 Applicant.

- (i) In conjunction with the construction of any building on Lot 2, the lot owner shall form a single-width entrance to Lot 2 which complies with the Councils Engineering Standard FNDC/S/6 and 6B, section 3.3.7.1 of the Engineering Standards, and NZS4404:2004. Sight distances at the crossing locations to the corner of the east turning should be minimum of 95m.

[Lot 2]

- (ii) In conjunction with the construction of any building with a gross floor area of 50m² or more, the lot owner shall install a stormwater detention tank with a flow attenuated outlet or similar. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 10% and 1% AEP plus an allowance for climate change. The details of the on-site detention storage and flow attenuation or similar system shall be prepared by a Chartered Professional Engineer and submitted with the Building Consent application. The report shall reference "Subdivision Site Suitability Engineering Report, reference C0017-S-01-R01, Date October 2021, Geologix Consulting Engineers" submitted within the application documents of RC2220288-RMASUB.

[Lot 2]

- (iii) All habitable buildings or Importance level 2 and greater structures (as defined in AS/NZS 1170) will require engineering assessment for foundations and ground suitability. The design shall be by a Chartered Professional Engineer with recognized competence in relevant geotechnical, structural matters and include an indication of construction monitoring requirements for the foundation construction. The foundation design details shall be submitted in conjunction with the Building Consent application.

[Lot 2]

- (iv) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system, the applicant shall submit for Council approval an onsite wastewater report prepared by a Chartered Professional Engineer or a Council-approved TP58 Report Writer. The report shall reference "Subdivision Site Suitability Engineering Report, reference C0017-S-01-R01, Date October 2021, Geologix Consulting Engineers" submitted within the application documents of RC2220288-RMASUB, to identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.

[Lot 2]

- (v) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and is to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

[Lot 2]

- (vi) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

[Lot 2]

- (vii) No occupier of the land shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs).

[Lots 1 & 2]

- (viii) No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). A maximum of one dog is exempted from this condition if they are:

- a. Micro-chipped,
- b. Within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- c. Kept in a kennel or tied up at night.
- d. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.

Prior to the keeping or introduction of any working dog to the site the occupier must provide the following to the Council's Resource Consents Monitoring Officer:

- a. A photograph of the dog
- b. Written confirmation that the dog(s) have been micro-chipped,
- c. A plan showing the extent of the dog proof fenced area.

[Lot 3]

- (ix) Excluding any formation and maintenance of tracks for the purpose of carrying out pest control, planting of indigenous vegetation, or access for rural activities, the indigenous vegetation within area 'X' on Lot 3 shall not be cut down, damaged, or destroyed without prior written consent of the Council. Such consent may be given in the form of resource consent. The owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

[Lot 3]

Activity B – Land Use:

- (a) Dispensation is granted to breach Frontage to Existing Road standards in the Rural Production zones permitted activity rule created under subdivision consent RC2220288-RMASUB.

Advice Notes

1. 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.
2. The site is adjacent to an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that the dwelling is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively, the applicant may consider sealing their road frontage to remove the issue.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. The application is for a Discretionary resource consent, as such under 104B Council can consider all relevant matters. In particular the matters listed in chapter 13.9 for Discretionary Subdivision Activities are of relevance.

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

Chapter 13 – Subdivision

Objectives: 13.3.1, 13.3.2, 13.3.5, 13.3.8, 13.3.11

Policies: 13.4.1, 13.4.2, 13.4.3, 13.4.6, 13.4.8, 13.4.10, 13.4.13, 13.4.14

The subdivision creates two additional allotments under the Discretionary criteria within the Rural Production zone. The subdivision is consistent with the purpose of the zone and promotes the sustainable management of the productive intent of the zone.

Both Lots 1 and 2 will have available space for on-site servicing and each lot can provide sufficient water supply for potable and firefighting purposes via roof catchment and storage.

No cultural or heritage effects were identified. The site has been identified as being located within a kiwi present habitat. The applicant has offered a no cat/dog restriction on the allotments to improve kiwi protection, and a covenant for vegetation protection on Lot 3.

The proposal is not contrary to the relevant objectives and policies of the District Plan.

3. In accordance with an assessment under s104(1)(b) of the Act the proposal is consistent with the relevant statutory documents.
 - The Northland Regional Policy Statement 2018
 - The Northland Regional Plan 2019
4. In accordance with an assessment under s104(1)(c) of the Act no other non – statutory documents were considered relevant in making this decision.
5. No other matters were considered relevant in making this decision.
6. Part 2 Matters
The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.
7. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

Approval

This resource consent has been prepared by Jo Graham, Resource Planner and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:



Pat Killalea, Principal Planner

Date: 24th February 2022

Right of Objection

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) 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.

Lapsing of Consent

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses

The consent is given effect to; or

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 Resource Management Act 1991.

