



SCOPE
PLANNING & DESIGN

APPLICATION FOR SECTION 127 VARIATION

WESTLAND DISTRICT COUNCIL

***APPLICATION FOR SECTION 127 VARIATION TO RESOURCE CONSENT –
Variation to land use resource consent 220119 to amend conditions 1, 2,
4, 5, 16 and 18.***

Beverly Loader

October 2023



Application Details

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1. Application Site and Surrounding Environment

Location and General Description

- 1.1 The site, as shown in the following Figures 1 and 2, is located within Kumara Junction, situated adjacent to the rural residential settlement of Kahikatea Place. The property is 5.0056ha in area and contains the newly constructed and lawfully established community building, being Melody Hall. Building consent has been obtained, however the works are not yet completed. The application site also involves a car parking area which is located within the road reserve of Greymouth-Kumara Tramway. All vehicle parks are located off site and a present Licence to Occupy covers the use of this space. This will be amended where the amended parking plan is approved by Council.
- 1.2 The West Coast Wilderness Trail traverses the road reserve in front of the proposed site.
- 1.3 The site is predominantly covered in indigenous vegetation, which will be retained in accordance with the original resource consent 220119. No changes to the built form of the structure are proposed. Additional car parking is proposed off site, which is discussed in detail below.



Figure 1: Site, including land parcels and surroundings – Westland District Council IntraMaps 2017.

- 1.4 The immediate surroundings include rural and residential activity. The site is located directly adjacent to the large lot residential subdivision of Kahikatea Place; however, the structure is primarily screened from view of these properties by the existing vegetation coverage and built form within the residential subdivision itself.
- 1.5 The site is not serviced by any reticulated three waters infrastructure. Power and telecommunication connections will not change as compared to that originally proposed and approved via the Building Consent process. All servicing has been addressed and installed via Building Consent 230002 and 230002.A1, which involved an amendment to the plumbing layout internally.



Figure 2: Site, including land parcels and surroundings – Google Earth 2022

- 1.6 The site is provided vehicle access from Greymouth Kumara Tramway. The vehicle accesses have been constructed within the road reserve to serve the approved car parking in accordance with RC220119, which has a licence to occupy granted via Destination Westland.

Planning Specifications

- 1.7 The site is located within the Rural Zone of the Operative Westland District Plan as demonstrated within Figure 1, and the General Rural Zone of the Proposed Te Tai o Poutini Plan (PDP) as shown within the following Figure 3.

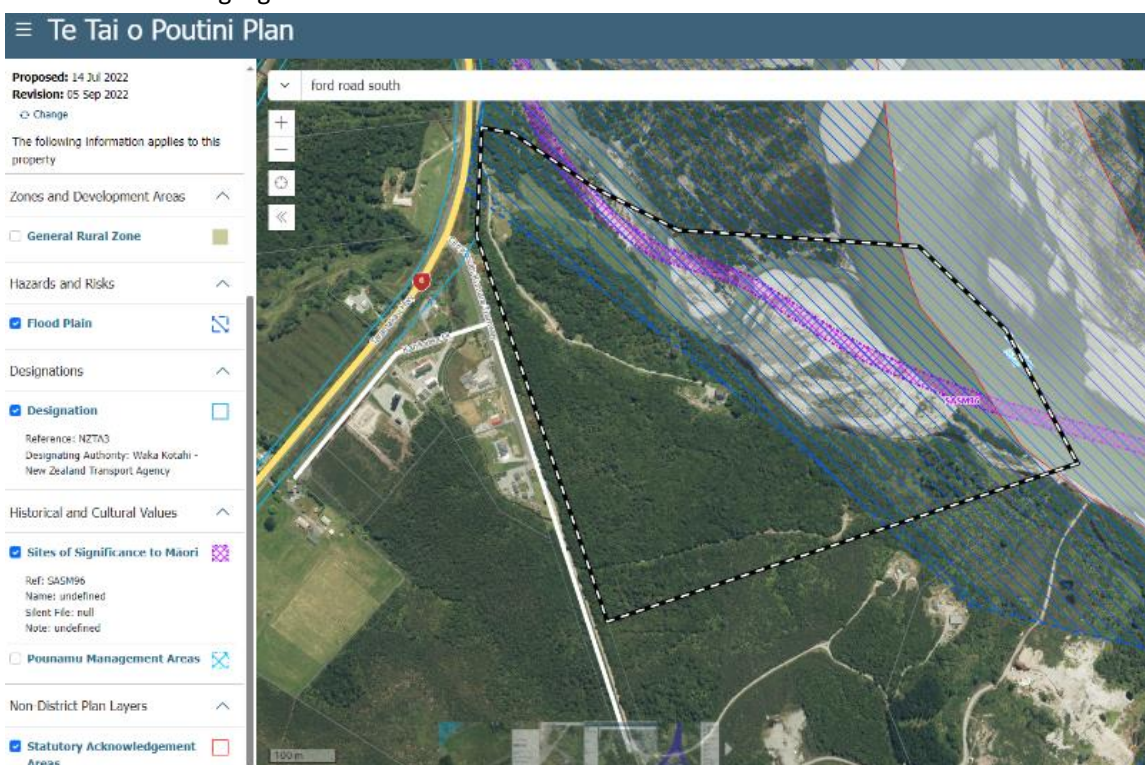


Figure 3: Proposed Te Tai o Poutini Plan Maps 2022.



- 1.8 The site is not affected by any designation or heritage protections, including sites of significance to Māori or Statutory Acknowledgement Areas. The flood plain does not affect the site. The PDP does not include the updated site based on the most recent subdivision (see attached Appendix A for the current record of title). Under the Proposed Te Tai o Poutini Plan, the site is also affected by the Pounamu Management Area and borders the State Highway Designation NZTA3. Please note, the site is not affected by the above designation.
- 1.9 The site is not known to be subject to contaminants in respect to Hazardous Activities and Industries List (HAIL) activity in accordance with the West Coast Regional Council Land Use Information Register.
- 1.10 As noted above, the site is not located within a Statutory Acknowledgement Area.

Legal Description

- 1.11 The site is legally described as Lot 2 DP 577153, held within a single Record of Title 1064288 (attached Appendix A). There are no relevant interests on the title which will affect the proposal. The right of way (ROW) easement is in favour of the site and is registered over adjoining Lot 1 DP 577153. Therefore, the easement itself is offsite. Please see Appendix A for further detail.

2. The Proposal

Overview

- 2.1 Melody Hall received permission for construction and use as a community facility from Council on the 23rd of December 2022, which included a number of conditions. Presently, the conditions are too restrictive for the Hall to be used to serve the community, as envisioned. We are intending to apply to the Council to change some of these conditions so the Hall can be used for special occasions and would like your approval to do so.
- 2.2 The following conditions are proposed to be amended. The original condition is listed, followed by the proposed changes and the reason for doing so.

General

- 2.3 **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'.*
- 2.4 **Proposed Change:** The proposal is to proceed in general accordance with that described within the variation application received XXXX and as indicated on plans marked as attachment 'A', 'B', 'C' and 'D'.
- 2.5 **Reason:** This condition is a general condition that will be superseded through the new application.
- 2.6 **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.*



- 2.7 **Proposed Change:** This condition will be removed and replaced with a condition allowing for up to six staff on site at any one time.
- 2.8 **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.
- 2.9 **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.*
- 2.10 **Proposed Change:** This condition will be amended to allow the facility to be utilised 7 days a week to allow for people to hire it as needed. This will be for both community and commercial functions. This will not mean the Hall will be open each day of the week, it will just reduce the intensive restrictions to allow for flexibility. A record book will still be required.
- 2.11 **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

- 2.12 **Condition 5:** *There shall be no more than sixteen (16) vehicles parked on the site at any one time.*
- 2.13 **Proposed Change:** This condition will be amended to allow for 40 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.
- 2.14 **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

- 2.15 **Condition 16:** *No Amplified musical instruments shall be used.*
- 2.16 **Proposed Change:** This condition will be removed.
- 2.17 **Reason:** The way this condition has been written does not allow for any music to be played through any type of speaker. This includes both live music and music from a prearranged playlist. This condition is impractical and at odds with the intended function of the Hall. Although this condition will be removed to allow for the function room to be used, the noise condition within the consent will remain in order to ensure neighbours are not adversely affected and still have the same rights as before in respect to noise control.



Hours of Operation

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

2.19 **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 – Event operation until 12am

Friday and Saturday – Clean and pack up until 1am

Thursday – Event operation until 9pm

Thursday – Clean and pack up until 9pm

All other days – Event operation until 7pm

All other days – Clean and pack up until 7pm

2.20 **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.

3. District Plan Standards

Assessment of Applicable Operative District Plan Rules

3.1 The following Table 1 provides an assessment of the relevant Operative Westland District Plan standards which affect the proposal.

Table 1: Operative Westland District Plan – Rules – 1 June 2002

Rule	Description	Proposal	Compliance
Rural Zone – Table 5.3 – Permitted, Controlled and Discretionary Activities			
5.6.2.2	C Clearance of indigenous vegetation cannot exceed more than 2,000m ² every 5 years per site.	The proposed activity involved approximately 1,000m ² of vegetation clearance within the site as a component of RC220119. The proposed variation will result in between 250m ² and 500m ² of additional vegetation clearance both on site and within the road reserve.	Complies
5.7	A Maximum gross ground floor area of non-farming building is 300m ² .	The proposed variation will not affect the approved built form.	No change
	B All buildings shall be set back as follows: Front: 10m Side and rear: 3m State Highway boundary: 20m	The proposed variation will not affect the approved built form.	No change
	C The maximum number of dwellings per site is 1.	No dwellings are proposed.	Complies
	D Noise shall not exceed the following limits:		



		<p>0700-2100hrs Mon-Fri 0700-1800hrs Saturday</p> <p>55dBAL10 at any point within the notional boundary of a residential activity.</p> <p>All other times, including public holidays.</p> <p>45dBAL10 at any point within the notional boundary of a residential activity.</p>	<p>This standard is reflected within resource consent 220119. The applicant does not propose to vary this condition and will therefore continue to meet this standard.</p>	Complies
	F	<p>Maximum area of a sign is 2m².</p> <p>No more than one sign may be erected per site.</p>	<p>The proposed variation will not affect the approved signage. The existing conditions will remain and the original plans will not change.</p>	No change
	H	<p>The maximum height of all non-residential buildings is 8m.</p>	<p>The built and partially constructed structure will not change.</p>	No change
8.3		<p>Stormwater runoff from buildings shall be directed to the road channel, or to a watercourse within the property, or to an approved drain provided for that purpose.</p>	<p>Stormwater management will remain in accordance with the original resource consent. The additional formed area for the proposed parking will discharge to the drainage channel within the road reserve</p>	Complies
8.5		<p>All exterior lighting shall be designed, installed and maintained so that light emitted does not cause a distraction or glare which could create a traffic hazard on any road.</p>	<p>No additional lighting is proposed as a component of the proposed variation.</p>	Complies
8.9.1	1	<p>Every owner or occupier of land shall provide vehicular access to the site for parking and loading over the site by provision of a vehicle crossing constructed from the carriageway of the road or service lane to the boundary of the site.</p>	<p>The approved vehicle entrance ways will not change as a result of the variation.</p>	Complies
	2	<p>Vehicular access shall be designed, constructed and maintained to ensure that they are able to be used in all weather conditions; stormwater and detritus do not migrate onto the road; and are suitable for the volume and weight of traffic likely to use the access.</p>	<p>All existing and proposed vehicle use areas are to be formed in all-weather surfacing.</p>	Complies
8.9.3	2	<p>Vehicle access shall be a minimum of 50 metres from any intersection in the Rural zone. Where the road frontage of any site in the Rural Zone lies entirely within 60 metres of any intersection the access shall be located within 12 metres of the side boundary of the side furthest from the intersection. These distances shall be measured above the road boundary of the site to the (extension of the) nearest</p>	<p>The approved vehicle access points will not change. The southern access will remain adjacent to Kahikatea Place.</p>	No change



		road boundary of the intersecting road. In all other zones no part of a crossing shall be closer than 6m to a street corner.		
	3	The minimum sight distances from an access onto or off a roadway shall be as specified in Table 8.9.3.	The access locations will not change. This standard is not affected by the proposal.	No change
8.10.1		Every owner or occupier of land shall provide for off-street parking and loading of vehicles used in conjunction with the site. All parking, loading and trade vehicle storage areas, except residential parking areas containing less than six spaces, shall be designed to ensure that vehicles are not required to reverse either onto or off the site. All parking spaces shall be set back from the road at least 5m, measured either as a straight distance from the road boundary or curved.	Onsite parking is provided for loading at the entrance to the hall. The approved building location and formed surface area within the property will not notably change. As some car parks are now to be located on site, they will have to technically reverse off site, although they will reverse into the formed car parking area covered by the licence to occupy. As some car parks are located within the road reserve, this standard cannot be achieved. This failure was existing but will increase with the additional parking spaces proposed.	Complies Discretionary Discretionary
8.10.2	E	A minimum of one parking space is required per 5 people the facility is designed to accommodate.	The number of car parks will increase as compared to that approved via RC220119	Complies
Table 8.10		Manoeuvring and Parking Space Dimensions.	The established parking on site will be updated in accordance with the attached parking plan (Appendix C). Ample gravelled area is provided for parking and manoeuvring. The standards of Table 8.10 and the 90 percentile tracking curves will be comfortably exceeded. Please see the attached plans for dimensions.	Complies

Note: Those Rules omitted from the above Table hold no relevance to the proposed activity or are associated with the built form or signage that will not change as compared to that already approved (existing environment). Servicing provisions have been addressed through the Building Consent Process.

Summary of Failed Standards

3.2 **8.10.1:** This standard requires parking areas for commercial activities to be able to manoeuvre on site in order to enter and exit in a forward motion. This standard also requires a 5m setback from the front boundary for all car parking spaces as measured in the line the vehicle will take when entering the car parking space. Due to the nature of the site, with approved parking located within the road reserve, this standard cannot be achieved. Although the additional car parking proposed will involve car parks on site (which was not the case with respect to RC220119), these car parks will reverse directly onto the formal road reserve, being the approved car parking area. Due to the existing environment and the ample manoeuvring provided within the parking area, this failure will not adversely affect safety for occupants or road users. Occupants of the car parking area will be able to enter and exit onto the formed carriageway of Greymouth-Kumara Tramway in a forward motion in accordance with the

original consent. Please see Appendix C for the amended car parking plan which includes both existing and proposed car parking spaces. Existing car parking spaces have been shaded in black. Overall, the effects associated with the additional car parking spaces are likely to be positive, as this will ensure there is no overflow of cars into the road formation where the facility is operating at capacity. This change is required for the functional need of the hall.

Overall Activity Status

- 3.3 The overall status of the proposed activity is **Discretionary** as the proposed activity is a s 127 variation application.

Assessment Criteria

- 3.4 As the proposed activity is Discretionary, the consent authority has the discretion to determine the assessment criteria of the application.

Assessment of Applicable Proposed District Plan Rules

- 3.5 The proposed Te Tai o Poutini Plan was publicly notified on July 14 2022, which contains rules with immediate legal effect pursuant to s. 86A(2) of the Act, including those associated with vegetation and overlays which affect the site. An assessment of the relevant standards has been undertaken, and no rules with immediate legal effect affect the proposal.
- 3.6 No rules associated with the Pounamu Management Area overlay affect the proposal as the activity does not involve any form of extraction. As a result, no further assessment is required.

4. Notification Assessment

Notification of previous affected parties

- 4.1 S 127(4)(a) and (b) requires the consent authority to consider effects of the proposed variation on every person who made a submission on the original application and those who may be affected by the change or cancellation. Affected party approvals were provided for the original application RC220119. These included the owners of following parcels shown within Figure 4.



Figure 4: Map showing all parcels which were associated with affected party approvals for RC220119.



- 4.2 Updated affected party approvals have been provided, which are discussed in detail within the following consultation assessment, paragraphs 4.13 to 4.22 of this report. All potentially affected parties were provided with an information package and updated plans, which were relevant to the proposed amendments listed within Part 2 of this report.

Public notification

- 4.3 The matters to be considered by the consent authority when deciding whether or not to publicly notify an application are set out in Section 95A of the Resource Management Act (the Act). There are a total of four steps that are to be followed to publicly notify a resource consent application under Sections 95A(2) to 95A(9) of the Act.

- 4.4 Section 95A(2)-(3) of the Act includes the initial Step 1, which states that a consent authority must publicly notify an application if:

- (a) The applicant has requested that the application be publicly notified;*
- (b) Public notification is required under Section 95C; or*
- (c) The application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977*

- 4.3 The applicant has not requested that the application be publicly notified, nor has the applicant jointly made an application to exchange recreational reserve land. Therefore, public notification is not required under Step 1, and the test for public notification continues at Step 2.

- 4.4 Step 2 determines that, if not required by Step 1, public notification is precluded in certain circumstances. These circumstances are identified in Sections 95A(4) and (5) as follows:

(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—

- (a) if the answer is yes, go to step 4 (step 3 does not apply); and*
- (b) if the answer is no, go to step 3.*

(5) The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification;*
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:*
 - (i) a controlled activity;*
 - (ii) [Repealed]*
 - (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.*
 - (iv) [Repealed]*

- 4.5 The application is for a Discretionary Activity (land use) that is not solely a boundary activity and is not precluded from public notification under the District Plan or any NES. Therefore, the application must be tested for public notification under Step 3.

- 4.6 Step 3 determines that, if not precluded by Step 2, public notification will be required in the application meets the following criteria as outlined within Section 95A(8):



- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*
 - (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*
- 4.7 The application is for a resource consent that does not require public notification under a National Environmental Standard (NES) or Rule. The activity will result in less than minor adverse effects, and as a result, public notification will not be required.
- 4.8 The final Step 4 provides for the consent authority to publicly notify the application under special circumstances.
- 4.9 The proposed activity does not involve special circumstances. Therefore, public notification is not required.

Limited Notification and Potentially Affected Parties

- 4.10 Section 95B gives Council discretion for limited notification of a resource consent application. There are a total of four steps which are to be followed to determine if limited notification is appropriate. These steps are outlined within Sections 95B(2) to 95A(10) of the Act.
- 4.11 Step 1 sets out the following groups and persons which must be notified during the application process:
- (a) affected protected customary rights groups; or*
 - (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*
- 3 Determine -
- (c) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and*
 - (d) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*
- 4.12 The application site and surrounds are not associated with the above groups or persons. Limited notification is not required as a component of Step 1 of Section 95B.
- 4.13 If not required by Step 1, Step 2 outlines that limited notification is precluded in certain circumstances listed within the following Section 95B(6):
- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:*
 - (b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).*
- 4.10 The application is not subject to a NES which precludes limited notification. The application is for a Discretionary Activity land use, therefore the criteria within Step 2 do not apply.



4.11 The following Step 3 is outlined within Sections 95B(7)-(9) which requires a consent authority to notify certain other affected parties. The application does not include a boundary standard infringement, although the proposed car parking is located within the road reserve, the approved hall is completely on site and will not be affected by the variation proposal. Section 95E of the Act requires a consent authority to decide if any persons are affected by a proposal. Due to the affected party approvals obtained, and on review of the site and the surrounding area, it is considered that the potential effects on the environment are less than minor in nature and do not meet the threshold for triggering additional affected party approval. This assessment has also considered the nature of the proposed development as compared to the existing environment and original resource consent 220119. This is discussed in detail within the following paragraphs 4.13-4.22 of this report.

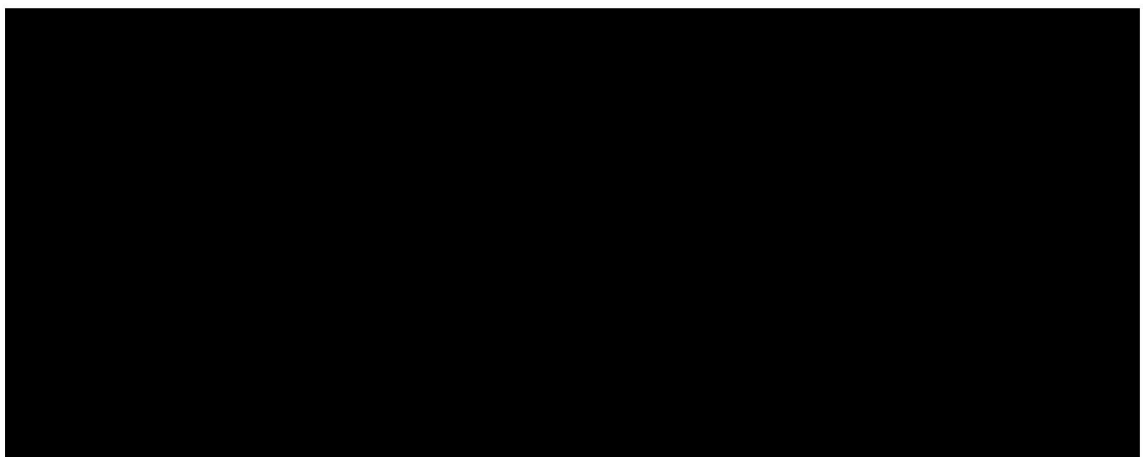
4.12 Step 4 is outlined within Section 95B(10), which requires a consent authority to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other person not already determined to be eligible. The proposal does not involve special circumstances and therefore limited notification is not required.

Consultation

4.13 Affected Party Approvals Received:

The following affected party approvals have been received.

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4.14 The approvals are attached within Appendix B. Pursuant to s 95D(e), all adverse effects associated with the proposal may be disregarded with respect to those parties who have provided written approval. Each neighbour was provided with the amended plans and an information package which outlined the proposed changes to the consent. The affected parties were requested to sign all attachments, including the affected party form. Please note, the original information package contained a proposed change in hours of operation to 3.30am on Fridays and Saturdays. The applicant has since made a change to the proposal, which has reduced the operation of events to 12am (midnight), which is in accordance with the original resource consent. The proposed amendment also includes an hour for clean up and pack down after closure of the event. This is only applicable to Fridays and Saturdays to allow the event itself to carry on until midnight, as originally approved, however the user will have additional time to ensure the facility is left in an orderly state.



- 4.15 As this change will lessen the effects on those who have already approved the 3.30am operation hours, it was assessed that re-requesting affected party approvals for the change would not be necessary.
- 4.16 Waka Kotahi (New Zealand Transport Agency): The site is provided access via the entrance and exit as approved within resource consent 220119. The original resource consent application was assessed, and it was found that Waka Kotahi was not an affected party as transport effects were less than minor. This application was based on a maximum of 17 car parks (16 standard, one accessible), which is proposed to be increased to a maximum of 40 car parks as demonstrated within the attached updated parking plan, Appendix C. The hall will also have the potential to be utilised more regularly, however the capacity potential associated with the building consent will not change. No structural changes are proposed. The provision of more car parking is required due to the potential variation in events, including community, fund raising, weddings, dances etc. Some events will require more parking, and it has been assessed that it would be safer to offer this in a formed space as opposed to people parking off site or within Greymouth-Kumara Tramway. It is acknowledged that, although 16 car parking spaces are presently provided, it is likely that more private vehicles will travel to the site during larger events as public transport options are not available. The proposal to increase parking occupancy potential is in order to alleviate perceived adverse effects associated with insufficient capacity. Overall, the functionality and safety of the proposal will be improved vis the increase in car parking.
- 4.17 It has been assessed that the existing transport network has the ability to absorb the proposed increase in frequency of use of the hall. The proposed variation will not affect the visibility of the State Highway intersection. Adverse effects have been assessed as less than minor as compared to the existing environment, including the activity approved via RC220119.
- 4.18 20 and 26 Greymouth-Kumara Tramway: The listed properties are located to the west of the site, on the adjacent side of Greymouth-Kumara Tramway. These properties originally granted affected party approval for the proposal; however, approvals have not been supplied for the change. As noted above, the original proposal included extended hours of operation, as discussed within paragraph 4.14. The modified proposal (which reduced these hours to remain in closer accordance with the original conditioning) has not been supplied to the occupants of 20 and 26 Greymouth-Kumara Tramway for re-review. Although the proposal will increase the frequency of use of the hall, the intensity of events will be unlikely to notably change as compared to that originally anticipated and approved by the above parties as a component of resource consent 220119.
- 4.19 It is acknowledged that, although amplified music will be provided for as a result of the variation, this will occur within the hall only, and will remain in accordance with the original noise condition. This will be achieved through ensuring doors remain closed during louder events and the hours of operation are adhered to, which will ensure week day events are restricted and of a quieter nature. The hall is a modern design and has been insulated in accordance with Building Code standards. As a result, noise effects will remain in accordance with the original resource consent and the ODP, which will result in less than minor effects on neighbouring properties.
- 4.20 As previously noted, although the opportunity to utilise the hall will increased through the proposed changes, it is unlikely that the hall will be utilised daily, let alone weekly, excluding for small events such as low impact club sports (skating, yoga, etc). The increased car parking will be the only



adjustment to the approved physical form, and its presence will ensure impacts of the activity are reduced, as users will be able to park in the designated area as opposed to within the road carriageway adjoining the above properties. Overall, the adverse effects upon the neighbouring occupants will remain in keeping with the original intentions of the proposal, resulting in less than minor effects as compared to that originally approved, and provide for within the ODP and PDP.

- 4.21 Wider Environment: Due to the retention of the original noise condition, adverse effects upon the wider environment have been assessed as less than minor.
- 4.22 Due to the less than minor adverse effects associated with the proposal and the approvals received, no affected parties have been identified. No further consultation has been considered necessary. Limited notification is not required.

5. Statutory Framework and Assessment

Purpose and Principles of the Resource Management Act (Act)

- 5.1 The purpose of the Act, as set out under section 5(2) is to promote the sustainable management of natural and physical resources. The relevant matters in Sections 6, 7 and 8 of the RMA also require consideration.
- 5.2 Section 5 provides the purpose of the Act, which is sustainable management of natural and physical resources. Sustainable management is then defined as the following:
- “sustainable management means 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—*
- *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - *avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*
- 5.3 This application demonstrates, through the following assessment of environmental effects, that it is consistent with the purpose of the Act as outlined in Section 5 of this report. The activity will provide for social and economic well-being through supporting the established settlements of Hokitika, Kumara Junction and Greymouth through the provision of a new venue able to be utilised to support private and community functions. It is considered that the life supporting capacity of the surrounding environment will not be unacceptably affected by the proposal.
- 5.4 Section 6 of the Act outlines matters of national importance that all persons shall recognise and provide for when exercising functions and powers under the Act in relation to managing the use, development and protection of natural and physical resources. No matters of national importance have been considered relevant to the proposal. Significant natural hazards will not affect the proposed site beyond that associated with the original resource consent 220119.



- 5.5 Section 7 outlines other matters that all persons exercising powers and functions under the Act shall have particular regard to. The following matters have been identified as relevant to this application:
- (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:*
- 5.6 The proposed activity will result in less than minor effects and will therefore not result in unacceptable adverse effects in relation to the matters outlined in section 7 of the Act. The proposal will maintain amenity values and the quality of the existing settlement environment due to the retention of the originally imposed noise restriction condition.
- 5.7 Section 8 outlines the requirements for the principles of the Treaty of Waitangi to be taken into account when exercising functions under the Act. Broadly the principles of the Treaty of Waitangi can be defined as:
- Partnership
 - Protection
 - Participation
- 5.8 The Principles of the Treaty of Waitangi have been taken into account as a part of this assessment. It is concluded that the proposal will not be contrary to the above relevant principles and consultation with local Tangata Whenua is not considered necessary.
- 5.9 In summary, this application demonstrates that Part 2 of the Act has been given effect to when considering the proposed activity. The proposal is therefore consistent with the purpose and principles of the Act and accords with the definition of sustainable management.

Section 104 of the Act

- 5.10 Section 104 of the Act requires that the relevant provisions of the relevant operative and/or proposed plan(s), or any other matter the consent authority considers relevant and reasonably necessary, to be considered when assessing an application. In this instance, in addition to the Operative Westland District Plan and Proposed Te Tai o Poutini Plan, the most relevant planning documents that require consideration are:
- The West Coast Regional Policy Statement
 - The West Coast Regional Land and Water Plan
- 5.11 The proposed activity is considered entirely in accordance with the relevant objectives and policies of the above planning documents, as originally approved via resource consent 220119. The proposal provides for the efficient use of an established community facility within the settlement of Kumara Junction with less than minor effects on the surrounding environment. Please see the following part 6 of this report for further information regarding effects.
- 5.12 The proposal has been assessed against the relevant Objectives and Policies of the Operative Westland District Plan within the following Table 2.



Table 2: Operative Westland District Plan – Objectives and Policies – 1 June 2002

Sustainable Communities	Objective 3.1
Assessment: <i>The proposal will encourage social and economic wellbeing in a manner which will not unacceptably adversely affect the natural and physical resources of the Westland District. The activity is not contradictory to the principles of sustainable development. The location of the site with respect to the established Townships of Hokitika, Greymouth and Kumara is considered appropriate for low intensity commercial use in order to support both residents and visitors. The proposed changes will allow the hall to be utilised for the originally intended purpose. This Objective will be met.</i>	
The Built Resource	Objective 3.9
Assessment: <i>The proposed activity will support the distinctive character of the settlement of Kumara and surrounds. The retention of vegetation will retain the natural character aesthetic associated with the area, whilst the built form of the development will remain predominantly screened. As discussed, the built form will not change and is lawfully established. The siting of the additional car parking has been assessed as appropriate and will result in positive effects. Environmental quality will be maintained in line with pre-development conditions. Residential amenities will not be notably compromised due to the nature of the car parking activity and established soft screening within neighbouring properties. This Objective will be achieved.</i>	
Amenity	Policy 4.4
Assessment: <i>This Policy provides for a range of activities to occur within the Westland District where adverse effects upon neighbours are avoided or mitigated. As discussed in detail within Part 4 of this report, adverse effects upon neighbouring occupants will be less than minor as compared to that associated with the established commercial use on site. Adverse effects such as overshadowing and loss of privacy are not anticipated. Settlement character will be maintained. This Policy will be achieved.</i>	

Note: Those Objectives and Policies omitted from the above Table hold no relevance to the proposed activity.

- 5.13 The proposal has been assessed against the relevant Objectives and Policies of the Proposed Te Tai o Poutini Plan within the following Table 3.

Table 3: Proposed Te Tai o Poutini Plan – Objectives and Policies – 14 July 2002

Rural Zone	Objectives 1-4
Assessment: <i>The above Objectives encourage a range of activities within the Rural Zone where rural character and values will not be compromised and existing settlements will be supported. Rural character has been modified in this area. The proposal will achieve this and will support the viability of Hokitika, Kumara and Greymouth by offering the community more function space for gatherings and events of varying natures such as charities, weddings, club meets, etc. The land use will provide for the local community and rural services.</i>	
<i>The site is not known to be subject to significant natural hazards.</i>	
<i>The above Objectives support the proposed development.</i>	
Rural Amenity and Character	Policies 1-2
Assessment: <i>The proposed activity will improve the long-term viability of the settlements of Hokitika, Kumara and Greymouth by offering through the provision of additional community functional space. Presently, options for high quality, modern function spaces are limited. The structure is existing and will remain unchanged, which will ensure the character of the settlement will not be notably affected. The increased availability of use will not unacceptably compromise rural character of the already highly modified commercial and residential area. It is likely that the use of the hall will remain infrequent and will serve low impact functions, such as sport club meets more commonly than music events or party functions.</i>	



The proposed activity does not involve a sensitive use, therefore reverse sensitivity is not anticipated.

The above Policy supports the proposed development.

Non-Rural Activities

Policy 8

Assessment: *The proposal is low in intensity and will contribute to the effective function of various communities throughout the West Coast. The site is presently subject to commercial use through the original resource consent. Due to the nature of the proposal and the conditions imposed, residential amenity will be maintained. This Policy will be achieved.*

Note: *Those Objectives and Policies omitted from the above Table hold no relevance to the proposed activity.*

6. Assessment of Effects

- 6.1 Section 88 of the RMA requires that the applicant undertake an assessment of any actual or potential effects on the environment that may arise from the proposal, and the ways in which any adverse effects may be avoided, remedied, or mitigated.

Permitted Baseline

- 6.2 The permitted baseline for the proposal is associated with the existing environment approved via resource consent 220119. This provides for functional space for community events, which are intended to be similar in nature to that proposed through this variation, although the frequency will be likely to increase due to the proposed change in availability (no longer only 5 uses of the space per year).
- 6.3 Overall, the proposed development has been assessed as in accordance with the permitted baseline of the PDP. It is acknowledged that community facilities and community halls are permitted activities within the Rural Zone where all standards are met. Where these are not met, the activities range from Controlled to Restricted Discretionary, which demonstrates the PDP recognises that these uses are appropriate, however some conditioning may need to be imposed. The activity is not only anticipated, but explicitly provided for and encouraged by the Plan. The reduced controls demonstrate the intent of the Plan is stimulate growth in small townships, without imposing unreasonable restrictions or development requirements.

Visual, Character and Amenity Effects

- 6.4 As a result of the permitted baseline discussed above and the existing environment, adverse visual and character effects associated with the proposed variation and continued use of the hall premises are likely to be less than minor and in keeping with the intentions of the PDP in respect to character, bulk and build form. The formed parking area and retention of indigenous vegetation will retain the clear delineation between the public and private environment for patrons.
- 6.5 The additional activity is required in order to support the use of the hall as originally intended. The present restrictive conditions, which were originally volunteered, do not allow for the use of the site for the purpose of a function space. Overall, the character and intensity of the proposal has been assessed as appropriate and in keeping with the highly modified immediate surroundings.



Noise

- 6.6 It is intended that no changes will be made to the noise conditioning within the original resource consent. As a result, noise production will remain in accordance with the permitted activity standards of the ODP.

Lighting and Glare

- 6.7 The proposed activity will take place within the existing building, which will not result in changes to the established lighting outputs. All lighting is installed in accordance with Building Code requirements and is not directed to the road or any neighbouring properties. Light spill will be contained within the site. The proposal will result in less than minor effects associated with lighting and glare as compared to the previously approved. The safety and efficiency of the transport corridor will not be unacceptably compromised.

Traffic

- 6.8 The proposed variation will not affect occupants of the car parking area and their ability to enter and exit onto the formed carriageway of Greymouth-Kumara Tramway in a forward motion in accordance with the original consent. Please see Appendix C for the amended car parking plan which includes both existing and proposed car parking spaces. Existing car parking spaces have been shaded in black. Overall, the effects associated with the additional car parking spaces are likely to be positive, as this will ensure there is no overflow of cars into the road formation where the facility is operating at capacity. This change is required for the functional need of the hall as public transport is not available to the site.
- 6.9 Overall, adverse effects upon the transport network are anticipated as likely to be less than minor as the activity will serve existing users of the hall. The increase in the number of events which may be held each year will not result in a notable impact upon the transport network as the site will be utilised to serve the existing community as a function space, it will not be likely to be frequently utilised as a destination or attraction for tourism functions. The transport network has been designed to accommodate these forms of activities, including the traffic generation associated with them.

Natural Hazards

- 6.10 The proposed variation to the approved land use will not be likely to accelerate, worsen or result in material damage to the applicant's land or other surrounding land, or structure, by erosion, subsidence, slippage or inundation from any source as compared to that originally approved.

Cultural Values

- 6.11 The proposed development will occur within a modified commercial and residential environment and will not directly affect any area or feature of cultural significance. The activity will not result in notable impacts upon cultural values and Tikanga Māori practices as compared to that originally approved.

Natural Environment

- 2.20 The proposed activity will occur within a modified commercial and mixed use environment, and will therefore not unacceptably affect natural character, landscapes and ecosystems. Due to the minor nature of the proposed variation, water quality will not be notably affected. 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. This is permissible within the Rural Zone.

Conclusion

- 6.12 Based on the above assessment, any effects from the proposal are considered to be less than minor overall. The development will result in an optimum use of available land resource for the provision of social well-being and health and safety.

7. Conclusion

- 8.1 The proposed land use will have an overall positive effect for the social and economic wellbeing of the occupants of the Hokitika, Kumara and Greymouth Townships. As the majority of the site will remain unchanged, the activity will be in keeping with established character of the neighbourhood, without compromising amenity values for surrounding land uses, as discussed within Part 4 of this report.
- 8.2 Due to the nature of the proposal and the modified receiving environment, it has been assessed that visual and noise effects will remain within acceptable levels in line with the intentions of RC220119 and the ODP and PDP. The proposed use has been assessed as more compatible with the surrounding residential use as compared to those rural activities permitted by the ODP, including intensive production activity and mining exploration. Due to the existing and proposed conditions, adverse effects upon amenity, such as loss of privacy, amenity and overshadowing will be less than minor.
- 8.3 We consider that, with the imposition of appropriate consent conditions, any effects of the proposed activity will be adequately mitigated such that they are less than minor in nature. Accordingly, consent is able to be granted for the proposal.



Appendix A: Record of Title



Appendix B: Affected Party Approvals



Appendix C: Amended Car Parking Plan