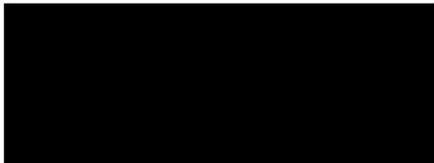


18 December 2025



Tēnā kōrua 

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT Request: 2025-65

Thank you for your email and letter of Wednesday 3 December 2025 to the Carterton District Council attached as **Appendix A**.

Your request has been considered under the Local Government Official Information and Meetings Act 1987 (the Act). My response to each of your questions is detailed in the number order below.

1. Under 'Proposal':

'The applicant has received written approval from those relevant neighbours, being  Nelson Crescent and  Holloway Street'.

Why were the neighbours from  Nelson Crescent and  Holloway Street the only neighbours consulted? Who made the decision on who were 'relevant neighbours' and on what was this decision based?

Under the RMA, Council must identify "affected persons" when considering whether to notify an application. The properties at  Nelson Crescent and  Holloway Street were assessed as being the most directly affected because of their immediate proximity and orientation to the proposed wine bar. The decision was made by the Council's planning officer using the criteria in s95E RMA, which requires consideration of the scale of effects (noise, traffic, amenity) on each property. Other nearby properties were assessed as having effects that were "less than minor," meaning they were not considered affected persons requiring written approval.

2. Proposed additions and alterations to the existing building.

Why does this section not refer to the inclusion of sprinklers and smoke alarms?

Matters such as sprinklers, smoke alarms, and fire safety are regulated under the Building Act 2004 and the New Zealand Building Code. Resource consent deals with land use effects (noise, traffic, amenity, visual impact). Building safety requirements are addressed separately at the building consent stage. For this reason, the resource consent application does not include reference to sprinklers or alarms, although they will be required if applicable under the Building Code.

3. Noise

'The applicant has provided a Noise Assessment undertaken by Marshall Day Acoustics'.

Did Marshall Day Acoustics visit the site and neighbouring streets when undertaking their noise assessment or did they undertake it using a map? If they did it using a map, how can they accurately assess the noise impacts?

Council does not hold information on whether Marshall Day Acoustics undertook a site visit or relied solely on mapping tools. However, the submitted report confirms that noise monitoring equipment was installed on the site, which indicates that on-site measurements were part of the assessment process.

Marshall Day Acoustics are highly respected experts in their field, and Council has no reason to question the validity of their conclusions. The Resource Management Act only requires that a noise report be provided; it does not prescribe the specific methodology beyond compliance with relevant standards. The use of mapping tools is common in acoustic assessments for modelling and predicting noise propagation, but this is typically supplemented by site measurements to ensure accuracy.

'...the report assesses noise effects for the nearest residential properties who did not provide written approval – [REDACTED] and [REDACTED] Nelson Cres'.

Why were residents at [REDACTED] and [REDACTED] Nelson Crescent not approached for written approval? [REDACTED] Nelson Crescent is straight across the road from the proposed site. Also, why was the resident at [REDACTED] Nelson Crescent not approached? This resident is closer to the proposed site than the resident at [REDACTED] Nelson Crescent. This would indicate that Marshall Day Acoustics did not visit the site to do their assessment.

We request a copy of the Noise Assessment undertaken by Marshall Day Acoustics.

[REDACTED] was provided with copies of the Resource Consent, Noise Assessment report dated 30 October 2025, and Consent Decision. Therefore, we are of the view you already have this information.

The Council itself notes that 'I consider that effects in relation to noise on [REDACTED] and [REDACTED] Nelson Crescent are less than minor and are acceptable'. The Council would appear to

not have knowledge of the layout of its own streets. Again, [REDACTED] Nelson Crescent is further away from the proposed site than [REDACTED] Nelson Crescent.

Issue Identified:

The application includes a map that incorrectly identifies properties at [REDACTED] and [REDACTED] Nelson Crescent. This error originates from an external map provider and does not reflect Council's official property numbering.

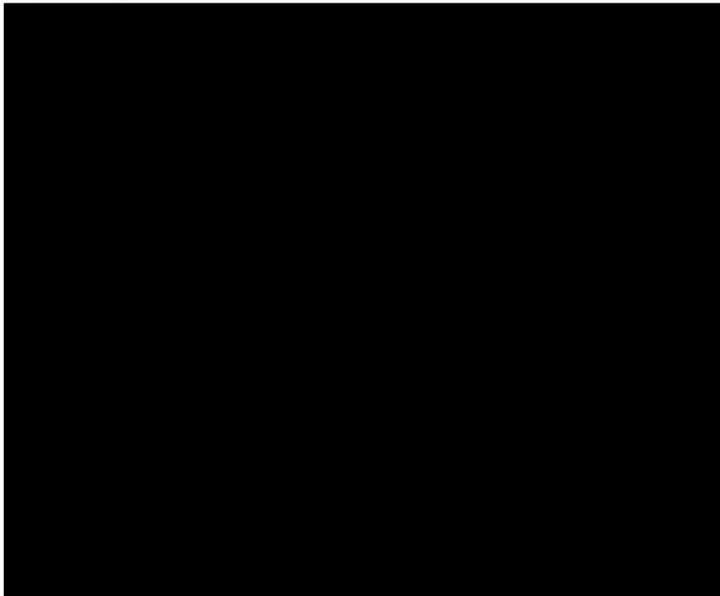
Clarification:

The noise assessment was undertaken on the following properties:

- [REDACTED] Holloway Street
- [REDACTED] Nelson Crescent
- [REDACTED] Nelson Crescent
- [REDACTED] Nelson Crescent

The map provided with the application shows the assessed properties but also displays incorrect numbering from the external source.

Figure 2: Properties assessed in relation to the Site



The Noise report notes the following:

"The noise report identifies that compliance with the noise limits in the District Plan is not expected to be achieved at [REDACTED] and [REDACTED] Nelson Crescent if live music is comprised of low frequency sound, such as a large band or DJ. In order to ensure compliance with respect to [REDACTED] and [REDACTED] Nelson Crescent, this application proffers conditions to the following effect:

- No large bands or DJs playing low frequency sound will be permitted to play at the proposed wine bar.

- An acoustic fence will be constructed in accordance with Figure 4 (above – see Page 10). Where live music is being played indoors, northeastern doors will be closed after 7pm.
- Live music will only be played in the northwestern side of the subject site.

These conditions form part of the application and as such can be considered for the purposes of determining affected parties in accordance with s95D of the RMA. Based on the advice in the noise report, and with the inclusion of the proposed acoustic fence, I consider that effects in relation to noise on [REDACTED] and [REDACTED] Nelson Crescent are less than minor and are acceptable.”

Can the Council define how it categorises effects as ‘less than minor’? Is there a form of measurement or is it just what the Council thinks?

Our response to questions 4 and 5 below addresses the question you raised.

Does the Council consider the noise from the proposed additions and alterations to the existing building will have no noise effect on neighbours? We do not consider construction, demolishing, and landscaping to be quiet activities.

Under the District Plan and NZS 6803:1999 guidelines, construction noise is treated as a temporary activity and is generally permitted, rather than the usual operational noise limits in the plan.

Who will monitor the noise from the proposed wine bar?

Monitoring is undertaken by Council’s Environmental Health team, in response to complaints or compliance checks.

4. Public Notification Assessment (Section 95A)

c. Step 3: ‘...the effects are considered to be no more than minor’.

How does the Council define ‘minor’? We consider the effects will be a lot more than ‘minor’. Increased traffic, increased noise, the loss of car parks and intoxicated persons returning to their cars late at night we would not consider ‘minor’. If there is an event on at the Carterton Events Centre and a function on at the proposed wine bar, does the Council consider the noise levels of those combined to be ‘minor’? Loud noise is also currently generated from the gym at the end of Nelson Crescent.

Patrons of the wine bar parking in neighbouring streets will exacerbate the demand for car parks (and noise) already experienced by residents when there is an event on at the Carterton Events Centre.

Under section 95A of the RMA, Council must determine whether an application should be publicly notified. The statutory test is whether the adverse effects on the environment are “more than minor.” The term “minor” is not defined directly in the Act but has been interpreted through case law and planning practice. In general, a minor effect is one that is noticeable but acceptable in the context of the receiving environment, while a less than minor effect is negligible.

In assessing this application, Council considered the potential effects across traffic, noise, and cumulative activity. The site is located adjacent to a Council owned carpark and within a mixed commercial area, and the additional traffic and parking demand generated by the wine bar was assessed as manageable within the existing network. Acoustic modelling demonstrated that, with the inclusion of an acoustic fence and the imposition of operating conditions, predicted noise levels would comply with District Plan standards for nearby residential properties. Council also considered cumulative effects in the context of existing activities such as the Carterton Events Centre and other Town Centre Zone uses. It was concluded that the scale of the wine bar and its operating hours would not result in cumulative effects greater than minor.

On this basis, Council determined that the overall effects of the proposal were no more than minor. This conclusion was reached through reliance on technical reports, the site’s mixed use context, and professional planning judgment, rather than subjective opinion. Because the effects were assessed as no more than minor, the application did not meet the statutory threshold for public notification under section 95A of the RMA.

5. Limited Notification Assessment (Section 95B)

c. Step 3: ‘No other parties are considered to be affected in accordance with s95E of the RMA...All other effects of the proposal are no more than minor and do not affect any particular party.’

Again, how does the Council define ‘minor’? We are uncertain how the Council can consider the effects of a large wine bar with outdoor seating and music located in a small and quiet street can be categorised as ‘minor’ effects.

Under section 95B of the RMA, Council is required to consider whether an application should be limited notified to specific affected parties. The statutory test is whether any person is likely to experience adverse effects that are “more than minor.” The meaning of minor is discussed in response to Question 4.

In assessing this application, Council considered the mixed zoning and land use context of Holloway Street and Nelson Crescent. Half of both streets are zoned Commercial under the Operative District Plan or Town Centre Zone under the Proposed District Plan, while the eastern end is zoned Residential. Of the seven properties on Holloway Street, four are non-residential uses - the Carterton Events Centre, Council Operations Yard, Carterton School, and the Masonic Hall (which provided written approval and is used commercially). Only two

properties are dwellings. This mix of activity establishes a baseline environment that already includes traffic, noise, and activity beyond that of a purely residential street. Noise effects were assessed by Marshall Day Acoustics against District Plan standards. With the inclusion of an acoustic fence, restrictions on live music, and closure of certain doors after 7pm, predicted noise levels were found to comply. Traffic and parking demand were considered manageable given the site's proximity to Council carparks, Dixon Street, and High Street.

On this basis, Council determined that no other parties were affected to a level greater than minor under section 95E RMA, and therefore limited notification was not required.

6. Visual amenity and streetscape

Similarly, all other surrounding residential and commercial sites on Nelson Crescent and Holloway Street are sufficiently separated and screened from the proposal'.

How does the Council know that 'surrounding and commercial sites on Nelson Crescent and Holloway Street are sufficiently separated and screened from the proposal'? On what basis does the Council make this statement?

Does the Council consider a large and busy wine bar close to a primary school acceptable?

Council's assessment of visual amenity and streetscape effects was undertaken with reference to the zoning and land-use context of Holloway Street and Nelson Crescent... The proposal includes landscaping, acoustic fencing, design and use measures (and conditions) intended to integrate the wine bar into the streetscape. The conclusion that surrounding sites are "sufficiently separated and screened" was based on the physical distance between the wine bar and neighbouring dwellings, the presence of fencing and vegetation, and the intervening non-residential uses that already contribute to the character of the street.

With respect to Carterton School, Council noted its location further along Holloway Street and separated from the site by other properties and activities, namely the Wairarapa Events Centre, and Council Yards. The RMA requires Council to assess environmental effects such as noise, traffic, and amenity, but does not provide for Council to determine the appropriateness of business types near schools.

The assessment therefore focused on whether the proposal would generate adverse effects on amenity that were more than minor, and concluded that it would not.

7. Conclusion

'Overall, the adverse effects of the proposal are no more than minor'.

Again, please provide the Council's definition of 'minor'. Nelson Crescent is a small and quiet street. We would proffer that a large wine bar being established at the end of the street would have more than 'minor' adverse effects.

Refer to our previous response above.

8. *Proposed Wairarapa Combined District Plan (notified 2023)*

Noise: 'Patron noise is expected to comply with District Plan noise requirements at all times'.

Again, who will monitor patron noise?

Monitoring is undertaken by Council's Environmental Health team, in response to complaints or compliance checks.

9. *Right of Objection*

How did the Council notify/advertise the decision to grant resource consent for the operation of the wine bar? We became aware of the decision in November 2025 when the consent is dated 30 April 2025.

The way a decision is communicated depends on whether an application is publicly notified, limited notified, or non-notified. This application was processed on a non-notified basis, meaning the decision was issued directly to the applicant but it was not advertised publicly.

As discussed in response to Question 4, public notification is only required where effects are assessed as more than minor or where special circumstances exist. Because the effects of this proposal were assessed as no more than minor, the statutory threshold for public notification under section 95A was not met

10. *Can the Council please advise why it believes a small town like Carterton needs yet another venue where food and alcohol is available when there are already at least five venues that service Carterton with food and alcohol?*

The RMA, does not empower Council to assess or determine the commercial need for a particular type of business. Questions of market demand, competition, or the number of existing venues are not matters that can be considered when deciding a resource consent application. Council's role is limited to assessing the environmental effects of a proposal - such as noise, traffic, amenity, and compatibility with the District Plan.

In this case, the application was evaluated against those statutory criteria. The presence of other food and beverage venues in Carterton was not relevant to the decision.

11. *Has the Council considered the effects of a new wine bar on these other established venues?*

Refer to question 10 which provides you with the response.

12. What is the timeframe for the construction of the proposed wine bar?

The consent applicant has not provided Council with a confirmed construction time. Under the RMA, the resource consent must be given effect to within 5 years (30th April 2030).

Please note, the Council proactively publishes LGOIMA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email and letter. You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Geoff Hamilton
Chief Executive
Carterton District Council

RELEASED UNDER LGOIMA

3 December 2025

Planning
Carterton District Council
Carterton

Request for Information:

RM250025: Resource consent granted for operation of a wine bar at [REDACTED] Holloway Street, 30 April 2025

Kia ora

We are writing to request the following information on the above resource consent. May we suggest that it would make requests easier if your documents had numbered pages.

1. Under 'Proposal':

'The applicant has received written approval from those relevant neighbours, being [REDACTED] Nelson Crescent and [REDACTED] Holloway Street'.

Why were the neighbours from [REDACTED] Nelson Crescent and [REDACTED] Holloway Street the only neighbours consulted? Who made the decision on who were 'relevant neighbours' and on what was this decision based?

2. Proposed additions and alterations to the existing building.

Why does this section not refer to the inclusion of sprinklers and smoke alarms?

3. Noise

'The applicant has provided a Noise Assessment undertaken by Marshall Day Acoustics'.

Did Marshall Day Acoustics visit the site and neighbouring streets when undertaking their noise assessment or did they undertake it using a map? If they did it using a map, how can they accurately assess the noise impacts?

'...the report assesses noise effects for the nearest residential properties who did not provide written approval – [REDACTED] and [REDACTED] Nelson Cres'.

Why were residents at [REDACTED] and [REDACTED] Nelson Crescent not approached for written approval? [REDACTED] Nelson Crescent is straight across the road from the proposed site. Also, why was the resident at [REDACTED] Nelson Crescent not approached? This resident is closer to the proposed site than the resident at [REDACTED] Nelson Crescent. This would indicate that Marshall Day Acoustics did not visit the site to do their assessment.

We request a copy of the Noise Assessment undertaken by Marshall Day Acoustics.

The Council itself notes that 'I consider that effects in relation to noise on [REDACTED] and [REDACTED] Nelson Crescent are less than minor and are acceptable'. The Council would appear to not have knowledge of the layout of its own streets. Again, [REDACTED] Nelson Crescent is further away from the proposed site than [REDACTED] Nelson Crescent.

Can the Council define how it categorises effects as 'less than minor'? Is there a form of measurement or is it just what the Council thinks?

Does the Council consider the noise from the proposed additions and alterations to the existing building will have no noise effect on neighbours? We do not consider construction, demolishing, and landscaping to be quiet activities.

Who will monitor the noise from the proposed wine bar?

4. Public Notification Assessment (Section 95A)

c. Step 3: ‘...the effects are considered to be no more than minor’.

How does the Council define ‘minor’? We consider the effects will be a lot more than ‘minor’. Increased traffic, increased noise, the loss of car parks and intoxicated persons returning to their cars late at night we would not consider ‘minor’. If there is an event on at the Carterton Events Centre and a function on at the proposed wine bar, does the Council consider the noise levels of those combined to be ‘minor’? Loud noise is also currently generated from the gym at the end of Nelson Crescent.

Patrons of the wine bar parking in neighbouring streets will exacerbate the demand for car parks (and noise) already experienced by residents when there is an event on at the Carterton Events Centre.

5. Limited Notification Assessment (Section 95B)

c. Step 3: ‘No other parties are considered to be affected in accordance with s95E of the RMA...All other effects of the proposal are no more than minor and do not affect any particular party.’

Again, how does the Council define ‘minor’? We are uncertain how the Council can consider the effects of a large wine bar with outdoor seating and music located in a small and quiet street can be categorised as ‘minor’ effects.

6. Visual amenity and streetscape

‘Similarly, all other surrounding residential and commercial sites on Nelson Crescent and Holloway Street are sufficiently separated and screened from the proposal’.

How does the Council know that ‘surrounding and commercial sites on Nelson Crescent and Holloway Street are sufficiently separated and screened from the proposal’? On what basis does the Council make this statement?

Does the Council consider a large and busy wine bar close to a primary school acceptable?

7. Conclusion

‘Overall, the adverse effects of the proposal are no more than minor’.

Again, please provide the Council’s definition of ‘minor’. Nelson Crescent is a small and quiet street. We would proffer that a large wine bar being established at the end of the street would have more than ‘minor’ adverse effects.

8. Proposed Wairarapa Combined District Plan (notified 2023)

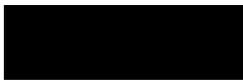
Noise: ‘Patron noise is expected to comply with District Plan noise requirements at all times’.

Again, who will monitor patron noise?

9. Right of Objection

How did the Council notify/advertise the decision to grant resource consent for the operation of the wine bar? We became aware of the decision in November 2025 when the consent is dated 30 April 2025.

10. Can the Council please advise why it believes a small town like Carterton needs yet another venue where food and alcohol is available when there are already at least five venues that service Carterton with food and alcohol?
11. Has the Council considered the effects of a new wine bar on these other established venues?
12. What is the timeframe for the construction of the proposed wine bar?



■ Nelson Crescent



■ Nelson Crescent