

Resource Consent Application

13th December 2023

Planning Division
Far North District Council
Private Bag 752,
Kaikohe
0440

Dear sir/madam,

Proposed land use on Lot 2 Deposited Plan 365859

Natacha Garcia Damm & Christopher Mee, 88 River drive, RD1, Kerikeri, 0294

We submit herewith our resource consent application together with the following :

- Application form and payment (made on the 7th December 23)
- A current Certificate of Title
- Instrument - Consent Notice under s221(4)(a) Resource Management Act 1991 - D525526.2
- Location of property and description of proposal
- Assessment of Environmental Effects & planning report
- Building Plans - Forma Architectural Design

Yours faithfully,

Chris & Natacha
Salt & Seed Private Dining



Office Use Only Application Number:

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):

- Land Use
- Extension of time (s.125)
- Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) _____
- Fast Track Land Use*
- Change of conditions (s.127)
- Subdivision
- Change of Consent Notice (s.221(3))
- Discharge

***The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.**

3. Would you like to opt out of the Fast Track Process? Yes / No

4. Applicant Details:

Natacha Garcia Damm & Christopher Mee

Name/s: _____

Electronic Address for Service (E-mail): _____

Phone Numbers: _____ Home: _____

Postal Address: (or alternative method of service under section 352 of the Act) _____

Post Code: _____

5. Address for Correspondence: Name and address for service and correspondence (if using an Agent write their details here).

Name/s: _____

Electronic Address for Service (E-mail): _____

Phone Numbers: Work: _____ Home: _____

Postal Address: (or alternative method of service under section 352 of the Act) _____

Post Code: _____

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

6. 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: Rosana Garcia Alves - Trustee of Garcia Family Trust

Property Address/
Location: 88 River drive, RD1, Kerikeri, 0294

7. Application Site Details:

Location and/or Property Street Address of the proposed activity:
88B River drive, RD1, Kerikeri, 0294

Site Address/
Location: _____

Legal Description: DP365859 Val Number: 00213-40214

Certificate of Title: NA129B/336
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.**

8. Description of the Proposal:

Please enter a brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (to a recognized scale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Proposed prep kitchen and storage area for Salt & Seed Private Dining. In breach of rule
HZ-R2 Impermeable surfaces (rule 2 of proposed district plan)

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or 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) or extension being sought, with reasons for requesting them.

9. Would you like to request Public Notification Yes/No

10. Other Consent required/being applied for under different legislation (more than one circle can be ticked):

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

11. 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 (further information in regard to this NES is available on the Council's planning web pages):

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? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle). yes no don't know

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

12. 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.

Please attach your AEE to this application.

13. 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 all names in full) _____

Email: _____

Postal Address: _____

Post Code: **0294**

Phone Numbers: Work: _____ Home: _____ Fax: _____

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

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

Name: _____ (please print)

Signature: _____ (signature of bill payer – **mandatory**) Date: 10/12/23

14. 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

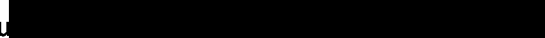
Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track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

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

Name:  (please print)

Signature:  (signature)

Date: 10/12/23

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

Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- 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.

Only one copy of an application is required, but please note for copying and scanning purposes, documentation should be:

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE



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




R. W. Muir
Registrar-General
of Land

Identifier 267004
Land Registration District North Auckland
Date Issued 19 March 2008

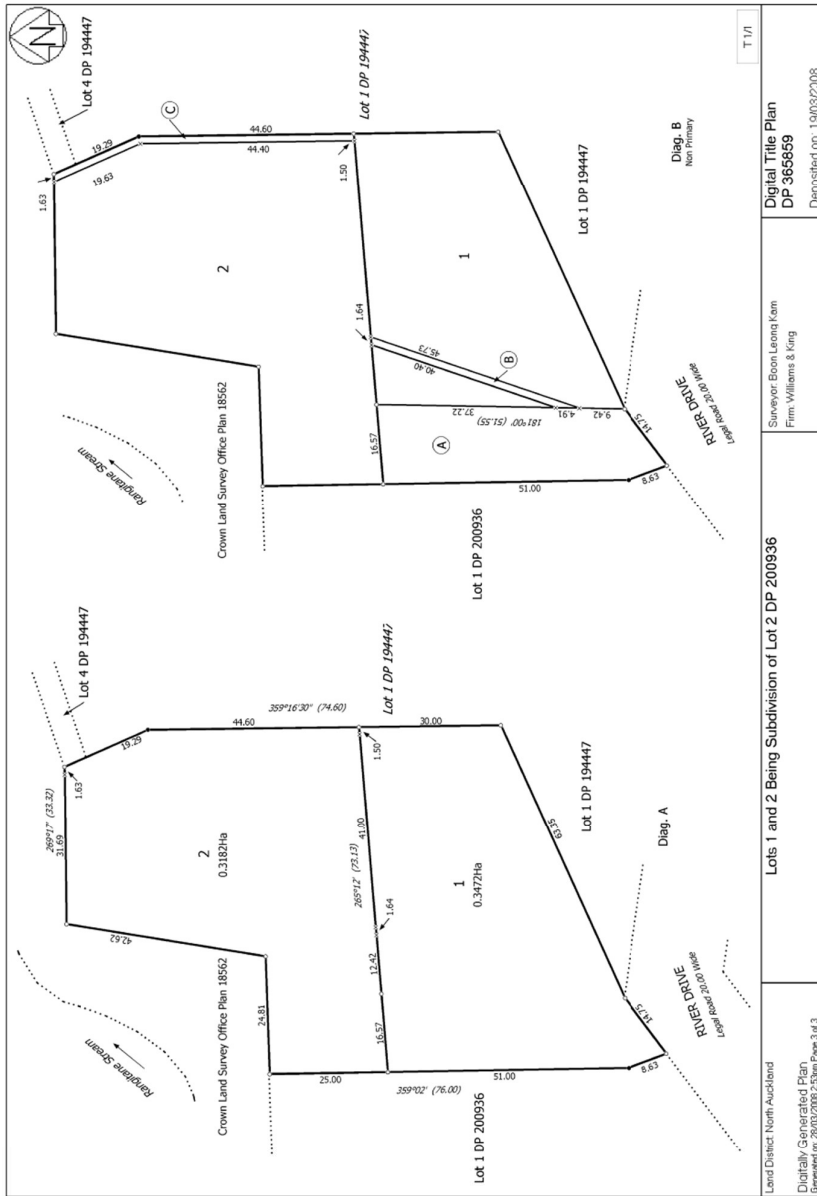
Prior References
NA129B/336

Estate Fee Simple
Area 3182 square metres more or less
Legal Description Lot 2 Deposited Plan 365859

Registered Owners
Rosana Garcia Alves, Sandra Lee Ladd, Natacha Garcia Damm, Marianna Garcia Damm and Giselle Garcia Damm

Interests

Subject to Part IV A Conservation Act 1987
Subject to Section 11 Crown Minerals Act 1991
Appurtenant hereto are electricity rights specified in Easement Certificate C661268.8 - 3.10.1994 at 1.49 pm
The easements specified in Easement Certificate C661268.8 are subject to Section 243 (a) Resource Management Act 1991
Appurtenant hereto is a right of way specified in Easement Certificate C965805.4 - 11.3.1996 at 3.07 pm
D525526.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 20.7.2000 at 2.06 pm
Subject to a right to drain stormwater over part marked C on DP 365859 created by Easement Instrument 7756448.3 - 19.3.2008 at 9:00 am
Appurtenant hereto are rights of way, rights to convey electricity, telecommunications and computer media and rights to convey water created by Easement Instrument 7756448.3 - 19.3.2008 at 9:00 am
The easements created by Easement Instrument 7756448.3 are subject to Section 243 (a) Resource Management Act 1991
9450095.2 Mortgage to ASB Bank Limited - 10.7.2013 at 4:26 pm



Land District North Auckland Digitally Generated Plan Generated on: 28/03/2008 2:53pm Page 3 of 3	Surveyor Boon Leong Lam Firm: Williams & King	DP 365859 Deposited on: 19/03/2008	T 1/1
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DS25526.2 CONO

FAR NORTH DISTRICT COUNCIL



THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING The subdivision of
Lot 10 DP 171115
North Auckland Registry.

PURSUANT to Section 221 for the purposes of Section 224 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 is to be registered on Lots 1 & 2.

SCHEDULE

0 50 100 150 200 250 300 350 400 450 500 550 600 650 700 750 800 850 900 950 1000
SIGNED

That the riparian planting as required by the subdivision consent as per the plan titled "Riparian Planting 1999/2000" be maintained on a continuing basis. The operation of agricultural and horticultural equipment including sprays and chemicals (subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, where rainwater is collected from exposed surfaces for human consumption in connection with a dwelling, the occupiers of any dwelling shall install an approved water filtration system.



by the FAR NORTH DISTRICT COUNCIL
under delegated authority:
RESOURCE CONSENTS MANAGER

DATED at KAIKOHE this 29th day of February 2000

RC 2000188

SRM\CERT\3damn221

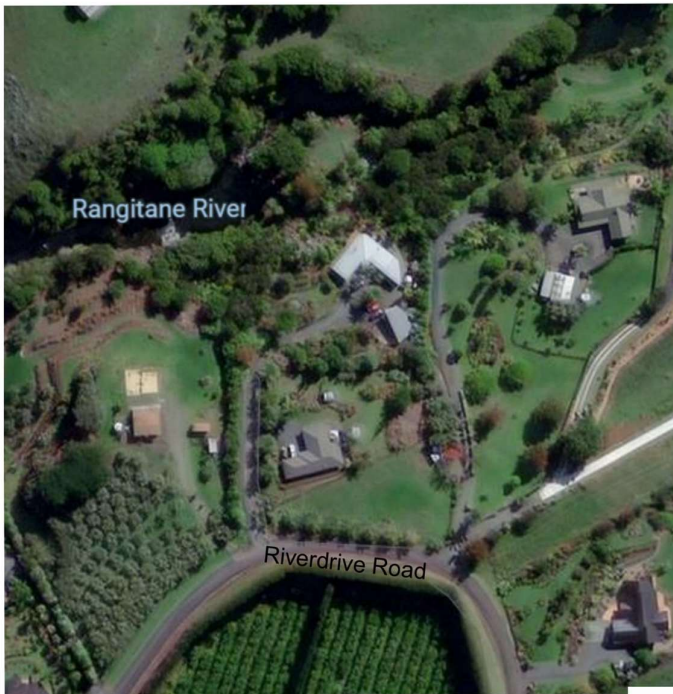
221(1)

(5)

(2) 11/3/33
1/38-



(X)



1 Google view
Scale: 1:1000



Schedule of contents

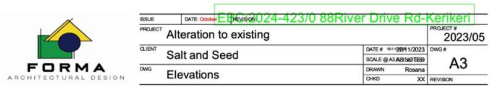
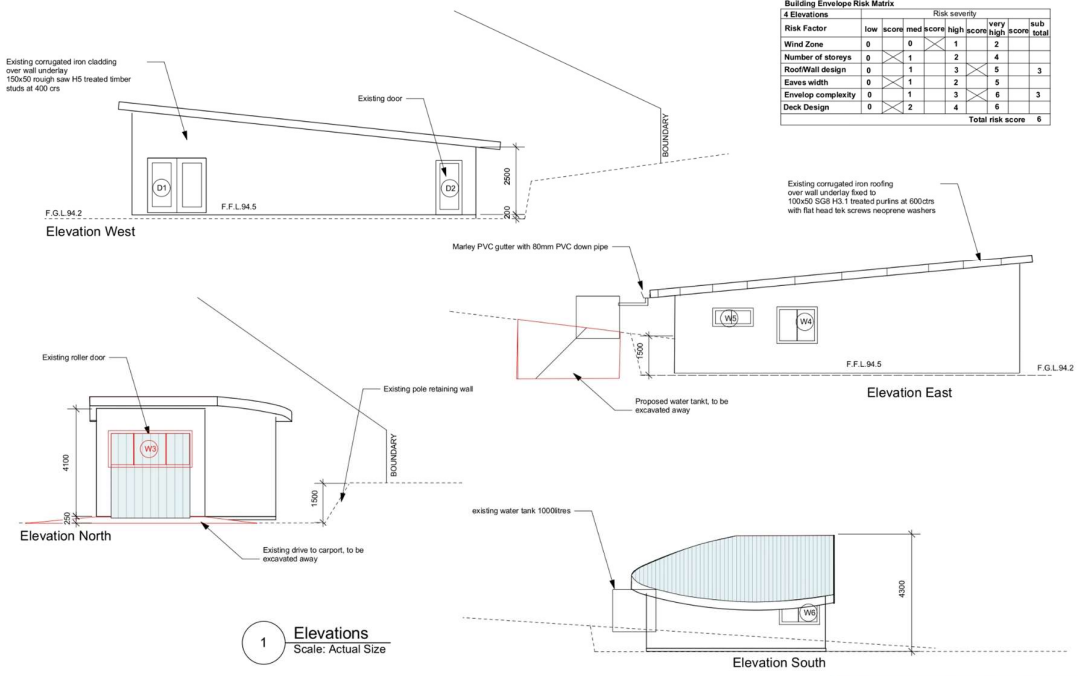
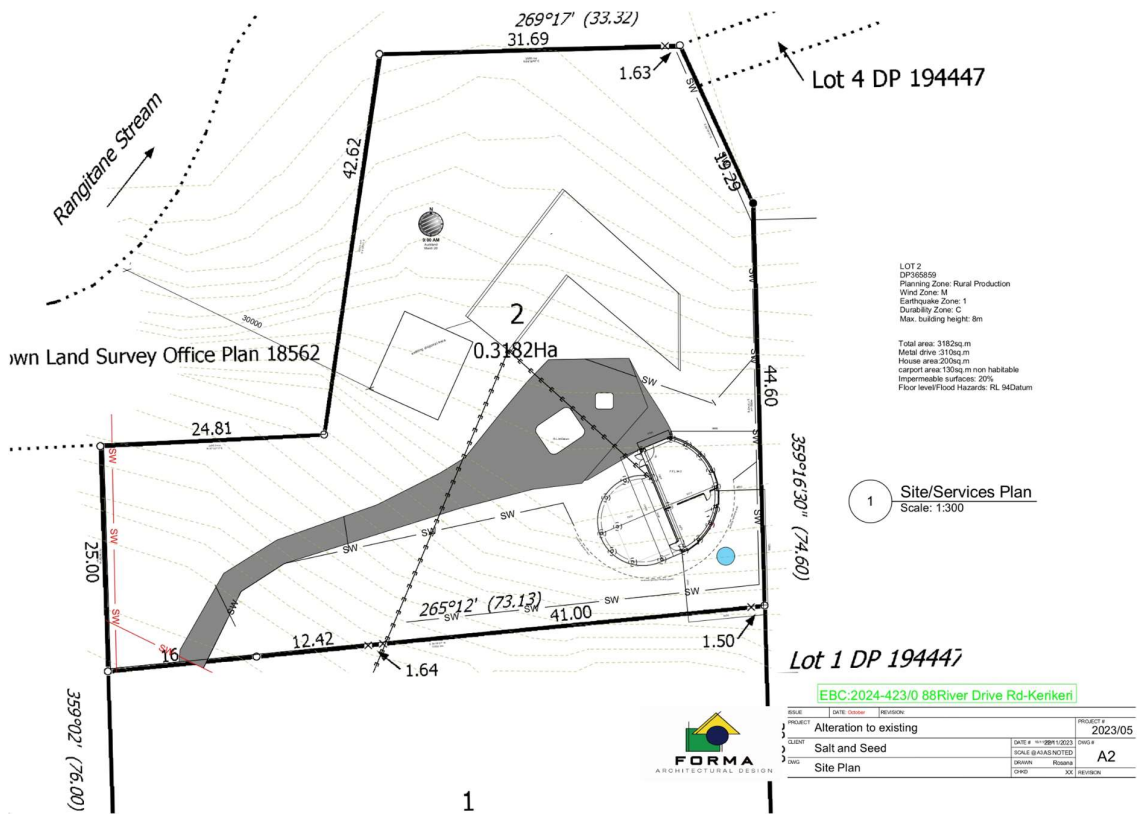
(not 4 public use/ non-habitable)

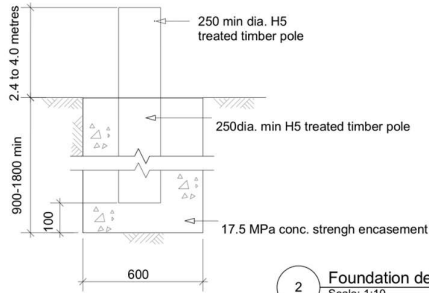
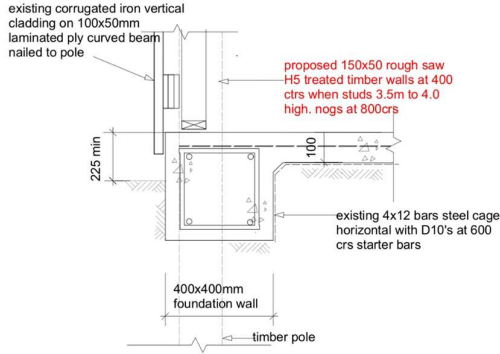
- A1- Cover
- A2- Site Plan
- A3-Existing Elevation
- A4-Existing Slab
- A5-Existing Roof
- A6-Existing Carport
- A7-Proposed Carport
- A8-Cross Section
- A9- Construction Details
- A10-Drainage Detail
- A11-Wall Detail
- A12-Window Schedule

EBC:2024-423/0 88River Drive Rd-Kerikeri

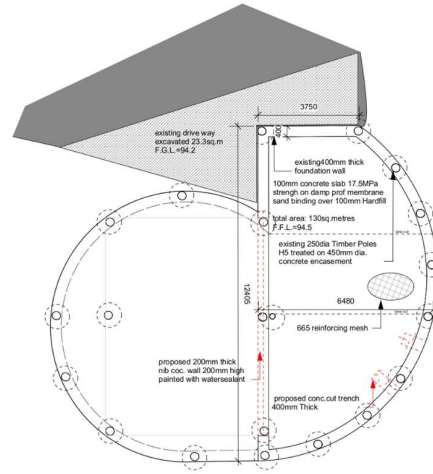


NOISE	DATE ISSUED	REVISION	PROJECT #
PROJECT	Alteration to existing		2023/05
CLIENT	Salt and Seed	DATE # NO. OF REVISED	SCALE & HAS NOTED
DWG	Cover/Location Plan	DRAWN: Robana	A1
		CHECK: KJ	REVISION:



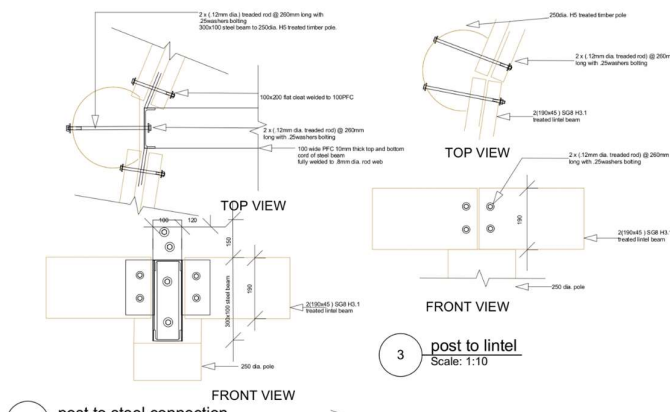


2 Foundation details
Scale: 1:10



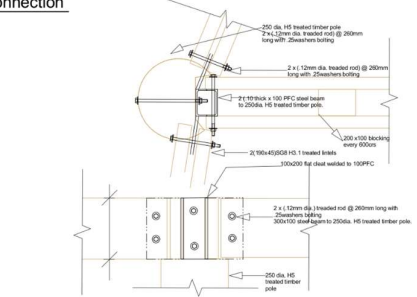
1 Existing Foundation Plan
Scale: 1:100

ISSUE	DATE	ISSUED	REVISION	PROJECT #
PROJECT	Alteration to existing			2023/05
CLIENT	Salt and Seed			DRAWN #
DWG	Existing Foundation Plan			ROSLA @ A4
EBC:2024-423/0 88River Drive Rd-Kerikeri				REVISION

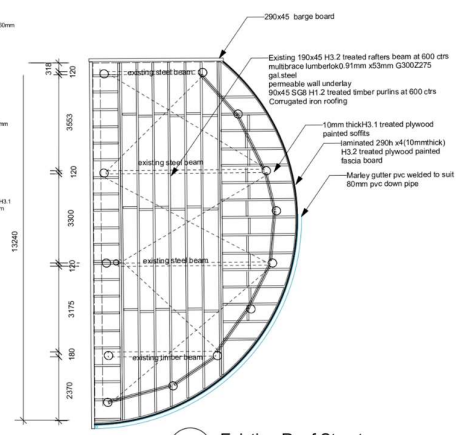


2 post to steel connection
Scale: 1:10

3 post to lintel
Scale: 1:10



4 post to timber connection
Scale: 1:10



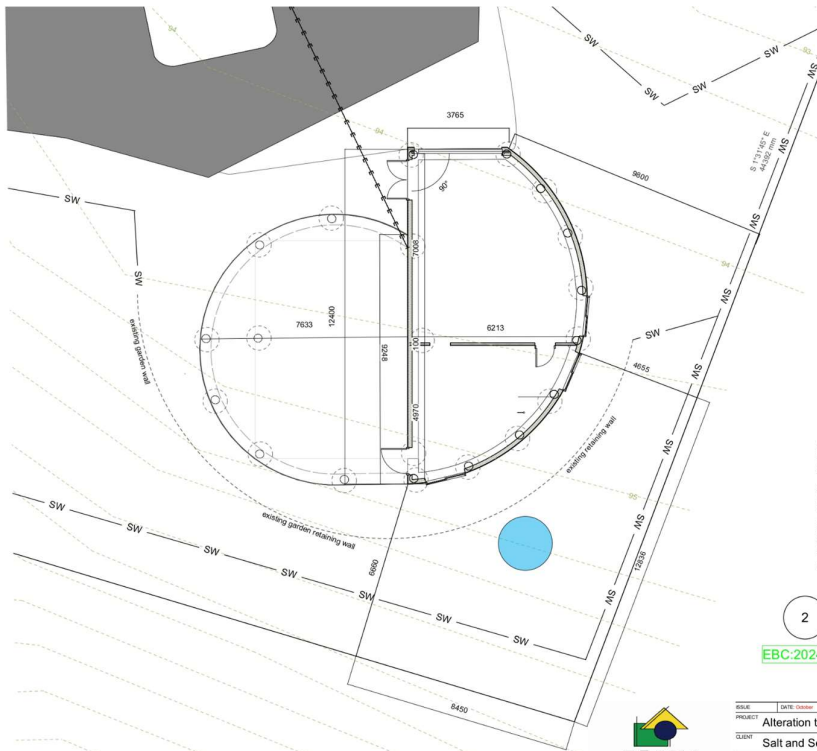
1 Existing Roof Structure
Scale: 1:100

Roof area: 83sq metres



ISSUE	DATE	ISSUED	REVISION	PROJECT #
PROJECT	Alteration to existing			2023/05
CLIENT	Salt and Seed			DRAWN #
DWG	Existing Roof Structure			ROSLA @ A5
EBC:2024-423/0 88River Drive Rd-Kerikeri				REVISION



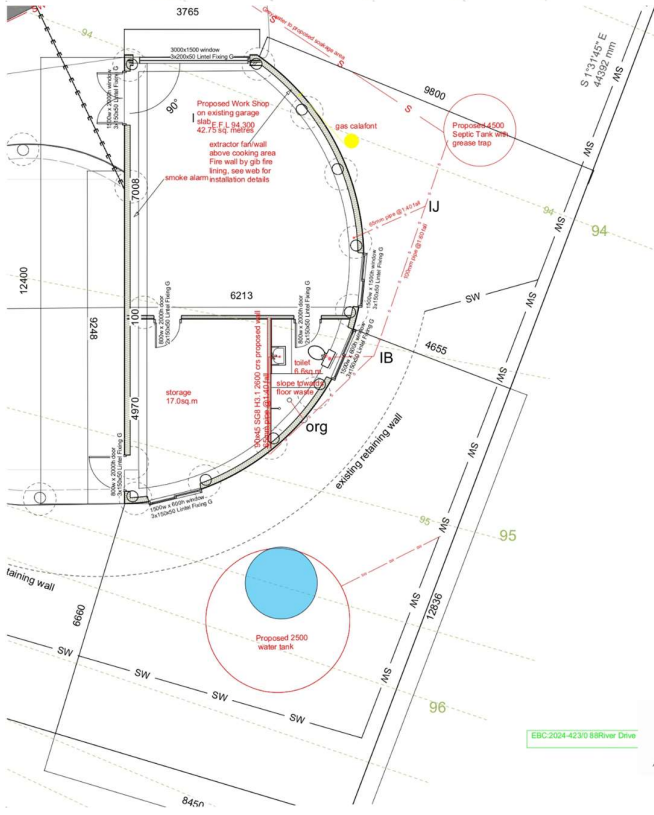


2 Existing Carport
Scale: 1:100

EBC:2024-423/0 88River Drive Rd-Kerikeri



DATE	10/08/2023	REVISION	
PROJECT	Alteration to existing		PROJECT #
CLIENT	Salt and Seed		2023/05
DWG	DATE	SCALE	DATE
Existing Carport	10/08/2023	1:100	
	DRAWN	REVISION	A6
	GW	XX	



1 Proposed Carport
Scale: 1:75

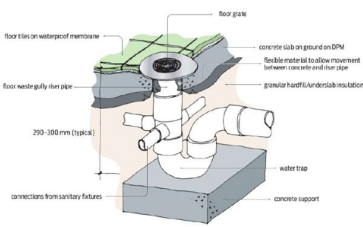
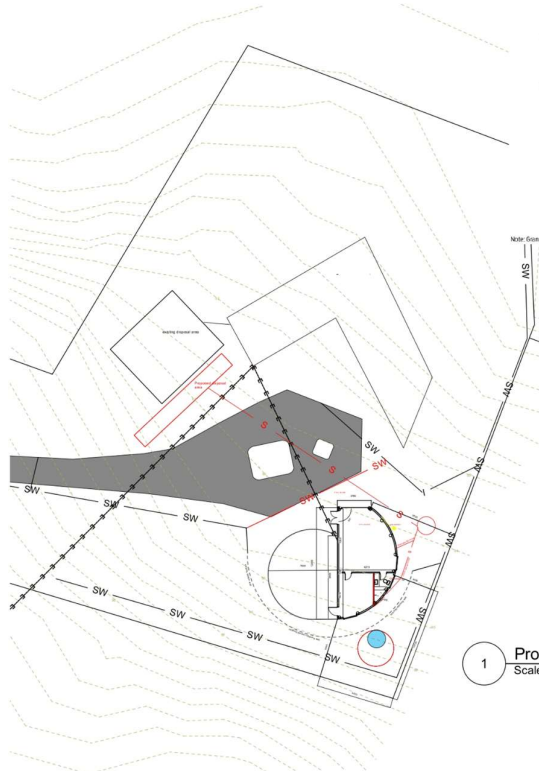
EBC:2024-423/0 88River Drive



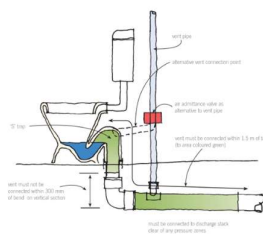
DATE	10/08/2023	REVISION	
PROJECT	Alteration to existing		PROJECT #
CLIENT	Salt and Seed		2023/05
DWG	DATE	SCALE	DATE
Proposed Carport	10/08/2023	1:100	
	DRAWN	REVISION	A7
	GW	XX	

GENERAL NOTES

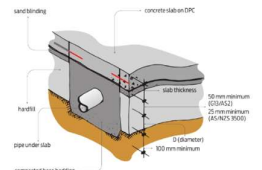
- Insulation/NZBC H1**
Wall insulation (new) = R2.5 polystyrene wall insulation
Ceiling insulation (new) = 2 layers of polystyrene ceiling insulation R3.6
- Internal Linings**
New internal wall linings to be standard 10mm Plywood Board
10mm SB Aquadine to bathrooms.
Go stopping internal plastering to level 4 finish.
- Extraction fans**
Fans to be extracted through soffits or walls where indicated on plans.
Min. four rates=25.4litres/m³
- Bathrooms/Showers**
Shower enclosures are to consist of waterproof membrane over concrete or floorboard sheet substrate to adhesive details. Tiles of owner's choice.
Safety glass to shower walls and doors.
- Wet Areas**
Waterproof all "wet areas" floors and splash areas with Mopelastic.
Aquadine by Mapei waterproof membrane.
Applications by approved applicators only.
Non-slip floor tiles to be laid in wet areas. New Flooring to all spaces.
Involving flooring.
- Smoke Detectors**
Type 1 Ceiling mounted domestic units to be installed with hush & test facilities to NZBC F77A63 3.2.
- Aluminium Joinery exterior doors & windows**
Existing joinery to be replaced with new powder coated aluminium joinery with double glazing (Low E glazing (60.37). Safety glass to all wet areas (bathrooms).
Install restrictors to opening windows more than 100mm max gap. Sizes to match existing (where noted) within double glazing. Inset and to accordance with NZ411:2008.
- Wall Framing**
All construction to comply with NZS 3604:2011 and the NZ Building Code. Studs to internal walls to be 150X50 H1.4min dia @ 400cns with dwags @800cns, 2.7 - 3.5m high. Internal 3.1m high non-loadbearing walls may be 90x45 @ 400cns.
- Building Wrap**
Wrap framing with Tekton wall wrap.
- Exterior Cladding**
All exterior metal corrugated cladding will be cleaned and painted to a color with reflectance higher than 30%.
- Lighting note**
Recessed down lights to comply with NZBC C2 & AS/NZS 6099 2.2. The insulation rating that means that the overlight can be installed under insulation that is only rated to 90 degrees C, and also that the light is sealed so insulation cannot get into the fitting.



2 shower waste
Scale: 1:10



3 toilet waste
Scale: 1:30



4 Pipe clearance detail
Scale: Half Actual Size

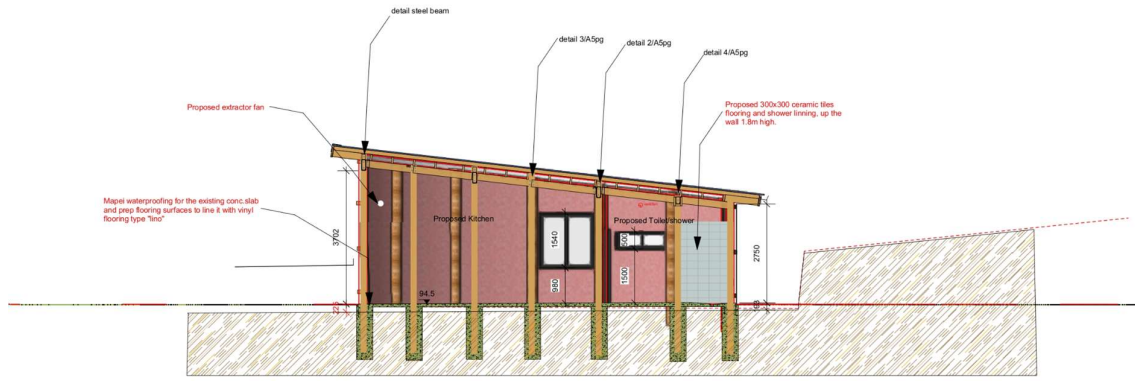
Notes:
 1- All drainage to comply with NZS/A53500 @NZBC
 2- Confirm location and position of all drains on site.
 3- Pipe junctions 45 degrees or swept bends
 4- Hot and cold water supplies are to be run in dual secure goid piping (compliant to AS/NZS4820) and installed to comply to G12/AS1
 5- 100mm dia. LFC SS and SW drain at 1:120min fall. SW overflow to be piped and discharged into existing SW stacks.
 WC- 100mm dia pipe 1:60 gradient
 Shower-65mm dia pipe 1:40 gradient
 Sinks-65mm dia pipe 1:40 gradient
 Waterproofing between the existing slab and the sewer trench by fixing a sealable water bar to the existing waterproofing membrane sealing against new clampoff membrane.
 Tie the sewer trench to existing with D12 dowels @ 500 c/c, drilled and spliced into existing slab at least 100mm each side.
 Sewer pipes beneath slab must be laid straight with a even gradient, no more than 45 degrees at junctions and have access point immediately outside the building for cleaning. When pipes pass through a foundation wall it must be at middle third of the wall both horizontally and vertically.
 Pipes are to be laid in trenches with minimal clearance width of the diameter of pipe plus 200mm on either side of the pipe. When pipes rise through the slab at right angles they must be wrapped in a durable flexible material.
 All pipework below conc. slab must comply with NZBC clause B2, which requires that they have 50 years min. durability

1 Proposed drainage
Scale: 1:300

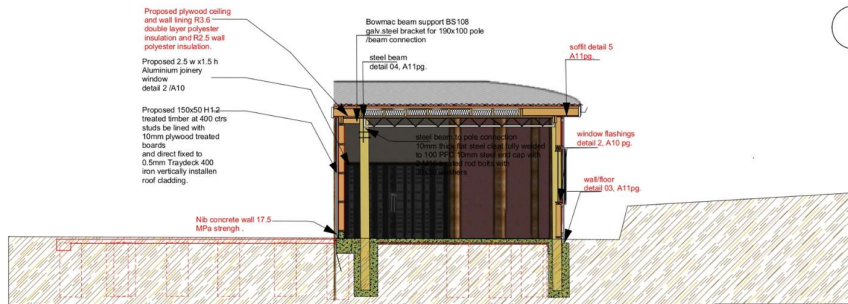
EBC:2024-423/0 88River Drive Rd-Kerikeri



DATE: 05/08/2024	PROJECT: Alteration to existing	PROJECT #: 2023/05
CLIENT: Salt and Seed	DRAWN: Robson	DATE: 01/08/2023
SCALE: @ A3 1:100	DATE: 01/08/2023	CLIENT: A8
PROJECT: Proposed Plumbing-Drainage	DATE: 01/08/2023	REVISION:



1 Cross Section AB
Scale: 1:75

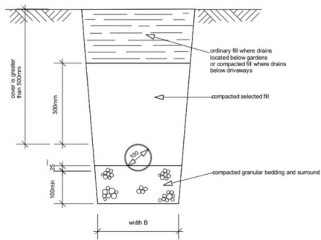


2 CrossSection CD
Scale: 1:75

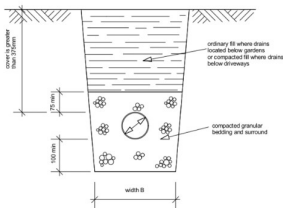


NO.	DATE	REVISION	PROJECT #
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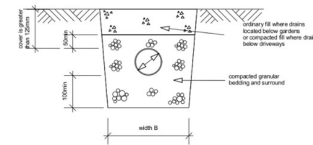
PROJECT	Alteration to existing	DATE #	2023/05
CLIENT	Salt and Seed	SCALE & ANNOTATIONS	A9
DWG	Cross Section	DRAWN	Rossini
		CHECK	XX



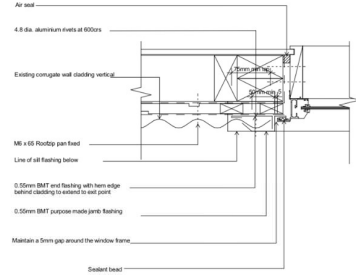
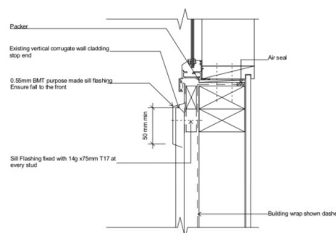
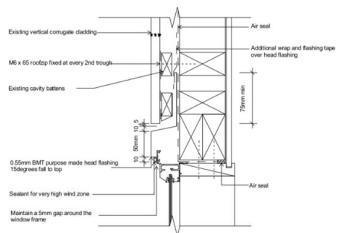
Type B of NZS7643/NZS4452



Type D of NZS7643/NZS4452



1 Grey/Storm Water Drainage
Scale: 1:100

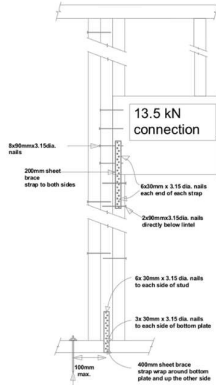


2 Window Details
Scale: Actual Size

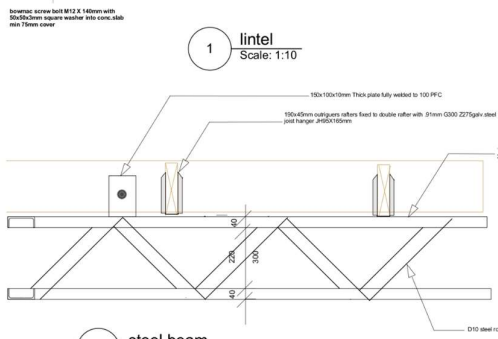


NO.	DATE	REVISION	PROJECT #
1	2023/05		2023/05

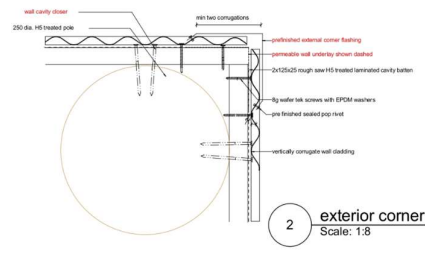
PROJECT	Alteration to existing	DATE #	2023/05
CLIENT	Salt and Seed	SCALE & ANNOTATIONS	A10
DWG	Construction Details	DRAWN	Rossini
		CHECK	XX



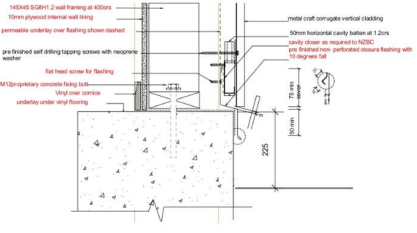
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Scale: 1:10



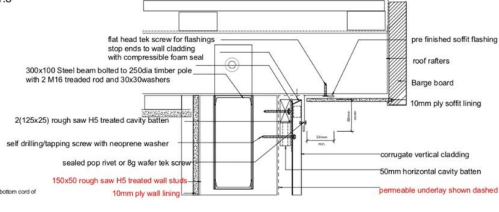
4 steel beam
Scale: 1:10



2 exterior corner
Scale: 1:8



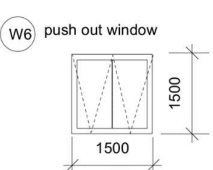
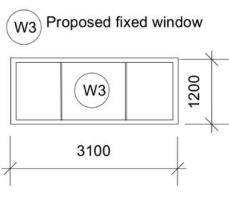
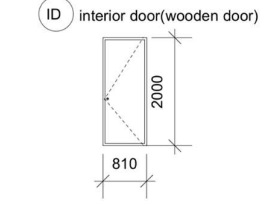
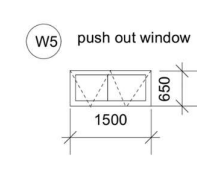
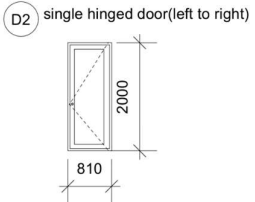
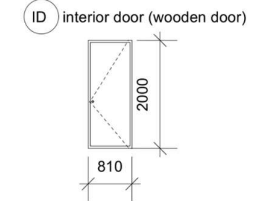
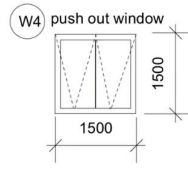
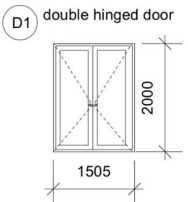
3 wall detail
Scale: 1:8



5 soffit flashing
Scale: 1:5

EBC:2024-423/0 88River Drive Rd-Kerikeri

DATE	02/03/2023	REVISION	
PROJECT	Alteration to existing		PROJECT #
CLIENT	Salt and Seed		2023/05
DWG	Construction details	DRAWN	ROBERT
		CHECK	XX
		REVISION	A11



1 window schedule
Scale: 1:50

EBC:2024-423/0 88River Drive Rd-Kerikeri

DATE	02/03/2023	REVISION	
PROJECT	Alteration to existing		PROJECT #
CLIENT	Salt and Seed		2023/05
DWG	Window schedule	DRAWN	ROBERT
		CHECK	XX
		REVISION	A12



Forma Architectural Design

Assessment of Environment Effects

Prepared for Salt and Seed

Rosana Alves
12-13-2023

1.0 Overview

Salt and Seed private dining is a home business located within the Rural Production Zone of the Operational District Plan and Horticulture Zone of the Proposed District Plan.

The preparation kitchen registered at 88B River Drive Road proposes to relocate into existing carport and require land use consent under the Proposed District Plan. The proposal has been assessed as being non-complying activity due to increase the impermeable surfaces under the operational district plan.

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

2.1 Summary

To COA 2024-34/0 legalize an existing carport which has been added and renovated since the approved BC 1996-1072/0 on the 17th January 1996. The property since the above alterations; has been subdivided and is now Lot 2 DP 365859 with an area of 3182 sq. meters

To EBC2024-423/0 add a wastewater disposal and alter the existing carport into a preparation kitchen for Salt and Seed existing registered kitchen business. The proposal intends to add a toilet, insulate and line the interior of the carport, adding cladding flashings to comply with the building code which will add to the residential status of the area.

2.2 Purpose of proposed

The purpose of such is to complete the unfinished status of carport structure, adding value to the property and consequently to the residents of River drive creating a way in which Salt and Seed Business future growth purview. Also, the wastewater disposal can be expanded with addition of grease trap for protection of the environment.

2.3 Property access and easements

The proposal will remain using the existing right of way, the easements specified in Easement Certificate C661268.8 are subject to Section 243 (a) Resource Management Act 1991 Appurtenant hereto is a right of way specified in Easement Certificate C965805.4

An existing easement area shown as C on DP 365859(over lot 2/record of title NA129B/336) appears to be partially blocked and this is to be rectified and will require approval under the Hazard Flooding area of Proposed District Plan. Please refer to consent notice D525526.2 pursuant to Section 221(1) Resource Management Act 1991.

The proposal will continue to use power, telecommunication and media as per the appurtenant hereto are rights of way, rights to convey electricity, telecommunications and computer media and rights to convey water created by Easement Instrument 7756448.3 subject to Section 243 (a) Resource Management Act 1991.

2.4 Land use Infringements

The Rural Production Zone has impermeable surfaces to a maximum of 20% of the land which the COA of existing garage complies with. Nevertheless, the built area is only 330sq.m less than 10% of built coverage, the metal drive which back in time was considerable partially permeable

is now creating a minor impact on the approval with RMA of its Proposed District Plan which regardless of not being yet operational has the impermeable surfaces reduced to 15% on its Horticulture zone and land use consent is also sought for this infringement.

3.0 Application Site details and Description

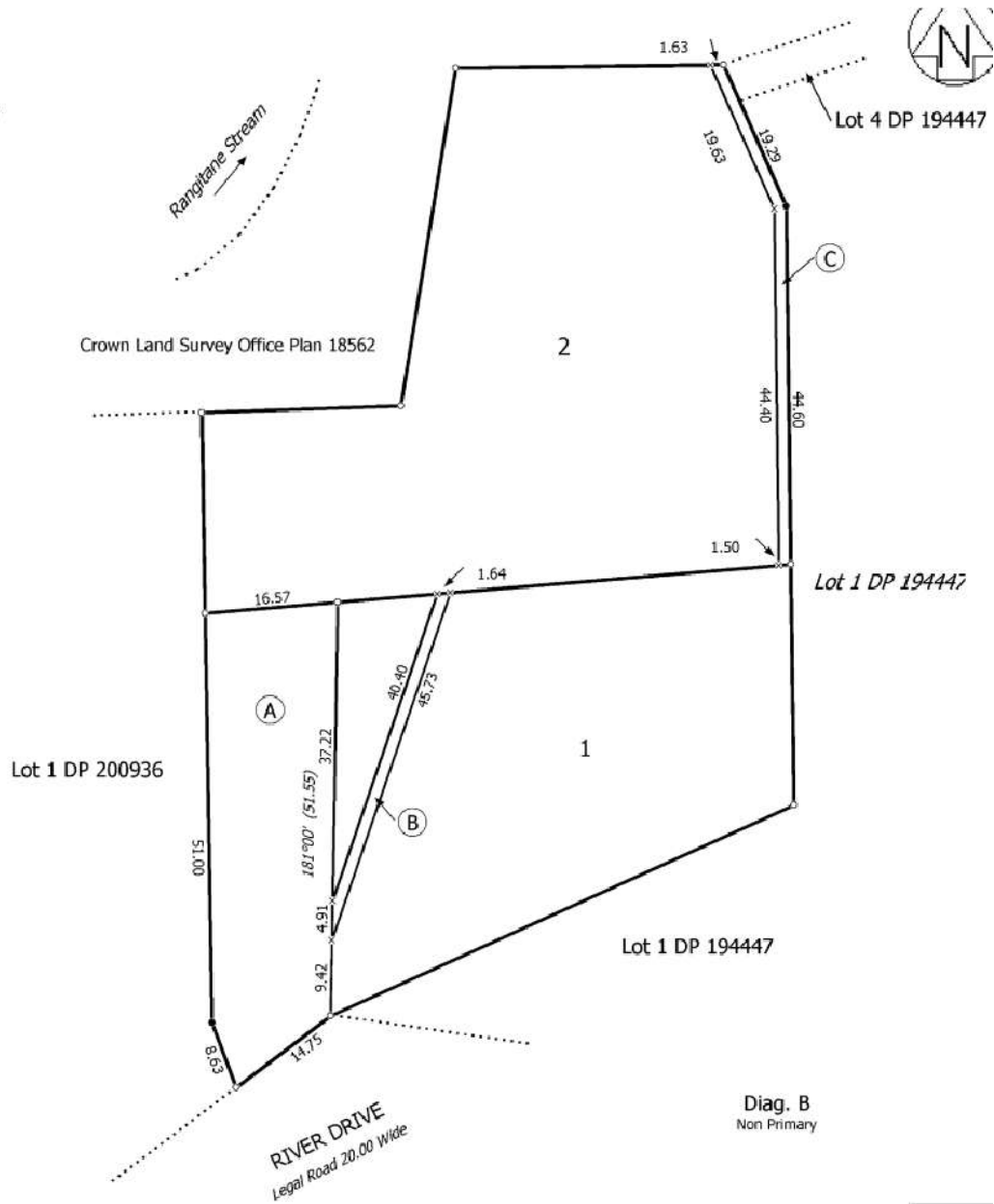


The site has a residential dwelling with 5 bedrooms and has been occupied by the Garcia's Family since 1996. The site has also the non-habitable carport, shown at picture above (blue arrow) and the proposed prep. Kitchen for Salt and Seed will remain a non-habitable dwelling. Both dwellings are within the building envelop of the site and approximated 50m away from its immediate neighbours; the new proposed waste water will be located approximated 37m away from the edge of Rangitane Stream.

The property is owned by The Garcia Trust which are Rosana Garcia Alves resident of 88B River Drive Road-Kerikeri, Natacha Garcia Damm resident of River Drive Road, Marianna Garcia Damm renting within Kerikeri Town, Giselle Garcia Damm renting within Paihia Town and Sandra Ladd also renting within Kerikeri Town.

3.1 Legal Details

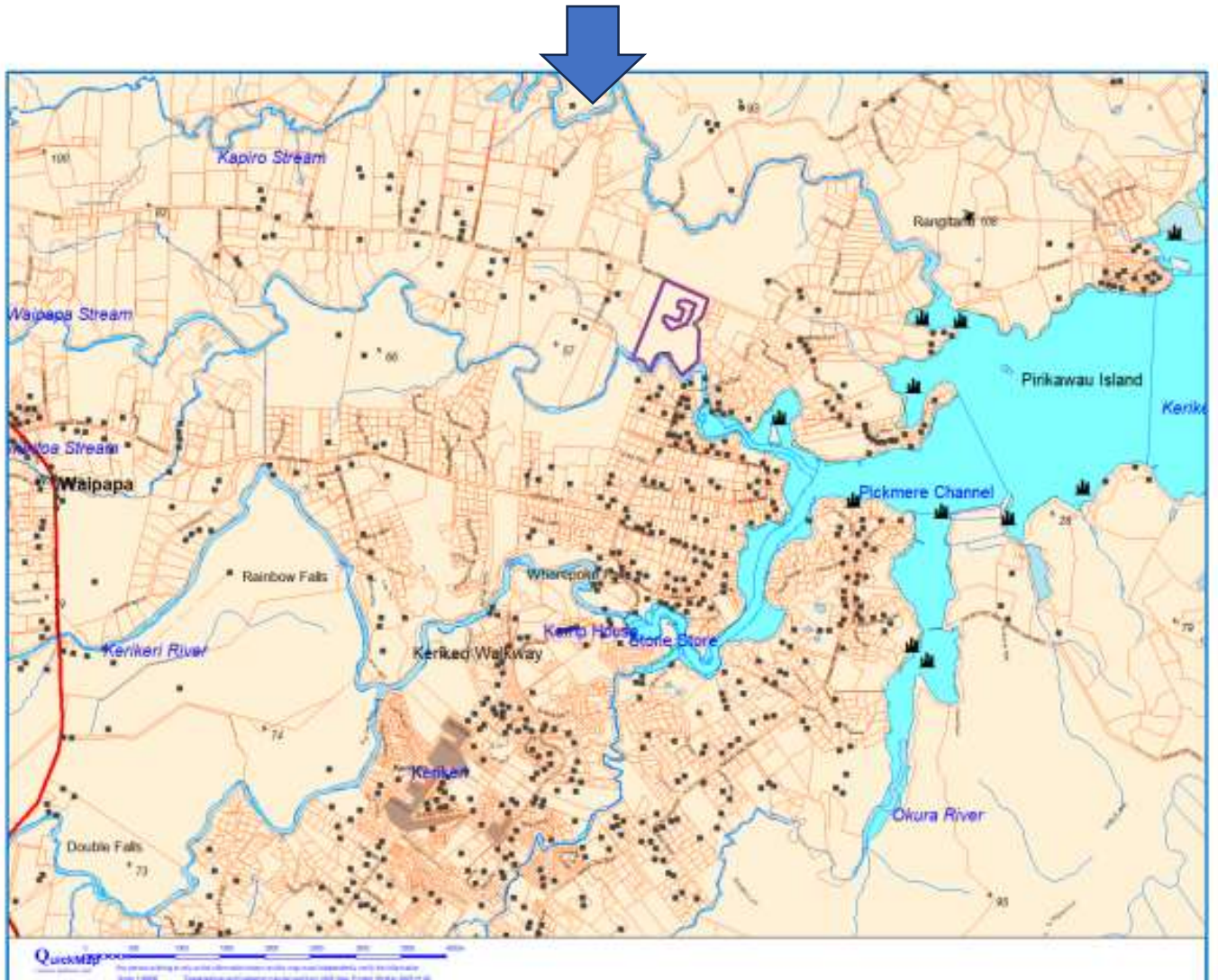
Details of the Records of Title involved in the proposed land use, including the Record of Title over which the diagram C easement, are provided below. Records of Title are attached.



Diag. B
Non Primary

3.2 Location

The subject land is located on the northern side of Kapiro Road. The property is located approximately 3.5km north north-east of central Kerikeri. Refer to the Location and Cadastral Maps in Figures 2. The site adjoins the Rangitane Stream (crown land survey office plan 18562)



3.3 Existing Land use

The subject land has residential use. The existing activity is a permitted activity on the Scheme Plan. The site was developed originally by Kerifresh Horticultural business; 11 lots were created around the perimeter of existing lemon orchard and sold for residential purposes. The site was planted in pine trees due to its step slope and rocky formation which was never suitable for farming or horticulture business. The northern aspect of site and its slope allows for fast draining of soil, which is mostly clay, regardless of its high erosion characteristics no slips are visible or occurrent for the last 25 years of its creation. The majority of the northern and western parts of the site are planted in original vegetation such as tee tree and totoras, house and garage occupying the flatter middle side of Lot 2. The remaining vacant parts are in a mixture of grass and mature exotic trees. Within the proposed prep.kitchen for Salt and Seed landscape, there are a mixed of some exotic species.

3.4 Relevant Consent History

Lot 1 DP 365859 was created pursuant to Resource consent CER-2495-CER223, being subdivision of Lot 2 DP 200936 to create a rural lifestyle allotment, a specific residential allotment.

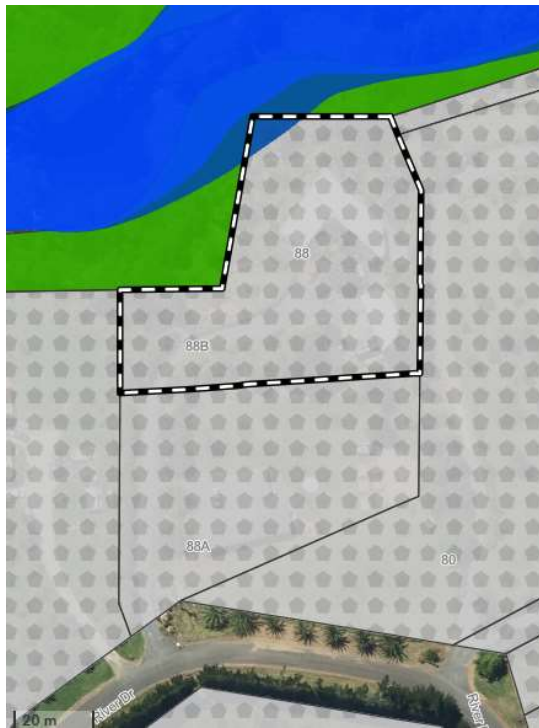
BC 1996-1072/0 on the 17th January 1996. The property since the above alterations; has been subdivided and is now Lot 2 DP 365859 with an area of 3182 sq. meters within the Rural Production Zone of The Far North District.

To EBC2024-423/0 add a wastewater disposal and alter the existing carport into a preparation kitchen for Salt and Seed existing registered kitchen business. The proposal intends to add a toilet, insulate and line the interior of the carport, adding cladding flashings to comply with the building code which will add to the residential status of the area.

3.5 Recorded Natural and Cultural Features

The Operative or Proposed District Plan does not record any Outstanding Natural Features, Outstanding Landscape Features, areas of High or Outstanding Natural Character, Notable Trees, Historic Sites, Buildings and Objects, Sites of Cultural Significance to Maori or Scheduled Registered Archaeological Sites. Far North Maps does not show any historic sites to be on the property. There are no mapped areas of ecological significance.

Below are included Department of Conservation Protected Natural Area which property title is subject to part IV A Conservation Act 1987 and Council Natural Hazards Map showing River Flood Harzard Zone (100year ARI event)



¹ Flood zone map

²Conservation zone map

3.4 Natural and Physical Resources

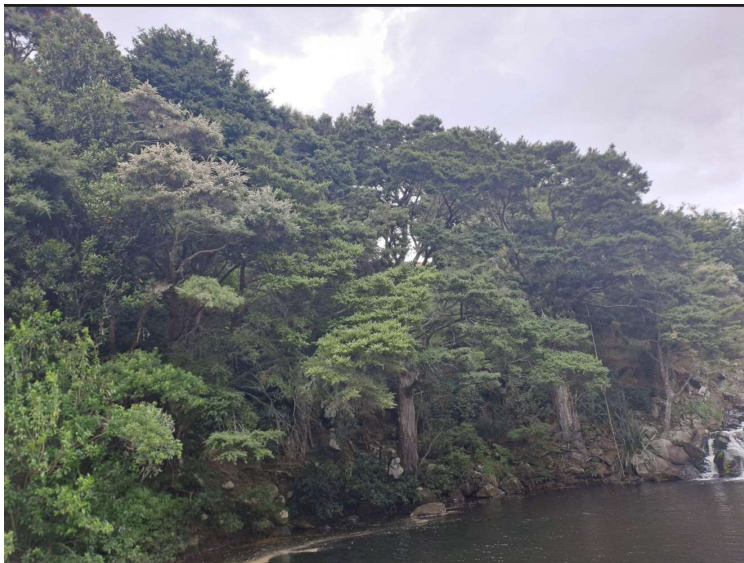
Chapter 12- Act(section 5) promote the sustainable management of natural resources

“Nga Hua Tawhiti Me Nga Tohu Tuturu o Te Whenua He wahi tuturu, he wahi hirahira puta noa i te rohe. Aua enei wahi e whakaitingia e nga mahi whakawehe i nga whenua. Kei a tatou te mahi kia whakauwhia enei wahi hirahira ki te ihi.”

12.1.3.1 Objective -The need to promote landscape diversity through the protection and enhancement of indigenous vegetation.



3



4

³ Northern east boundary

⁴ Northern west boundary

“1 Right of Crown to half of bed of river adjoining former land of the Crown

Notwithstanding any other enactment or rule of law, where the Crown owns part of the bed of a non-navigable river or stream adjoining any land (being a bed of not less than 3 metres in width) and disposes of that land, that part of the bed of that river or stream shall remain owned by the Crown”.

Section 24F: inserted, on 10 April 1990, by [section 15](#) of the Conservation Law Reform Act 1990 (1990 No 31).

Regardless of ownership, the Garcia family has been protecting the riparian vegetation as per 12.1.5 Methods of implementation which requests landowners to protect the character of outstanding landscapes and natural features in perpetuity.

Being subject to part IV A Conservation Act 1987, has also been a responsibility taken seriously by the Garcia family, which has controlled the stormwater disposal at their property making sure the soil copes with the discharge by planting appropriate indigenous trees to mitigate the effects of such as per picture 4 shown introduced Pohutukawa tree and existing Totora tree at bottom of diagram C.

12.1.3.4 Objective-To avoid adverse effects and to encourage positive effects resulting from land use, subdivision or development in outstanding landscapes and natural features and Maori cultural values associated with landscapes. 12.4.1.3 The risk to property and the environment from flooding in low lying areas, coastal erosion, landslips and storm damage. These events are unpredictable and their impacts are intense and highly localized.

12.7.6.1.4 LAND USE ACTIVITIES INVOLVING DISCHARGES OF HUMAN SEWAGE EFFLUENT Land use activities which produce human sewage effluent (including grey water) are permitted provided that: (a) the effluent discharges to a lawfully established reticulated sewerage system; or (b) the effluent is treated and disposed of on-site such that each site has its own treatment and disposal system no part of which shall be located closer than 30m from the boundary of any river, lake, wetland or the boundary of the coastal marine area. Note: The discharge may also require consent under the Regional Water and Soil Plan



The picture 5, existing waste water disposal shows how landowners have mitigated adverse effects by using vetiver grass planting. Vetiver grass is a versatile plant that can be used for wastewater treatment

⁵ Existing waste water disposal

as it helps to retain moisture in the soil, acts to prevent soil erosion, and increases soil fertility a method that is highly successful in reducing nitrogen concentrations.



The rocks placed and readily available at the boundary of Diagram C, shows how water is dissipate from its energy at the bottom of slope before reaching the Rangitane Stream. Goes without saying as photo says a thousand words that no erosion takes place.

12.7.6.1.3 PRESERVATION OF INDIGENOUS WETLANDS Any land use activity within an indigenous wetland of 200m² or more that does not change the natural range of water levels or the natural ecosystem or flora and fauna it supports is a permitted activity, provided that the harvesting of plantation forestry that existed prior to 28 August 2004 is permitted where it is provided for by a rule in a Regional Plan for Northland or by a resource consent granted by Northland Regional Council.

Note 1: Attention is drawn to any Regional Water and Soil Plan for Northland currently in force, which also contains provisions relating to indigenous wetlands.

Note 2: An inability to meet this rule results in the need for a resource consent as a discretionary activity.

⁶ Delivery of Existing Stormwater Disposal

Note 3: Northland Regional Council is undertaking work to identify indigenous wetlands in Northland.

Note 4: This rule prevails over the National Environmental Standards for Plantation Forestry (NES PF) pursuant to Regulation 6(2)(a).

4.0 District Plan Assessment

The matters contained in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities. In considering whether or not to grant consent or impose conditions, the Council shall also have regard to the following assessment matters.

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. There are no features recorded for the sites on the Resource Maps. The property adjoins an area of conservation land along its north western corner. The proposal is assessed against the relevant rules of the District Plan as follows.

4.1.1 Rural Production Zone

The proposal has been assessed in terms of the relevant Rural Production Zone land use standards as outlined below.

Rule 8.6.5.1.1 Residential Intensity

Lot 2 will have a single residential unit in compliance with the permitted activity standard. The existing carport is non-habitable.

Rule 8.6.5.1.2 Sunlight

No part of any building shall project beyond a 45-degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary. All existing buildings on 88 River Drive Lot 2 complies with the permitted activity sunlight rule

Rule 8.6.5.1.8 BUILDING HEIGHT

The maximum height of any building shall be 12m. The existing carport complies with this rule.

Rule 8.6.5.1.4 Setback from Boundaries

No building shall be erected within 10m of any site boundary; with the following exceptions; (a) no accessory building shall be erected within 3m of boundaries other than road boundaries, on sites less than 5000m² ; Note: This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in Chapter 12.7 – Lakes Rivers Wetlands and the Coastline still apply to below ground components of wastewater treatment systems. Attention is also drawn to the TP58 On-site Wastewater Systems: Design and Management Manual and the Regional Water and Soil Plan for Northland, as consent may be required.

The existing carport is within the building envelop and complies.

12.7.6.1.2 SETBACK FROM SMALLER LAKES, RIVERS AND WETLANDS

Any building and any impermeable surface must be set back from the boundary of lakes (where the lake bed has an area of less than 8ha) smaller continually flowing rivers (where the average width of the river bed is less than 3m) and wetlands except that this rule does not apply to man-made private water bodies. The setback shall be: (c) 30m for any wetland of 1ha or more in area.

The proposed waste water disposal is approximated 37m away from Rangitane stream

8.6.5.1.10 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 12.5% of the gross site area. The overall building coverage is only 10% of land area and complies with this rule.

8.6.5.1.11 SCALE OF ACTIVITIES

For activities other than those provided for in the exemptions below, the total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed i. For activities ancillary to farming or plantation forestry activities, 8 persons per site or 2 persons per 1 hectare of net site area, whichever is the greater ii. For all other activities, 4 persons per site or 1 person per 1 hectare of net site area, whichever is the greater. Provided that: (a) this number may be exceeded for a period totaling not more than 60 days in any 12-month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; or (b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; or (c) this number may be exceeded where persons are visiting marae. In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.

Only Natacha and Chris will be working at proposed Prep.Kitchen for salt and Seed and they are residents of 88 River Drive house dwelling within the same property. The proposed kitchen has an area of 43 sq.metres, 17sq.m storage and 6.6 sq.m toilet, the private dining is a business that does not require visitors to the site, the food is prepared and delivered at customer's preferred place, usually their own residence, or events place for weddings catering or parties in large scale.

8.6.5.1.12 TEMPORARY EVENTS

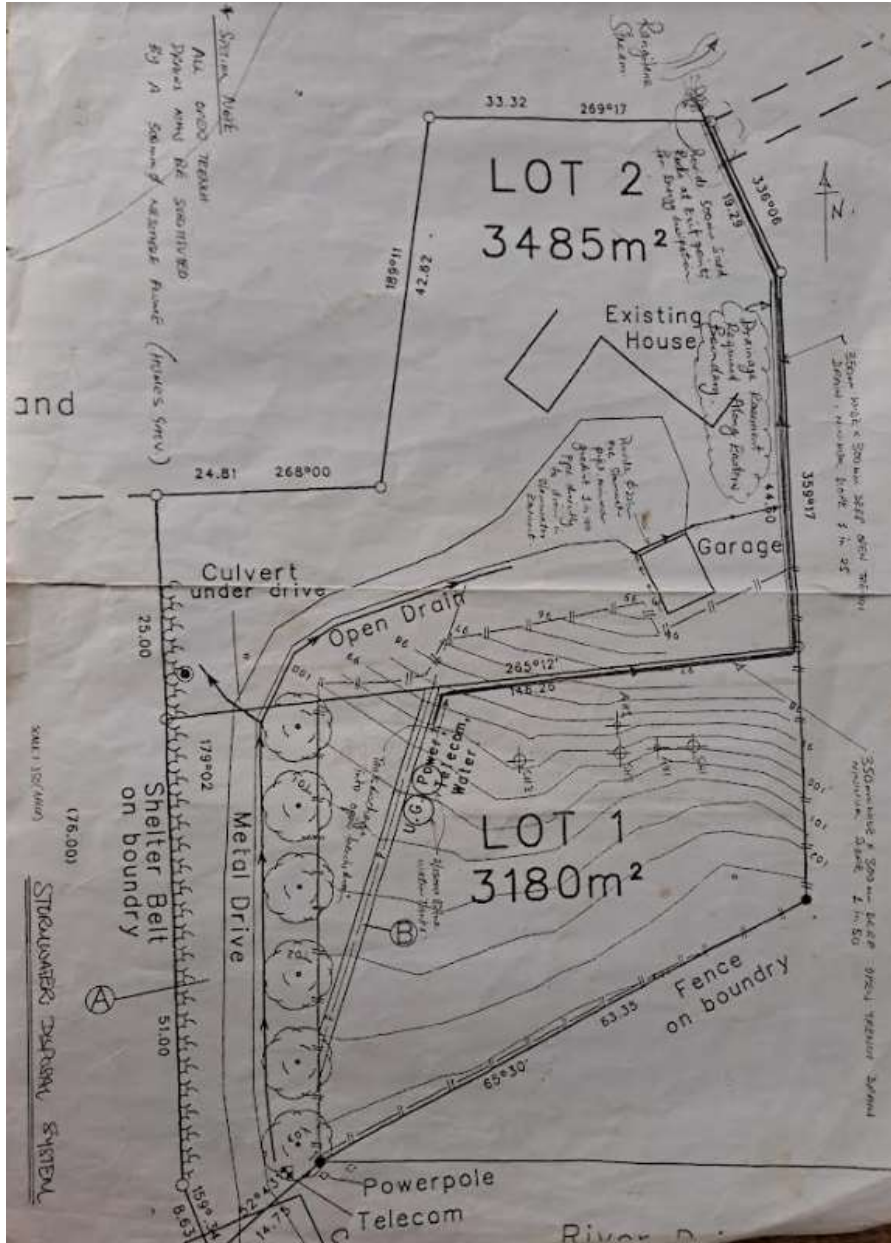
Temporary events are a permitted activity in the zone, provided that: (a) the activity does not have a duration of more than two days; (b) the activity does not operate outside the hours of 6.30am to 10pm on each day.

Salt and Seed prep. Kitchen is non habitable and no visitors are welcomed into their kitchen complying with rule.

8.6.5.1.7 NOISE (a)

Sound levels shall be measured in accordance with NZS 6801:1991 "Measurement of Sound" and assessed in accordance with NZS 6802:1991 "Assessment of Environmental Sound". The notional boundary is defined in NZS 6802:1991 "Assessment of Environmental Sound" as a line 20m from any part of any dwelling, or the legal boundary where this is closer to the dwelling. The proposed Kitchen is more than 50meters from immediate neighbors and will not generate noise above than the limits within this rule. Construction Noise: Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".

8.6.5.2.1 STORMWATER MANAGEMENT



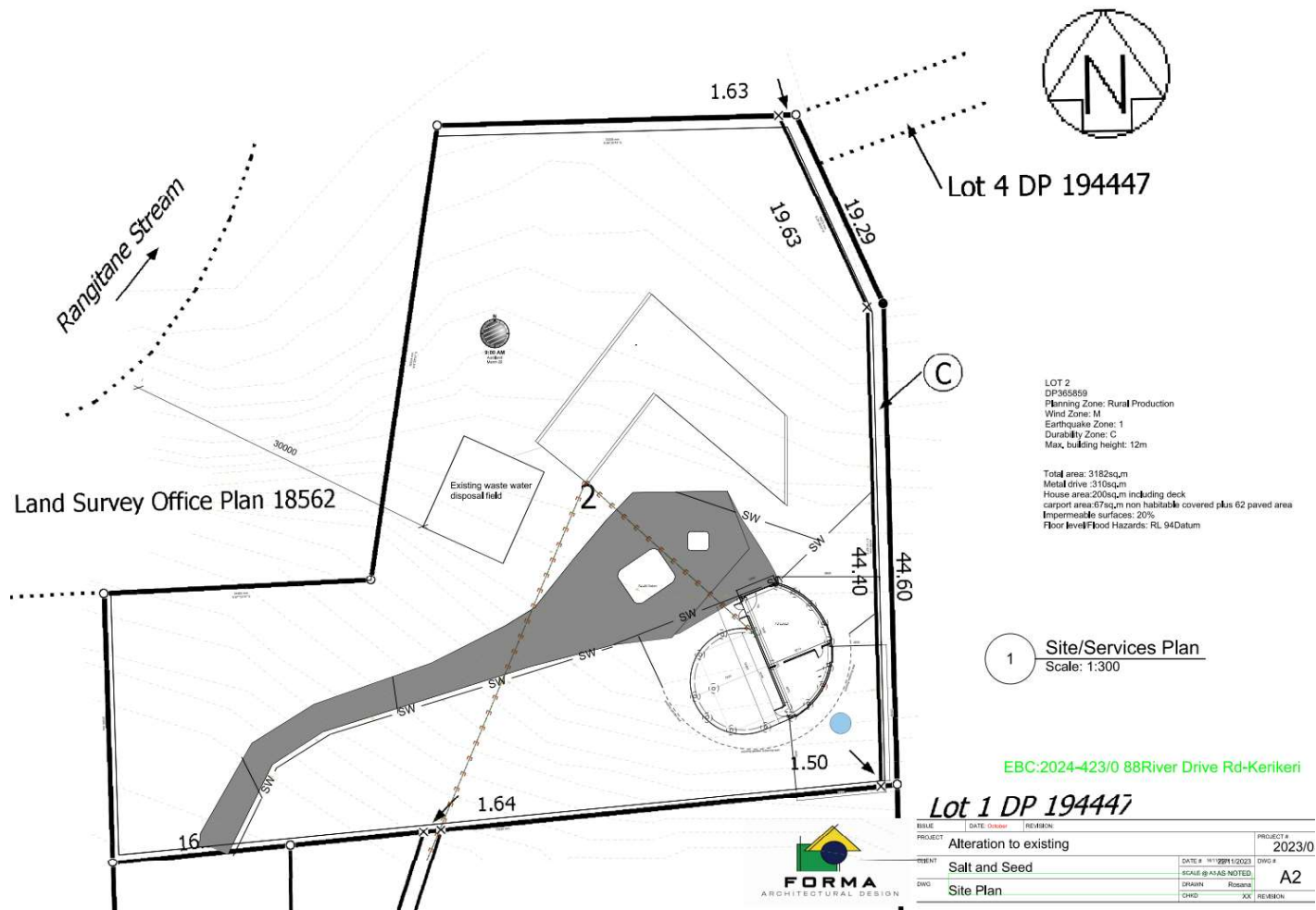
⁷ Stormwater CER-2495-CER223

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 20%. In considering an application under this provision the Council will restrict the exercise of its control to: (a) the extent to which building site coverage and impermeable surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment; (b) the extent to which Low Impact Design principles have been used to reduce site impermeability; (c) any cumulative effects on total catchment impermeability; (c) the extent to which building site coverage and impermeable surfaces will alter the natural contour or drainage of the site or disturb the ground and alter its ability to absorb water; (e) the physical qualities of the soil type; (f) the availability of land for the disposal of effluent and stormwater on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites; (g) the extent to which paved, impermeable surfaces are necessary for the proposed activity; (h) the extent to which landscaping and vegetation may reduce adverse effects of run-off; (i) the means and effectiveness of mitigating stormwater runoff to that expected by permitted activity threshold.

Proposal complies with 20% of the gross site area for impermeable surfaces and it is a controlled activity.

8.6.5.2.3 MINOR RESIDENTIAL UNIT Minor residential units are a controlled activity in the zone provided that: (a) there is no more than one minor residential unit per site; (b) the site has a minimum net site area of 5000m² (c) the minor residential unit shares vehicle access with the principal dwelling; (d) the separation distance of the minor residential unit is no greater than 30m from the principal dwelling. In considering an application under this provision, the Council will restrict the exercise of its control to the following matters: (i) the extent of the separation between the principal dwelling and the minor residential unit; (ii) the degree to which design is compatible with the principal dwelling; (iii) the extent that services can be shared; (iv) the ability to mitigate any adverse effects by way of provision of landscaping and screening; (v) the location of the unit. Note: a definition of Minor Residential unit is contained in Chapter 3 and reads as follows: Means a residential unit that: (i) is not more than 65m² GFA, plus an attached garage or carport with GFA not exceeding 18m² (for the purpose of vehicle storage, general storage and laundry facilities). The garage area shall not be used for living accommodation; (ii) is subsidiary to the principal dwelling on the site; and, (iii) is located and retained within the same Certificate of Title as the principal dwelling on the site.

The proposed Kitchen for Salt and Seed is 67 sq.meters; and the separation is less than 30m from home dwelling will share the vehicle access with the principal dwelling; and has enough landscape and screening; and will not be used for living accommodation; is located within the same Certificate of title as the principal dwelling on site and has provided mitigation to the adverse effects by way of stormwater and wastewater systems that consists with legal requirements of resource consent and minor building consent submitted to the far north district council.



8

8.6.5.3.1 TRANSPORTATION Refer to Chapter 15 – Transportation for Traffic, Parking and Access rules

15.1.6 RULES Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to Part 2 Environment Provisions) and with other relevant standards in Part 3 – District Wide Provisions. Particular attention is drawn to: (a) Chapter 12 Natural and Physical Resources (and the District Plan Maps)

Table 15.1.6A.1 MAXIMUM DAILY ONE WAY TRAFFIC MOVEMENTS The table below provides the Traffic Intensity threshold values and relevant classes of activity for all zones in the District Plan. This table must be used in conjunction with the permitted, controlled, restricted discretionary, discretionary and non-complying Traffic Intensity rules located in Rules 15.1.6A.2 through 15.1.6A.6. 15.1.6B.3

⁸ Site Plan EBC 2024-423-0

Zone	Permitted Activity	Controlled Activity	Restricted Discretionary Activity	Discretionary Activity	Non-Complying Activity
Urban Environment					
Residential	20	-	21 – 40	More than 40	-
Commercial	200	201 – 500	More than 500	-	-
Industrial	200	201 – 500	More than 500	-	-
Rural Environment					
Rural Production	60 or 30 if access is via a State Highway	-	61 – 200 or 31-200 if access is via a State Highway	More than 200	-
Rural Living	20	-	21 – 40	More than 40	-
Minerals	200	-	-	More than 200	-

DISCRETIONARY ACTIVITIES An activity is a discretionary activity if: (b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the particular zone in which it is located set out in Part 2 of the Plan - Environment Provisions;

4.2 Proposed Far North District Plan

The District's subtropical climate, soils and access to water provide for a wide range of existing and potential horticulture activities. Kerikeri and Waipapa both have versatile soils, access to irrigation networks and established supporting horticultural infrastructure, which provides ideal conditions for undertaking productive horticultural activities.

The purpose of the Horticultural Zone is to protect this area for horticultural activities for the benefit of current and future generations. Activities in the Horticulture Zone provide a significant contribution to the District's economic well-being in terms of gross domestic product, jobs and flow on-benefits to the rural economy. This zone will support the sustainable growth of this sector and ensure that Kerikeri and Waipapa's highly productive land and irrigation networks are protected for horticulture activities.

Objectives of proposed plan relating to the existing carport and its land use change are:

does not exacerbate any natural hazards; maintains the rural character and amenity of the zone; is able to be serviced by on-site infrastructure.

Policies of proposed plan relating to the existing carport and its land use change are:

Ensure residential activities are designed and located to avoid, or otherwise mitigate, reverse sensitivity effects on horticulture activities, including adverse effects associated with dust, noise, spray drift and potable water collection. enable a suitable building platform for a future residential unit; and ensure there is provision of appropriate onsite infrastructure. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalized within the site as far as practicable; the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer; the adequacy of roading infrastructure to service the proposed activity;

Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;

4.2.2 Horticulture Zone Rule

HZ-R2 Impermeable Surface Coverage 15% . The existing impermeable is above this threshold and land use resource needed for existing but not yet approved carport.

HZ-R3 Residential Activity The number of residential units on Lot 1 exceeds one; however, this is an approved situation (existing use).

HZ-S2 Height in Relation to Boundary, the standard of 45 degrees at 2m above ground level remains the same as the Operative District Plan, and will comply.

HZ-S3 Setback A 10m setback. This is a restricted discretionary activity.

HZ-S5 Building or Structure Coverage Complies, being less than 12.5%

5.0 Assessment of Environment 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 104(2) indicates 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)). No written approvals have been sought as part of this application. 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 criteria listed under 11.1 (Assessment Criteria – Residential Intensity), and 13.10 (Assessment Criteria – Subdivision of the Operative Far North District Plan are also addressed in the following assessment.

5.1 Access and dimensions in relation to boundaries

The permitted activity boundary setback and residential intensity rules on the proposed Kitchen will not change, these established residential activities will not generate any new adverse effects in terms of the spatial layout of buildings.

There will be no change to physical access arrangements, or to any of the existing CT 267004 and its legalities.

5.2 Natural and other Hazards

No new buildings are proposed, and the proposed COA for existing garage does not generate more than 30% increase to the risks associated with natural and other hazards. The proposed Kitchen will retain ample land that is not affected by any mapped natural hazards (Northland Regional Council Natural Hazards GIS Map) other than a small area of one-in-100 year flood extent near Rangitane Stream – refer to Figure 1. The proposal results in no adverse effects in terms of fire hazard. The adverse effect of the proposal with respect to natural hazards is considered to be minor.

The site is near the presently, and has historically, been used for an activity listed on the Ministry for the Environment's Hazardous Activities and Industries List, as the horticultural and farming activity respectively which comes under category A10 (Persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds). An assessment of the proposed activity in

terms of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“NESCS”) must be taken in consideration when residents must also protect the productive status of soils within the horticulture zone.

5.3 Water Supply

There is no Council water supply available. Existing and proposed easements cover existing irrigation water supply to the boundary of each lot. This irrigation supply is in addition to the existing water tanks that provide potable water to the existing residential dwellings on the site. Note that the existing consent notice conditions imposed on Lot 2 DP 365859 require that, where rainwater is collected from exposed surfaces for human consumption in connection with any residential development on the site, an approved stormwater disposal easement. The proposal has no adverse effects in terms of water supply, and no conditions are necessary.

5.4 Stormwater Disposal

The proposal creates additional impermeable surfaces, with the impermeable surfaces remaining under 30% within the permitted activity standards for the Rural Production Zone of the Operative District Plan. Existing stormwater discharge to the open drain within Easement C will be protected by easement. As such, the proposal does not generate any adverse effects with regards to stormwater runoff or discharge, and has no impact on drainage to or from adjoining properties outside the boundary area.

5.5 Sanitary Sewage

The new wastewater required for the proposed Kitchen be adding reserve area to the disposal of grey area above the existing wastewater disposal system. To support this conclusion, we note the following: Existing dwellings at northern end of the required Inspection of Council’s Property for the approval of proposed TP58 Report as part of Building Consent EBC 2024-423-0.

Refer to the Site Plan attached. These systems will remain at least 30m from the boundary with crown land survey office plan 18562, to continue to comply with permitted activity standard under Regional Plan Rule.

5.6 Energy Supply & Telecommunications

There is no requirement for new energy or telecommunications supply as part of this activity. The proposal does not result in any adverse effects in terms of the supply of power or telecommunication services, with these existing utilities being covered by existing easements.

5.7 Easements for any Purpose

No new easements are required, however the cleaning and reshaping of diagram C is a must to continue the disposal of stormwater facility due to vegetation invasion and accumulation of soil within its open drains. The excavation of it is an permitted activity and will not have any adverse effects on the environment.

5.8 Provision of Access

No additional Records of Title area created, no additional traffic will be generated. The Record of Title retains its existing property access from River Drive Road over an right of way through Lot 1 CT 267003, with no increase in the traffic using these entrance points, and no new vehicle crossing points off Kapiro Road proposed. Likewise, no further physical works are proposed to upgrade access, so as to avoid the generation of any adverse effects arising from earthworks and construction.

The proposal therefore avoids adverse effects associated with traffic and property access.

5.9 Effect of Earthworks and Utilities

Some earthworks or utility services are proposed, and the proposal has no adverse effect in this regard. Easements are proposed to cover the existing utility services, including telecommunications, electricity and water supply. However, some earthworks will be necessary to allocate proposed 2500l water tank its excavated soil will remain within property and has a minor effect on the visual landscape of the site, as will not create a face more than 3m in height and be less than 300m³ in any 12-month period or be over 1.5 m piled.

5.10 Building Locations

The proposal has no implications in terms of building locations.

5.11 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. There are no other historic sites shown on Far North Maps. No physical works are required to implement the proposed activity, and no adverse effects on archaeological or cultural sites will arise.

5.12 Flora & Fauna

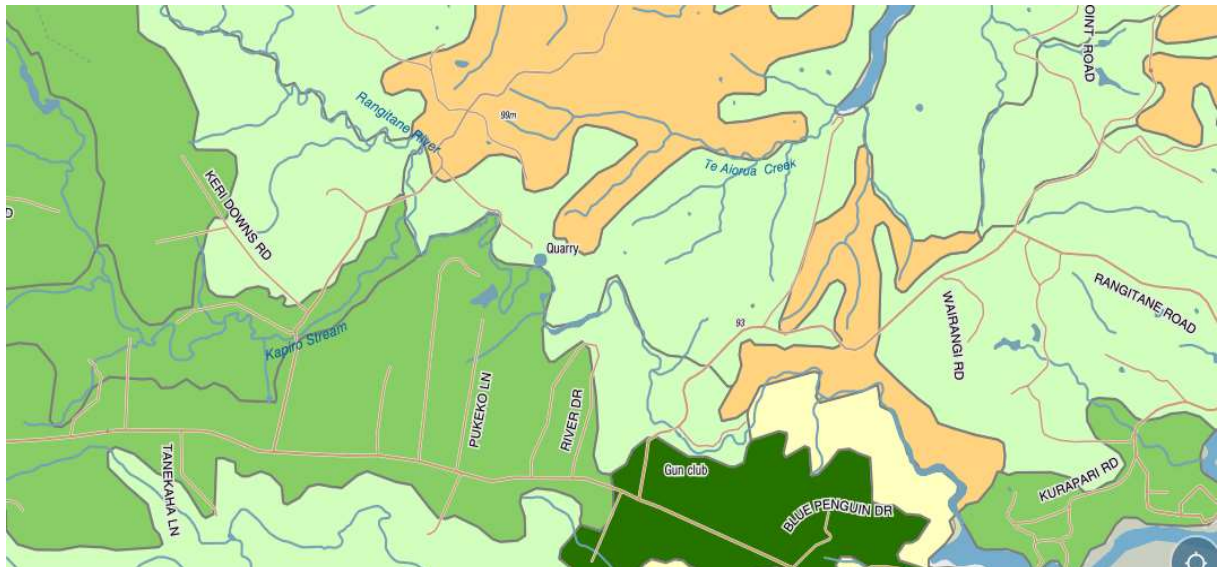
The proposal does not generate any adverse ecological effects, with there being change to the established use of carport into a home business. There will be no direct or indirect adverse effects on indigenous vegetation or the habitats of indigenous fauna arising from either the residential intensity, or the land use infringements on 88 River Drive Rd.

5.13 Landscape & Visual Values

The application site does include an outstanding natural character, but the subject land be not highly modified by the established residential activity or its home business, which together, will not influence the character of the site. The resulting residential intensity, is not considered to result in any adverse visual or amenity effects. The spatial layout of the existing activities over the boundaries area, remains the same as it is at present, and as such, no new effects will arise. The existing residential unit will retain sufficient open space immediately surrounding it, and there remains area available for further landscaping if desired by the Salt and Seed business owners. Further, it is noted that the setback which

is internal to the boundaries will continue to provide privacy between home and business, and the distance between the existing driveway and residential dwelling will not change. It has no adverse effects in terms of natural character and visual and landscape values.

5.14 Soil



According to the Land use Capability the soil at 88 River Drive is arable. LUC class 4 with Significant limitations for arable use or cultivation, very limited crop types, suitable for occasional cropping, pastoralism, tree crops and forestry. Some Class 4 is also suitable for viticulture and berry fruit. The property area of land has already been developed for residential use, meaning that no further reduction on the availability of land for soil based primary production will occur. Overall, it is considered that the fruit and vegetables produced within the land are used for the production of foods within Salt and Seed home business.

5.15 Access to Reserves and Waterways

An area of Legal Right of way Diagram A existing on DP365859 allows LOT 2 to access the legal road River drive at western boundary. The western boundary is also adjoining the Crow of land over Rangitane River, however access to the subject land does not have any direct frontage to waterway, and no esplanade requirements have been identified.

5.16 Land Use Compatibility

The existing relationship between potentially incompatible land use activities, such as horticulture and residential use, will not change as a result of the proposed home business. The areas that are planted in kiwifruit occupies the most suitable land, so it is unlikely that the extent of the planted area, or that the setback distances between the two activities will change. As such, it is considered that the proposal has no adverse effect in terms of land use incompatibility or reverse sensitivity. It is noted that easement C

⁹ Land Use Capability Map

along the eastern boundary of the lot 2 DP 365859 for the discharge of stormwater provides for impermeable surfaces to be increased and, was also obtained.

6.0 Statutory Assessment Section

104(1)(b) of the Resource Management Act 1991 requires the consent authority, subject to Part 2 of the Act, to have regard to any relevant provisions of a national environmental standard, other regulations, a national policy statement, a New Zealand coastal policy statement, a regional policy statement, a plan or proposed plan, and any other matter the consent authority considers relevant and reasonably necessary to determine the application. Of relevance to the proposed activity are the following documents, which are commented on in the proceeding Sections

6.1 – 6.5 of this Report.

This is followed by an assessment of Part 2 of the Act. • Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 • Resource Management (National Environmental Standards for Freshwater) Regulations 2020 • National Policy Statement for Highly Productive Land • Regional Policy Statement for Northland • Far North Operative District Plan • Far North Proposed District Plan • Proposed Regional Plan for Northland

6.1 National Environmental Standards 6.1.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“NESCS”) the area of production has previously been converted to a residential use, which involved both soil disturbance and change of use. As part of the application for the two new dwellings approved by BC 1996-1072/0 on the 17th January 1996 within Lot 2 DP 365859 are highly unlikely to pose a risk to human health if the proposed Kitchen for Salt and Seed is undertaken.”. This allows the change of use.

6.1.2 Resource Management (National Environmental Standard for Freshwater) Regulations 2020 The activity will involve minor earthworks, no vegetation removal, and diversion or discharge of stormwater, and is considered to have minor implications in terms of the above Regulations.

6.2 National Policy Statements 6.2.1 National Policy Statement for Highly Productive Land (“NPSHPL”) The site includes LUC 4 land, as mapped by the New Zealand Land Resource Inventory. Policies 3.10 are set out below: (a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term: As the proposed home business will continue to use the produce of its land within its land use change. Likewise, no adverse cumulative effects in terms of productive capacity are anticipated. Reverse sensitivity effects are not generated, as the existing residential and horticulture activities and their spatial relationship are already established.

6.3 Regional Policy Statement for Northland provides the 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 RPS Maps do not record any special features on the site. The relevant policy is commented on below

20.4.4.1 Policy – Maintaining and protecting significant ecological areas and habitats No direct or indirect adverse effects on ecological areas and habitats will arise, and the proposal is compatible with this policy.

20.5.1.1 Policy – Planned and coordinated development The proposed land use change does not increase the density of development over the whole of the subject land, does not create any additional titles, and will maintain the existing rural character of the environment. The site contains areas of highly versatile soils, however, due to the existing authorized activities on the site, 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.

6.4 Objectives and Policies – Far North Operative District Plan The objectives and policies of the Rural Production Zone of the District Plan are relevant to this proposal. Comments on the objectives and policies of the Rural Production Zone have been grouped together as they have many overlapping themes. As discussed below, it has been concluded that the proposal is not contrary to the overall objectives and policies of the District Plan and consequently promotes sustainable management. Ensure that the life supporting capacity of soils is not compromised by inappropriate, use or development. The proposal does not affect the continued soil based primary production use of the soils on the site. Avoid, remedy or mitigate adverse effects. Adverse effects are predominantly avoided, as lot has an existing land use activity with associated access and servicing, all of which will be protected by way of existing easements. Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna / promote protection of significant natural values. The proposal has no adverse effect on these natural resources. Avoid conflicts between land use activities / reverse sensitivity. There will be change to existing land use activities, and adverse effects related to reverse sensitivity are mitigated. Promote maintenance and enhancement of amenity values. No effects on amenity values are anticipated. Enable efficient use and development of the Rural Production Zone, enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. The proposal is an efficient use of the land, allowing continued primary production.

6.5 Objectives and Policies - Far North Proposed District Plan An assessment of relevant objectives and policies of the Horticulture Zone and Subdivision is provided below, and it is concluded that the proposal is complementary to these. The proposal has no impact on availability of the land for the existing residential activity and supports the continued horticultural use of the land. It does not remove any land from primary production. This is considered to avoid any detrimental fragmentation of horticultural land. The proposal has no impact in terms of reverse sensitivity, rural character and amenity (given that there will be minor change to the established land use activities), does not exacerbate natural hazards, and protects the existing access provisions by way of easements. As such, the proposed boundary adjustment is considered to be consistent with the objectives of the proposed plan.

HZ-P5 (a), (b) and (d) are relevant. These policies are met as the proposal does not reduce the availability of highly productive land in terms of its current or long term viability. Continued access over the existing driveway formations is provided for through the easements A in accordance with policy (d). The proposal is neutral in terms of Policy HZ-P6 in that it neither increases nor reduces the viability of horticultural activities. HZ-P7(e) is relevant, and is considered to be supported by the proposal, which avoids reverse sensitivity, and does not cause loss of highly productive land.

6.6 Part 2 of the Resource Management Act 1991

An assessment of the proposal in relation to the relevant purpose and principles of Part 2 of the Resource Management Act 1991 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.

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 recognize and provide for the following matters of national importance:

- (a) The management of significant risks from natural hazards. 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;
- (d) Maintenance and enhancement of the quality of the environment;

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 COA of carport and proposed Kitchen is considered to represent sustainable management of natural and physical resources as it: - Continues to support primary production upon the sites highly versatile soils. - Does not create any additional Records of Title. - Will not result in any changes to the established use on the land. – Provides for continued use of existing access and servicing by way of proposed easements.

Does not impact any ecosystems of significance. Although there is a small area of the site that is subject to a mapped flood hazard, the proposed stormwater increase does not exceed 30% of its existing capability and have minor implications in terms of this, given that the lot 2 subject to this hazard is already developed, with existing residential buildings established. There is no significant risk from natural hazards that would cause Section 106 of the Resource Management Act to apply.

Therefore, the management of risk as per Section 6 has been recognized and provided for. 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, with there being no discernable change to the existing use and development of the site.

The proposal has no implications in terms of the Treaty of Waitangi.

6.7 Regional Plans Proposed Regional Plan for Northland

The discharge of sewage effluent on to land is controlled by the permitted activity rules C.6.1.3 of the Regional Plan for Northland. This will continue to be met assuming that report of TB58 is approved increasing the reserve area and set back compliant. No consents are considered necessary for the proposed wastewater under Proposed Regional Plan for this proposal.

7.0 Other Matters Section

104(1)(c) requires the consent authority, subject to Part 2 of the Act, to have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

7.1 Precedent Effect The precedent resulting from granting a resource consent is an 'other matter' that Council can have regard to in considering an application for consent for a non-complying activity. The non-complying activity status does not of itself create a precedent effect; however, a relevant consideration is whether granting this consent, and the anticipation that like cases will be treated alike, will contribute to an adverse cumulative effect that follows from this activity. The boundary adjustment, and resultant lot sizes, is a discretionary activity, which does not require consideration of precedent effects.

The resultant increase in residential intensity is a non-complying activity within proposed COA for existing garage. The non habitable question is already built but the proposed wastewater and increased stormwater will create the increase in residential intensity; Due to the existing settlement pattern of the surrounding neighborhood, and the established nature of the existing dwellings, it is considered that the proposed activity will not result in an adverse cumulative effect on the established settlement character of the area. The existing pattern of built development allows the increased residential intensity to be accommodated without setting a wider precedent that would challenge the integrity of the Operative District Plan.

8.0 Notification Assessment

8.1 Public Notification Assessment

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

Step 2: Public notification is not precluded.

Step 3: As outlined in Section 5.0 of this report, the proposed activity will not have adverse effects that are more than minor. There are no rules requiring public notification. Therefore, public notification is not required in terms of Step 3.

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

9.0 Conclusion

Part 2, which sets out the purpose and principles of the RMA, is the part against which decisions under section 104 are made. As all decisions on resource consents must demonstrably contribute towards the purpose of the Act, I consider this proposal consistency with Part 2 and principles of the Resource Management Act 1991, is not contrary to the National Policy statement for highly Productive Land and is consistent with the objectives and policies of the operative and proposed district plan and regional policy statement.
