

NOTIFICATION ASSESSMENT



Applicant Name: B M Loader

Application number: 230134

Date application received: 10th November 2023

Date application assessed: 31st January 2025

Application site address: 240 Taramakau Highway, Kumara Junction

Proposed activity: Section 127 variation to amend conditions 1, 2, 4, 5, 16 and 18 of RC220119 on land legally described as Lot 2 DP 577153 to allow for the commercial use of a building within the Rural Zone (ODP) and General Rural Zone (PDP), located at 240 Taramakau Highway, Kumara Junction

Fast-track application: No - 20 days for decision

Under section 95(1) of the RMA, the consent authority must decide whether to notify a consent application. The notification assessment is in two parts:

1. First, an assessment of whether the application should be publicly notified; and
2. Secondly, if the conclusion is that the application need not be publicly notified, an assessment of whether the application should be subject to limited notification.

Section 95(2) specifies the time limits for the notification of applications.

1. A decision on notification for a fast-track application must be completed within 10 working days from the date of lodgement.
2. A decision on notification for any other application must be completed within 20 working days from the date of lodgement.

Summary of the Proposal

Resource consent is sought pursuant to Section 127 of the Resource Management Act 1991 to vary Conditions 1, 2, 4, 5, 16 and 18.

These conditions read:

1. The proposal is to proceed in general accordance with that described within the application received 5th October 2022, further information received 1st, 5th and 9th December 2022 and as indicated on plans marked as attachment 'A', 'B', 'C', 'D' and 'E'.
2. The building shall not be utilised for commercial activity and no staff shall be employed to support any activities occurring on the premises for the duration of the activity.

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4. The building may be utilised for a maximum of five community events per calendar year. A record of those community events shall be held and available to Council on request for monitoring purposes.
5. There shall be no more than sixteen (16) vehicles parked on the site at any one time.
16. No amplified musical instruments shall be used.
18. All events shall be required to finish no later than 12:00am (midnight).

The variation is proposed in order to allow the applicant more flexibility in terms of use of the approved community hall. The main changes to the original application (RC220119) are as follows:

- Allow for a maximum of six staff to be employed on the site at any one time.
- It is proposed that the hall will be operational for a maximum of four days a week, including public holidays where not restricted by National requirements.
- Amend the approved parking layout to increase the number of parking spaces from 16 to a total of 38 and to ensure complying dimensions are achieved for all vehicle parking spaces.
- Allow for acoustic musical instruments to be used during events and functions.
- Amend the hours of operation to: 8:00am – 9:00pm on Thursday, 8:00am – 12:00am on Friday and Saturday, and 8:00am to 7:00pm on Sunday and Public Holidays.

No further changes to the original consent (RC220119) are proposed at this time.



Figure 1 – Land on which the activity will occur. Westland District Council - Intramaps 2017.

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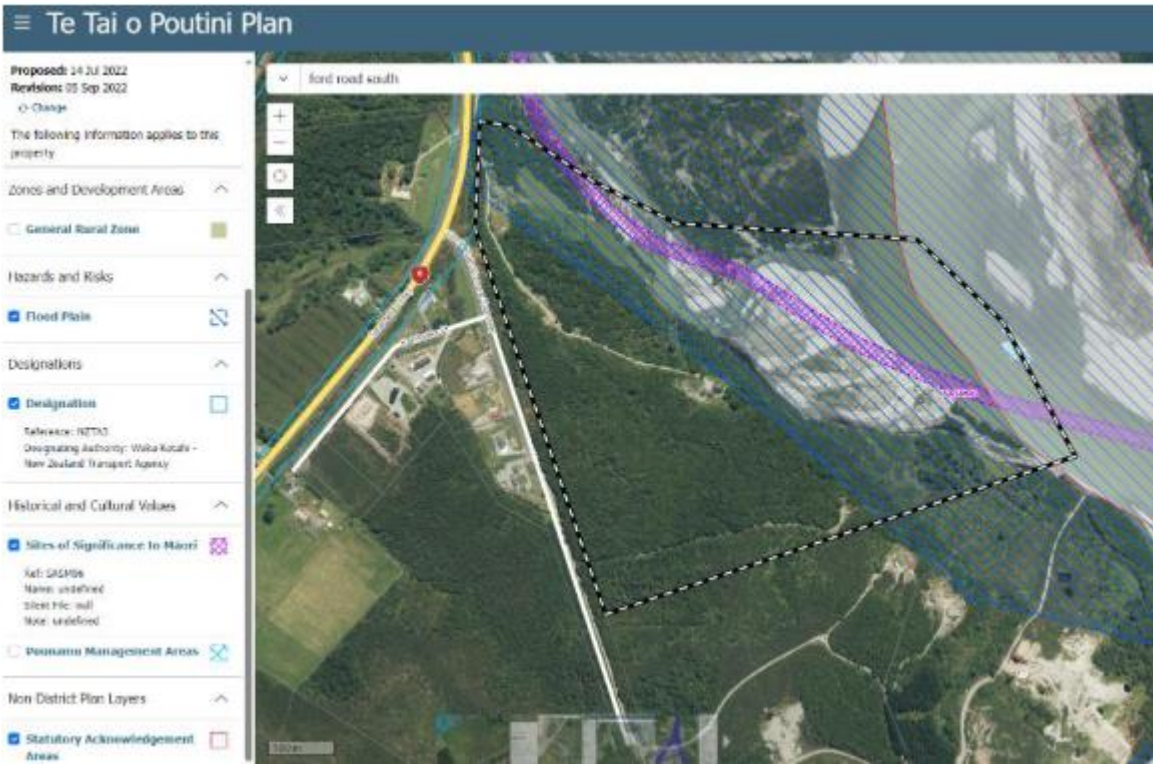


Figure 2 – Land on which the activity will occur. Proposed Te Tai o Poutini Plan – September 2022.

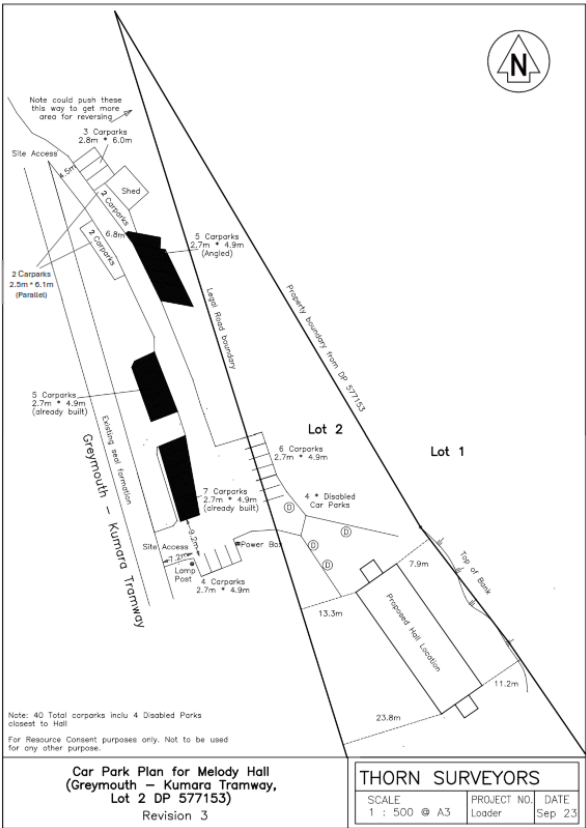


Figure 3 – RC230134 Car Park Plan for Melody Hall. Prepared by Thorn Surveyors, dated September 2023.

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Public Notification Assessment

Section 95A(3)(a) - Public notification if the applicant requests

The applicant has requested that the application be publicly notified.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Section 95A(3)(b): Public notification due to refusal or failure after section 92 request.

Under section 95A(3)(b) the council must publicly notify an application if it has not already decided whether to notify the application on a public or limited notification basis and has:

- requested further information under section 92(1), or
- notified the applicant that it wishes to commission a report under section 92(2)(b), and
- the applicant either refuses the request or fails to respond within the relevant time period.

The application <u>will</u> be publicly notified for one or more of the following reasons:	<input type="checkbox"/>
The applicant has refused to provide information after a s92(1) or 92(2)(b) request	<input type="checkbox"/>
The applicant has not responded to the s92(1) or 92(2)(b) request within the timeframe specified	<input type="checkbox"/>

The application <u>will not</u> be publicly notified for one or more of the following reasons:	<input checked="" type="checkbox"/>
There has been no request for further information	<input type="checkbox"/>
The applicant responded to the s92(1) or 92(2)(b) request within the timeframe specified	<input checked="" type="checkbox"/>

Further information was requested pursuant to s92(1) on 12/12/2023 regarding the following:

- Access, Parking and Vehicle Movements
- Operational Matters
- Noise
- Affected Party Approval

The applicant formally responded to the further information request on 14/05/2024 and 21/05/2024 addressing all the matters outlined above.

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Section 95A(3)(c) – Application made jointly with an application to exchange recreation reserve land under the Reserves Act 1977

The application seeks to exchange reserve land under s.15AA of the Reserves Act 1977	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Section 95A(5)(a) – Public notification precluded by a rule or NES

There is a rule or NES that precludes public notification of the application for each activity.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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NB: The Council must not notify an application if a rule or NES precludes public notification unless the applicant has requested that the application be publicly notified.

Section 95A(5)(b)(i) – Application is a controlled activity.

The application is for a controlled activity. If yes, consideration of special circumstances is required below.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Section 95A(5)(b)(ii) – Repealed.

Section 95A(5)(b)(iii) – Application is a boundary activity with a restricted discretionary, discretionary or non-complying activity status.

The application is for a boundary activity classified as a restricted discretionary, discretionary or non-complying activity. If yes, consideration of special circumstances is required below.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Section 95A(5)(b)(iv) – Repealed.

Section 95A(8)(a) – Public notification required by a rule or NES.

There is a rule or NES that requires public notification of the application for any of the activities.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Assessment of effects: Sections 95A(8)(b) and 95D

Under section 95A(8)(b) the Council must publicly notify an application if it decides that the proposal will have, or is likely to have, adverse effects on the environment that are, or are likely to be, more than minor, as determined under section 95D.

Section 95D(a)(i) requires that in assessing whether the effects of the proposed activity will be more than minor, the Council must disregard any effects on persons who own or occupy the land in, on, or over which the activity will occur. For this application, this land is identified in Figure 1 below.

Section 95D(a)(ii) requires that in assessing whether the effects of the proposed activity will be more than minor (for the purpose of public notification) the Council must disregard any effects on persons who own or occupy 'adjacent land'. The effects (if any) on those persons are to be assessed under s95E, for the purpose of limited notification. The term 'adjacent' applies to properties close to the proposed site. For this application, the adjacent land includes the properties identified in Figure 1

Section 95D

When forming an opinion as to whether an activity will have or is likely to have adverse effects on the environment that are more than minor:

Section 95D(a) states that Council must disregard any effects on the owners or occupiers of land on which the activity will occur and on adjacent land; and

Section 95D(b) states the Council may disregard an adverse effect of the activity if a rule in the operative plan or proposed plan or national environmental standard permits an activity with that effect.

The following activities are provided for as permitted activities in the Rural Zone (ODP) and General Zone (PDP) subject to compliance with relevant standards.

Westland District Plan

Westland District Plan Section 5.6.2.2(A) Rural Zone Permitted Activities:

- Any agricultural, existing residential, forestry below an altitude of 1000 m (except clearance of indigenous vegetation as specified in 5.6.2.1C) prospecting or recreational activity.
- All prospecting activities as defined by the Crown Minerals Act 1991 and all reconnaissance exploration activities up to and including drilling, scout trenching and geophysical surveys, subject to:
 - a) All drilling limited to 150 mm diameter and a density of one drill site per hectare.
 - b) Scout trenching or sampling by hand methods, or by mechanical means where there is existing access to the actual site to be sampled, or by the use of explosives, Westland

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District Plan Page - 155 where the aggregate length of the samples taken does not exceed 50 linear metres of sample per hectare.

- c) Geophysical surveys not using explosives. All permitted activities are subject to:
- (1) Compliance with the standards for permitted activities (see table 5.7); and
 - (2) Compliance with the general rules in Part 8; and
 - (3) No modification to or effect on any outstanding natural features and landscapes, or any area of significant indigenous vegetation or habitat (except as specified in 5.6.2.2C) and no modification to or effect on the coastal environment.

Te Tai o Poutini Plan (TTPP)

The proposed activity will comply with or will not trigger any relevant standards of the TTPP with immediate legal effect and will therefore be in accordance with the permitted baseline associated with the proposed Plan.

Section 95D(b) Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this instance there are no permitted activity standards that are relevant to this variation and therefore no relevant permitted baseline.

Section 95D(c) states the Council must, in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion.

The activity status for this application is:

Controlled	<input type="checkbox"/>
Restricted Discretionary	<input type="checkbox"/>
Discretionary	<input checked="" type="checkbox"/>
Non-complying	<input type="checkbox"/>

There are no matters to which Council has limited its discretion.

Section 95D(d) states the Council must disregard trade competition and the effects of trade competition.

Trade consideration is a consideration for this assessment.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Section 95D(e) states the Council must disregard any effect on a person who has given written approval to the application.

Written approvals have been received	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<ul style="list-style-type: none"> - 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 Greagh: 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 Daczec: 3 Kahikatea Place, Kumara Junction (Lot 11 DP 388939) 		

Officer Assessment

The following assessment of the proposed activity has been made by the council officer taking into account the assessment of environmental effects included in the application. **The adverse effects below do not include any that must be excluded based on the requirements above.**

Type of effect	Comments	Less than minor	Minor	More than minor
Amenity / Character	<p>As mentioned above, the variation is proposed in order to allow the applicant more flexibility in terms of use of the approved community hall.</p> <p>The proposal will see an increase in the use of the hall from five days per calendar year to a maximum of four days per week (208 days per calendar year). It is also proposed to allow for acoustic musical instruments to be used during events and to amend the hours of operation to 8:00am – 9:00pm on Thursday, 8:00am – 12:00am on Friday and Saturday, and 8:00am to 7:00pm on Sunday and Public Holidays. To facilitate the increase in events, it is proposed to employ up to six staff on site at any one time and to increase the overall number of parking spaces from 16 to 38. No physical changes to the existing built form are proposed at this time.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	<p>Given these changes are primarily operational changes apart from the increase in parking, and as such is unlikely to significantly affect the character and amenity of the surrounding environment beyond that which was approved through RC220119.</p> <p>For these reasons, any potential adverse effects on the surrounding environment in terms of character and amenity will be less than minor.</p>			
Traffic	<p>Underlying consent (RC220119) approved the use of the site for a maximum of five days per calendar year. The proposal will see a significant increase in traffic movements to and from the site given the frequency of events proposed. Council's Transportation Manager has reviewed the proposal and raised concerns in terms of the increase in vehicle movements due to the site's proximity to State Highway 6.</p> <p>The hall has a maximum occupancy rating of 200 people. Based on the number of parking spaces that will be available (38) it is estimated that the proposal will result in a total of 76 vehicle movements per event (excluding deliveries), 304 vehicle movements per week or 15,808 vehicle movements per year. This is a significant increase from RC220119 which estimated a 160 vehicle movements per year, based on the same calculation as above.</p> <p>The applicant has also confirmed that at 38 parking spaces, the proposal will have a shortfall of two parking spaces. This infringement is considered to be a minor breach as the overall impact of the increased parking from that which was approved through RC220119 will likely be positive during events. Any potential effects resulting from the shortfall in parking is deemed to be limited to the immediate surrounding area and will not affect the wider surrounding environment.</p> <p>Given the increase in the number of vehicle movements, it is considered that the potential for adverse effects on the wider environment to be minor.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Noise	The application originally proposed the use of amplified musical instruments during events and functions. The proposal has since been amended to only include the use of acoustic instruments to ensure the levels of noise generated from events will remain within the permitted noise standards. All use of instruments will be based within the hall itself to further mitigate the potential for noise effects on the surrounding environment. Given the changes to the proposal which will now only see acoustic instruments being used, and strictly within the building, any potential effects in terms of noise on the receiving environment will be less than minor.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Section 95A(9) – Public notification if special circumstances exist.

There are special circumstances in relation to the application and, as a result the Council will publicly notify the application.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Decision on Public Notification

Based on the officer's assessment above, it is **not** considered that the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor.

As a result, the application **will not** be publicly notified in accordance with section 95A of the RMA.

Limited Notification Assessment

Under section 95E, a consent authority must decide that a person is an affected person if the activity's effects on that person are minor or more than minor (but are not less than minor). Sub-sections (2) and (3) provide that in making this decision, the Council:

- (2)(a) **May** disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect;
- (2)(b) In the case of a controlled activity or restricted discretionary activity, **must** disregard an adverse effect of the activity on the person that does not relate to a matter of which a rule or national environmental standard reserves control or restricts discretion;
- (2)(c) **Must** have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11;

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- (3)(a) **Must** decide that a person is not an affected person if the person has given their written approval to the activity and has not withdrawn the approval in a written notice received by the authority before the authority has decided whether there are any affected persons;
- (3)(b) **Must** decide that a person is not an affected person if it is unreasonable in the circumstances to seek the person's written approval.

The people who could potentially be affected by the proposed activity include those who are adjacent to the subject site as identified in Figure 1. Any effects on those people are to be disregarded in the consideration of adverse effects on the environment for the purpose of public notification. However, they are to be considered for the purpose of assessing whether there is any affected person for the purpose of limited notification.

Section 95E(2)(a): Rule or NES permits effects

The Council may disregard an adverse effect of the activity on a person if a rule or national environment standard permits an activity with that effect.

There is a rule or NES that permits an activity with an effect the same as the activity.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Section 95E(2)(b): Controlled or restricted discretionary matters

The Council must, in the case of a controlled or restricted discretionary activity, disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion. The activity status of the proposal is:

Controlled	<input type="checkbox"/>
Restricted Discretionary	<input type="checkbox"/>
Discretionary	<input checked="" type="checkbox"/>
Non-complying	<input type="checkbox"/>

Section 95E(2)(c): Statutory acknowledgement

The Council must have regard to Acts that include statutory acknowledgement as specified in Schedule 11 of the Act.

The proposed activity is located within or adjoining a statutory acknowledgement area.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Section 95E(3): Written approvals

The Council must decide that a person is not an affected person if written approval for the activity has been given and not withdrawn, or where it is deemed unreasonable to seek the person's written approval.

Written approvals have been received	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

It is considered unreasonable to seek written approval from:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
1.		
2.		

Section 95B(2)(a) and 95B(2)(b): Affected customary group

Council must decide that a protected customary rights group or customary marine title group is an affected group, if the activity may have adverse effects on a protected customary right or on the exercise of the rights that apply to a customary marine title group (in relation to an accommodated activity), and the group has not provided written approval for the activity.

There is a protected customary right or customary marine title relating to the proposed activity	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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If yes, complete the following box:

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Does the proposed activity result in adverse effects on the/any protected customary right or the exercise of the rights of a customary marine title group in relation to an accommodated activity	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If yes, complete the next box. If no, limited notification is not required.

The customary group(s) have provided written approval for the activity	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If yes, limited notification is not required. If no, limited notification is required.

Conclusion: Limited Notification is required to an affected customary group.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Section 95B(3)(a) Land subject to statutory acknowledgement under Schedule 11

The Council must give limited notification of the application to any person to whom a statutory acknowledgement is made where they are considered an affected person under section 95E.

The proposed activity is on, adjacent to or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specific in Schedule 11	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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If yes, complete the next box. If no, limited notification not required.

The person to whom the statutory acknowledgement is made is an affected person under section 95E	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Statutory Acknowledgements Area: N/A

Within, adjacent to or impacting on:

Area	Yes	No	Other Iwi Issues
Taramakau River		X	
Lake Kaniere		X	
Okarito Lagoon		X	
Pouerua (Saltwater Lagoon)		X	
Karangarua Lagoon		X	

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Makawhio (Jacobs) River		X	
Lake Paringa		X	

Section 95B(6)(a) Rule or NES precludes limited notification

The Council must give limited notification of the application to any affected person, unless a rule or national environmental standard precludes this.

There is a rule or NES that precludes limited notification of the application for each activity.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Section 95B(6)(b): Application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than the subdivision of land)

Application is for a controlled activity, other than the subdivision of land.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Section 95E: Affected persons for specific activities

In accordance with section 95E, there is one or more owners of allotments with infringed boundaries that is considered an affected person.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
For any other activity, a person is affected in accordance with 95E.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Officer Assessment – Limited Notification

Taking into account the exclusions in sections 95E(2) and (3) as set out above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

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Figure 4 – Aerial map of properties potentially affected by the proposal. Westland District Council - Intramaps 2017.

Property	Assessment: Effects on Persons	Less than minor	Minor	More than minor
Properties shown above on Figure 4 as Numbers 1 – 8	As part of the proposed variation to RC220119, the applicant has consulted with the relevant owners/occupiers of properties 1 - 8 due to the proximity of the application site in relation to these properties. Affected party approval was obtained and as such any potential effects on these properties and their occupants must be disregarded.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Highway shown above on	The application site is located within 150m of the intersection of State Highway 6 and Greymouth-	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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<p>Figure 4 as Number 9</p>	<p>Kumara Tramway. As part of the proposed variation to RC220119, the applicant has consulted with NZTA Waka Kotahi due to the potential effects associated with the increase in vehicle movements as result of the proposed changes to RC220119. Affected party approval was obtained and as such any potential effects on State Highway 6 must be disregarded.</p>			
<p>Properties shown above on Figure 4 as Numbers 10 – 11</p>	<p>These two properties are situated directly to the west of the application site and are used for residential purposes. While these properties previously provided affected party approval for the underlying consent (RC220119), they have not provided affected party approval for the proposed variation.</p> <p>As previously discussed, the proposed variation will see an increase in the use of the hall for events and functions from five days per calendar year to a maximum of four days per week which results in a total of 208 days per calendar year. While it is unlikely that the hall will be used for 208 days per year, the increase in events is expected to be well in excess of that which was previously approved and therefore has the potential to adversely affect the amenity of these two properties. Similarly, the increase in use of the hall will see a significant increase in the number of vehicle movements to and from the site which will affect these properties given their proximity to the hall.</p> <p>For these reasons, it is considered that the potential effects on these two properties in terms of amenity and traffic will be more than minor.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Potentially affected persons

The following people have been identified as being potentially adversely affected by the proposal. The list does not include people who are excluded from consideration as an affected person as a result of the requirements above.

Person	Property address	Potential effect(s)	Less than minor	Minor	More than minor
P Mitchell	20 Greymouth-Kumara Tramway, Kumara Junction	<ul style="list-style-type: none"> • Amenity • Traffic • Parking 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G R Atkinson	26 Greymouth-Kumara Tramway, Kumara Junction	<ul style="list-style-type: none"> • Amenity • Traffic • Parking 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Decision on Limited Notification



Based on the above assessment, there are [select one]:

No affected persons resulting from the proposed activity	<input type="checkbox"/>
Affected persons associated with the proposed activity but the adverse effects on these affected persons are less than minor	<input type="checkbox"/>
Affected persons associated with the proposed activity and the adverse effects on these affected persons are minor or more than minor	<input checked="" type="checkbox"/>

As a result, the application **will** be notified on a limited basis in accordance with section 95B of the RMA.

Report by:	Peer Review & Decision by:
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Joubert Bekker Consultant Planner	Olivia Anderson Planning Manager