

## WESTLAND DISTRICT COUNCIL

### SUPPLEMENTARY S42A ADDENDUM (POST-HEARING: IMPLEMENTS PROCEDURAL MINUTE 8)

**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:** 5<sup>th</sup> February 2025

**Closing Date for Submissions:** 6<sup>th</sup> March 2025

**Submissions:** Two Received

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

*\* Denotes submitter wishes to speak at the hearing*

### **RECOMMENDATION (Updated – 3 December 2025)**

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

1. Adverse effects are appropriately managed. Post-hearing material in the form of Waka Kotahi (NZTA) written approval, the Transport Joint Witness Statement (Novo Group and Westland District Council), and Marshall Day Acoustics' confirmation that the noise assessment assumes microphones and non-amplified music indoors addresses the residual risks identified earlier. With conditions imposing caps of ≤30 events per year and ≤150 guests, retention of 38 on-site parks, a TMP for events >105 (including minibuses, no coach parking, on-site drop-off/pick-up and guest communications), operational records with a safety review/audit pathway, and no amplified musical instruments (speech microphones indoors only, doors/windows closed), the effects on amenity, character, noise and transport will be no more than minor.
2. Transport safety and efficiency are maintained. The Transport JWS confirms low local-road volumes using an agreed method; active-modes effects are accepted as less than minor with TMP briefing/wayfinding and the State Highway interface is acceptable in light of NZTA's updated written approval and the embedded expectations.
3. Character, amenity and reverse sensitivity are safeguarded. The reduced scale and frequency, coupled with hours/curfew (including one midnight night only, to be nominated in the Right of Reply, defaulting to Saturday if not nominated), on-site parking capacity, and TMP-led guest management/dispersal, will maintain the rural-residential character and neighbouring amenity. A clarifying advice note records that the consent does not fetter lawful rural activities or the operation of SH6, keeping reverse-sensitivity risk low.
4. Policy consistency is achieved. With the updated controls and post-hearing confirmations, the proposal is generally consistent with the relevant Operative and Proposed District Plan objectives and policies for a safe and efficient transport network, protection of amenity and character, and appropriate enabling of community activities in rural areas.
5. Overall, the proposal promotes sustainable management. The activity delivers community benefits while ensuring that potential adverse effects are avoided, remedied or mitigated through a robust, NZTA aligned and enforceable condition framework. On balance, and subject to those conditions, the application achieves the purpose and principles of the RMA.

## **INTRODUCTION (SUPPLEMENTARY – POST-HEARING ADDENDUM)**

1. This supplementary s42A addendum implements Procedural Minute 8 and updates my original report following the hearing on 7 November 2025. It records new information filed since the hearing and updates my effects assessment and recommended conditions accordingly. It supplements and does not replace the original s42A report dated 30 May 2025
2. Materials considered since the hearing include Waka Kotahi (NZTA)'s written approval and its associated expectations; the Transport Joint Witness Statement between Novo Group and Council's Transport Manager; and Marshall Day Acoustics' confirmation that the noise assessment assumes microphones and non-amplified music used indoors. I have also considered the applicant's July addendum, Novo Addendum 2, and the planning evidence tabled at the hearing.
3. This addendum 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. For completeness, the proposal remains the same activity described in the original report with the exception to the following post-hearing clarifications.
5. Event caps remain at up to 30 events per year, with up to 150 guests per event (plus up to six staff). Parking provision retains 38 marked on-site spaces. Hours of operation are Sun–Thu 09:00–22:00 and Fri/Sat 09:00–23:00, with one night per week only, either Friday or Saturday, able to extend to 00:00 (midnight). The applicant may nominate which night in the Right of Reply and if no nomination is provided, the default is Saturday.
6. Amplification controls confirm no amplified musical instruments at any time and allow speech microphones indoors only, with doors and windows closed during use. The SH6 interface is managed through NZTA approval and embedded conditions, including operational records with a safety review/audit pathway, and a TMP for events exceeding 105 attendees that provides for minibuses (no coach parking), on-site drop-off/pick-up, and guest communications.

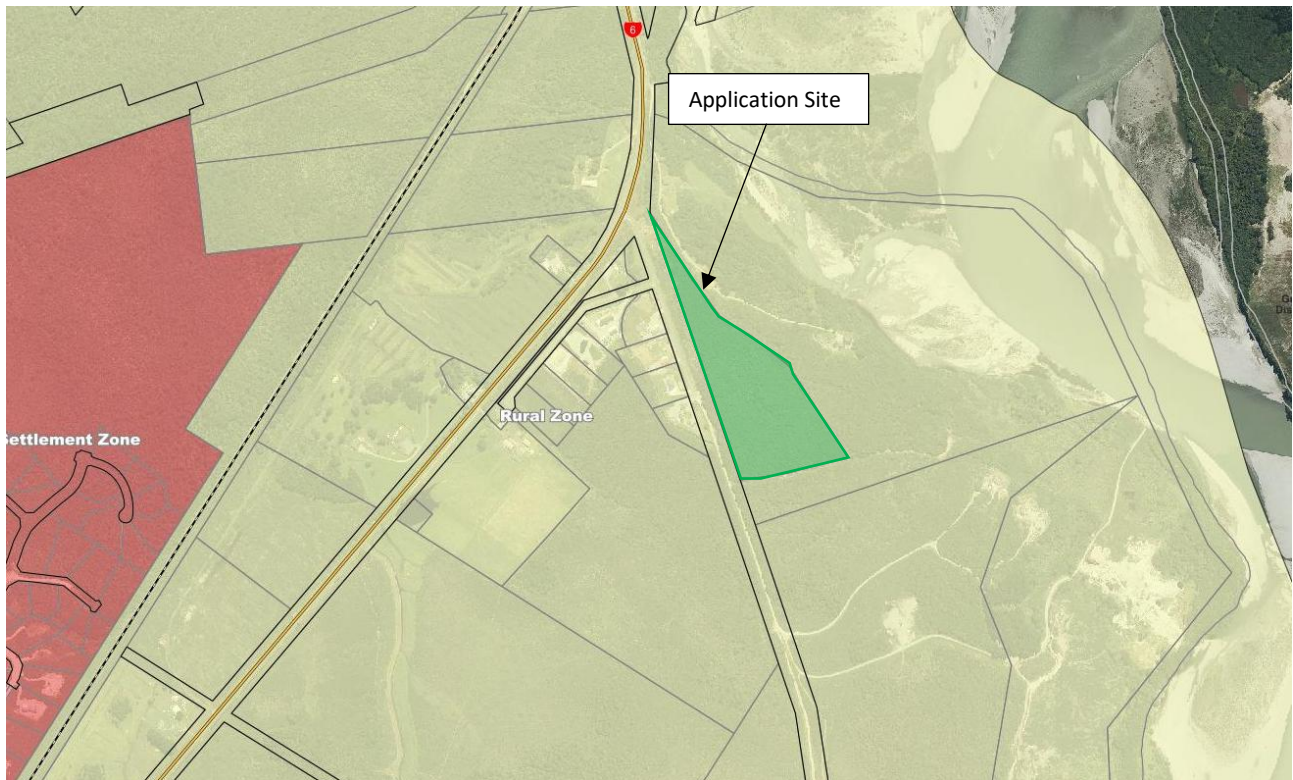


Figure 1: ODP Zoning Map showing application site (outlined in green) and surrounding area

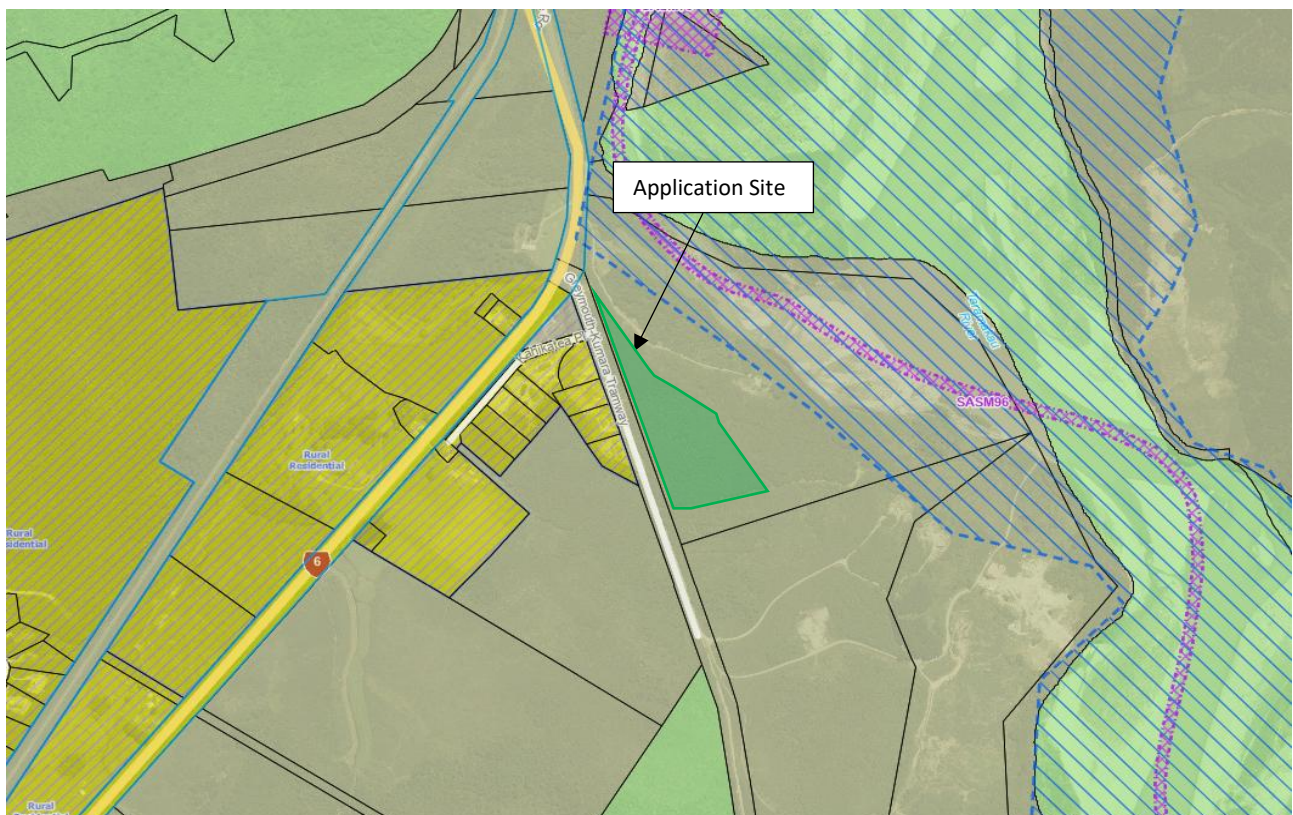


Figure 2: PDP Zoning Map showing application site (outlined in green) and surrounding area.



## SUBMISSIONS

### Submissions Received

7. 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.
8. 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.*
9. 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
		<ul style="list-style-type: none"> <li>- Proposal represents a commercial activity not originally approved</li> <li>- Loss of rural character and amenity</li> <li>- Unacceptable noise and hours of operation</li> <li>- Safety concerns, including emergency access</li> <li>- Parking overflow</li> </ul>	Decline
		<ul style="list-style-type: none"> <li>- Breach of trust from original consent assurances</li> <li>- Noise and sleep disturbance</li> <li>- Incompatibility with rural zone</li> <li>- Parking, lighting, and visual impact</li> <li>- Emergency access and traffic concerns</li> </ul>	Decline

Table 1: Summary of Submissions Received

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

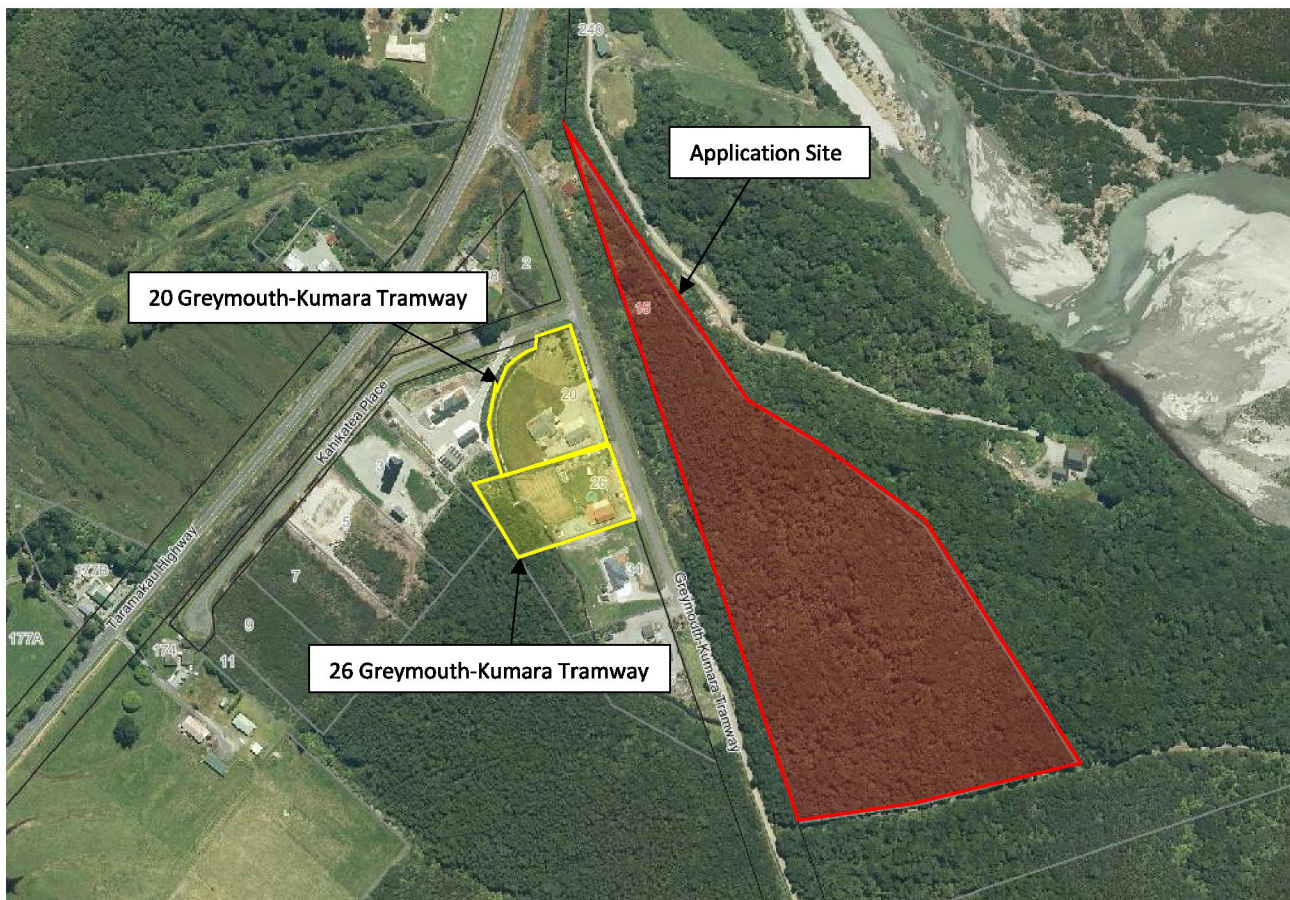


Figure 3: Aerial view of application site (denoted by red outline) and submitters' properties (denoted by the yellow outline)

### Late Submissions

11. 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.
12. No late submissions have been received as part of this application.

### CONSULTATION AND WRITTEN APPROVALS

13. 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)

14. Since the hearing, Waka Kotahi (NZTA) has provided an updated written approval for the amended proposal, dated 18 November 2025. In accordance with s104(3)(a)(ii) RMA, any adverse effects on NZTA are disregarded. Notwithstanding, I have considered wider public/network safety matters and embedded NZTA's expectations into the conditions.
15. No further written approvals were provided post-hearing.

## **PLANNING FRAMEWORK**

### **Operative District Plan**

16. 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)**

17. The Proposed Te Tai o Poutini Plan (PDP) was publicly notified on 14<sup>th</sup> 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**

18. The proposed activity requires resource consent for the following reasons under the provisions of the RMA:
  - As a **Discretionary Activity** pursuant to s127(3)(a) RMA (changes to conditions are deemed discretionary), the application seeks to change Conditions 1, 2, 4, 5, 16 and 18 of RC220119 to allow up to six staff on site at any one time; permit operation on up to four days per week (Thursday–Sunday) including public holidays (where not restricted by national legislation); refine the hours to 09:00–22:00 Sunday–Thursday and 09:00–23:00 Friday/Saturday, with one night per week only (Friday or Saturday) permitted to extend to 00:00 (midnight), the applicant may nominate the night in the Right of Reply, and if none is nominated, the default is Saturday; enable non-amplified (acoustic) musical instruments and speech microphones indoors only with doors/windows closed during use (no outdoor amplification and no amplified musical instruments at any time); and amend the approved parking layout to increase on-site spaces from 16 to 38. Consequential transport controls are also proposed to implement post-hearing outcomes, namely event and attendance caps (≤30 events/year; ≤150 guests), a Transport Management Plan for any event >105 attendees (including minibuses, no coach parking, on-site drop-off/pick-up, and pre-event guest communications), and operational records with a safety review/audit pathway consistent with Waka Kotahi (NZTA) expectations.

### **Activity Status Summary**

19. 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**



20. The application must be considered in terms of Section 104 of the RMA.
21. 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.*
22. 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**

23. 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.
24. The assessments and recommendations of the memo are addressed where appropriate in the assessment to follow.

## **ASSESSMENT**

25. 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**

26. 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

27. 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.
28. 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.
29. 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

30. 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.
31. 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

32. 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.
33. 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.
34. 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

35. The assessment to follow is guided by, but not limited to, the assessment matters provided in Appendix E of the ODP.
36. 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

37. The application site at 240 Taramakau Highway, Kumara Junction sits within a rural-residential environment of large-lot properties and open space, with limited non-residential activity. The surrounding area's quiet, low-intensity character is a key amenity attribute under both the Operative Westland District Plan and the Proposed Te Tai o Poutini Plan (PDP).
38. RC220119 presently authorises up to five events per calendar year with controls on hours, noise, staff and parking. As amended post-hearing, the variation would enable up to 30 events per calendar year, with attendance capped at 150 guests (with up to six staff), activity confined to Thursday–Sunday and public holidays, and hours of 09:00–22:00 Sun–Thu and 09:00–23:00 Fri/Sat, with one night per week only (Friday or Saturday) permitted to 00:00 (midnight). The on-site parking layout is increased to 38 marked spaces to contain parking within the site.
39. While this remains an intensification relative to the existing consent, the combination of strict frequency and attendance caps, single midnight night, and an event-scale TMP requirement (triggered for events >105 attendees, including minibuses/no coach parking, on-site drop-off/pick-up and pre-event guest communications) provides effective management of concentrated activity periods. On that basis, the pattern of use is intermittent and contained, and off-site amenity effects associated with arrivals/departures can be moderated.
40. Two directly adjoining dwellings at 20 and 26 Greymouth–Kumara Tramway did not provide written approval and raised concerns about late-night noise, frequency of disturbance, privacy, character, and cumulative lifestyle impacts. I have had regard to those matters and the rural context. The revised caps and hours, 38 on-site spaces (to avoid verge parking), and TMP-led guest management and dispersal materially reduce the scale and duration of potential effects experienced by neighbours.
41. The applicant's acoustic assessment by Marshall Day has been confirmed as being based on microphones and non-amplified music only, with activity indoors and doors/windows closed during microphone use. Coupled with the no amplified musical instruments control and no outdoor amplification, I am satisfied that music-related noise can be contained to a level consistent with rural-residential expectations, noting that the principal residual effect is short-duration human-activity noise around event start/finish times, which is addressed through hours and TMP dispersal measures.
42. Increasing on-site parking from 16 to 38 spaces avoids spill-over to the road reserve and reduces effects associated with informal verge parking. While additional hardstand and evening vehicle movements introduce more activity during events, the effects are transient, occur within limited hours, and are moderated by lighting/wayfinding and on-day parking management secured via the TMP.

Overall, this does not result in an urban character outcome when weighed against the infrequency and duration limits.

With the above caps, hours, indoor/no-amplification controls, and TMP requirements, I consider the activity remains a community facility of intermittent operation rather than a general function centre. Subject to conditions, the effects on rural character and residential amenity will be no more than minor.

### Transport

43. Compared with RC220119 (up to five events per year), the amended variation enables up to 30 events per year, with attendance capped at 150 guests (+ up to six staff), activity confined to Thursday–Sunday and public holidays and clarified hours. The on-site parking layout increases to 38 marked spaces. These controls materially reduce the scale of enabled activity from the “four days per week” scenario originally assessed and provide a clearer basis for effects management.
44. Using the applicant’s caps and standard occupancy assumptions, event traffic is episodic rather than continuous. Peak-period arrivals and departures are managed by the Transport Management Plan (TMP) trigger for events >105 attendees, which coordinates mode choice (minibuses in lieu of coaches), on-site drop-off/pick-up, and parking management within the 38-space layout. This, in combination with the lower event frequency ( $\leq 30$ /year), narrows the potential for sustained high volumes when compared to the earlier “up to 208 event days” assessment scenario.
45. Assessment has been undertaken on the full extent of activity enabled by the amended conditions ( $\leq 30$  events/year;  $\leq 150$  guests; TMP >105). On this basis, and with the TMP defining how peak flows are staged and contained on-site, effects associated with arrivals/departures can be predictably managed. Council retains enforceable control through the conditions framework (caps, TMP content, operational records and a safety review/audit pathway).
46. Council’s Transportation Manager (Mr Karl Jackson) reviewed the post-hearing transport material and participated in a Joint Witness Statement (JWS) with Novo Group. The JWS adopts a common daily-volume method (dwellings-based proxy where data are limited), confirms low local-road volumes, and agrees that a TMP for events >105 attendees is the appropriate operational control. The nearby West Coast Wilderness Trail and pedestrian activity were considered; with briefing/wayfinding embedded in the TMP, active-modes effects are less than minor.
47. With respect to State Highway 6 (SH6), Waka Kotahi (NZTA) has provided written approval for the varied use. NZTA’s expectations are embedded in conditions: maintenance of operational records (rolling 12-month dataset), a safety review/road-safety audit pathway if incident data warrant it, and TMP content specifying minibuses (no coach parking), on-site drop-off/pick-up, and pre-event guest communications discouraging private-vehicle use and setting out shuttle/minibus arrangements.
48. These measures directly address the intersection context, on-site containment of vehicles, and guest travel behaviour during peak arrival/departure windows. In my view, the combination of frequency and attendance caps, 38 on-site spaces, TMP >105 (with specified content), and NZTA-aligned monitoring/audit provides a clear, enforceable mechanism to manage transport effects over time.
49. Submissions from the two nearest neighbours identified historic concerns including verge parking, conflicts with cyclists and pedestrians, and sight-distance issues at SH6. The increase to 38 on-site spaces avoids verge parking; the TMP requires on-day parking management, wayfinding, and (if warranted) a marshal; and pre-event guest communications and minibus use reduce private-vehicle



pressure. Taken together, these controls materially reduce the likelihood of the adverse outcomes described by submitters.

50. The Integrated Transport Assessment (ITA) and subsequent Novo material conclude the local network can accommodate the event traffic with the proposed management measures. The JWS reconciles methodology and closes the earlier inconsistency in daily-volume estimation. I adopt those conclusions for planning purposes, noting that residual risk is addressed through the records + safety-review pathway.
51. While the PDP would nominally indicate a minor two-space variance at 40 spaces for a 150-person event, the 38 on-site marked spaces function as a practical cap and are supported by the TMP's management tools (staging, minibus use, on-site baying). This represents a material improvement over the RC220119 baseline and, in my view, avoids off-site spill-over.
52. In summary, considering the reduced event frequency, attendance cap, 38 on-site spaces, TMP for events >105 attendees (with specified content), NZTA written approval and embedded expectations, and the JWS outcomes, I consider the potential adverse effects on traffic safety and efficiency to be no more than minor subject to the updated conditions.

#### Noise

53. Noise was a central concern for the two nearest neighbours, particularly the potential for late-evening activity in a low-ambient rural setting. Rural acoustic character is an important amenity attribute under both the Operative Westland District Plan and the Proposed Te Tai o Poutini Plan (PDP), and I have assessed the proposal against that context.
54. The application was amended to exclude amplified musical instruments. Post-hearing, Marshall Day Acoustics confirmed that its assessment was undertaken on the basis of microphones and non-amplified (acoustic) music only, with activity indoors and doors/windows closed during microphone use. There is no outdoor amplification.
55. The hours have been clarified and reduced relative to the earlier scenario: Sun–Thu 09:00–22:00; Fri/Sat 09:00–23:00, with one night per week only (Friday or Saturday) permitted to 00:00 (midnight). Coupled with caps of ≤30 events/year and ≤150 guests, this materially limits the frequency and duration of night-time exposure.
56. The dominant residual effect is human-activity noise (arrivals, departures, car doors, voices) at event start/finish, rather than music breakout. This is addressed through Transport Management Plan (TMP) dispersal measures (guest communications, on-day parking management/wayfinding, and if warranted, a marshal) to minimise congregation and expedite orderly egress during sensitive evening periods.
57. On the music source itself, I rely on the Marshall Day confirmation of method (microphones and non-amplified; indoors; closures during mic use). With the no-amplified-instruments control, no outdoor amplification, and the indoor-use requirement, I consider music-related noise can be contained to levels consistent with rural-residential expectations.
58. Submitter concerns about past disturbance and sleep disruption have been considered. In my view, the combination of reduced hours (single midnight night), event/attendance caps, and TMP-based dispersal materially reduces the risk of recurrent late-night effects. Any isolated issues can be addressed via Council's compliance pathways if conditions are not adhered to.

59. Overall, subject to the updated conditions, I consider noise and amenity effects to be no more than minor in the rural context.

#### Reverse Sensitivity

60. Reverse sensitivity refers to the potential for an intensified activity to create conflicts with established, lawfully existing activities—by way of complaints or perceived incompatibility that could constrain those activities. In the rural context this commonly concerns farming, infrastructure operations, and transport corridors where noise and other effects are intrinsic to the environment.
61. RC220119 already authorises the community hall activity. This s127 application does not establish a new sensitive activity, it intensifies an existing consented use. The reverse-sensitivity assessment therefore focuses on whether the increased frequency, clarified hours, attendance caps, and related operational changes would give rise to new or exacerbated constraints on neighbouring activities, including State Highway 6 (SH6).
62. The immediate surroundings are predominantly rural-residential/lifestyle properties rather than active primary production or industrial operations. Post-hearing clarifications and conditions (e.g., no amplified musical instruments, speech microphones indoors only with doors/windows closed, event/attendance caps, and 38 on-site parks to avoid verge parking) reduce the likelihood of nuisance complaints arising from music or parking spill-over.
63. With respect to SH6, Waka Kotahi (NZTA) written approval has been provided and its expectations are embedded in conditions (operational records with a safety review/audit pathway, and TMP >105 specifying minibuses/no coach parking, on-site drop-off/pick-up, and pre-event guest communications). An advice note also clarifies that this consent does not fetter lawful rural activities or the lawful operation of SH6, and guests should expect typical effects of a working rural/SH environment.
64. On that basis, I consider the potential for reverse sensitivity effects to be less than minor. The updated condition set appropriately manages expectations and interface effects, and there is no evidence that the variation would restrict the ongoing lawful operation of neighbouring properties or the transport corridor.

#### Positive effects

65. Under s104(1)(a) RMA, positive effects must be considered alongside adverse effects. In this case, the variation expands the operational capacity of an already consented community facility but within clear caps and controls ( $\leq 30$  events/year,  $\leq 150$  guests, defined hours, one midnight night only, no amplified musical instruments, TMP >105, and NZTA-aligned transport measures).
66. The primary positive effect is enhanced community access to a fit-for-purpose venue. More regular availability for community gatherings, celebrations, workshops and charitable or cultural events can support social cohesion, participation and wellbeing in a locality with limited communal infrastructure.
67. The activity can generate local economic benefits at a modest scale, including casual/part-time roles for up to six staff, and indirect spend on catering, accommodation and services associated with events, thereby circulating expenditure within the district.
68. The increase from 16 to 38 marked on-site parks, together with TMP-led on-day management (staging, wayfinding, minibus use), is likely to improve safety and amenity relative to the RC220119 baseline by reducing verge/roadside parking and better coordinating arrivals and departures.

69. While these positive effects are acknowledged and carry weight, they must be balanced against the potential adverse effects of increased intensity and frequency. With the post-hearing controls now proposed, I consider the social and limited economic benefits can be realised while maintaining transport safety/efficiency and rural amenity to an acceptable level.

### Summary of Effects

70. The variation increases operational activity relative to RC220119 but within defined caps and controls: up to 30 events per year, up to 150 guests (+ up to six staff), activity confined to Thursday–Sunday and public holidays, hours of 09:00–22:00 Sun–Thu and 09:00–23:00 Fri/Sat, with one night per week only permitted to 00:00 (midnight). Music is restricted to non-amplified (acoustic) instruments and speech microphones indoors only (doors/windows closed). On-site parking increases to 38 marked spaces.
71. With these limits, the activity remains intermittent and contained. Subject to conditions (caps, hours, indoor/no-amplification controls, TMP for larger events), effects on amenity and rural character are, in my view, no more than minor.
72. Transport effects have been reassessed on the full enabled envelope ( $\leq 30$  events/year;  $\leq 150$  guests; TMP  $> 105$ ). The Transport Joint Witness Statement confirms a common daily-volume method and low local-road volumes; active-modes effects are less than minor with TMP briefing/wayfinding. Waka Kotahi (NZTA) has provided written approval and its expectations are embedded in conditions: operational records (rolling 12-month set), a safety review/audit pathway if incidents warrant it, and TMP content (minibuses/no coach parking, on-site drop-off/pick-up, guest communications). On that basis, traffic safety and efficiency effects are no more than minor.
73. On noise, Marshall Day Acoustics confirms the assessment assumes microphones and non-amplified music indoors, with doors/windows closed during microphone use and no outdoor amplification. Residual effects chiefly relate to human-activity noise at arrivals/departures and are addressed through hours and TMP-led dispersal. Overall noise effects are no more than minor.
74. Reverse sensitivity effects are assessed to be low. The activity intensifies an existing consented use and does not introduce a new sensitive activity. An advice note clarifies the consent does not fetter lawful rural activities or the operation of SH6.
75. Positive effects include improved access to a community venue (social cohesion and wellbeing benefits), modest local economic activity (up to six staff; event-related spending), and safer/clearer on-site parking outcomes compared with the RC220119 baseline (38 marked spaces with TMP management).
76. Overall, with the updated, enforceable conditions, adverse effects on amenity, character, noise, and transport are appropriately managed and assessed as no more than minor. The proposal is acceptable under s104 RMA.

### **Objectives and Policies**

#### **Operative District Plan**

77. 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

78. This objective enables communities to provide for social, economic, and cultural wellbeing while managing adverse effects. With limitations on the number of events per year, as well as the total number of guests, clarified hours (one midnight night only), indoor/no-amplification controls, and TMP >105 with specified content, the hall can operate more regularly while maintaining rural amenity. On that basis, the proposal is consistent with Objective 3.2.1, enabling community use without unacceptable environmental costs.

Objective 3.3.1 – Image of the District

79. Westland's largely undeveloped rural image is maintained where activities are contained and effects are managed. The activity remains within an existing building; frequency/attendance caps, 38 on-site parks (avoiding verge parking), and hours limits constrain perceptible change to intermittent, short-duration event periods. Subject to conditions, effects on rural character are no more than minor and the proposal is generally consistent with this objective.

Objective 3.4.1 – Infrastructure and Servicing

80. The site relies on typical rural, on-site servicing. No reticulated upgrades are required and the activity fits the plan's expectations for non-reticulated areas. The proposal is consistent with this objective.

Objective 3.4.2 – Protection of Infrastructure

81. This objective seeks to ensure public infrastructure, including roads and the State Highway, is not compromised. Waka Kotahi (NZTA) written approval has been provided and its expectations are embedded in conditions: operational records with a safety review/audit pathway, and TMP >105 specifying minibuses/no coach parking, on-site drop-off/pick-up, and guest communications. With these controls, safe and efficient operation of SH6 is maintained; the proposal is consistent with Objective 3.4.2.

Policy 4.4.A – Maintenance of Amenity Values

82. Amenity (noise, privacy, traffic) is protected where effects are limited and managed. Marshall Day confirms the noise basis (microphones + non-amplified music indoors, windows/doors closed during mic use) and no outdoor amplification. Together with hours, caps, 38 on-site parks, and TMP-led dispersal, residual effects on nearby residents are no more than minor. The proposal is consistent with this policy.

Policy 4.4.E – Compatibility of Non-Residential Activities

83. Non-residential uses should be compatible with rural amenity. Here, the activity is an intermittent community facility constrained by frequency/attendance caps, single midnight night, and indoor/no-amplification controls. With these conditions, cumulative effects are contained and the activity is compatible with its setting. The proposal is consistent with Policy 4.4.E.

Policy 4.6.B – Compatibility with Rounding Hierarchy

84. Activities must align with road function and capacity. The Transport JWS confirms low local-road volumes and an agreed method for daily volumes; NZTA approval addresses the SH6 interface with enforceable TMP content and monitoring. The 38-space on-site layout limits spill-over. Subject to conditions, the activity is compatible with the rounding hierarchy and consistent with Policy 4.6.B.

#### Policy 4.6.C – Maintenance of Environmental Quality

85. Transport effects should not degrade environmental quality. With TMP >105 (minibuses/no coach parking; on-site pick-up/drop-off; guest comms), operational records + audit pathway, and hours/caps, traffic and activity are managed to avoid cumulative degradation. The proposal is consistent with this policy.

#### Summary

86. Overall, with the updated and enforceable conditions, the proposal is consistent with the relevant Operative District Plan objectives and policies for community wellbeing, amenity and rural character, and a safe, efficient transport network.
87. While community activity increases relative to RC220119, the post-hearing controls ensure effects are appropriately managed. The enabling objectives for well-managed community use are achieved without undermining amenity or transport outcomes; any residual effects are no more than minor and acceptable in the Rural Zone context.

#### **Proposed District Plan**

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

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

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

#### **Part 2: Transport**

##### TRN-O1 – Integrated and Safe Transport Network

90. An integrated, safe, efficient and sustainable transport network is maintained or enhanced. With caps ( $\leq 30$  events/year;  $\leq 150$  guests), 38 on-site parks, a TMP for events >105 attendees (including minibuses/no coach parking, on-site drop-off/pick-up, and pre-event guest communications), and operational records with a safety review/audit pathway embedded at NZTA's request, transport effects are contained and monitored. The Transport JWS confirms low local-road volumes and an agreed method; NZTA written approval addresses the SH6 interface. The proposal is therefore consistent with TRN-O1.

##### TRN-P1 – Safe and Efficient Access

91. Require subdivision, use and development to provide safe and efficient access. No physical access re-design is required; instead, safety/efficiency is managed operationally via the TMP trigger >105, on-day parking management/wayfinding (marshal if warranted), minibus use and guest communications, with oversight via operational records and a safety review/audit pathway. In light of the JWS and NZTA approval, the proposal is consistent with TRN-P1.

##### TRN-P5 – Design of Access and Parking

92. Ensure access, parking and loading are appropriately designed, located and constructed. The increase to 38 marked on-site spaces improves on-site containment and avoids verge parking. The TMP's operational tools support the layout during peaks. Subject to conditions, the activity is consistent with TRN-P5.

#### **Part 2: Noise**

#### NOISE-O1 – Amenity and Health

93. Noise is managed to maintain amenity and avoid adverse health effects. Marshall Day confirms the basis of assessment is microphones and non-amplified music indoors, with doors/windows closed during microphone use and no outdoor amplification. Together with the hours (one midnight night only) and event/attendance caps, the proposal is consistent with NOISE-O1.

#### NOISE-P1 – Manage Noise Emissions

94. Manage emissions to avoid, remedy or mitigate adverse effects. The no amplified musical instruments control and indoor-only microphone use ensure emissions are appropriately contained. The proposal is consistent with NOISE-P1.

#### NOISE-P4 – Land Use Compatibility

95. Require noise-sensitive activities to be located and designed to avoid reverse-sensitivity conflicts. While the hall is not a noise-sensitive activity, its potential to generate noise is managed through the above controls and therefore it is considered that compatibility with the rural context is maintained and the proposal is consistent with NOISE-P4.

### **Part 3: Rural Zones**

#### RURZ-O1 – Character and Amenity

96. Rural character and amenity (open space, privacy, predominance of natural features) are maintained. No new buildings are proposed. With frequency/attendance caps, clarified hours, indoor/no-amplification controls, and 38 on-site parks (avoiding verge effects), the intermittent event pattern maintains rural character and neighbour amenity. The proposal is therefore considered to be consistent with this objective.

#### RURZ-O2 – Functioning of Rural Land

97. Rural zones continue to support primary production, rural industry, rural living and customary activities. The activity does not constrain surrounding rural use; an advice note clarifies it does not fetter lawful rural activities or SH6 operation. The proposal is therefore considered to be consistent with Objective RURZ-O2.

#### RURZ-P2 – Rural Character and Amenity

98. Subdivision/use/development should be of a nature, scale, design and location that maintains rural character and amenity. The hall remains a community facility of intermittent operation; controls on frequency, attendance, hours and noise ensure effects are contained. The proposal is considered to be broadly consistent with Policy RURZ-P2.

#### RURZ-P3 – Reverse Sensitivity

99. Manage activities that could give rise to reverse-sensitivity effects. The proposal intensifies an existing consented activity and embeds measures that set expectations for guests and manage the SH6 interface via NZTA-aligned conditions. The proposal is considered to be consistent with this policy.

#### Summary

100. Overall, with the updated and enforceable conditions, the proposal is consistent with the relevant PDP transport, noise and rural-zone objectives and policies. The PDP's enabling, effects-based approach to community activities is met while maintaining transport safety/efficiency and rural amenity.



## **Weighting**

101. In light of the post-hearing evidence and updated condition set, the proposal is assessed as consistent with the relevant Operative District Plan (ODP) objectives and policies for rural character/amenity and transport. It is also consistent with the Proposed District Plan (PDP), which takes an enabling, effects-based approach where adverse effects are appropriately managed.
102. The PDP is at an advanced stage, and its provisions reflect contemporary planning outcomes; accordingly, it attracts material weight. However, the ODP remains operative and is the primary instrument under s104(1)(b), so it continues to carry greater (determinative) weight where there is any tension.
103. In this case, there is no material conflict between the two frameworks once the conditions are applied. Giving primary weight to the ODP and significant supporting weight to the PDP, the proposal aligns with both planning instruments and is acceptable in policy terms.

## **Other Matters under Section 104(1)(b)**

### **West Coast Regional Policy Statement 2020 (RPS)**

104. The West Coast Regional Policy Statement 2020 (RPS) enables rural land use while maintaining rural character and amenity (Objective 4.1 and supporting policies). The variation intensifies an existing, consented community facility without new built form, and is now bounded by caps ( $\leq 30$  events/year;  $\leq 150$  guests), clarified hours (one midnight night only), indoor/no-amplification controls, and 38 on-site parks. Subject to those conditions, adverse amenity and character effects are avoided, remedied or mitigated, and the proposal is consistent with Objective 4.1.
105. For infrastructure and transport (Objective 6.1; Policy 6.2), the post-hearing package embeds NZTA (Waka Kotahi) written approval and expectations: operational records with a safety review/audit pathway, and a TMP for events  $> 105$  attendees specifying minibuses (no coach parking), on-site drop-off/pick-up, and pre-event guest communications. The Transport JWS confirms low local-road volumes and an agreed method. With these measures, network safety and efficiency are maintained, aligning the proposal with the RPS transport direction.
106. On reverse sensitivity (Policy 5.3), the activity intensifies an already consented use rather than introducing a new sensitive activity. Conditions (indoor/no-amplification controls, caps, hours, on-site parking containment) and an advice note clarifying that the consent does not fetter lawful rural activities or the operation of SH6 keep reverse-sensitivity risk low and managed, achieving policy intent.
107. The RPS also supports community infrastructure and services contributing to social wellbeing (Objective 8.1; Policy 8.2). Enhanced availability of the hall for community events provides social benefits in a rural locality with limited communal infrastructure. With transport and noise effects managed as above, these benefits weigh positively in the RPS balance.
108. In summary and taking into account the NZTA-aligned transport conditions, the Transport JWS, and Marshall Day's confirmation of the indoor, microphone-only/non-amplified noise basis, the proposal is generally consistent with the RPS. Potential effects on amenity, transport, and reverse sensitivity are appropriately managed through enforceable conditions while enabling community wellbeing.

## **PART 2 OF THE RESOURCE MANAGEMENT ACT 1991**

109. 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.”*
110. 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 wellbeing while safeguarding the life-supporting capacity of resources and ensuring that adverse effects are avoided, remedied, or mitigated.
111. As amended through the hearing process and subsequent directions, the variation increases operational activity relative to RC220119 but within defined caps and controls: up to 30 events per year, up to 150 guests (and up to six staff), activity limited to Thursday–Sunday and public holidays, 09:00–22:00 Sun–Thu and 09:00–23:00 Fri/Sat with one midnight night per week only, indoor use with no amplified musical instruments (speech microphones indoors only; doors/windows closed during microphone use), 38 on-site parks, and a TMP for events >105 attendees. NZTA’s written approval is provided, with expectations embedded via operational records and a safety review/audit pathway.
112. Assessment has therefore proceeded on the full enabled envelope with conditions. With the frequency/attendance caps, TMP measures (minibuses/no coach parking; on-site drop-off/pick-up; guest communications), and NZTA-aligned monitoring/audit provisions, the receiving environment is protected from cumulative or repeated high-intensity transport effects. Event activity is episodic rather than continuous and is bounded by hours and operational limits.
113. The proposal does not affect air, water, soil, ecosystems, or productive land. The key potential effects are on amenity, rural character, noise and transport. Post-hearing: (i) Marshall Day confirms the assessment basis of microphones and non-amplified music indoors; (ii) the Transport JWS reconciles methodology and confirms low local-road volumes with active-modes effects less than minor under the TMP; and (iii) NZTA has provided written approval with expectations now captured in conditions. Subject to those conditions, effects are appropriately avoided, remedied or mitigated and assessed as no more than minor.
114. On that basis, I consider the variation achieves the sustainable management purpose of s5 RMA as it enables community and cultural wellbeing through improved access to a community facility while maintaining environmental quality and managing effects to acceptable levels.
115. 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.
116. 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”*

117. The variation represents an efficient use of an existing building and site (s7(b)) while the condition set (caps, hours, indoor/no-amplification controls, TMP >105, 38 on-site parks, NZTA-aligned monitoring/audit) maintains amenity values (s7(c)) and the quality of the environment (s7(f)) to an acceptable level in the rural context.
118. Particular regard has been given to the expectations of the surrounding rural-residential environment. The single midnight night, indoor/no-amplification controls, and TMP-led guest dispersal reduce late-evening effects, the 38-space layout with on-day management avoids verge parking and NZTA aligned provisions ensure an ongoing safety review/audit pathway if incident data warrant it.
119. Accordingly, in my opinion the proposal gives effect to the relevant s7 matters and maintains rural amenity and environmental quality subject to conditions.
120. 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.
121. Overall, giving weight to the post-hearing evidence and the enforceable conditions, I consider the proposal promotes the sustainable management purpose of Part 2 of the RMA. The social and community benefits can be realised while adverse effects on rural character, amenity and transport are managed to no more than minor.



## 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) be **GRANTED**, for the following reasons:

- (1) It is my opinion, based on the full record and expert input (including the Transport Joint Witness Statement, Waka Kotahi (NZTA) written approval and expectations, and Marshall Day Acoustics' confirmation of the indoor, microphone-only/non-amplified basis), the adverse effects on rural amenity and character, noise, and the safe and efficient operation of the surrounding road network can be avoided, remedied or mitigated through enforceable conditions. With event/attendance caps, clarified hours, 38 on-site parks, TMP for events >105 attendees, and operational records with a safety review/audit pathway, residual effects are assessed as no more than minor.
- (2) With those conditions, the proposal is consistent with the relevant Operative Westland District Plan objectives and policies for community wellbeing, amenity/rural character, and a safe, efficient transport network, and is likewise consistent with the Proposed Te Tai o Poutini Plan transport, noise, and rural-zone provisions.
- (3) The variation represents an efficient use of existing physical resources (s7(b)), enabling community and cultural wellbeing while maintaining amenity values (s7(c)) and the quality of the environment (s7(f)). There is no loss of productive land and no effects on air, water, soil or ecosystems.
- (4) Overall, giving weight to the post-hearing evidence and updated condition set, the proposal promotes the sustainable management purpose of Part 2 (s5) of the RMA.
- (5) 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 and post-hearing process.

Report by:	Review and Decision by:
	
Joubert Bekker <b>Consultant Planner</b>	Olivia Anderson <b>Planning Manager</b>

<b>Attachments:</b>	Appendix 1	Amended Draft Conditions of Consent
	Appendix 2	WDC Engineering Comments
	Appendix 3	Applicant's AEE
	Appendix 4	Applicant's RFI Response
	Appendix 5	Relevant Plans
	Appendix 6	NOVO Group Addendum 2
	Appendix 7	Marshall Day Acoustics Confirmation
	Appendix 8	Waka Kotahi (NZTA) Written Approval
	Appendix 9	Transport Joint Witness Statement

**Report Dated:** 3<sup>rd</sup> December 2025