

13 May 2024



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Dear Joubert,

SUBDIVISION RESOURCE CONSENT 230134: SECTION 92 FURTHER INFORMATION REQUEST: 240 TARAMAKAU HIGHWAY, KUMARA JUNCTION

Thank you for your email. The following response is provided to satisfy the s 92 further information request items.

Amendments to the Proposal

As a result of the issues raised by Council within the above s 92 further information request, the applicant has opted to amend the application in order to address areas of concern.

As discussed, the application is for the variation to the existing resource consent 220119 which has allowed for a considerably restricted use of Melody Hall as a community facility. The variation has been proposed in order to allow for reasonable use of the hall, which is likely to be subject to infrequent occupation as compared to the operational hours proposed based on the nature of the facility and the intended occupants.

The following changes to the application are proposed in order for the activity to remain within the scope of resource consent 220119.

- The hall will be operational a maximum of four days a standard week and also public holidays where not restricted by alternative national requirements. The days of operation will include Thursday through to Sunday evening weekly, plus public holidays.
- The hours of operation have been amended as follows:
 - Friday and Saturday 8am to 3am
 - Thursday 8am to 9pm
 - Sunday and Public Holidays 8am to 7pm
- No amplified music will be played. Music will be restricted to acoustic only at all times. The only amplified system which will be in use at any time will be the use of a microphone for verbal communications only. However, amplified music will comfortably remain within District Plan permitted activity standards, as discussed below.
- In order to ensure complying dimensions are achieved for vehicle parking, the new parallel parking available within the entrance of the parking area will be reduced from three to two on



either side of the access way. This will result in a total of 38 car parks available within the application site, including road reserve and private property.

As a result of the above changes and to ensure clarity in the variation application, the conditions will be amended as follows.

General

Condition 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' and 'D'.*

Proposed Change: The proposal is to proceed in general accordance with that described within the variation application received XXXX, further information received XXXX, and as indicated on plans marked as attachment 'A', 'B', 'C' and 'D'.

Reason: This condition is a general condition that will be superseded through the new application.

Condition 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.*

Proposed Change: This condition will be removed and replaced with a condition allowing for up to six staff on site at any one time.

Reason: To ensure the facility can be used for special occasions and gatherings such as small weddings, shows and music, etc., which are considered to be commercial activities by Council. Staff may be needed to help serve refreshments, assist with entry, cleaning and general function of the hall.

Condition 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.*

Proposed Change: This condition will be amended to allow the facility to be utilised a maximum of four days a standard week and also public holidays where not restricted by alternative national requirements. The days of operation will include Thursday through to Sunday evening weekly. A record book will still be required.

Reason: This change will allow for the Hall to be used as intended, to serve the community as a function space.

Vehicle Access and Parking

Condition 5: *There shall be no more than sixteen (16) vehicles parked on the site at any one time.*

Proposed Change: This condition will be amended to allow for 38 car parks in the parking area. The area proposed for the amended car parking has been predominantly cleared of vegetation historically



(including the area around the shed) and as a component of the approved resource consent 220119. Additional vegetation clearance required to accommodate to proposed variation will not exceed 500m² at a very conservative estimate. In reality, the vegetation clearance is likely to be no more than 250m². Approximately 1,000m² of vegetation clearance has already occurred on site as a component of the proposed activity. All remaining clearance occurred within the road reserve, outside of the Record of Title, as approved via resource consent 220119.

Reason: This change better reflects the occupancy potential of the hall and will allow for less hassle for attendees as public transport options are limited.

Noise

Condition 16: *No Amplified musical instruments shall be used.*

As a result of the proposed amendments, this condition will not change. Although this is the case, amplified music will comply with permitted activity standards of the Operative District Plan, as discussed further within item 9 of the following further information submission. In light of this, where considered appropriate by the processing planner, it is proposed that this condition is amended to the following as this is in accordance with the permitted baseline of the Operative District Plan. It is considered unreasonable to restrict an activity in excess of that permitted by the Plan:

The consent holder shall ensure that all activities on the site are measured in accordance with the provisions of NZS 6801: 2008 Acoustics Measurement of environmental sound and assessed in accordance with the provisions of NZS6802:2008 Acoustics - Environmental. Noise shall not exceed the following noise limits at any point within the notional boundary of a residential activity, other than a dwelling on the site to which this consent applies, during the following time frames:

Monday to Friday 0700-2100hrs 55dBA L 10

Saturday 0700-1800hrs 55dBA L 10 At all other times, including public holidays 45dBA L 10

These noise limits shall not apply to construction noise which shall be assessed in accordance with NZS 6803:1999 Acoustics - Construction noise.

Hours of Operation

Condition 18: *All events shall be required to finish no later than 12:00am (midnight).*

Proposed Change: This condition will be updated to contain the following hours of operation.

All events shall be required to finish no later than the following times:

Friday and Saturday 8am to 3am

Thursday 8am to 9pm



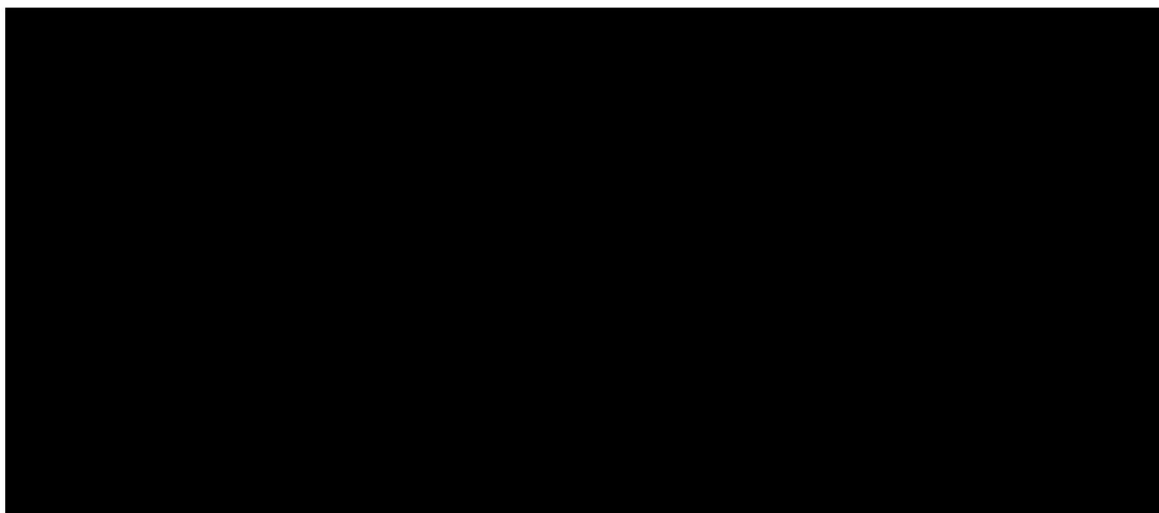
Sunday and Public Holidays 8am to 7pm

Reason: This will ensure mid-week functions finish at a reasonable time. Later hours during Friday and Saturday will ensure any users can pack up and clean after events on the day as opposed to being penalised by Council for extended hours.

Affected Party Approvals

As the proposed amendments to the variation application will result in a reduction in effects due to reduced hours of operation, no amplified instruments and reduced days of use, it has been considered that the affected party approvals originally provided will remain applicable to the amended proposal. These approvals include the following:

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Further Information Request

The following information is provided in order to address items 1 to 10 of the original further information request; however, it is noted that the scale of the application has been reduced, which is reflected in the following submission.

Access, Parling and Vehicle Movements

- 1.** *Please provide further clarification regarding the number of vehicle movements that will occur as a result of the proposed activity.*

It is intended that a maximum of 38 car parks will be available on site for users of the hall. This is an increase of 22 as compared to that originally approved. The Melody Hall building consent 230002 allows for a maximum of 200 occupants pursuant to the Building Code as a design occupant load, however it is unlikely that this level of occupancy will occur. It is intended that events to be hosted at the hall will include small community events, weddings, and gatherings. Based on the above, it is anticipated that a maximum of 90 vehicle movements per day will occur per large event, with a standard event expectation of 10 to 40 vehicle movements.

It has been assessed that the majority of the events held within the hall will produce low generation vehicle movements in accordance with Table 8.9.2 of the Operative District Plan. However, this table is not relevant to the application as the site access is via a local road.

2. *The updated parking plan provided as part of the application and dated September 2023 indicates two areas in the north-western corner of the application site that appear to be identified as parallel parking spaces for a total of six vehicles (three on each side of the accessway). Please provide dimensions for these parking spaces.*

The Operative Westland District Plan requires a parallel parking width of a minimum of 2.5m with a total depth of 6.1m. In order to achieve compliance with the depth requirements, the parallel parking areas have been reduced to two parks per area on either side of the vehicle access way. The parking plan has been updated and is attached.

3. *Council's Transportation Manager has advised that the parking and manoeuvring areas will need to be chip sealed in order to accommodate the additional vehicle movements. Please provide further details as to whether the applicant is proposing to upgrade these areas as part of the proposal.*

The parking areas have been completed in chip seal. Please see the following Figures 1 to 4 for confirmation of the works which have been completed.

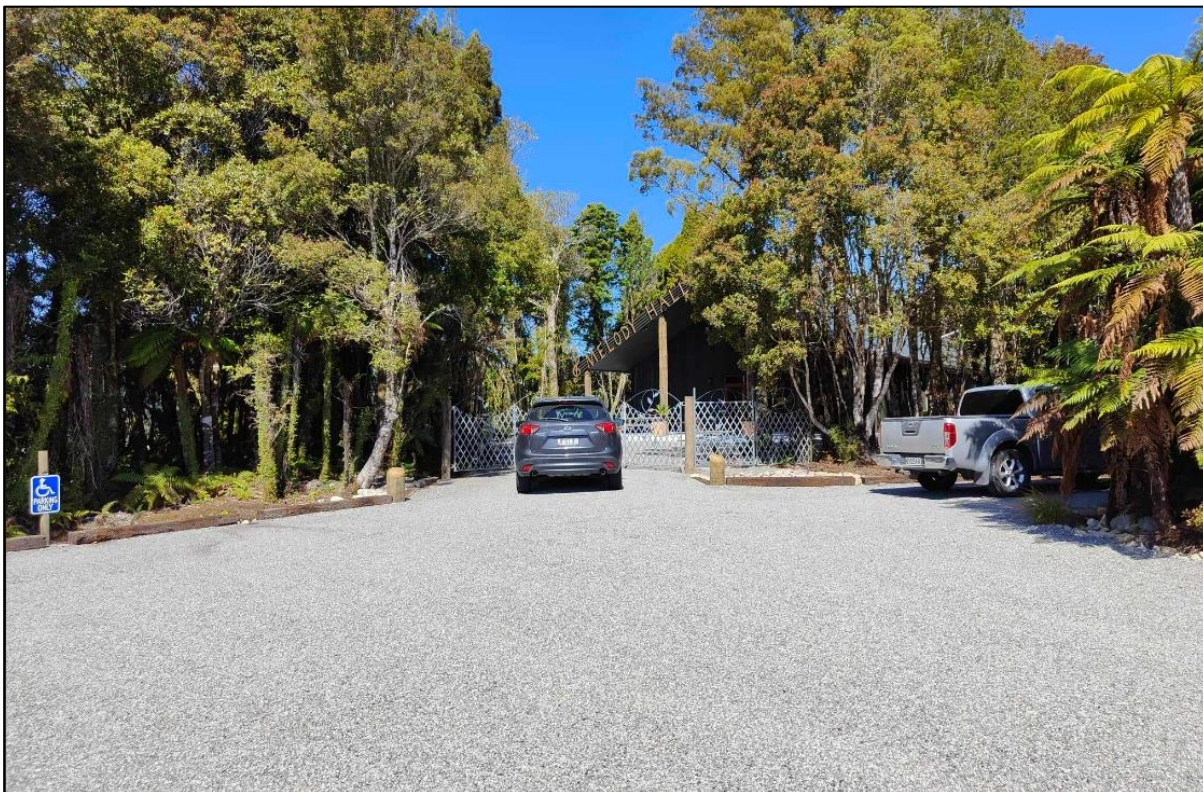


Figure 1: Melody Hall car parking, inclusive of accessible parking installed pursuant to Building Code standard.



Figure 2: Melody Hall car parking and access.



Figure 3: Melody Hall car parking and access.



Figure 4: Melody Hall car parking and access.

4. *It is noted that the application is proposing to employ staff at the venue. Please provide further clarification as to how the parking spaces will be identified and allocated for both visitors and staff.*

Staff parking will be accommodated as a component of the 38 vehicle parks available within the application site. As the requirement for staff parking will vary (generally no staff will be required as events will be run by community members), permanent delineation will not be provided on site. It is proposed that a condition of the variation consent could be included if appropriate, which requires all staff car parking to be undertaken within the allocated car parking areas available as indicated within the attached car parking plan.

5. *Please provide further detail as to how parking will be controlled during events to ensure that no unauthorised parking occurs.*

It is proposed that an additional condition of consent is included which states that no car parking can be undertaken outside of the venue parking area as indicated within the attached car parking plan. This will be required to be managed by the consent holder through s 9 of the Act.

6. *Council's Transport Manager has advised that the additional carparking and increased size of events held at this location will likely result in a significant increase in the volume of traffic. To provide a better understanding of the potential impact the proposal may have on the nearby roading network, including the Greymouth-Kumara Tramway and State Highway 6 intersection, please provide a traffic impact assessment prepared by a suitably qualified person.*



Due to the considerable reduction in the proposal as discussed above, it is considered that the impacts upon the transport network will also be reduced as compared to the original variation application. Where Waka Kotahi approval is granted, it has been assessed that the application will not require a Traffic Impact Assessment. The local network and State Highway have been designed to accommodate road users. No access is proposed directly to the State Highway network. It is noted that the intersection now has clear visibility due to vegetation clearance. The western site of State Highway 6 includes ample area to pull over should this be necessary. For individuals heading south via State Highway 6, the intersection includes a shoulder for turning.

Operational Matters

7. *Please confirm the maximum number of people (including staff) that will be onsite during an event.*

As noted above, the maximum occupancy potential as a result of the Building Code requirements is 200. This is inclusive of all individuals, both staff and guests. As a result, the maximum occupancy potential possible, where six staff are present, is 194 occupants. Although this is the technical maximum, the likely number of occupants will vary significantly dependant upon event. It is likely that a larger event will involve a maximum of 100-150 occupants.

8. *The application for a variation proposes to utilise the facility up to seven days per week or 365 days per year. This is considered to be out-of-scope of the original application and may require a new resource consent rather than a variation to consider the potential effects. Please confirm whether you wish to proceed with this application, or alternatively, whether a new consent will be sought. Where the intention is not to open each day of the week (as the application states) please provide a maximum number of days per year that the facility will be open so as to allow for an assessment of effects.*

The changes to the application have been made to address the issue of scope. It has been assessed that the application will remain a variation and can be processed pursuant to s 127 of the Act.

Noise

9. *The proposal includes the use of amplified musical instruments during events. It is unclear from the application whether the proposal will comply with the relevant noise standards set out within Table 5.7 of the Operative Westland District Plan.*

The application no longer includes the use of amplified instruments. Instruments will be acoustic only. No music will be played at any time where this is not acoustic, however as noted above, it is unreasonable to enforce a condition that restricts an activity more so than the permitted standards of the Operative District Plan.

The use of a microphone to support events will not exceed noise standards. A standard microphone has an equivalent noise level of 10 to 22 dBA. This will be reduced as experienced from outside of the hall. The standards for the Rural Zone of the Operative Westland District Plan allow for 55dBA L_{10} during daytime hours and 45dBA L_{10} during all other times and public holidays. As a result, the noise produced by the microphone will be well below the maximum standards. Due to the L_{10} associated with the above volumes, the maximum volumes can be exceeded for up to 10% of the allotted time periods. As there is no dBA L_{eq} maximum associated with the standards of Table 5.7, the 10% exceedance can be any volume above 55dBA or 45dBA.



From 7am to 9pm Monday to Friday, Table 5.7(d) permits a breach of 55dBA at any volume for a total of 10% of 14 hours, being a breach of 1 hour and 24 minutes.

From 7am to 6pm Sunday, Table 5.7(d) permits a breach of 55dBA at any volume for a total of 10% of 11 hours, being a breach of 1 hour and 6 minutes.

At all other times, including public holidays, Table 5.7(d) permits a breach of 45dBA at any volume for 10% of 24 hours, being 2 hours and 24 minutes.

These rules are quite permissive, particularly when it is factored in that the measurements are to be taken at the notional boundary of a residential dwelling as opposed to the site boundary.

All music and microphone use will be conducted fully within Melody Hall. Based on the inverse square law, which is used globally for measuring reduction of noise by distance, decibels drop by approximately 6dB (decibels) every time the distance away is doubled. This is the standard increment of measurement. For example, the rate of reduction, normally known as attenuation, for a noise with an output of 100dB at 1m, the audible level will be 94dB at 2m, 88dB at 4m, and 82dB at 8m. Please note, this formula applies to unimpeded noise, that is not affected by vegetation, walls, fences, topography etc.

In this instance, the nearest dwelling is approximately 94m from the hall, which results in a notional boundary of approximately 74m from the hall (20m from the dwelling). Based on the above formula, the uninhibited noise will need to be slightly over 97dB constantly to breach the 55dBA standard (not factoring in the allowance for a breach of any volume for 10% of the time period). Noise in excess of 97 decibels would need to be undertaken outside of the hall (not factoring in the existing vegetation buffer) in order to breach the above standard of Table 5.7. It is also acknowledged that a standard insulated stud wall (which is the construction type of the hall) reduces noise by approximately 30dB. Based on this information, the noise source within the hall will need to be approximately 127dB at a constant volume, excluding the spikes allowed by the L_{10} standard, in order to breach the 55dBA maximum as measured from the nearest dwelling.

Although dBA also relates to frequency of noise in addition to decibel volumes, based on the sensitivity of a human ear, it is typical for a rock concert to produce noise levels of between 120-140 decibels at the source of the noise.

Based on the above, it is reasonable to assume that acoustic music, ambient noise of people and the use of microphones with an equivalent noise level of 10dBA to 22dBA, will not breach standards. Particularly considering there is no L_{eq} maximum, allowing for any high volume for 10% of the allotted period as discussed above.

Noise standards will be complied with in respect to all existing residential dwellings.

Affected Party Approval

10. *The proposal will result in an increase of traffic which is likely to have an effect on the State Highway 6 and Greymouth-Kumara Tramway intersection. Please advise if the applicant intends to consult with Waka Kotahi New Zealand Transport Agency as part of the proposal.*

Affected party approval has been requested. This will be forwarded to Council once received, however it is requested that the processing planner continue processing the application and the affected parties can be confirmed post the s 95 assessment.



If you have any questions, please feel free to contact me.

Yours faithfully,
Scoped Planning and Design Limited

A handwritten signature in black ink, appearing to read 'A. Johnson', enclosed within a light grey rectangular box.

Anna Johnson
Principal Planner
BEP, M. NZPI