

# Ian Carter & Robyn Cowley

## Proposed Boundary Adjustment

### 150 Brindle Road, Whirinaki

Williams & King, Kerikeri<sup>1</sup>  
March 5, 24

---

## 1.0 Overview

The applicants, Ian Carter and Robyn Cowley propose a boundary adjustment of four adjacent Records of Title. No additional Records of Title will be created. The purpose of the proposal is to adjust the boundaries of the four Records of Title separate the owners' interests in the property in a rational and usable way. This will include adjusting the various Records of Title so that the existing severances caused by the Brindle Road legal alignment are resolved, and adjusting a boundary to follow an existing fenceline.

The subject land is zoned Rural Production in the Far North Operative District Plan. The proposal has been assessed as being a controlled activity boundary adjustment. Under the Proposed District Plan, the subject site is zoned Rural Production and the boundary adjustment is a restricted discretionary activity.

This assessment accompanies the Resource Consent application made by the Applicant and is provided in accordance with Schedule 4 of the Resource Management Act 1991. It is intended to provide the necessary information, in sufficient detail, to provide an understanding of the proposal and any actual or potential effects the proposed activity may have on the environment.

## 2.0 Description of Proposal

It is proposed to carry out a boundary adjustment between Whakatahataha No 1 Block (NA289/205), Whirinaki No 2C No 2C Block (NA368/54), Whirinaki No 2C No 2A No 1 Block (NA734/97), and Whirinaki No 2C No 2A No 2 Block (NA294/260), to create Lots 1 – 4 with the following areas (subject to final survey).

Lot 1: 38.5770ha

Lot 2: 35.8850ha

Lot 3: 42.1320ha

Lot 4: 56.3200ha

No additional Records of Title will be created. The Scheme Plan is attached in **Appendix 1** and shown in **Figure 1**. All areas and dimensions are subject to survey.

---

<sup>1</sup> Williams & King - a Division of Survey & Planning Solutions (2010) Ltd  
Surveyors, Planners, Resource Managers - Kerikeri and Kaitaia  
PO Box 937 Kerikeri Phone (09) 407 6030 Email: nat@saps.co.nz

The purpose of the proposal is to adjust the boundaries of the four Records of Title to separate the owners interests in the property in a rational and usable way. This will include adjusting the various Records of Title so that the existing severances caused by the Brindle Road legal alignment are resolved, and using an existing fence line as the new boundary.

Lot 1 has an existing vehicle crossing serving the existing dwelling near the northern eastern corner of the lot. Existing stockyards on Lot 4 also have an existing entrance. Various other gated farm crossings are formed to Lots 2, 3 and 4 from Brindle Road. As the final building site locations on these lots has not been determined, it is intended that there will be no requirement to upgrade or form vehicle crossings as a condition of this subdivision consent.

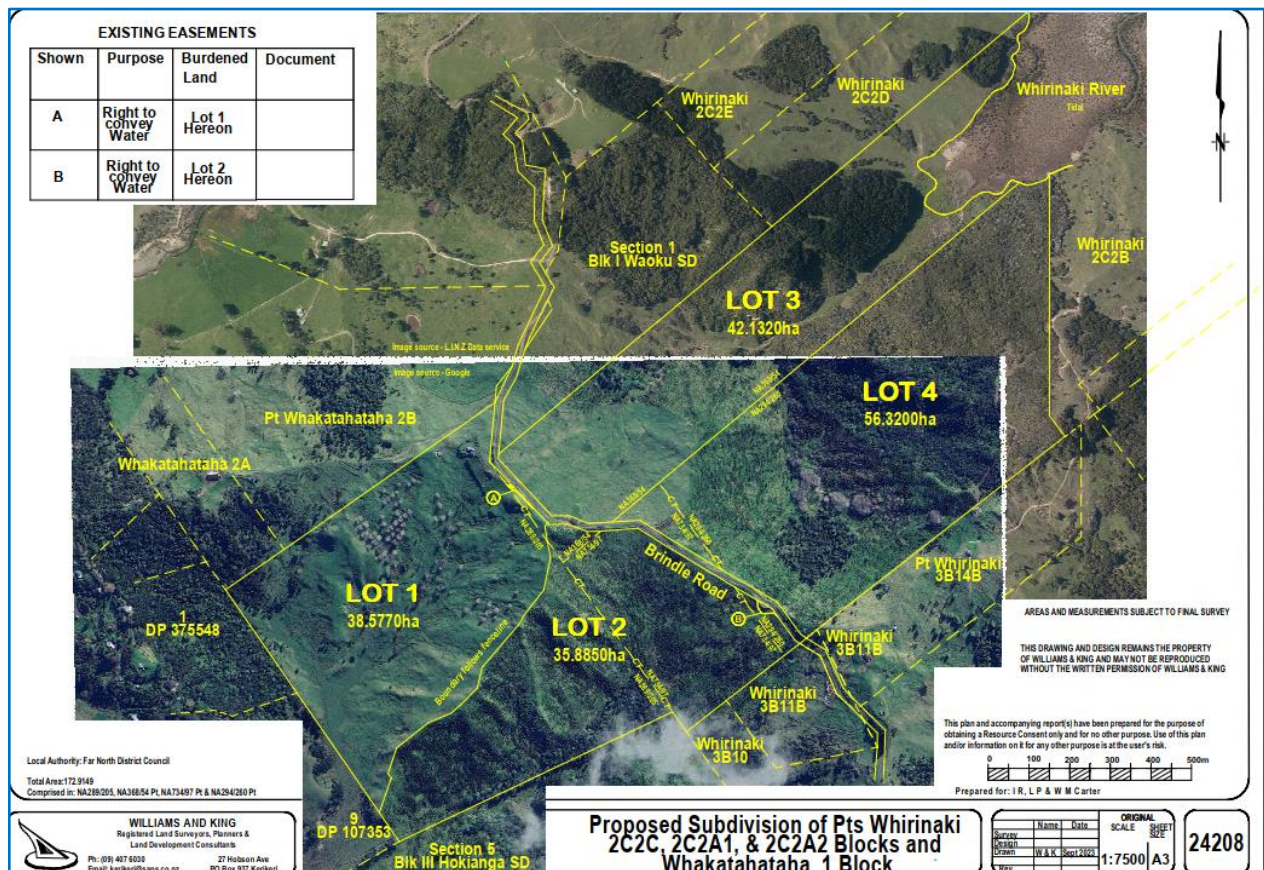


Figure 1: Proposed Scheme Plan

## 3.0 Application Site Details and Description

### 3.1 Legal Details

Details of the Records of Title involved in the proposed boundary adjustment are provided in Table 1, below. Records of Title are attached in **Appendix 2**.

Table 1: Legal Details of Subject Records of Title

LEGAL DESCRIPTION	RECORD OF TITLE	TITLE AREA	RELEVANT INTERESTS
Whakatahataha No 1 Block	NA289/205 Date Issued: 1 April 1919	59.4129ha more or less	1149781.1 Forestry Right pursuant to the Forestry Rights Registration Act 1983 11557743.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002

Whirinaki No 2C No 2C Block	NA368/54 Date Issued: 15 March 1923	43.6985ha more or less	1149781.1 & 2 Forestry Right pursuant to the Forestry Rights Registration Act 1983 11557743.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002
Whirinaki No 2C No 2A No 1 Block	NA734/97 Date Issued: 21 November 1940	15.8687ha more or less	1149781.1 & 2 Forestry Right pursuant to the Forestry Rights Registration Act 1983 11557743.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002
Whirinaki No 2C No 2A No 2 Block	NA294/260 Date Issued: 29 September 1919	55.5456ha more or less.	1149781.1 & 2 Forestry Right pursuant to the Forestry Rights Registration Act 1983 11557743.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002

### 3.2 Location

The subject land comprised in the four Records of Title is located either side of Brindle Road, approximately 500m north of the intersection with Koutu Loop Road. The site is located approximately 2.3km north west of the Whirinaki settlement in South Hokianga.

An overall Location Map is provided in **Figure 2**, while enlargements of the four Records of Title described in Section 3.1 of this report are provided in **Figures 3 - 6**.

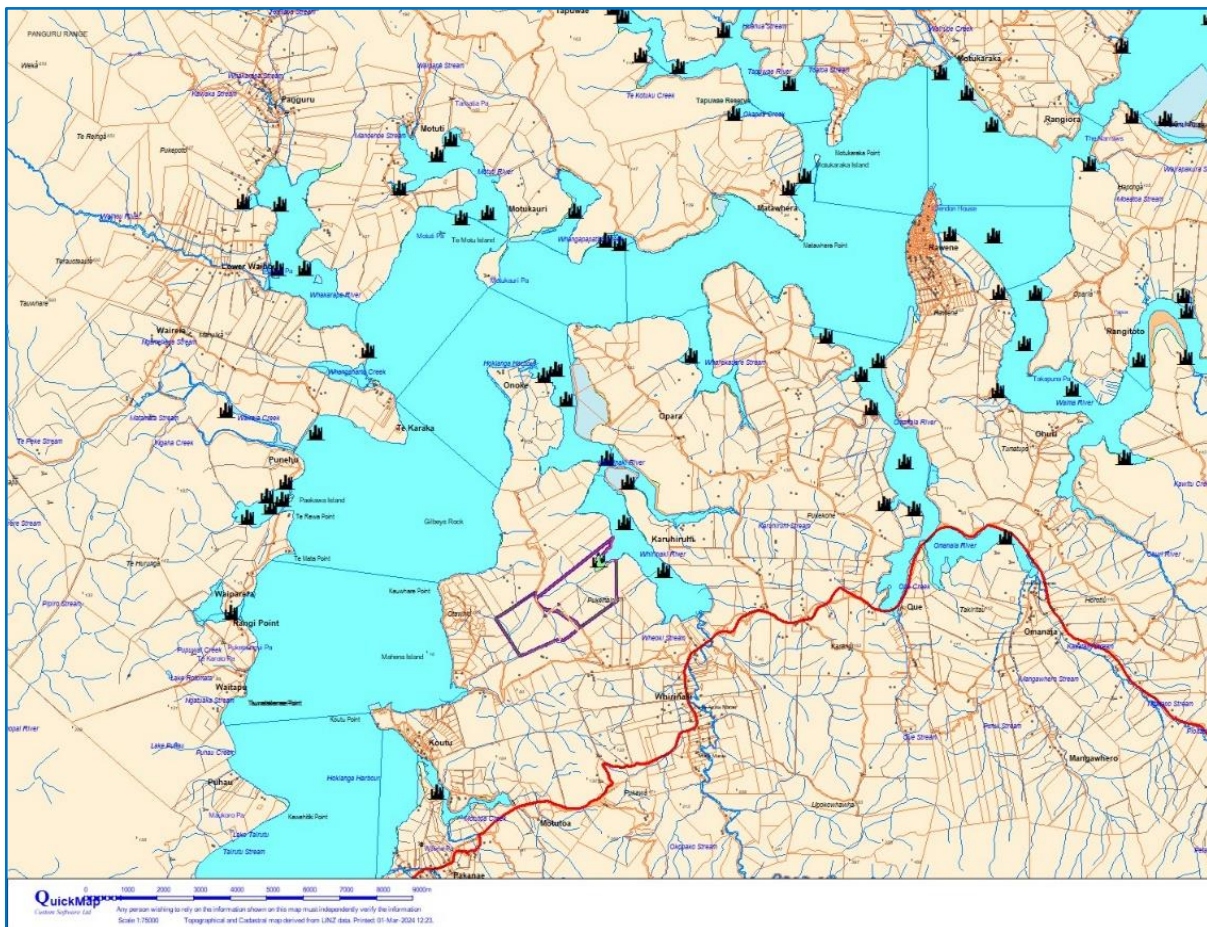


Figure 2: Quickmap Location Map

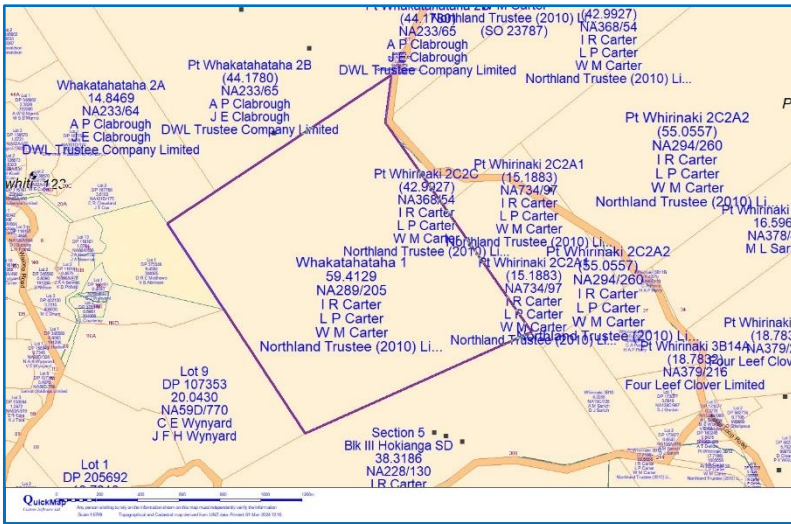


Figure 3: Quickmap Cadastral Map of NA289/205.

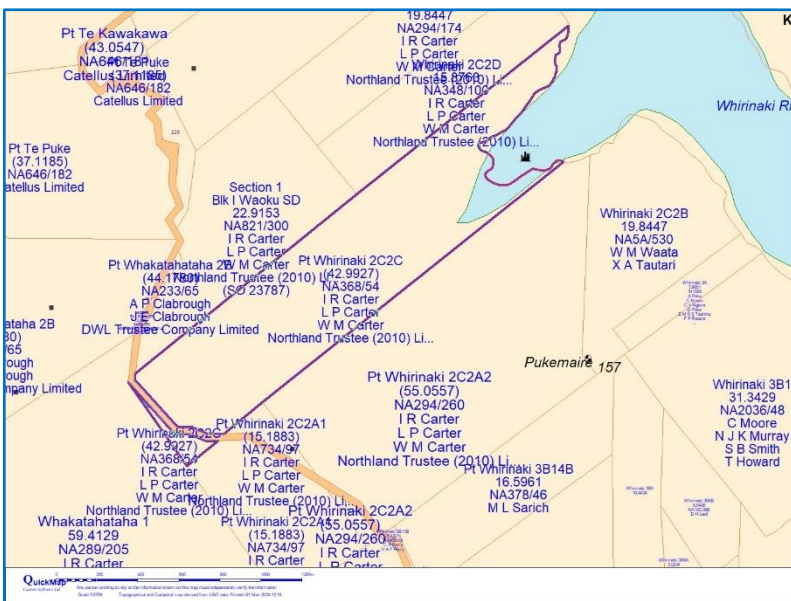


Figure 4: Quickmap Cadastral Map of NA368/54

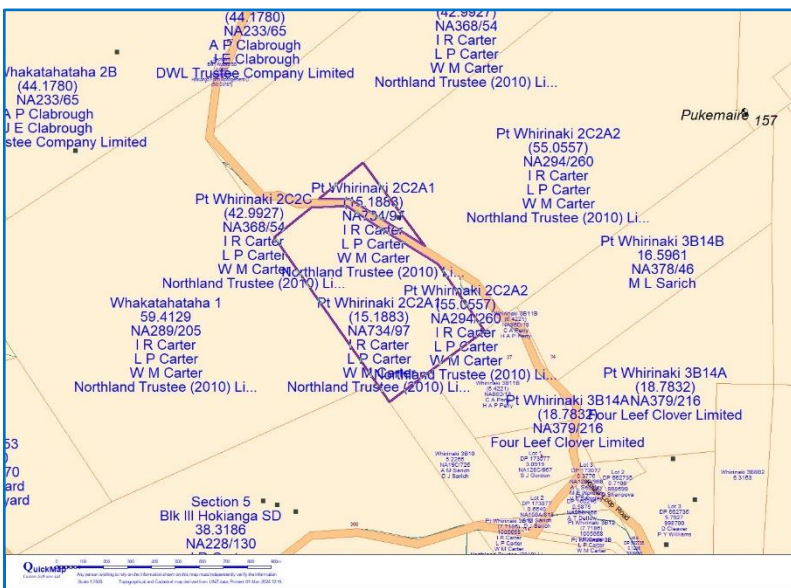


Figure 5: Quickmap Cadastral Map of NA734/97

PROPOSED BOUNDARY ADJUSTMENT – BRINDLE ROAD, WHIRINAKI, SOUTH HOKIANGA

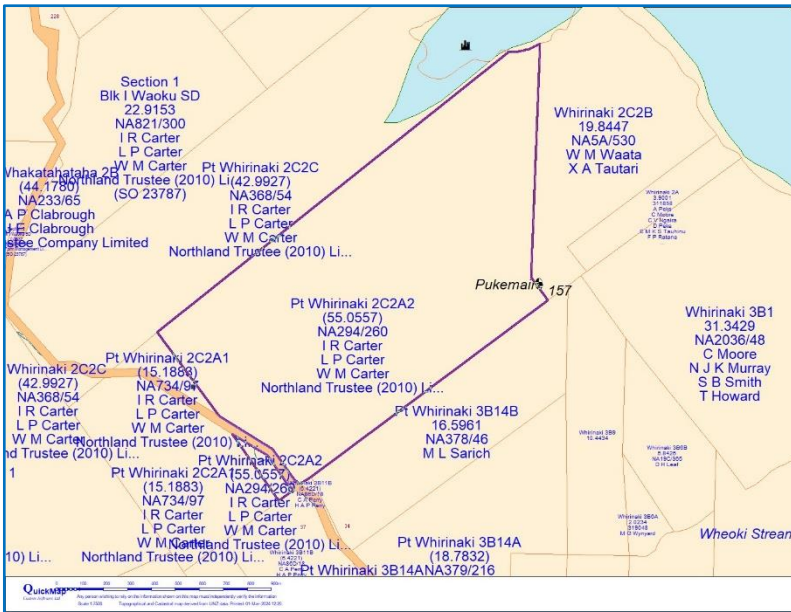


Figure 6: Quickmap Cadastral Map of NA294/260

### 3.3 Site Conditions and Existing Uses

Proposed Lot 1 contains an existing dwelling and garage building located at the eastern corner of the site, to the west of Brindle Road. Stockyards are located near Brindle Road on Lot 4. The remainder of the overall land is partly in production (grazing and pine forestry) and the remainder is in indigenous secondary forest or shrubland, particularly over the eastern half of Lots 3 and 4.

Whirinaki River is located to the north east of Lot 3, and the land to the north east of Brindle Road slopes in this direction, with various tributaries and overland flow paths discharging to this tidal waterbody. Most of the land to the south east of Brindle Road slopes in the opposite direction, towards Hokianga Harbour.

### 3.4 Recorded Natural and Cultural Features

#### 3.4.1 Sites of Cultural Significance and Heritage

The Far North Maps ‘Historic Sites’ mapping and the Operative or Proposed District Plan do not record any historic sites, buildings or objects, sites of cultural significance to Maori or scheduled registered archaeological sites.

The adjacent Whirinaki River and nearby Hokianga Harbour are part of a Statutory Acknowledgement Area under the Te Rarawa Claims Settlement Act 2015.

#### 3.4.2 Regional Policy Statement

The Regional Policy Statement Maps show that the eastern portion of proposed Lots 3 and 4 are within the coastal environment, with areas of High Natural Character (“Whirinaki Catchment”). Refer to **Figure 7**. The parts of the property within the Whirinaki Catchment High Natural Character area are variously described as:

- Hill slopes with kanuka dominant shrubland & forest with some cabbage trees. Some patches of mixed broadleaved species with young native conifers (kahikatea, rimu) in gullies & upper slopes. Some wilding conifers. Grass & pine plantations excluded (within proposed Lots 3 and 4);
- Mangrove forest (by channel) & shrubland. On true right part way up the river there has been cattle grazing of mangroves and there is grass to the water margin. There is some saltmarsh amongst low mangrove shrubs on true left. Seems to be greater density of mangroves on intertidal flats than is indicated by the imagery (recolonisation following stock removal) (within proposed Lot 3); and
- Upper hill slopes with kanuka-tanekaha forest; and kanuka dominant shrubland & forest on margins. There is a limited amount of kauri-totara- mixed broadleaved forest within the coastal environment with most of this forest type being in a contiguous area just outside the defined coastal environment (within proposed Lot 3).

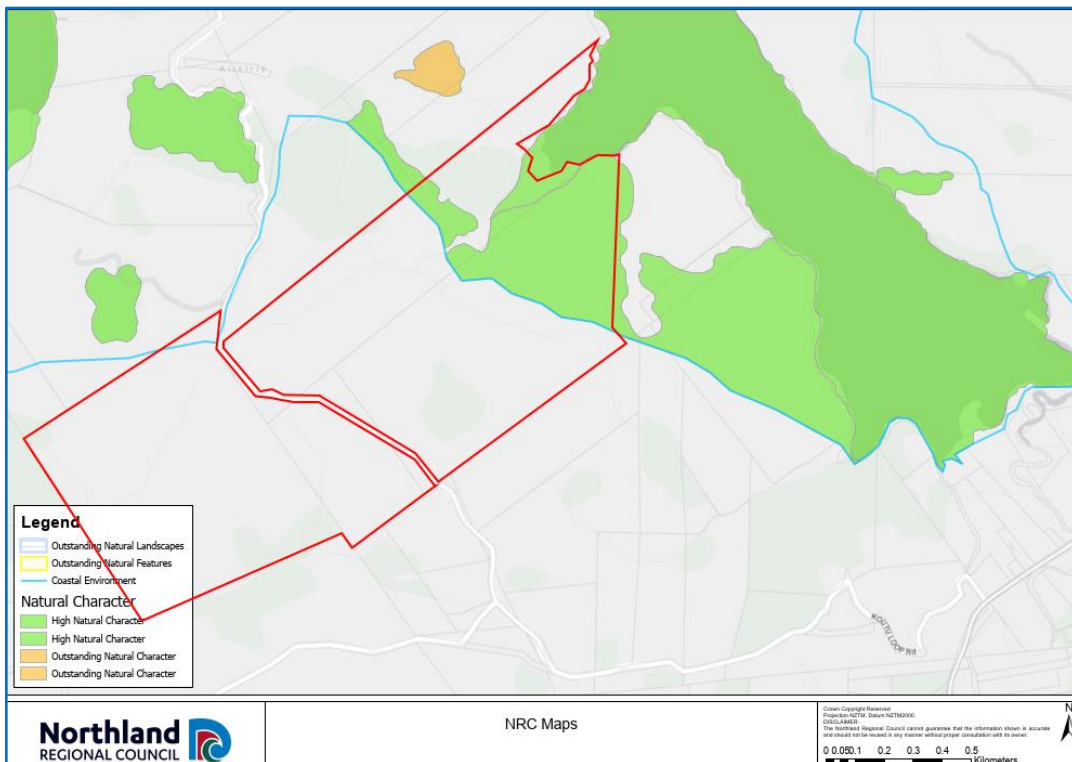


Figure 7: Regional Policy Statement Mapping, with Subject Land Highlighted

### 3.4.3 Reserves and Protected Areas

The subject land is not recorded as being part of a kiwi habitat in the Far North Maps “Species Distribution (DoC)” Map.<sup>2</sup> This mapping is a non-statutory document.

Proposed Lots 1, 3 and 4 include mapped Protected Natural Areas, which have been mapped in the Department of Conservation’s ‘Natural areas of Hokianga Ecological District’ report as a non-statutory document.<sup>3</sup>

- Lot 1 – Otawhiti Bush, located in the north western corner of the site (006/012).
- Lot 3 - Wheoki Stream Pukemaire Remnants (006/009), located over the north eastern half of the property.

<sup>2</sup> A map showing the distribution of Northland Brown Kiwi and Northland Mudfish in the Far North District. Kiwi habitat distribution based on call count monitoring in 2019 by Department of Conservation: Craig, E. (2020): *Call count monitoring of Northland brown kiwi 2019*. Department of Conservation, Whangarei, New Zealand.

<sup>3</sup> Conning, L., Holland, W. & Miller, N. (2004): *Natural areas of Hokianga Ecological District Reconnaissance Survey Report for the Protected Natural Areas Programme*. Department of Conservation, Whangarei, New Zealand.

- Lot 4 – Wheeki Stream Pukemaire Remnants (006/009), located over north eastern half of the property and around a circular area of remnant bush.

The Otawhiti Bush ecological unit is described as a moderate sized secondary forest remnant occurring on dissected hill country underlain by Mangakahia Complex sandstone. “Most of the area is dominated by abundant manuka with common kahikatea. Te kouka and puriri are also present”. Refer to **Figure 8**.

The Wheeki Stream Pukemaire Remnants ecological unit, as it relates to the subject land, is described as exhibiting “a large range of semi-coastal mixed podocarp/broadleaf/kauri vegetation types reflecting a range of historic modifications and physical influences”, forest and “manuka shrubland on coastal hillslope”. Refer to **Figure 9**.



Figure 8: Otawhiti Bush 006/012. Source Department of Conservation.

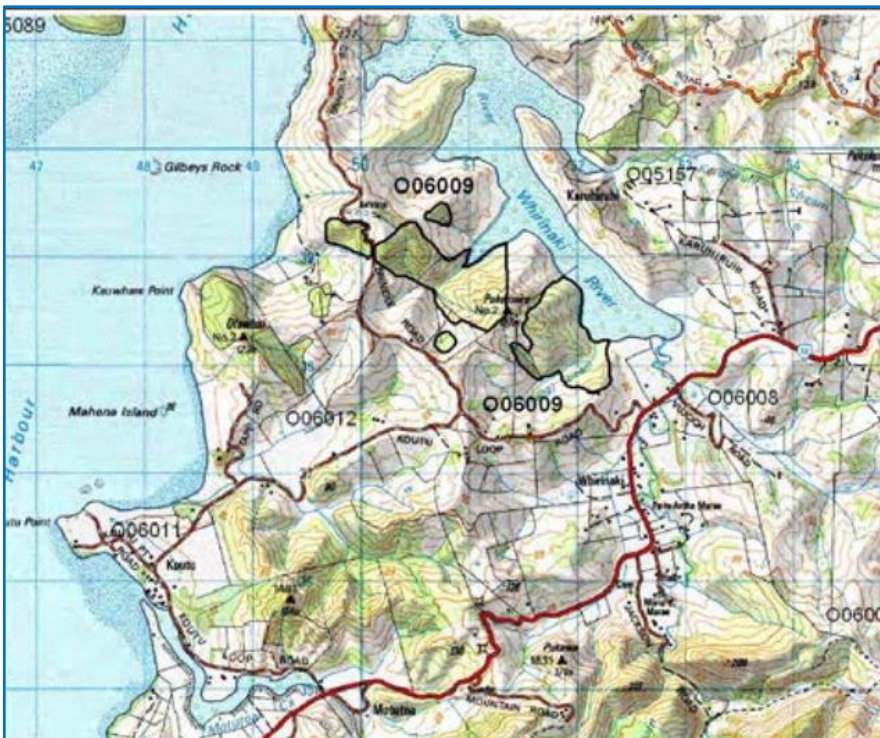


Figure 9: Wheeki Stream/Pukemaire Remnants 006/009. Source Department of Conservation.

### 3.4.4 Land Use Capability

The majority of the land is within Land Use Capability (“LUC”) Class VI land, described generally as being non-arable land. Specifically, the LUC units are VIe7 and VIe12, overall comprising gently rolling to moderately steep slopes forming hilly terrain, where erosion is the dominant limitation. The exception is the south western corner of Lot 1 (LUC Unit 4e7 – gently rolling to strongly rolling slopes within subdued rolling to hilly landscape (e.g. downlands) on greywacke. Soils are yellow-brown earths. Potential for moderate to severe sheet, rill, wind and gully (erosion) when cultivated) and the southern boundary of Lot 2 (LUC Unit IIIw3 – flat land on reclaimed tidal mudflats and estuarine plains with slightly saline gley soils on alluvium. Occurs at margins of harbour areas, bays, lagoons, intertidal creeks and streams. Has moderate wetness limitation for arable use).<sup>4</sup> Refer to **Figure 10**.

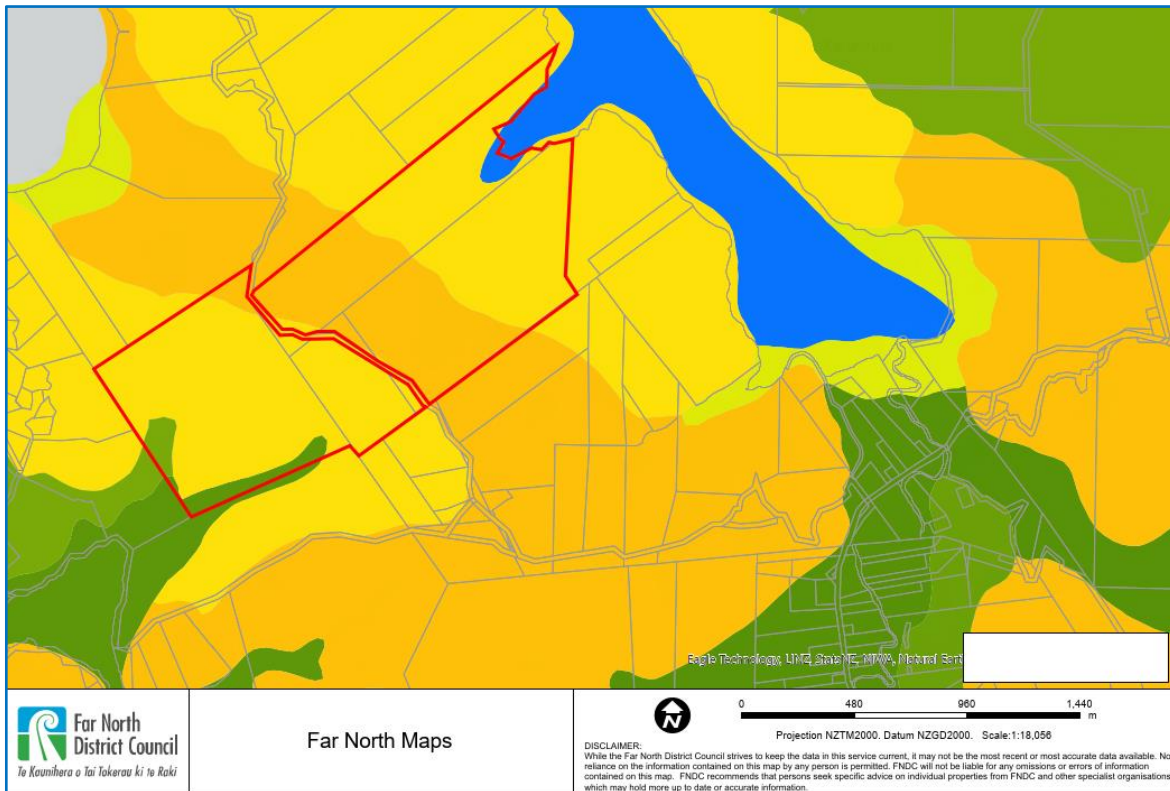


Figure 10: Far North Maps Land Cover and Land Use map.

## 4.0 District Plan Assessment

### 4.1 Operative Far North District Plan

The subject land is within the Rural Production Zone as recorded by the Operative Far North District Plan. The proposal is assessed against the relevant rule of the District Plan as follows.

#### 4.1.1 Subdivision

The ‘Context’ section of the Subdivision chapter states that “boundary adjustments are a controlled activity throughout the District, subject to meeting specific criteria”, being those listed in Rule 13.7.1.

<sup>4</sup> Harmsworth, G. R. (1996): *Land use capability classification of the Northland Region: A report to accompany the second edition New Zealand Land Resource Inventory*. Manaaki Whenua – Landcare Research. Lincoln, Canterbury, New Zealand.



## **Rule 13.7.1 Boundary Adjustments: All Zones Except the Recreational Activities and Conservation Zones**

Rule 13.7.1 (Boundary Adjustments: All Zones ....) sets out the performance standards for boundary adjustments to be carried out as a controlled activity. Compliance is assessed as follows:

***(a) there is no change in the number and location of any access to the lots involved***

There is no change in the number or location of access to any of the lots. No right of way easements are required.

***(b) there is no increase in the number of certificates of title***

No additional Records of Title will be created.

***(c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment***

Each of Lots 1 – 4 is more than 20ha in area.

***(d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots***

The area of the boundary adjustment is contiguous with the area of the original lots.

***(e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g., building setbacks, effluent disposal)***

No infringements to the permitted activity Rural Production Zone land use standards will occur.

***(f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites***

Complies – the existing dwelling is located at the north eastern corner of Lot 1, more than 200m away from the nearest proposed boundary, and is unaffected by the proposed boundary adjustment.

***Applications under this rule will not be notified but where these conditions cannot be met the application will be considered under the relevant zone rules set out in Rules 13.7.2 to 13.7.10.***

The above conditions are met; therefore, the application does not require consideration under Rules 13.7.2 – 13.7.10.

### **4.1.2 Transportation**

#### **Traffic Intensity**

Traffic movements generated by existing and future development of the lots will comply with the permitted standard for the Zone (Rule 15.1.6A.2.1), which exempts the first residential unit on a site, farming and forestry activities.

#### **Parking**

Rule 15.1.6B.1.1 (On-Site Parking Spaces), with reference to Appendix 3C of the District Plan, requires that a standard residential unit or home unit / town house requires two car parking spaces per unit. These parking spaces can be formed at the time that the lots are developed or are otherwise available.

#### **Access**

No shared accessways are required and access to a future parking area on the vacant will be formed at the time that a building is established, in accordance with 15.1.6C.1.1 and 15.1.6C.1.7.

New vehicle crossings are not required to any of the lots at present, or as a result of the boundary adjustment proposal. If, or when, Lots 2 – 4 are developed for residential use, then a new vehicle crossing can be formed in accordance with Rule 15.1.6C.1.5.

Brindle Road has a legal width that complies with Council's Engineering Standards and Guidelines in accordance with Rule 15.1.6C.1.8(a). The carriageway width does not appear to comply with Council's Engineering Standards and Guidelines for a Rural Type A road in accordance with Rule 15.1.6C.1.8(b), however, there will be no increase in the number of Records of Titles or 'Ultimate Development' referred to in Appendix 3B-2, so this is considered to be an existing situation with existing use rights in accordance with Section 10 of the RMA 1991.

#### **4.1.3 Summary of Activity Status**

Overall, the proposal has been assessed as a controlled activity under the Operative District Plan.

#### **4.2 Proposed Far North District Plan**

The site is zoned Rural Production, with coastal environment and high natural character overlays.

There are no applicable rules with immediate legal effect under the Proposed District Plan. Under the Proposed District Plan, the proposed boundary adjustment is a restricted discretionary activity under Rule SUB-R1, as the following conditions are met, except as stated.

#### **Rule SUB-R1 Boundary Adjustments**

This sets out the conditions for boundary adjustments to be carried out as a controlled activity. Compliance is assessed as follows:

##### **CON-1**

1. ***The boundary adjustment complies with standards:***

***SUB-S1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-compliant, the degree of non-compliance shall not be increased.***

***SUB-S2 Requirements for building platforms on each allotment***

***SUB-S3 Water Supply***

***SUB-S4 Water supply***

***SUB-S5 Wastewater disposal***

***SUB-S6 Telecommunications and power supply***

***SUB-S7 Easements for any purpose***

The proposal complies with the above standards with the exception of SUB-1, as the controlled activity minimum lot size of 40ha is not achieved by Lots 1 and 2. As such, the proposal is a restricted discretionary activity. Matters of discretion are listed as – a. matters of any infringed standard; and b. any matters of control. There are no listed matters for the allotment size infringement.

##### **CON-2**

1. ***The boundary adjustment does not alter:***

***i. The ability of existing activities to continue to be permitted under the rules and standards in this District Plan;***

***ii. The degree of non compliance with zone or district wide standards;***

***iii. The number and location of any access.***

***iv. The number of certificates of title.***

The boundary adjustment complies with the above conditions.

##### **CON-3**

1. ***The boundary adjustment complies with Standard: SUB-S8 Esplanades.***

Not applicable – the proposal does not create any allotments that are less than 4ha.

## 5.0 Assessment of Environmental Effects

*Section 104(1)(a) and (ab) require the consent authority, subject to Part 2 of the Act, to have regard to any actual and potential effects on the environment of allowing the activity and any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity. Section 104A relates to controlled activities, and requires that a consent authority must grant resource consent unless it has insufficient information to determine whether or not the activity is a controlled activity, and may impose condition on the consent only for those matters over which it has reserved control in the plan or proposed plan.*

*Section 104(2) states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard of the plan permits an activity with that effect and Section 104(3)(a)(ii) requires a consent authority to not, when considering an application, have regard to any effect on a person who has given written approval to the application (unless that person has withdrawn the written approval before the date of a hearing or before the application is determined, as set out in 104(4)).*

*Clauses 6 and 7 of Schedule 4 of the RMA indicate the information requirements and matters that must be addressed in or by an assessment of environmental effects, both of which are subject to the provisions of any policy statement or plan. The relevant matters listed in Rule 13.7.3 are considered relevant to the proposed boundary adjustment and are addressed below.*

### 5.1 Property Access

As the proposal is a boundary adjustment and no additional Records of Title are created, and no additional traffic will be generated. Each lot has existing access from Brindle Road, on Lots 1 and 4 to the existing dwelling and stock yards respectively, with a number of existing gated farm entrances on Lots 2, 3 and 4.

As outlined, it is not intended to form or upgrade any vehicle crossings as a condition of consent, given that this is unnecessary for the purpose of the proposed activity.

### 5.2 Natural and Other Hazards

The Northland Regional Council Natural Hazards Mapping records areas of Coastal Flood Hazard Zone 3 (100 years + Rapid Sea Level Rise Scenario), plus River Flood Hazard (10, 50, and 100 year extents) along the southern boundary of Lot 2 and the western boundary of Lot 1 associated with the lower waterways; and areas of Coastal Flood Hazard (Zone 0 (current, Zone 1 (50 years), Zone 2 (100 years), Zone 3 (100 years + Rapid Sea Level Rise Scenario) as well as River Flood Hazard (10, 50, and 100 year extents) at the low lying areas within Lot 3, and to a lesser extent Lot 4, affected by the tidal Whirinaki River.

Lot 1 contains an existing dwelling and accessory buildings, while the remaining lots contain ample area outside of the mapped coastal and river flooding areas. There is also ample room on the lots for future residential development that will achieve a setback of more than 20 metres from the areas of existing shrubland and forest.

On-site storage of water for domestic supply can be configured so as to be suitable for fire-fighting purposes, and the typical consent notice condition can be applied.

There is no known soil contamination affecting any part of the subject land.

As such, the proposal avoids and mitigates potential adverse effects associated with natural and other hazards, such that any effects will be less than minor.

### **5.3 Water Supply**

The existing buildings on Lot 1 are serviced by water tanks, and the same method of supplying water for potable and fire-fighting use will occur for the remaining lots. We note that there are existing easement plans showing easements for the 'right to convey water' over Lot 1 and Lot 2, as part of a wider irrigation scheme. These are not yet registered on the applicable Records of Title. The proposal has no implications in terms of water supply.

### **5.4 Stormwater Disposal**

The overall pattern of stormwater runoff on the land can be described as general surface runoff (sheet flow), following the natural contours and unnamed water courses eventually draining to the Whirinaki River to the north east, and Hokianga Harbour to the south west.

The proposal creates no additional impermeable surfaces, stormwater runoff or discharge, and has no impact on drainage to or from adjoining properties. Impermeable surfaces on each lot remain within the permitted activity standard for the Rural Production Zone, and future development on the vacant lots is also anticipated as easily complying. As such, nil adverse environmental effects related to stormwater disposal are anticipated as a result of the proposal.

### **5.5 Sanitary Sewage Disposal**

The existing onsite wastewater system on Lot 1 is unaffected by the boundary adjustment, given the distance from the proposed boundary with Lot 2.

On the remaining lots, with these all being large areas with a variety of site conditions, there is ample area for onsite wastewater treatment and disposal, the final design of which will be submitted in conjunction with the building consent application for any activity that produces wastewater. As such, the proposal is not considered to have any adverse effect with regards to the treatment or disposal of wastewater.

### **5.6 Energy Supply & Telecommunications**

The proposal does not result in any adverse effects in terms of the supply of power or telecommunication services. The supply of these services is not expected to be made a condition of consent, given that the site is within the rural environment.

### **5.7 Easements for any Purpose**

No easements are required for the proposed boundary adjustment, given that each lot has direct frontage to legal road. Refer to the proposed Scheme Plan. Existing easements A and B for the right to convey water are shown on the Scheme Plan.

### **5.8 Heritage Resources**

The property does not contain any archaeological sites that are listed in Appendix 1G of the Operative District Plan and no sites of cultural significance listed in Appendix 1F of the Operative District Plan. No physical works are required to implement the proposed activity, and no adverse effects on archaeological or cultural sites will arise. The Accidental Discovery Protocol can be added as an Advice Note.

### **5.9 Flora & Fauna**

As noted, within Lots 1, 3 and 4 are parts of the ecological units 'Otawhiti Bush' (006/012) and 'Wheeki Stream Pukemaire Remnants' (006/009), which are mapped as Protected Natural Areas recorded by Department of Conservation within a non-statutory document. The site is not recorded as being within a kiwi habitat.

The proposal does not have any direct or indirect adverse effects on areas of indigenous vegetation or habitats, and no vegetation clearance is required or proposed as part of the boundary adjustment.

### **5.10 Landscape & Visual Values**

The subject land does not include any outstanding landscapes, however the north eastern areas of Lots 3 and 4 have high natural character and are within the coastal environment. The proposal has no adverse effects in terms of landscape and visual values, as the existing density of subdivision is not increased, and the resultant layout of allotments remains consistent with the existing surrounding environment.

### **5.11 Access to Reserves and Waterways**

The proposed allotments are all much larger than 4ha, and the proposed boundary adjustment does not propose or necessitate any public access to Whirinaki River.

### **5.12 Land Use Compatibility**

There will be no change to the established land use activities on any of the lots. Therefore, the proposal is considered to avoid adverse effects in terms of land use incompatibility and will not generate any reverse sensitivity effects.

## **6.0 Statutory Assessment**

### **6.1 Objectives and Policies**

#### **6.1.1 Far North Operative District Plan**

Relevant objectives and policies are listed under the Rural Environment, Rural Production Zone and Subdivision Sections of the District Plan. The proposal complies with the controlled activity performance standards for boundary adjustments and does not result in any infringements of the permitted activity rules for the Rural Production Zone, and can therefore be considered to be compatible with the relevant objectives and policies of the Operative District Plan.

#### **6.1.2 Far North Proposed District Plan**

As a restricted discretionary activity under the Proposed District Plan, where the matters of discretion have been adequately addressed by this application, it can also be assumed that the proposal is in accordance with the objectives and policies of the Proposed District Plan.

#### **6.1.3 Regional Policy Statement for Northland (“RPS”)**

The RPS provides a broad direction and framework for managing the region's natural and physical resources. It identifies significant resource management issues for the region and sets out how resources such as land, water, soil, minerals, plants, animals and structures will be managed.

The Regional Policy Statement Maps show that the eastern portion of proposed Lots 3 and 4 are within the coastal environment, with areas of High Natural Character (“Whirinaki Catchment”).

The relevant policies are commented on below.

#### **4.4.1 Policy – Maintaining and protecting significant ecological areas and habitats**

The nature of the proposal avoids all adverse effects on the ecological units and associated habitats that are present on the property. The proposal is a rationalisation of four existing Records of Title, which does not require, nor provide any additional opportunities for, built development, vegetation disturbance, earthworks, stormwater or wastewater disposal, or any other land disturbance activity.

#### **4.6.1 Policy – Managing effects on the characteristics and qualities natural character, natural features and landscapes**

The site is within the coastal environment but not in an area with outstanding natural character, features or landscape, therefore (1)(b) is applicable. The proposed boundary adjustment will avoid significant and other adverse effects on natural character, natural features and natural landscapes, as:

- The scale and form of the proposal does not create any additional titles
- The lot sizes proposed are all large site, which meet the minimum area of a controlled activity subdivision in the Rural Production Zone of the Operative District Plan
- The proposal does not generate any additional opportunities for built development
- The areas of high natural character remain within Lots 3 and 4, and there will be no change to the boundary alignment or number of sites in this location
- No vegetation clearance is proposed or necessary to implement the boundary adjustment
- No earthworks or other land disturbance are necessary to implement the boundary adjustment
- No new stormwater discharges or water taking is necessary

#### **5.1.1 Policy – Planned and coordinated development**

The proposed boundary adjustment maintains large lot sizes, does not create any additional titles, and will maintain the existing rural character of the environment. The site does not contain areas of highly versatile soils. It is considered that the proposal will not materially reduce the potential or soil-based primary production on the land. The proposal is considered to be compatible with the above policy.

### **6.1.4 National Policy Statement for Highly Productive Land**

The subject land does not contain 'highly productive land' as defined by the above National Policy Statement, therefore, there are no relevant policies.

## **6.2 Part 2 of the Resource Management Act 1991**

An assessment of the proposal in relation to Part 2 of the Act is given below.

### **PART 2 PURPOSE AND PRINCIPLES**

#### **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 wellbeing 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.*

#### **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-*

- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (f) *Maintenance and enhancement of the quality of the environment;*

## **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:*
- (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:*

## **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 proposed boundary adjustment is considered to represent sustainable management of natural and physical resources as it allows rationalisation of the various Records of Title so that the adjusted titles are no longer severed by Brindle Road and follow an existing fence line. Furthermore, the proposal will continue to support primary production of soils at a suitable scale, does not create any additional Records of Title, and does not have any impact on the existing areas of indigenous vegetation, including by avoiding fragmentation of the existing Protected Natural Areas.

The proposal does not adversely affect the natural character of the existing indigenous vegetation on the site, or the natural character of the Whirinaki River, and does not generate the need for esplanade areas for public access to this water body. Relevant matters of national importance have been recognised.

Relevant matters listed under Section 7 have been given regard to, as amenity and ecological values can be maintained. The proposal will not detract from the quality of the environment.

There is a statutory acknowledgement that recognises the association between Te Rarawa and the Hokianga Harbour, amongst other areas, as outlined in the Te Rarawa Deed of Settlement. This statutory acknowledgement must be given regard when Council completes their notification assessment for this application. This matter aside, it is considered that the proposal has no further implications in terms of the Treaty of Waitangi.

## **6.3 National Environmental Standards**

### **6.3.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011**

The subject sites are not recorded on Northland Regional Council's Selected Landuse Register.<sup>5</sup> The proposal is not considered to be covered by the above regulations.

### **6.3.2 Resource Management (National Environmental Standard for Freshwater) Regulations 2020**

The boundary adjustment activity does not involve any earthworks, vegetation removal, or diversion or discharge of stormwater within 100m of any wetland or freshwater features, and is considered to have no implications in terms of the above Regulations.

## **6.4 Regional Plans**

The boundary adjustment activity does not require consent under the Proposed Regional Plan.

---

<sup>5</sup> Sourced from <https://localmaps.nrc.govt.nz/localmapsviewer/?map=65b660a9454142d88f0c77b258a05f21>. Website viewed 1 March 2024.

## 7.0 Notification Assessment

### 7.1 Public Notification Assessment

**Step 1:** Public notification is not required in terms of the criteria listed in 95A(3).

**Step 2:** Public notification is precluded by 95A(5)(a), As Rule 13.7.1 specifies that “*Applications under this rule will not be notified but where these conditions cannot be met the application will be considered under the relevant zone rules set out in Rules 13.7.2 to 13.7.10*”.

**Step 3:** Public notification is precluded via Step 2.

**Step 4:** No special circumstances are considered to exist that warrant the application being publicly notified in terms of 95A(9).

### 7.2 Limited Notification Assessment

**Step 1:** The proposal will not result in any adverse effects on the marine and coastal area, and there are no affected protected customary rights groups in terms of Section 95B(2)(a). The proposal is not an accommodated activity in terms of Section 95B(2)(b).

The proposed boundary adjustment is adjacent to land that is the subject of a statutory acknowledgement in terms of Section 95B(3)(a) (Hokianga Harbour (including Whirinaki River), therefore Council must have regard to this statutory acknowledgement in deciding whether the trustees of Te Rūnanga o Te Rarawa are affected persons in relation to the proposed activity, as specified in Section 95E(2)(c) – see Step 3 below.

**Step 2:** Limited notification is not precluded.

**Step 3:** An assessment has been carried out in accordance with Section 95E.

The proposed boundary adjustment is a rearrangement of four existing Records of Title, which does not necessitate any physical works, including earthworks, vegetation clearance, or new stormwater discharges or diversions, and for these reasons, the proposal will not have any impact on the Hokianga Harbour or Whirinaki River, and no adverse effects in relation to the statutory acknowledgement area are anticipated. Likewise, adjacent properties would not be adversely impacted by the internal reorganisation of boundaries, and it is anticipated that the proposal will not result in any discernible changes to the natural or physical environment. For these reasons, it is considered that adverse effects on Te Rūnanga o Te Rarawa and on any adjacent property owners will be less than minor and that limited notification is not required. Nevertheless, comments have been invited from Te Rarawa, as shown in the consultation record in **Appendix 3**.

The Department of Conservation has been emailed for comments, and any responses will be forwarded to Council if they are received. Refer to the consultation record in **Appendix 4**.

Overall, it has been concluded that limited notification is not necessary.

**Step 4:** No special circumstances are considered to exist that warrant notification of the application to any other persons in terms of Section 95B(10).

### 7.3 Notification Assessment Summary

As outlined above, we are of the opinion that the proposal satisfies the statutory requirements for non-notification, and we respectfully request that it be processed on that basis.



## 8.0 Conclusion

In terms of section 104 and 104A of the Resource Management Act 1991, we consider that:

- The adverse effects of the proposed boundary adjustment are considered to be less than minor.
- The proposal is consistent with the relevant objectives and policies of the Regional Policy Statement, Operative District Plan and Proposed District Plan.
- The proposal is in accordance with the Purpose and Principles of the Resource Management Act 1991.

We also note that:

- The proposal satisfies the statutory requirements to proceed as non-notified.

For these reasons it is requested this application be considered to be a non-notified application, and that the Council grant consent to the proposal, under delegated authority, as detailed in the application and supporting information.

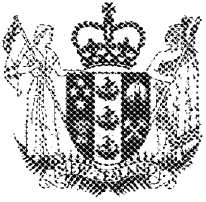
Signed ....  ..... Date ..... *5 March 2024* .....

Natalie Watson,  
Resource Planner

WILLIAMS & KING  
Kerikeri

## 9.0 Appendices

**Appendix 1: Scheme Plan**  
**Appendix 2: Records of Title**  
**Appendix 3: Consultation Record – Te Rarawa**  
**Appendix 3: Consultation Record – Department of Conservation**



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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NA289/205  
**Land Registration District** North Auckland  
**Date Issued** 01 April 1919

**Prior References**

NAPR68/16

---

<b>Estate</b>	Fee Simple
<b>Area</b>	59.4129 hectares more or less
<b>Legal Description</b>	Whakatahataha No 1 Block

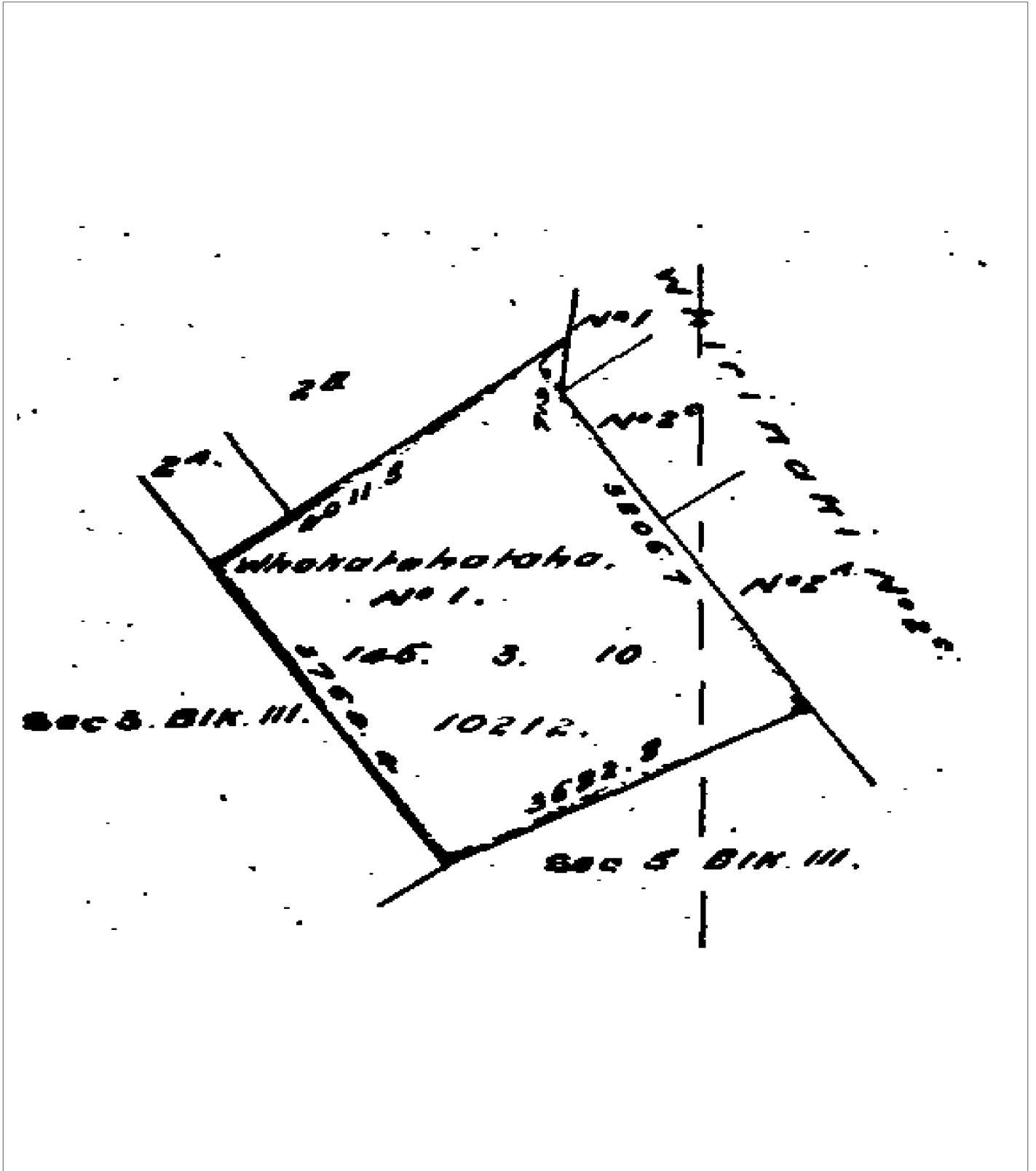
**Registered Owners**

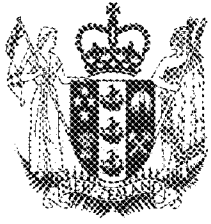
Ian Richard Carter, William McGregor Carter and Northland Trustee (2010) Limited as to a 1/2 share  
William McGregor Carter, Lynley Patricia Carter and Northland Trustee (2010) Limited as to a 1/2 share

---

**Interests**

9232010.3 Mortgage to Rabobank New Zealand Limited - 16.11.2012 at 3:10 pm  
11419781.1 Forestry Right pursuant to the Forestry Rights Registration Act 1983 to Her Majesty the Queen -  
27.8.2019 at 11:27 am  
11757743.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 26.5.2020 at 3:39 pm





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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NA368/54  
**Land Registration District** North Auckland  
**Date Issued** 15 March 1923

**Part-Cancelled**

**Prior References**

NA339/201

---

<b>Estate</b>	Fee Simple
<b>Area</b>	43.6985 hectares more or less
<b>Legal Description</b>	Whirinaki No 2C No 2C Block

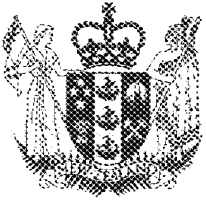
**Registered Owners**

Ian Richard Carter, William McGregor Carter and Northland Trustee (2010) Limited as to a 1/2 share  
William McGregor Carter, Lynley Patricia Carter and Northland Trustee (2010) Limited as to a 1/2 share

---

**Interests**

P10885 Proclamation taking part land herein for road on and after 29.9.1941 - 7.10.1941 at 3.00 pm  
9232010.3 Mortgage to Rabobank New Zealand Limited - 16.11.2012 at 3:10 pm  
11419781.1 Forestry Right pursuant to the Forestry Rights Registration Act 1983 to Her Majesty the Queen -  
27.8.2019 at 11:27 am  
11419781.2 Forestry Right pursuant to the Forestry Rights Registration Act 1983 to Her Majesty the Queen -  
27.8.2019 at 11:27 am  
11757743.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 26.5.2020 at 3:39 pm



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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NA734/97  
**Land Registration District** North Auckland  
**Date Issued** 21 November 1940

**Part-Cancelled**

**Prior References**

NAPR185/67

---

<b>Estate</b>	Fee Simple
<b>Area</b>	15.8687 hectares more or less
<b>Legal Description</b>	Whirinaki No 2C No 2A No 1 Block

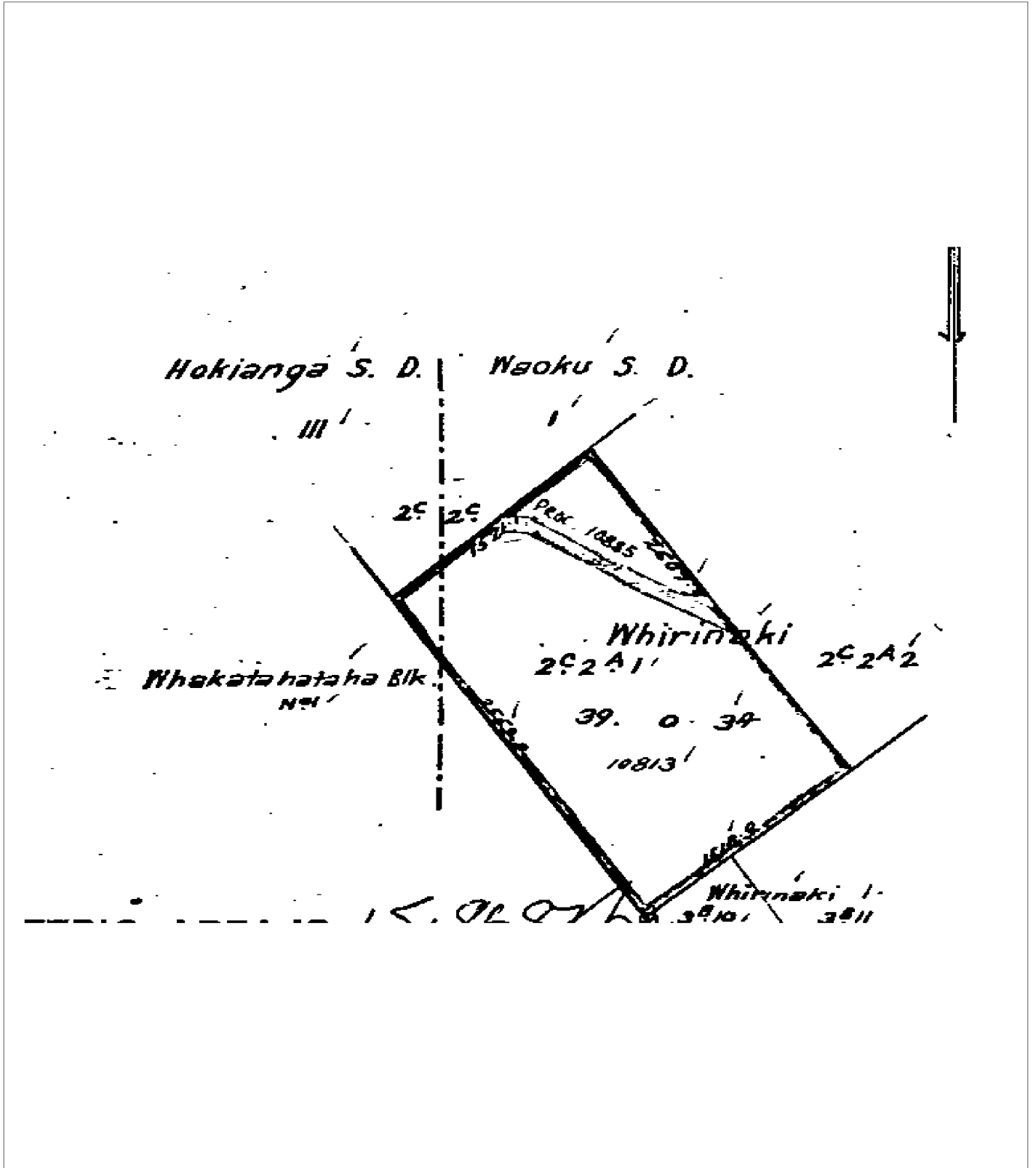
**Registered Owners**

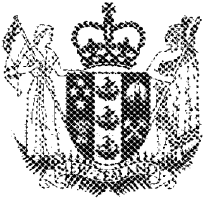
Ian Richard Carter, William McGregor Carter and Northland Trustee (2010) Limited as to a 1/2 share  
William McGregor Carter, Lynley Patricia Carter and Northland Trustee (2010) Limited as to a 1/2 share

---

**Interests**

10885 Proclamation taking part land hereon for road on and after 29.9.1941 - 7.10.1941 at 3.00 pm  
9232010.3 Mortgage to Rabobank New Zealand Limited - 16.11.2012 at 3:10 pm  
11419781.1 Forestry Right pursuant to the Forestry Rights Registration Act 1983 to Her Majesty the Queen - 27.8.2019 at 11:27 am  
11419781.2 Forestry Right pursuant to the Forestry Rights Registration Act 1983 to Her Majesty the Queen - 27.8.2019 at 11:27 am  
11757743.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 26.5.2020 at 3:39 pm





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



*R. W. Muir*  
Registrar-General  
of Land

**Identifier** NA294/260  
**Land Registration District** North Auckland  
**Date Issued** 29 September 1919

**Part-Cancelled**

**Prior References**

NAPR135/16

---

<b>Estate</b>	Fee Simple
<b>Area</b>	55.5456 hectares more or less
<b>Legal Description</b>	Whirinaki No 2C No 2A No 2 Block

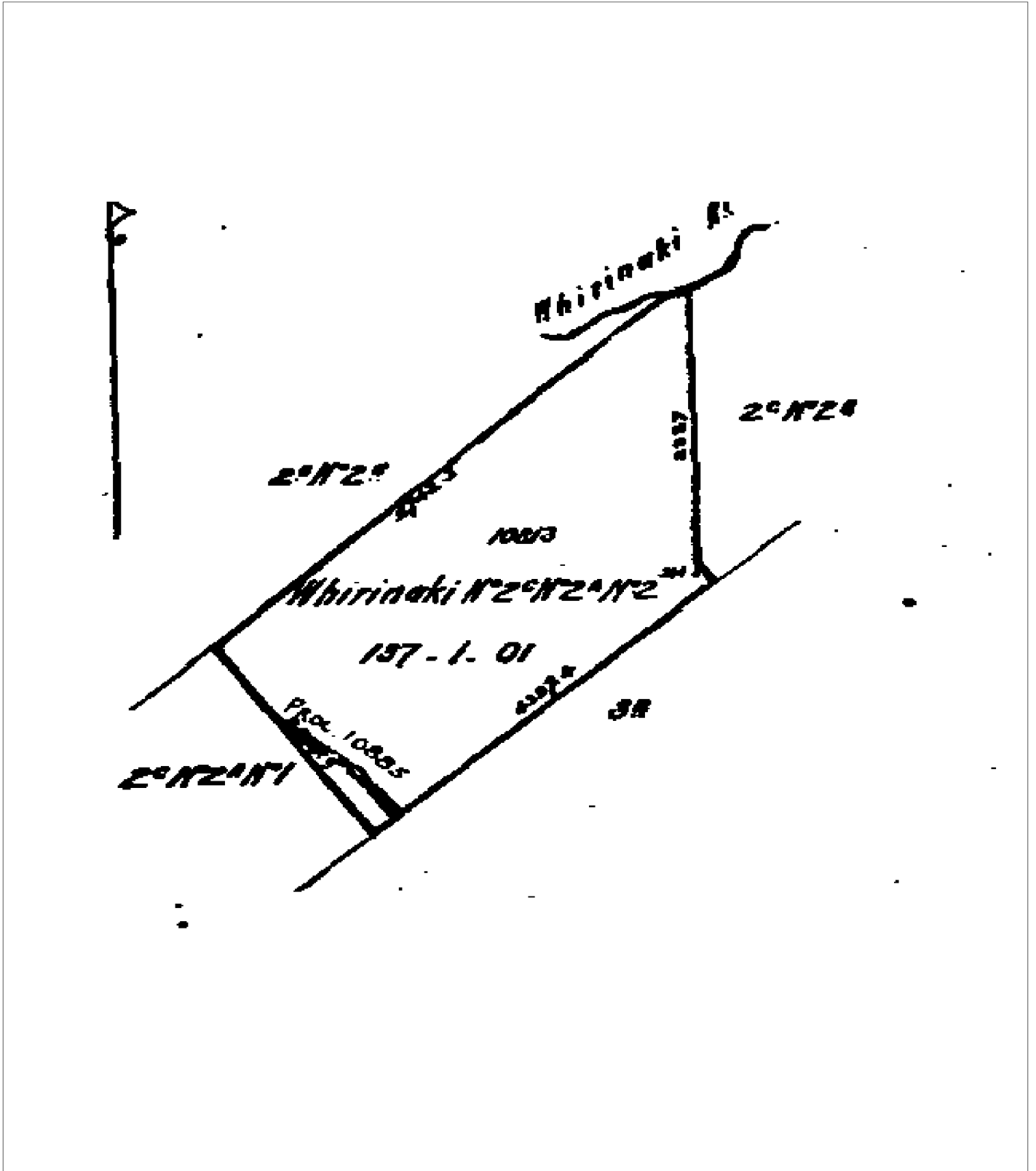
**Registered Owners**

Ian Richard Carter, William McGregor Carter and Northland Trustee (2010) Limited as to a 1/2 share  
William McGregor Carter, Lynley Patricia Carter and Northland Trustee (2010) Limited as to a 1/2 share

---

**Interests**

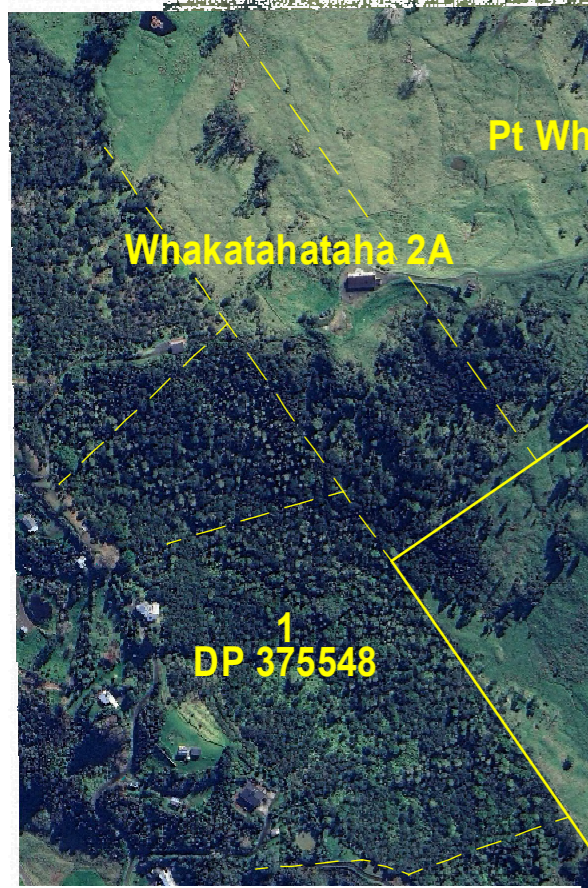
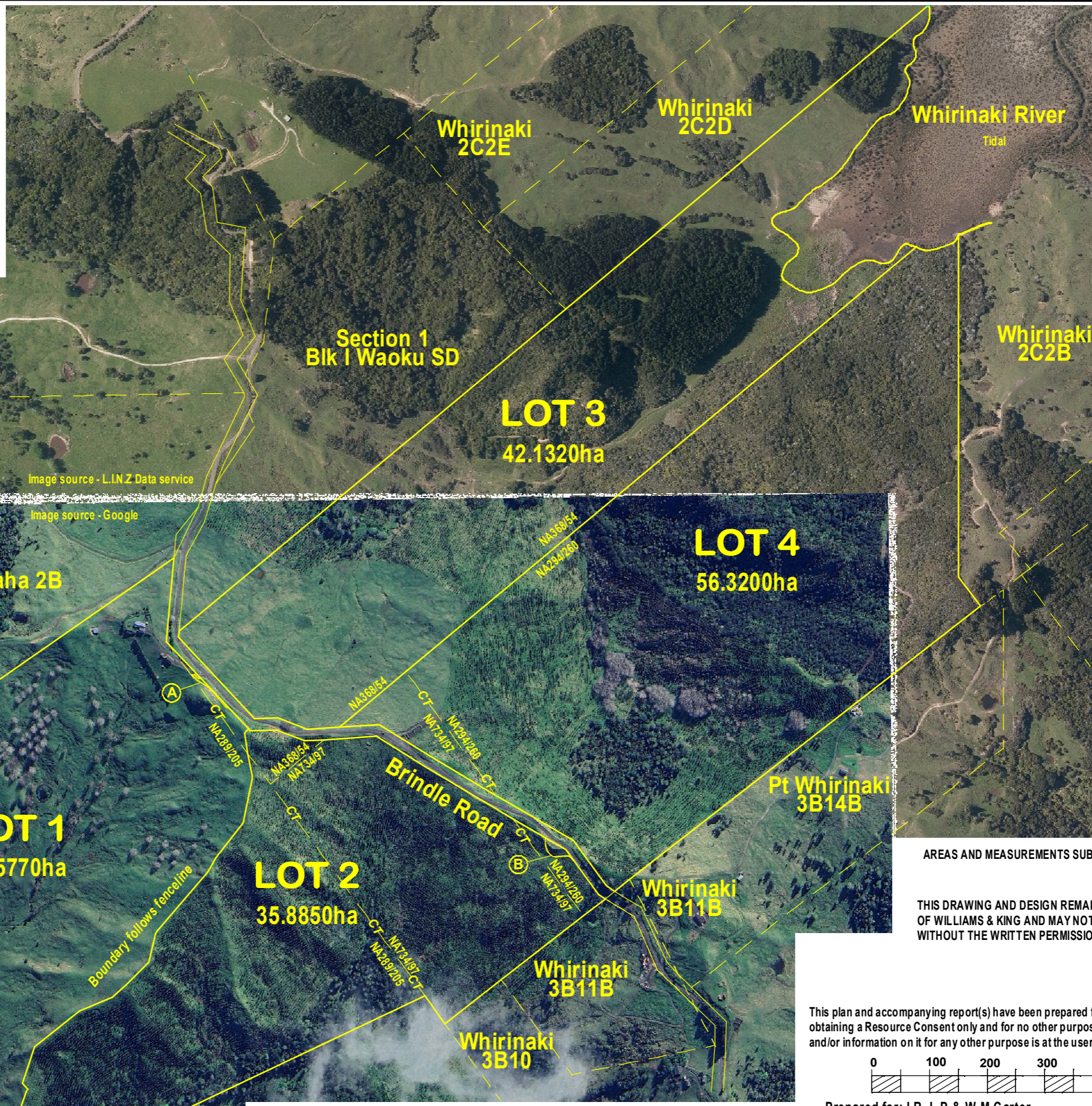
10885 Proclamation taking part land herein for road on and after 29.9.1911 - 7.10.1941 at 3.00 pm  
9232010.3 Mortgage to Rabobank New Zealand Limited - 16.11.2012 at 3:10 pm  
11419781.1 Forestry Right pursuant to the Forestry Rights Registration Act 1983 to Her Majesty the Queen - 27.8.2019 at 11:27 am  
11419781.2 Forestry Right pursuant to the Forestry Rights Registration Act 1983 to Her Majesty the Queen - 27.8.2019 at 11:27 am  
11757743.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 26.5.2020 at 3:39 pm





**EXISTING EASEMENTS**

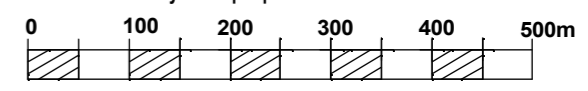
Shown	Purpose	Burdened Land	Document
A	Right to convey Water	Lot 1 Hereon	
B	Right to convey Water	Lot 2 Hereon	



AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

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

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: I R, L P & W M Carter

Local Authority: Far North District Council  
 Total Area: 172.9149  
 Comprised in: NA289/205, NA368/54 Pt, NA734/97 Pt & NA294/260 Pt

**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 Pts Whirinaki 2C2C, 2C2A1, & 2C2A2 Blocks and Whakatahataha 1 Block**

Survey	Name	Date	ORIGINAL	
			SCALE	SHEET SIZE
Design	W & K	Sept 2023	1:7500	A3
Drawn				
Rev				

**24208**

## Natalie Watson

---

**From:**  
**Sent:**  
**To:**  
**Subject:**



**Attachments:**

Good morning, Louise,

I am writing in relation to a proposal for a boundary adjustment of four adjacent Records of Title. No additional Records of Title will be created. The purpose of the proposal is to adjust the boundaries of the four Records of Title separate the owners' interests in the property in a rational and usable way. This will include adjusting the various Records of Title so that the existing severances caused by the Brindle Road legal alignment are resolved, and adjusting a boundary to follow an existing fenceline. The proposed scheme plan is attached.

The adjacent Hokianga Harbour is a statutory acknowledgement area, being described as 'Hokianga Harbour' as shown on OTS-074-03, with the Te Rarawa Deed of Settlement recognising the association between Te Rarawa and the Hokianga Harbour. The application sites is therefore adjacent to land that is the subject of a statutory acknowledgement as per Section 95B(3)(a) of the RMA 1991. Section 95B(3)(b) requires consideration of whether Te Rarawa is an affected person under Section 95E. As such, I am getting in contact to invite any comments that you may have for this application.

The proposed boundary adjustment does not necessitate any physical works, including earthworks, vegetation clearance, or new stormwater discharges or diversions, and for these reasons, the proposal will not have any impact on the Hokianga Harbour or Whirinaki River, and no adverse effects in relation to the statutory acknowledgement area are anticipated.

Could you please let me know if Te Rarawa has any comments to make on this application?

Nga mihi,  
Natalie Watson

**WILLIAMS & KING**  
P +64 9 407 6030  
27 Hobson Ave  
P.O. Box 937, Kerikeri 0230, NZ  
<http://www.saps.co.nz>

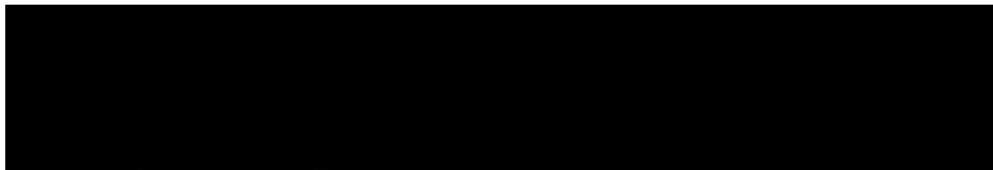
A Division of Survey & Planning Solutions (2010) Ltd This email is intended solely for the use of the addressee and may contain information that is confidential or subject to legal privilege. If you receive this email in error please immediately notify the sender and delete the email.



## Natalie Watson

---

**From:**  
**Sent:**  
**To:**  
**Subject:**



Kia ora Natalie,

Thank you for sending your information to the Department of Conservation. I have lodged your request into our system for response. Your request has been assigned the reference number **RC3193**, so please refer to this in any future correspondence.

### What happens next

Your request will firstly be assessed to see what interest DOC has, and how conservation values could be affected. If the result is that DOC has no concerns, we will let you know (this usually takes about a week).

If there are concerns that need to be considered further, your application will be forwarded to the local DOC office for assessment, and they will let you know the outcome (that process usually takes 4-6 weeks).

Note that if the outcome is that DOC does not support your request, you will be able to discuss this further with staff to see whether concerns can be addressed in some way.

If you have any further queries, or there are any changes to your proposal in the interim, please contact [RMA@doc.govt.nz](mailto:RMA@doc.govt.nz).

Ngā mihi

Trix Heigan  
Statutory Process Support Officer - RMA  
Department of Conservation | Te Papa Atawhai

[www.doc.govt.nz](http://www.doc.govt.nz)



---

**From:** Natalie Watson <nat@saps.co.nz>  
**Sent:** Tuesday, March 5, 2024 9:33 AM  
**To:** RMA <RMA@doc.govt.nz>  
**Subject:** Proposed boundary adjustment for Ian Carter & Robyn Cowley - Brindle Road, Whirinaki, South Hokianga

You don't often get email from [nat@saps.co.nz](mailto:nat@saps.co.nz). [Learn why this is important](#)

Good morning,

I am writing in relation to a proposal for a boundary adjustment of four adjacent Records of Title. No additional Records of Title will be created. The purpose of the proposal is to adjust the boundaries of the four Records of Title separate the owners' interests in the property in a rational and usable way. This will include adjusting the various Records of Title so that the existing severances caused by the Brindle Road legal alignment are resolved, and adjusting a boundary to follow an existing fenceline. The proposed scheme plan is attached.

The subject land includes parts of the ecological units 'Otawhiti Bush' (006/012) and 'Wheoki Stream Pukemaire Remnants' (006/009), which are mapped as Protected Natural Areas in the Hokianga Ecological District.

The subject land is not recorded as being part of a kiwi habitat in the Far North Maps "Species Distribution (DoC)" Map.

Given the purpose of the proposal, it does not have any direct or indirect adverse effects on the existing areas of indigenous vegetation, and no vegetation clearance is required or proposed.

Could you please let me know if the Department has any comments to make on this application?

Thank you,  
Natalie Watson

**WILLIAMS & KING**  
P +64 9 407 6030  
27 Hobson Ave  
P.O. Box 937, Kerikeri 0230, NZ  
<http://www.saps.co.nz>

A Division of Survey & Planning Solutions (2010) Ltd This email is intended solely for the use of the addressee and may contain information that is confidential or subject to legal privilege. If you receive this email in error please immediately notify the sender and delete the email.



Caution - This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.