

WESTLAND DISTRICT COUNCIL

SECTION 42A REPORT

FILE REFERENCE: RC230134

TO Edith Bretherton, Hearing Commissioner

FROM Joubert Bekker, Consultant Planner

SUBJECT Report on a Limited Notified Consent Application

SUMMARY

Applicant: BM Loader

Location: 240 Taramakau Highway (SH6), Kumara Junction

Proposal: Section 127 variation to amend Conditions 1, 2, 4, 5, 16 and 18 of RC220119.

Legal Description: Lot 2 DP 577153

Operative Plan Zoning: Rural Zone

Proposed Plan Zoning: General Rural Zone

Limited Notification Date: 5th February 2025

Closing Date for Submissions: 6th March 2025

Submissions: Two Received

- Two submissions have been received in opposition to the application:
 - Graham Richard Atkinson*
 - Kevin Cuniffe and Pamela Mitchell*

** Denotes submitter wishes to speak at the hearing*

RECOMMENDATION

That subject to new or additional evidence being presented at the Hearing, the application be **DECLINED** pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

1. It is considered that the adverse effects of the proposed variation on the environment, particularly in relation to amenity, character, noise, and transport, will be more than minor and have not been adequately avoided, remedied or mitigated.
2. While the increase in use of the site provides for a community function, the intensity and frequency of the proposed activities, in conjunction with the rural context and proximity to a State Highway, introduce risks to the safe and efficient functioning of the transport network that have not been satisfactorily addressed. While mitigation measures have been volunteered by the applicant and could be included as conditions of consent, residual concerns remain regarding the long-term safety and cumulative impact of frequent, high-occupancy events in this location.
3. The proposed variation will result in a scale and intensity of activity that is inconsistent with the amenity expectations of the Operative District Plan for the surrounding rural area. While the Proposed District Plan provides a more enabling framework for community activities in rural zones, the extent of the proposed increase in use is still considered to be misaligned with the outcomes anticipated for this site and locality.
4. The proposal is not fully consistent with the relevant Objectives and Policies of the Operative and Proposed District Plans, particularly those relating to the protection of rural character and amenity, the management of reverse sensitivity effects, and the need to ensure infrastructure and transport networks remain safe and efficient.
5. While the proposal provides some positive effects in terms of enabling community use, on balance, it does not promote the sustainable management purpose of the RMA, as the adverse effects have not been sufficiently mitigated, and the development is not well-aligned with the existing rural environment.

INTRODUCTION

1. My name is Joubert Bekker. I am a Consultant Planner engaged by the Westland District Council, a position I have held since July 2022. I hold a Bachelor of Science in Geography (Urban Studies) and a Bachelor of Science in Planning (Urban Planning) from Arizona State University, as well as a Master of Planning from the University of Otago. I have approximately 11 years of professional planning experience across a range of roles in both New Zealand and the United States.
2. While this is not an Environment Court hearing, I have read the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014 and agree to comply with it. I confirm that this evidence is within my area of expertise, unless otherwise stated, and that I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.
3. This report has been prepared to assist the Commissioner in their decision-making. It contains my professional recommendation, which is not binding. It should not be assumed that the Commissioner will reach the same conclusion.

PROPOSAL AND SITE DESCRIPTION

4. A copy of the application and accompanying assessment of environmental effects and supporting documents can be found in the “Application” section of the Agenda.
5. I refer the Commissioner to the report entitled “*Application for Section 127 Variation to Resource Consent – Variation to land use resource consent to amend conditions 1, 2, 4, 5, 16 and 18*”, prepared by the applicant’s agent and supported by further information responses received on 14 May 2024, 21 May 2024 and 30 January 2025. This will hereon be referred to as the applicant’s AEE.
6. The applicant has provided a detailed description of both the site and the proposal in Sections 1 and 2 of the AEE. The description is considered accurate and is adopted for the purpose of this report.
7. In summary, resource consent is sought pursuant to Section 127 of the Resource Management Act 1991 to vary conditions 1, 2, 4, 5, 16 and 18 of RC220119 to allow for increased operational flexibility of an existing community hall located at 240 Taramakau Highway, Kumara Junction. The subject site is legally described as Lot 2 DP 577153 and is zoned Rural Zone under the Operative Westland District Plan and General Rural Zone under the Proposed Te Tai o Poutini Plan.
8. The proposed variation would allow the following key changes:
 - Employ up to six staff on site.
 - Operate the hall for a maximum of four days per week, including public holidays.
 - Extend operating hours to:
 - Thursday: 8:00 AM – 9:00 PM
 - Friday and Saturday: 8:00 AM – 12:00 AM (midnight)
 - Sunday and Public Holidays: 8:00 AM – 7:00 PM
 - Increase on-site car parking from 16 to 38 spaces with compliant dimensions.
 - Allow for the use of acoustic musical instruments during events (with no amplified music).
 - Continue access via the Greymouth-Kumara Tramway, not directly from SH6.
9. No changes to the existing built form or physical expansion of the building footprint are proposed.
10. For ease of reference, Figures 1 and 2 below demonstrate the zoning of the application site in context of the surrounding environment under both the Operative and Proposed District Plans.

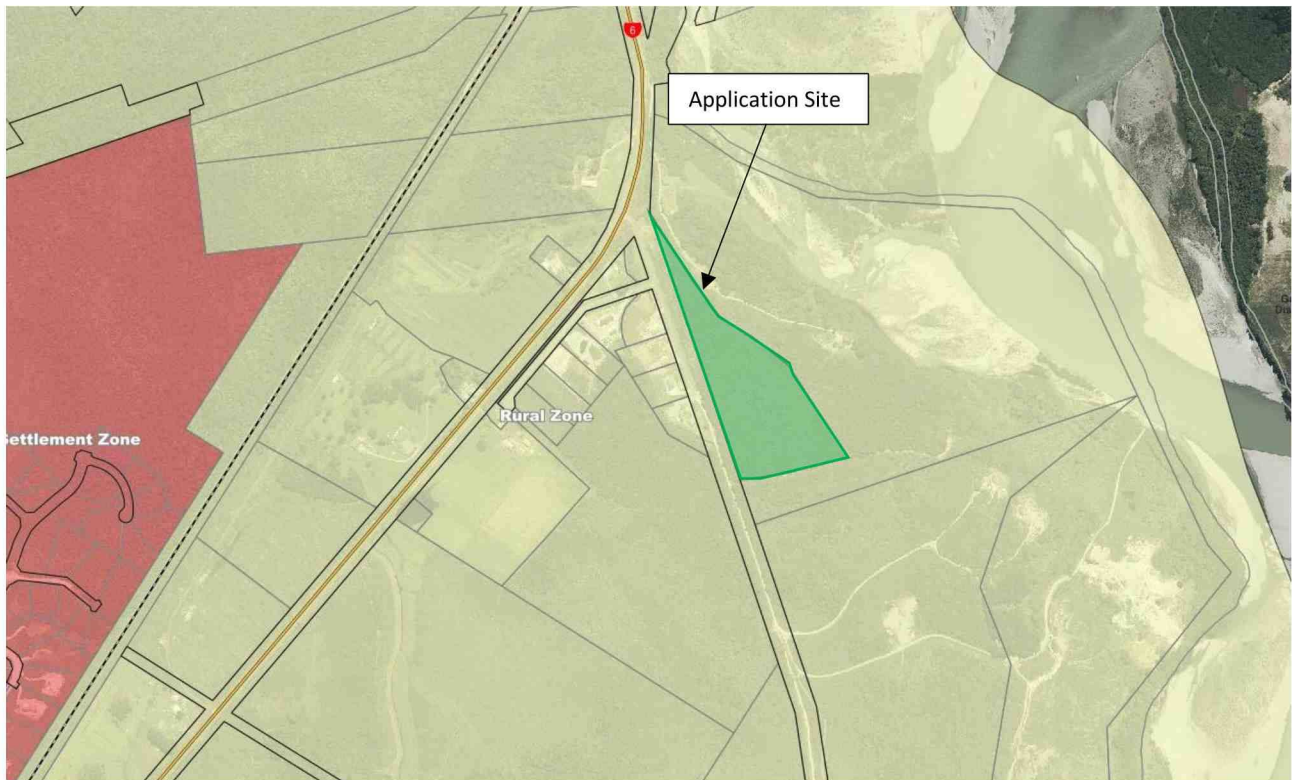


Figure 1: ODP Zoning Map showing application site (outlined in green) and surrounding area

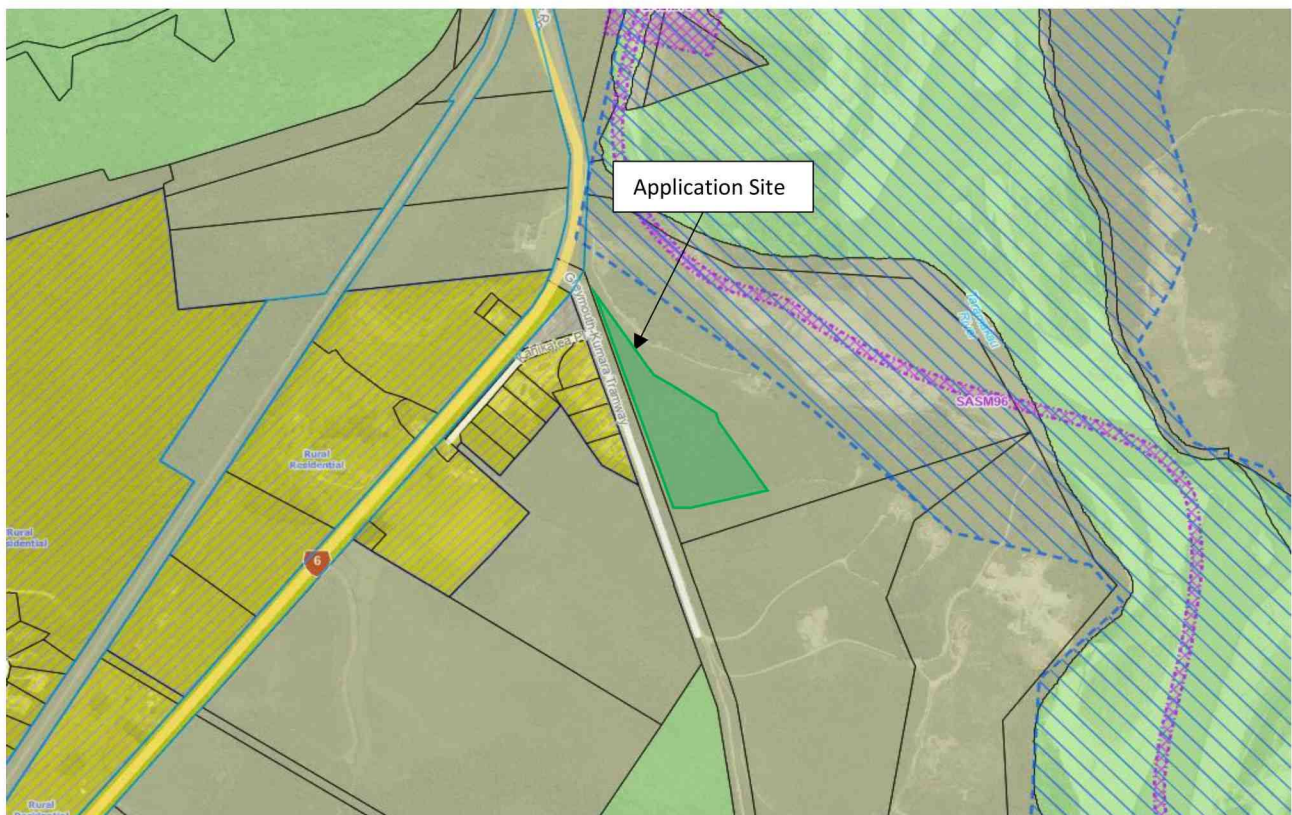


Figure 2: PDP Zoning Map showing application site (outlined in green) and surrounding area.

SUBMISSIONS

Submissions Received

11. A copy of the submission received can be found in the “Submissions” section of the Agenda and is summarised below for the Commissioner’s benefit.
12. With reference to section 41D of the RMA, none of the submissions were considered to:
 - (a) *be frivolous or vexatious;*
 - (b) *have failed to disclose a reasonable or relevant case;*
 - (c) *constitute an abuse of the hearing process to allow the submission or the part to be taken further;*
 - (d) *be supported only by evidence that, though purporting to be independent expert evidence, has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert evidence on the matter;*
 - (e) *contains offensive language.*
13. I consider none of the submissions to be frivolous or vexatious, nor have they failed to disclose a reasonable or relevant case. Further, I do not consider any of the submissions would constitute an abuse of the hearing process. None contain offensive language.

Name	Location of Submitters’ Property	Summary of Submission	Relief Sought
G.R. Atkinson	26 Greymouth-Kumara Tramway, Kumara Junction	<ul style="list-style-type: none"> - Proposal represents a commercial activity not originally approved - Loss of rural character and amenity - Unacceptable noise and hours of operation - Safety concerns, including emergency access - Parking overflow 	Decline
K. Cuncliffe and P. Mitchell	20 Greymouth-Kumara Tramway, Kumara Junction	<ul style="list-style-type: none"> - Breach of trust from original consent assurances - Noise and sleep disturbance - Incompatibility with rural zone - Parking, lighting, and visual impact - Emergency access and traffic concerns 	Decline

Table 1: Summary of Submissions Received

14. The location of the submitters’ property is shown on the map below.

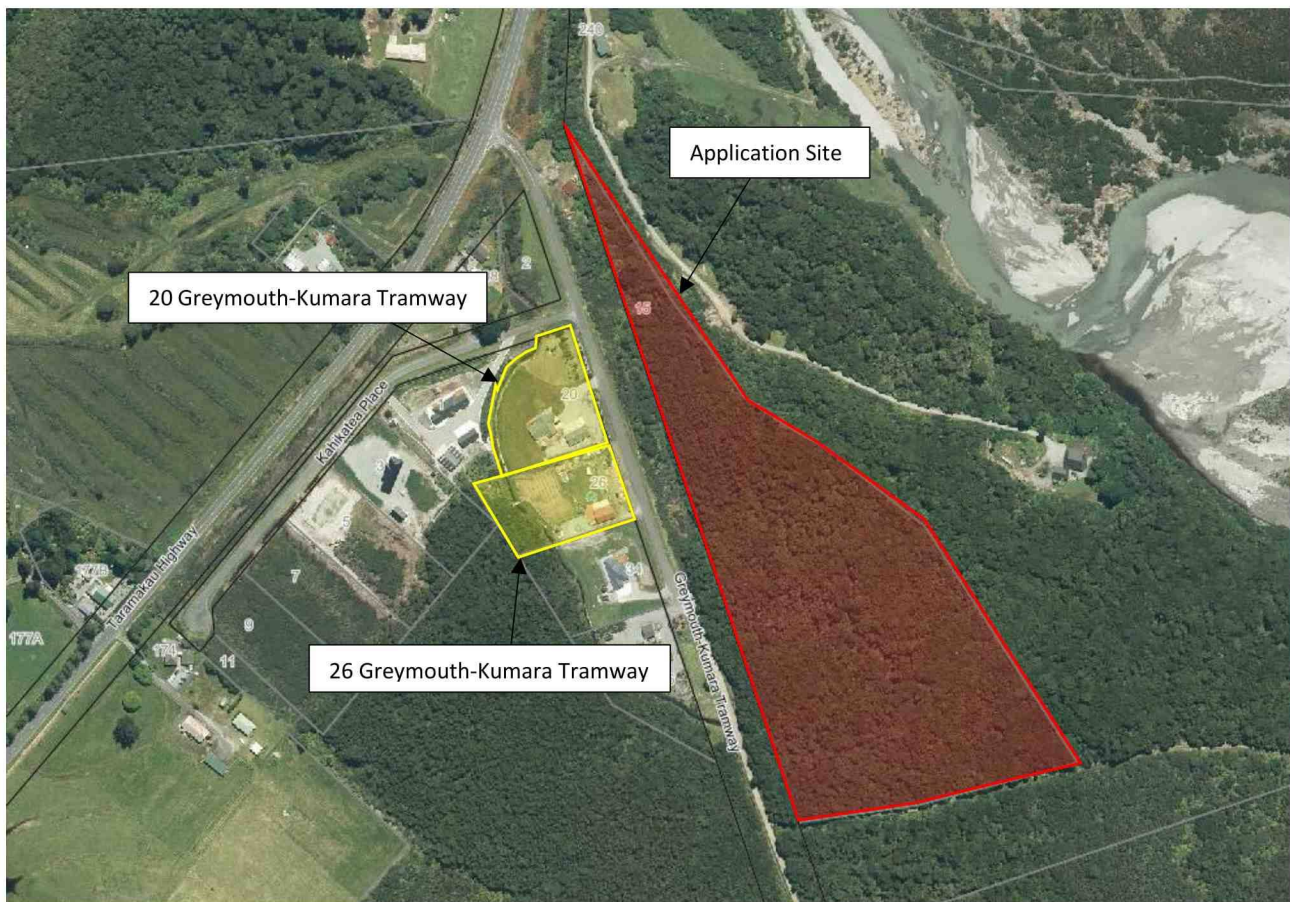


Figure 3: Aerial view of application site (denoted by red outline) and submitters' properties (denoted by the yellow outline)

Late Submissions

15. Under Section 37 of the RMA the Commissioner may waive the requirement to make a submission within the required time period provided Section 37A(1) is considered.
16. No late submissions have been received as part of this application.

CONSULTATION AND WRITTEN APPROVALS

17. The following persons have provided their written approval and as such adverse effects on these parties have been disregarded.

Person (owner/occupier)	Address (Legal Description of Property)
E J Bradley	240 Taramakau Highway, Kumara Junction (Lot 1 DP 577153)
S Clark & B Clark	233 Taramakau Highway, Kumara Junction (Part Rural Section 2002)
I Meikle & M Meikle	2 Greymouth-Kumara Tramway, Kumara Junction (Lot 1 DP 362813)
P A Creagh	34 Greymouth-Kumara Tramway, Kumara Junction (Lot 4 DP 366099)
W J Woollett	36 Greymouth-Kumara Tramway, Kumara Junction (Lot 5 DP 366099)
G Cooper	1 & 5 Kahikatea Place, Kumara Junction (Lot 6 DP 388939 & Lot 8 DP 388939)
J Dalzell	3 Kahikatea Place, Kumara Junction (Lot 7 DP 388939 & 1/4 th Share Lot 11 DP 388939)
P S Brown & J B Gillespie	201 & 203 Taramakau Highway, Kumara Junction (Lot 5 DP 3340, Lot 1 DP 1727, & RS 4129)

PLANNING FRAMEWORK

Operative District Plan

18. The site is zoned Rural under the Westland District Plan (Operative). As this is an application under section 127 of the Resource Management Act 1991 (RMA) to change the conditions of an existing land use consent (RC220119), the proposal does not trigger any new rules under the Operative District Plan. However, the relevant objectives and policies of the plan remain a key consideration under section 104(1)(b) of the RMA and have been assessed accordingly.

Te Tai o Poutini Plan (PDP)

19. The Proposed Te Tai o Poutini Plan (PDP) was publicly notified on 14th July 2022. While the application does not trigger any rules with immediate legal effect under section 86B of the RMA, the PDP's objectives and policies are a relevant matter under section 104(1)(b) and have been assessed for comparative weight and direction. The PDP adopts a more enabling approach to community and rural-based activities, but the scale and intensity of the proposed variation requires careful assessment against amenity and transport-related outcomes.

Resource Management Act 1991

20. The proposed activity requires resource consent for the following reasons under the provisions of the RMA:
- As a **Discretionary Activity** consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change Conditions 1, 2, 4, 5, 16 and 18 of resource consent RC220119 to allow the employment of up to six staff on-site at any one time; permit operation of the hall for up to four days per week including public holidays (where not restricted by national legislation); extend the hours of operation to 8:00am–9:00pm Thursday, 8:00am–12:00am Friday and Saturday, and 8:00am–7:00pm on Sundays and public holidays; allow the use of acoustic musical instruments during events and functions; and amend the approved parking layout to increase the number of spaces from 16 to 38.

Activity Status Summary

21. Overall, the application to vary Conditions 1, 2, 4, 5, 16 and 18 of RC220119 is considered to be a **Discretionary Activity** under the RMA.

STATUTORY CONSIDERATIONS

22. The application must be considered in terms of Section 104 of the RMA.
23. Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of:*
 - (i) *A national environmental standards;*
 - (ii) *Other regulations;*

- (iii) a national policy statement
- (iv) a New Zealand coastal policy statement
- (v) a regional policy statement or proposed regional policy statement
- (vi) a plan or proposed plan; and
- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

24. Following assessment under Section 104, the application must be considered under Section 104B of the RMA. Section 104B states:

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

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

INTERNAL REPORTS

25. The following reports have been prepared on behalf of Westland District Council (WDC) and are attached as appendices.
- Transport Email Memo dated 17 November 2023 and prepared by Mr Karl Jackson, Transportation Manager for Westland District Council.
26. The assessments and recommendations of the memo are addressed where appropriate in the assessment to follow.

ASSESSMENT

27. It is considered that the proposal requires assessment in terms of the following:

- (i) Effects on the Environment.
- (ii) Relevant Objectives and Policies Assessment.
- (iii) Other Matters (precedent, other statutory documents, any non-statutory relevant matters)

Effects on the Environment

The Permitted Baseline / Existing Environment / Receiving Environment

28. In considering the effects of the proposed variation, it is necessary to first establish the baseline against which those effects are assessed. This includes the permitted baseline, the existing environment, and the broader receiving environment, in accordance with section 104(1)(a) of the Resource Management Act 1991 (RMA).

Permitted Baseline

29. Section 104(2) of the RMA provides for the use of the permitted baseline when assessing the effects of a proposal. The permitted baseline allows for the effects of activities that could be carried out as of right under the District Plan (i.e. permitted activities) to be disregarded when considering the adverse effects of a proposal.
30. In this case, the Operative Westland District Plan permits certain activities in the Rural Zone, such as agricultural and existing residential activities, provided they comply with relevant performance standards, including those relating to noise, vehicle movements, and hours of operation. However, the use of a site for a community facility such as the proposed hall, especially when used regularly for

gatherings and events, is not permitted as of right and requires resource consent. Furthermore, the scale and intensity of use now proposed, including evening operations, amplified attendance levels, and associated vehicle movements, would exceed what could reasonably be undertaken under permitted activity thresholds.

31. Therefore, the permitted baseline in this case does not provide for activities of comparable scale or effect, and as such, the adverse effects of the proposal cannot be disregarded by virtue of any relevant permitted activity comparison.

Existing Environment

32. The existing environment includes the current physical state of the site, and the activities lawfully established on it. In this case, the hall has been authorised through RC220119, which allows for its use as a community facility for up to five days per calendar year. The hall and associated on-site facilities (such as access and parking for 16 vehicles) are consented and form part of the lawful baseline environment for this assessment.
33. There are no physical alterations proposed to the building as part of this application. Accordingly, the existing environment comprises the hall in its current form, used on an infrequent basis and subject to the operating parameters and effects profile of RC220119.

Receiving Environment

34. The receiving environment includes the application site and the wider context in which it is located. The site is located at 240 Taramakau Highway in Kumara Junction, within the Rural Zone under the Operative Westland District Plan and the General Rural Zone under the Proposed Te Tai o Poutini Plan. The surrounding area comprises predominantly rural lifestyle and residential properties, with a small cluster of dwellings accessed via the Greymouth-Kumara Tramway and adjacent rural blocks.
35. The rural character of the area is defined by low-density development, relatively low levels of traffic, and limited non-residential activity. The expectation of quiet enjoyment and rural amenity is a key attribute of the local environment. Importantly, the site is located in close proximity to State Highway 6, a key arterial route managed by NZTA Waka Kotahi, with whom written approval has been obtained.
36. Several properties directly adjoin or are in close proximity to the application site, including 20 and 26 Greymouth-Kumara Tramway, both of which provided submissions in opposition citing concerns over noise, traffic, and loss of rural amenity. These properties, along with others in the vicinity, form part of the immediate receiving environment that is most sensitive to changes in the intensity and scale of use proposed through this variation.

Actual and Potential Effects on the Environment

37. The assessment to follow is guided by, but not limited to, the assessment matters provided in Appendix E of the ODP.
38. I consider the proposal raises the following actual and potential effects on the environment:
 - Amenity and Character
 - Noise
 - Transport
 - Reverse Sensitivity
 - Positive effects

Amenity and Character

39. The application site is located at 240 Taramakau Highway, Kumara Junction, within a rural-residential environment comprising large-lot properties, open space, and limited non-residential activity. The surrounding area is valued for its quiet, low-intensity character, which is a key component of amenity in the Rural Zone under both the Operative Westland District Plan and Proposed Te Tai o Poutini Plan (PDP).
40. The existing consent (RC220119) authorises limited use of the hall for a maximum of five events per calendar year, with strict controls on hours, noise, staff, and parking. The proposed variation significantly alters the nature and scale of this activity by enabling regular events up to four days per week, including evenings until midnight on Fridays and Saturdays, employment of up to six staff, and a substantial increase in on-site parking. While no changes are proposed to the building itself, the operational changes result in a material intensification of the use.
41. This intensification introduces a pattern of activity not typically anticipated within a rural setting. The frequency of events increased on-site presence of staff and visitors, and extended operating hours contribute cumulatively to a loss of the quiet, low-activity environment expected by rural residents. The increase from five events per year to potentially 208 events per year is considerable, and while it is acknowledged that not all potential days may be utilised, the consent would enable activity at that scale.
42. Two directly adjoining properties, located at 20 and 26 Greymouth-Kumara Tramway, are the nearest residential dwellings to the site and did not provide written approval. Both parties submitted in opposition to the application, raising concerns about late-night noise, the frequency of disturbance, loss of privacy, rural character erosion, and cumulative lifestyle impacts. These concerns are supported by the planning context, which places strong emphasis on protecting rural character and avoiding land use conflicts that compromise residential amenity.
43. The applicant proposes to limit noise through the exclusion of amplified music (except for microphone use), with acoustic music permitted within the hall only. While this is a positive step, the application does not include an acoustic assessment or any modelling of expected sound levels. Without supporting technical evidence, it is difficult to verify the effectiveness of proposed mitigation or the extent to which internalised acoustic music may be audible at nearby dwellings, particularly during late evening and night-time hours.
44. The proposed increase in parking capacity from 16 to 38 spaces, while mitigating potential spillover parking issues, also introduces a more urbanised pattern of land use. The visual and functional impact of expanded hardstand areas, coupled with vehicle movements and lighting during evening events, may further reduce the perceived rural character of the site when events are in operation.
45. While the building footprint remains unchanged, the proposed scale of use transforms the character of the activity from an occasional community facility to one that closely resembles a commercially operated function centre. This shift, when considered in the context of the site's location, the nature of the surrounding environment, and the feedback received from directly affected neighbours, supports the conclusion that the proposal will have adverse effects on rural character and residential amenity that are more than minor.

Transport

46. The variation to RC220119 significantly alters the transport-related effects of the activity, largely due to the proposed increase in the frequency of use and the anticipated number of attendees. Under the

original consent, the hall was permitted to operate for up to five events per calendar year. The proposed variation would enable use up to four days per week (Thursday to Sunday and public holidays), resulting in potentially 208 event days annually.

47. The hall's maximum occupancy is 200 people, and the applicant proposes 38 on-site car parks. Based on standard assumptions of 2 people per vehicle, this equates to 76 vehicle movements per event (arrivals and departures), or approximately 304 vehicle movements per week, and up to 15,808 movements per year. This represents a substantial increase compared to the approximately 160 vehicle movements per year estimated under RC220119.
48. While actual use may vary, the application must be assessed on the basis of the full extent of activity enabled by the proposed variation, as no restrictions on frequency or capacity have been proposed. This approach ensures that the potential effects of peak traffic volumes and associated safety implications are properly assessed, particularly given the site's rural context and proximity to State Highway 6 (SH6). If granted, Council would have limited ability to control the intensity of use beyond the conditions imposed.
49. Council's Transportation Manager, Mr Karl Jackson, reviewed the proposal and raised concerns regarding the scale of increased vehicle movements and the implications for road safety. Although access to the site is via Greymouth-Kumara Tramway, the local intersection with SH6 is nearby and presents visibility limitations. The access route is also part of the West Coast Wilderness Trail and frequently used by cyclists and pedestrians, further elevating potential traffic conflict.
50. The application is supported by an Integrated Transport Assessment (ITA) prepared by Novo Group, which concludes that the local road network can accommodate the increased traffic, and that the upgraded parking layout (38 spaces) should reduce the likelihood of spillover parking. The proposal received written approval from NZTA Waka Kotahi, who are satisfied that, with appropriate mitigation, the proposal will not adversely affect the safe and efficient operation of SH6.
51. That approval was provided on the basis that the applicant volunteered a suite of transport-related conditions intended to manage event impacts, including:
 - Keeping detailed operational records (number of events, visitor numbers, parking use) for 12 months and making these available to NZTA on request.
 - Implementing a road safety audit or report if required by NZTA in response to any crash or safety issue.
 - Implementing a Transport Management Plan (TMP) for any event exceeding 105 guests, including:
 - Use of minibuses for guest transport (due to the site's inability to accommodate buses).
 - Designated drop-off/pick-up areas for minibuses.
 - Pre-event communication with guests discouraging private vehicle use and providing minibus details.
52. While these volunteered measures are positive and respond directly to traffic safety risks, their effectiveness will rely on consistent and ongoing compliance by the applicant and event organisers, without any proposed third-party verification. In the absence of enforceable mechanisms, residual concerns remain regarding the management of traffic volumes and safety risks over time.
53. Submissions from directly affected neighbours highlight longstanding and ongoing concerns, including:
 - Verge and roadside parking during past events.
 - Conflicts between vehicles and cyclists or children using the access road.

- Limited sightlines and vehicle speeds at the SH6 intersection.
 - Reported delays for emergency service access.
 - Perceived incompatibility of the rural road network with high-frequency event traffic.
54. Although the two-space shortfall under the Proposed District Plan (PDP) is minor, the increase from 16 to 38 on-site parking spaces is acknowledged as a material improvement. However, the overall intensification of site use introduces a significant change in traffic character, volume, and the nature of interactions between users of the road corridor. These changes differ materially from the baseline effects of RC220119.
55. In summary, while the local network can physically accommodate the increased traffic and the NZTA Waka Kotahi approval carries weight, the potential adverse effects on traffic safety and efficiency are considered to be minor to more than minor.

Noise

56. Noise has been a central concern raised in submissions by directly affected neighbours, particularly in relation to the proposed frequency of use and late-night operation of the hall. The rural environment surrounding the application site is generally characterised by low ambient noise levels, with limited commercial or community activity and an expectation of quiet evenings and weekends. The Rural Zone under both the Operative Westland District Plan and the Proposed Te Tai o Poutini Plan seeks to maintain this acoustic character as part of rural amenity.
57. The original application proposed the use of amplified music during events. This was subsequently amended in response to concerns raised, with the applicant now proposing that only acoustic musical instruments will be used, and that all music will be contained within the existing hall building. Amplified music (aside from microphone use) has been explicitly excluded.
58. While this amendment significantly reduces the potential for adverse noise effects, it is noted that the proposal does not include an acoustic assessment or any modelling to demonstrate expected internal sound levels or the level of sound attenuation provided by the building envelope. In the absence of such evidence, the assumption that acoustic-only music will remain compliant with permitted noise standards (particularly during evening hours) cannot be independently verified. This is of particular relevance given the proposed hours of operation, which extend to midnight on Friday and Saturday nights, when sensitivity to noise in the rural context is typically at its highest.
59. Submissions received from 20 and 26 Greymouth-Kumara Tramway specifically cite past noise disturbance, concerns over sleep disruption, and a lack of trust in the applicant's ability to manage noise on an ongoing basis. These concerns are considered valid, particularly in the context of increased event frequency (up to 208 days per year) and a proposed operating schedule that introduces regular late-night activity.
60. The absence of an acoustic report means that Council cannot confidently determine whether the internal use of acoustic instruments, especially with crowds of up to 200 people, will comply with the 50 dB LAeq (15 min) daytime and 40 dB LAeq (15 min) night-time standards at the notional boundaries of affected properties, as set out in the Westland District Plan.
61. While the move to restrict music to acoustic instruments and to internal use is a meaningful mitigation measure, it does not fully address the potential for cumulative noise effects, particularly during night-time hours when noise travels more readily and expectations of quiet are highest.

62. Given the absence of technical evidence, the scale and frequency of proposed events, the proximity of sensitive residential receptors, and the clear concerns raised by adjoining residents, the potential for adverse noise effects is assessed as being minor to potentially more than minor, particularly in relation to sleep disruption and the erosion of rural acoustic amenity.

Reverse Sensitivity

63. The Reverse sensitivity refers to the potential for a new or intensified activity to create conflicts with established lawfully existing activities, particularly where complaints or perceived incompatibility may limit the ongoing operation of those existing activities. In the rural context, this often relates to rural production activities such as farming, forestry, or infrastructure operations that generate noise, odour, or other effects intrinsic to rural land use.
64. The existing use of the site as a community hall for up to five events per calendar year was authorised under RC220119. That consent remains valid and is not subject to reassessment as part of this Section 127 application. Accordingly, the assessment of reverse sensitivity effects must focus solely on whether the proposed variation, namely, the increased frequency of use, extended operating hours, increased staffing and visitor numbers, and associated operational intensification will give rise to new or exacerbated reverse sensitivity concerns.
65. In this case, the proposed variation does not introduce a new sensitive activity (such as new residential dwellings) into a rural environment. Rather, it intensifies the use of an existing activity already authorised by resource consent. There are no commercial or production land uses in the immediate vicinity that would be directly affected by increased sensitivity or complaints arising from the proposed changes. The surrounding environment is predominantly comprised of rural-residential and lifestyle properties, with no indication from the application material, submissions, or planning maps that the site is located adjacent to active farming or industrial operations.
66. As such, the proposed variation is unlikely to result in any material reverse sensitivity effects on surrounding land uses. The potential for conflict with existing rural operations or infrastructure is low, and there is no evidence to suggest that the variation would restrict the ongoing lawful operation of neighbouring properties.
67. It is therefore considered that the potential for reverse sensitivity effects associated with the proposed variation is less than minor.

Positive effects

68. Under section 104(1)(a) of the Resource Management Act 1991, positive effects on the environment must be considered alongside adverse effects when assessing an application. In this case, the proposed variation seeks to expand the operational capacity of an already consented community facility. While the existing use of the hall is limited to five events per calendar year, the proposed changes would allow for more frequent use and broader community engagement.
69. The most significant positive effect associated with the variation is the potential for the hall to serve as a more active and accessible venue for local events and functions. The ability to host community gatherings, social events, workshops, and private functions on a regular basis could support greater social cohesion and community well-being, particularly in a rural locality with limited communal infrastructure.
70. Increased use of the hall may also deliver local economic benefits, particularly if the hall attracts events that require catering, accommodation, or other support services from within the local area. The

employment of up to six staff on site may create part-time or casual job opportunities, albeit modest in scale.

71. Additionally, the proposed increase in parking capacity from 16 to 38 spaces is likely to improve the management of on-site vehicle movements and reduce reliance on roadside or verge parking. This may enhance both safety and amenity during events compared to the baseline authorised under RC220119.
72. While these positive effects are acknowledged, it is noted that their significance must be weighed against the scale of adverse effects associated with the increased intensity and frequency of use. Nonetheless, it is accepted that the proposal has the potential to contribute social and limited economic benefits to the local community, particularly in terms of providing a more versatile space for gatherings and events.

Summary of Effects

73. The proposed variation would increase the frequency and intensity of activity at the community hall, including use up to four days per week, extended operating hours, allowance for acoustic instruments, and expanded on-site parking.
74. While the building remains unchanged, the increase in operational activity is expected to adversely affect the amenity and rural character of the area. The level of use proposed is significantly greater than what is anticipated in the Rural Zone and would alter the currently quiet and low-activity environment, particularly for nearby residents.
75. The anticipated vehicle movements have been assessed based on the maximum occupancy and frequency enabled by the proposed variation. While actual use may vary, the lack of restrictions means peak volumes must be considered. The increase in traffic, proximity to State Highway 6, and shared use of the access road by pedestrians and cyclists raise safety concerns. NZTA Waka Kotahi has provided written approval subject to mitigation measures, including transport management plans and event record-keeping. If adopted as conditions, these would help manage traffic effects. However, given the overall intensification, potential adverse effects on traffic safety and efficiency remain minor to more than minor.
76. Noise effects are expected to comply with permitted standards due to restrictions to acoustic instruments and indoor use. However, the increased frequency and late hours of activity may still generate adverse effects on neighbouring amenity.
77. The proposal does not introduce new sensitive activities, but the intensification of use may increase reverse sensitivity risks in the rural context. These effects are considered low.
78. The proposal would generate positive social and cultural effects by improving access to a community facility, though these must be balanced against the adverse effects outlined above.
79. Overall, the adverse effects on amenity, character, and traffic safety are not adequately mitigated and are considered more than minor. The scale and intensity of the proposed variation are inconsistent with the expectations for development in the Rural Zone.

Objectives and Policies

Operative District Plan

80. The relevant Objectives and Policies of the Operative District Plan are found in:
 - Part 3.2: Sustainable Communities

- Part 3.3: Image of the District
- Part 3.4: Infrastructure and services
- Part 4.4: Amenity
- Part 4.6: Infrastructure and servicing

Objective 3.2.1 – Sustainable Communities

81. This objective seeks to enable communities to provide for their social, economic, and cultural wellbeing while managing adverse environmental effects. The proposal supports the community's ability to use an existing facility more regularly for events, which has clear social benefits. However, the scale of use (up to four days per week, including evenings and weekends) raises concerns about compatibility with the surrounding rural character. While the building is already established, the proposed increase in intensity may affect local residents' ability to enjoy rural amenity (e.g., quiet evenings, low traffic). The application has attempted to mitigate some impacts (such as limiting music to acoustic instruments), but residual effects remain. Overall, the proposal is partially consistent with this objective, it promotes social wellbeing but may do so at the expense of local environmental limits.

Objective 3.3.1 – Image of the District

82. This objective seeks to maintain and enhance Westland's image as a largely undeveloped, rural, and natural environment. Activities that introduce high-intensity, semi-urban effects into rural settings risk undermining that image. While the proposed activity is confined to an existing building, its scale (in terms of staff, vehicle movements, and hours of operation) represents a significant shift from low-impact use. It is noted that no new buildings are proposed, but the intensity of activity alone may impact the area's perceived rural character. The proposal is only partly consistent with this objective.

Objective 3.4.1 – Infrastructure and Servicing

83. This objective aims to ensure infrastructure needs are met in a way that avoids or mitigates adverse effects. As there is no reticulated infrastructure in this area, the proposal relies entirely on onsite servicing, including wastewater management. This approach is typical for rural areas and is consistent with the Plan's expectations for non-reticulated locations. The proposal is considered consistent with this objective.

Objective 3.4.2 – Protection of Infrastructure

84. This objective is intended to ensure that public infrastructure, including roads, is not compromised by adjacent land use. The site's direct access onto State Highway 6 is a key constraint. The significant increase in vehicle movements (potentially 15,800 per year if fully utilised) raises concerns about the capacity and safety of the access point. Council's Transportation Manager has confirmed that such a volume exceeds what was originally contemplated and may pose risks to the safe and efficient functioning of the highway. Even though full occupancy may not occur weekly, the potential for adverse cumulative effects remains. The proposal is therefore not consistent with this objective.

Policy 4.4.A – Maintenance of Amenity Values

85. This policy seeks to ensure that new or changing activities do not significantly detract from amenity values, including noise, privacy, and traffic impacts. The variation introduces greater frequency, longer hours, and increased visitor numbers compared to the original consent. Although the applicant has limited noise sources (acoustic instruments only) and internalised activities, submissions highlight ongoing concerns about noise, late-night disturbance, and general disruption. These effects, particularly on nearby residents, are likely to be more than minor. Therefore, the proposal is not fully consistent with this policy.

Policy 4.4.E – Compatibility of Non-Residential Activities

86. This policy promotes the compatibility of non-residential activities in rural environments, recognising that rural amenity is sensitive to noise, traffic, and frequent visitation. A community hall used four days per week, including late nights on weekends, is a departure from the type of activity typically expected in the Rural Zone. While the building is lawfully established, the shift in frequency and intensity is notable. Given the scale and potential for cumulative impacts on nearby residents, the proposal is considered inconsistent with this policy.

Policy 4.6.B – Compatibility with Roding Hierarchy

87. This policy seeks to ensure activities are compatible with the function and capacity of the roads serving them. The site's access onto a State Highway makes this policy particularly relevant. The forecasted increase in vehicle movements (from 160 annually to over 15,000) introduces a level of demand not typically expected in this location. Although this represents a worst-case scenario, and actual frequency may be lower, the risk to road safety and efficiency is still material. Council's Transportation Manager has raised concerns accordingly. The proposal is not fully compatible with this policy.

Policy 4.6.C – Maintenance of Environmental Quality

88. This policy focuses on maintaining overall environmental quality alongside the transport system. Although the applicant has proposed additional parking and internal servicing, the intensity of use (with associated traffic, potential noise, and nighttime activity) may cumulatively degrade local amenity values. The location's rural character, combined with limited road infrastructure, makes it particularly vulnerable to change. The proposal is considered only partially consistent with this policy.

Summary

89. Overall, based on the assessment above, the proposed variation to the existing consent is considered to be inconsistent with several relevant objectives and policies of the Operative Westland District Plan. In particular, the scale and frequency of the proposed activities are not well aligned with the Rural Zone's intended character or amenity values, nor with the expectations for transport safety and efficiency along this section of the roading network.
90. While some objectives, such as those relating to infrastructure servicing and onsite management, are satisfied, these are outweighed by the proposal's inconsistencies with key policies aimed at protecting rural amenity, ensuring compatibility of non-residential activities, and maintaining the safe and efficient operation of the existing transport network.

Proposed District Plan

91. The relevant Objectives and Policies of the Proposed District Plan are found in:

- Part 2: District Wide Matters
- Part 3: Area Specific Matters

92. For conciseness only the relevant objectives and policies are summarised below.

Part 2: Transport

TRN-01 – Integrated and Safe Transport Network

93. An integrated, safe, efficient, and sustainable transport network is maintained or enhanced. The proposal will result in a significant increase in vehicle movements. Council's Transportation Manager has raised concerns in regard to access and safety, particularly due to the proximity of the access point to SH6. Although NZTA Waka Kotahi has provided written approval, the increased

frequency of use may still compromise safety without suitable upgrades. It is therefore considered that the proposal is not fully consistent with the objective.

TRN-P1 – Safe and Efficient Access

94. Require subdivision, use and development to provide safe and efficient vehicle, pedestrian and cycle access to the transport network. No physical changes to access are proposed. Based on the current level of information, the proposed increase in use could result in an unsafe increase in traffic movements without access upgrades. While some improvements have been suggested, these have not been confirmed as sufficient by Council's engineering team. Accordingly, the proposal is not considered to be consistent with Policy TRN-P1.

TRN-P5 – Design of Access and Parking

95. Ensure that access, parking, and loading areas are appropriately designed, located, and constructed. The proposed increase in parking from 16 to 38 spaces improves the functionality of the site. The parking design has been reviewed by Council engineers and confirmed to meet required dimensions. Although the overall layout is improved, access safety remains a concern. The proposal is considered to be partially consistent with Policy TRN-P5. While the parking design meets technical standards, unresolved access safety concerns prevent full alignment with the policy.

Part 2: Noise

NOISE-O1 – Amenity and Health

96. Noise is managed to maintain amenity values and avoid adverse health effects. The applicant has removed the use of amplified musical instruments and restricted all musical activity to acoustic instruments within the hall. These changes reduce the likelihood of adverse noise effects. The proposal is expected to comply with permitted activity noise standards. The proposal is therefore considered to be consistent with Objective NOISE-O1.

NOISE-P1 – Manage Noise Emissions

97. Manage the emission of noise to avoid, remedy or mitigate adverse effects on health and the environment. The acoustic restrictions and internal-only music use ensure that noise emissions remain within acceptable thresholds. The proposal is considered consistent with Policy NOISE-P1.

NOISE-P4 – Land Use Compatibility

98. Require noise-sensitive activities to be located and designed to avoid reverse sensitivity conflicts. The activity is not considered noise-sensitive but has the potential to generate noise. Controls have been proposed to manage this, thereby maintaining compatibility with the surrounding environment. The proposal is considered consistent with Policy NOISE-P4.

Part 3: Rural Zones

RURZ-O1 – Character and Amenity

99. Subdivision and land use within the rural zones maintain rural character and amenity values, including open space, privacy, and the predominance of natural features over built form. The proposal does not involve any new buildings or land subdivision. It seeks to vary the conditions of a previously approved activity, with changes limited to operational aspects of the community hall. These changes will not adversely affect the character or openness of the rural environment, and the amenity of neighbouring properties will be largely maintained through proposed operational controls. The proposal is therefore considered to be consistent with this objective.

RURZ-O2 – Functioning of Rural Land

100. Rural zones continue to support the functioning of rural land for primary production, rural industry, rural living, and customary activities. The site is not currently in primary production, nor is it used for rural industry or customary activities. The proposed variation does not restrict the surrounding rural land from continuing in its intended function, and the site itself remains compatible with rural living. The proposal is therefore considered to be consistent with Objective RURZ-O2.

RURZ-P2 – Rural Character and Amenity

101. Require that subdivision, use and development in the rural zones is of a nature, scale, design, and location that maintains rural character and amenity values. While the frequency of events would increase, the use of the existing hall remains of a scale and design that aligns with a rural community facility. No new buildings or significant land modifications are proposed. The proposal is considered to be broadly consistent with Policy RURZ-P2.

RURZ-P3 – Reverse Sensitivity

102. Manage activities that could give rise to reverse sensitivity effects on existing lawfully established rural activities. The activity has been present on site for some time, and the proposed increase in use is not expected to compromise the functioning of surrounding rural land. The building is already established, and no new interface issues are anticipated. No evidence has been provided to suggest reverse sensitivity effects will arise from the variation. The proposal is considered to be consistent with this policy.

Summary

103. The proposal is generally consistent with the relevant objectives and policies of the Proposed District Plan. It reflects the PDP's more enabling, effects-based approach to rural land use, recognising that community activities can be appropriate where adverse effects are managed. Noise will remain within permitted levels, and parking has been upgraded. While the use of the site will increase, the physical environment remains unchanged, and effects on rural character, amenity, and infrastructure are considered acceptable. The proposal remains broadly consistent with PDP expectations, provided conditions are in place to manage noise, traffic, and intensity of use.

Weighting

104. In this case, the proposal is assessed as being inconsistent with the relevant objectives and policies of the Operative District Plan, particularly in relation to rural character, amenity, and transport effects. However, it is found to be generally consistent with the Proposed District Plan, which adopts a more enabling and effects-based approach to rural land use.
105. Given the advanced stage of the Proposed District Plan, and the degree to which the provisions reflect more contemporary planning outcomes and national direction, some weight can be given to the PDP. However, as the ODP remains the operative planning document and the primary statutory instrument under section 104(1)(b), greater weight must still be afforded to the ODP in this instance.
106. Accordingly, while the PDP provides important context, the inconsistencies with the ODP carry more weight in the overall planning assessment.

Other Matters under Section 104(1)(b)

West Coast Regional Policy Statement 2020 (RPS)

107. The West Coast Regional Policy Statement (RPS) 2020 provides high-level direction for sustainable resource management across the region. In terms of rural land use, the RPS acknowledges the importance of maintaining the rural character and amenity values of rural areas while allowing for appropriate development. Objective 4.1 and its supporting policies seek to enable the use and development of rural land, provided that the adverse effects on amenity and character are avoided, remedied, or mitigated. In the case of this proposal, while the activity level and intensity of use will increase, there are no physical alterations to the built form, and any adverse effects on the surrounding rural character are considered capable of being managed through appropriate conditions. As such, the proposal aligns with the intent of these provisions.
108. The RPS also addresses the importance of infrastructure and transportation under Objective 6.1 and Policy 6.2, which seek to ensure that infrastructure supports community wellbeing while being managed in an integrated and safe manner. The site's proximity to State Highway 6 and the resulting increase in traffic movements has raised concerns from Council's Transportation Manager, particularly in terms of traffic safety and efficiency. These concerns highlight a partial misalignment with the intent of these provisions unless mitigated appropriately. Without further intervention, the increased traffic volumes may create adverse effects on the function and safety of the transport network.
109. Reverse sensitivity is a further matter addressed in the RPS, particularly through Policy 5.3, which seeks to avoid or mitigate conflicts between land uses. While the existing use of the community hall has already been consented, the proposed variation increases the scale and frequency of events, which may elevate the risk of complaints from surrounding rural residents. While these effects may be acceptable if managed well, they do bring the proposal only partially in line with the RPS direction on reverse sensitivity.
110. Lastly, the proposal aligns well with Objective 8.1 and Policy 8.2, which support the provision of community infrastructure and services that contribute to social wellbeing, especially in rural areas. The hall provides an important community function, and the variation enables broader use of the facility, contributing positively to local cohesion and accessibility. Provided that any adverse effects (e.g. noise, traffic, amenity) are adequately addressed through conditions, the social and community benefits weigh in favour of the application.
111. In summary, the proposal is generally consistent with the RPS, particularly in supporting community infrastructure and enabling rural land use. However, the potential adverse effects on transport safety and reverse sensitivity require careful management to ensure full alignment with the relevant regional policy direction.

PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

112. Part 2 of the RMA details the purpose of the RMA in promoting the sustainable management of the natural and physical resources. Sustainable management is defined as:

"managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- b) safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- c) avoiding, remedying, or mitigating any adverse effect of activities on the environment."*

113. Section 5 of the Resource Management Act 1991 sets out the purpose of the Act: to promote the sustainable management of natural and physical resources. This involves enabling people and communities to provide for their well-being while ensuring that the needs of future generations are met, the life-supporting capacity of resources is safeguarded, and adverse effects on the environment are avoided, remedied, or mitigated.
114. The proposed variation significantly increases the scale and intensity of the hall's use from five days per year to up to four days per week. While this may enable social and cultural opportunities for the wider community, it also introduces substantial changes in traffic volumes, operating hours, site occupancy, and associated servicing demands.
115. Although the hall is unlikely to be used to full capacity every week, the application seeks approval for that level of activity without any formal restrictions. As such, the assessment must consider the full scope of potential effects to ensure the receiving environment is protected from the cumulative or repeated impact of frequent, high-intensity use.
116. The proposal does not impact air, water, soil, or ecosystems, nor does it involve the loss of productive land. However, it does raise concerns in terms of adverse effects on rural character, amenity, and traffic safety, particularly for nearby residents. While some mitigation is proposed, these effects are not adequately addressed under the current application.
117. For these reasons, I consider that the variation does not achieve the sustainable management purpose of the RMA as set out in Section 5.
118. In respect of matters of national importance as set out in Section 6, there are no matters of national importance that are considered applicable in this instance.
119. In respect of the other matters set out in Section 7, the following matters are considered relevant to the proposal:
 - 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"*
120. The Section 7 of the RMA requires particular regard to be given to a range of "other matters" when assessing an application. Of these, the most relevant to this proposal are the efficient use and development of natural and physical resources (s7(b)), the maintenance and enhancement of amenity values (s7(c)), and the maintenance and enhancement of the quality of the environment (s7(f)).
121. The proposed variation would enable more intensive use of an existing hall facility, increasing activity from five days per year to up to four days per week, with extended hours of operation, acoustic music, and a higher number of vehicle movements. While this could be seen as an efficient use of an existing building and site, that efficiency must be balanced against the capacity of the surrounding environment to absorb the associated effects. In this case, the increase in operational intensity raises concerns about whether the rural road network, the access point off SH6, and the surrounding residential amenity can reasonably accommodate the expanded activity without significant adverse effects.
122. Particular regard must also be given to amenity values and the quality of the surrounding environment. The application site is located within the Rural Zone, surrounded by large-lot residential and rural properties where expectations for peace, quiet, and low traffic volumes are reasonably high. The

increase in event frequency and scale, combined with the extended hours of operation, risks eroding the amenity values of neighbouring properties through increased noise, activity, and traffic. While the applicant has proposed acoustic instruments only and has expanded the parking area, the proposed mitigation does not fully address the concerns raised by affected parties or the wider environmental context. Therefore, it is considered that the proposal does not maintain or enhance the amenity or overall quality of the receiving environment in accordance with sections 7(c) and 7(f). For these reasons, it is considered that the proposal gives limited effect to the relevant matters of Section 7, particularly in relation to amenity and the rural character of the site and surrounding environment.




123. Section 8 requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account. There are no matters pertaining to the Treaty of Waitangi that are of concern for this application.
124. Overall, I consider that the proposal does not give effect to the purpose and principles of Part 2 of the RMA. While there are social and cultural benefits associated with enabling more frequent use of an existing community facility, these positive effects are outweighed by the scale and intensity of the proposed activity, which introduces adverse effects on rural character, amenity values, and traffic safety. These effects have not been sufficiently avoided, remedied, or mitigated. The proposal also does not adequately maintain the quality of the environment or the expectations of the receiving rural-residential context. Accordingly, I do not consider that the application promotes the sustainable management of natural and physical resources as required under Section 5 of the Act.

RECOMMENDATION

That subject to any new or additional evidence being presented at the hearing, the application to vary resource consent RC220119 pursuant to section 127 of the Resource Management Act 1991 (the RMA) should be **DECLINED** for the following reasons:

- (1) It is my opinion, based on the information provided and expert input received, that the adverse effects of the proposal on rural amenity, character, and the safe and efficient operation of the surrounding road network, particularly in relation to increased vehicle movements, have not been sufficiently avoided, remedied, or mitigated. The potential for effects on neighbouring properties remains more than minor.
- (2) The proposal is not considered to be consistent with the relevant objectives and policies of the Operative Westland District Plan, particularly those seeking to maintain rural character, protect residential amenity, and ensure transport safety and efficiency. While the Proposed District Plan adopts a more enabling approach to community activities in rural zones, the scale and intensity of the proposed variation is still not aligned with the PDP's outcomes for rural amenity, transport impacts, and appropriate integration of non-rural activities.
- (3) The proposed variation introduces a significant increase in scale and intensity of activity on the site. In the absence of adequate mitigation or controls, it is not considered to represent an efficient or appropriate use of rural land and infrastructure.
- (4) Overall, the proposal does not give effect to the sustainable management purpose of the RMA under Part 2, particularly Section 5, as the adverse effects of the activity are not appropriately managed and the anticipated environmental outcomes for the area are not maintained.
- (5) While the recommendation of this report is to decline the application, a set of draft conditions of consent has been included in Appendix 1 in accordance with standard practice. These are provided to assist the Commissioner should the Commissioner be inclined to grant the application. The draft

conditions reflect the parameters of the proposal as described in the Applicant's AEE, expert inputs, and further information provided through the application process.

Report by:	Peer review by:	Decision Granted by:
		
Joubert Bekker Consultant Planner	Sweta Kumar Senior Planner	Olivia Anderson Planning Manager

Attachments:

Appendix 1	Draft Conditions of Consent
Appendix 2	WDC Engineering Comments
Appendix 3	Applicant's AEE
Appendix 4	Applicant's RFI Response
Appendix 5	Relevant Plans

Report Dated: 30th May 2025