

**BEFORE AN INDEPENDENT HEARING COMMISSIONER ON BEHALF OF THE WESTLAND
DISTRICT COUNCIL**

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

APPLICANT B M Loader

**DECISION OF INDEPENDENT OF INDEPENDENT HEARING COMMISSIONER EDITH
BRETHERTON**

DATED 23 December 2025

INTRODUCTION

General

1. This is the decision of Independent Hearing Commissioner Edith Bretherton on behalf of Westland District Council (WDC) in relation to a s.127 application made by B M Loader under WDC reference RC230134 at 240 Taramakau Highway, Kumara Junction.

Appointment

2. On 2/05/25 I was appointed by WDC as an Independent Hearing Commissioner to hear and determine the request to amend conditions. This also included all powers necessary to hear and determine the application and all powers necessary to fulfil that role.

Decision Format

3. This decision is set out to:

- a. List details of the hearing, including the people who attended the hearing and the people who provided evidence in relation to the application.
- b. Summarise the key details of the application and site.
- c. The variation requested, and the key statutory provisions considered.
- d. Summarise the principal issues in contention.
- e. Summarise the evidence and the main findings on the principal issues in contention in the context of the proposals:
 - i. Actual and potential effects on the environment
 - ii. The relevant provisions of the statutory planning documents that were considered
- f. Address any other relevant matters
- g. Address Part 2 Resource Management Act
- h. State the decision and the reasons for the decision.

THE HEARING

4. The hearing was opened at WDC Chambers 7th November 2025. The hearing commenced at 9.05am. The slightly delayed start allowed for members of the public to be chaperoned from Customer Services to the Chambers.

5. Present at the hearing were:

- For the applicant - Anna Johnson, Scoped Planning and Beverly Loader (applicant)
- For WDC - Kate Fleming (Business Support Officer Planning), Stephanie Tangimetua (Team Leader, Planning), Joy Cowan (Business Support Officer Planning), Joubert Bekker, Bekker Planning Consultants (online)
- For the submitters - Pammella Mitchell (online).

6. On arrival, Ms Johnson tabled an updated statement of evidence, dated 7/11/25. This was circulated by Ms Fleming to all parties.

7. Ms Johnson also advised that the applicants transport expert was available via telephone to answer questions. As expert caucusing had not occurred prior to the hearing, and Council had

not been notified that the applicants' expert would be available, WDCs expert was not available, so this offer was not able to be taken up.

I set out procedural matters relating to:

- Hearing postponement,
- Process for today's hearing,
- Expert causing, and planner evidence for outstanding transport issues,
- Applicants' Addendum Appendix 3 – Correspondence from public on affected parties, limited notification and letters of support.

8. Ms Johnson presented the application as outlined in the applicants' evidence dated 7/11/25. This was followed by questions and clarifications.

9. Ms Mitchell spoke on behalf of all submitters outlining their concerns and position. This was also followed by clarification.

10. Lastly, Mr Bekker spoke for WDC and responded to questions and clarifications.

11. Next steps in the process were set out, and the hearing was adjourned 10.02am. Procedural Minute 7 was then issued to detail the procedural matters covered, next steps and timeframes for those. The steps were completed within the timeframes set out in the minute. Due to document size issues the applicant did not receive all of the Councils final documents. This became apparent when their right of reply was lodged. The applicant requested further time to revise their right of reply based on the full package of documents. This was granted through Procedural Minute 9, and the revised right of reply was received within the timeframe set out.

12. On receipt of this final revised reply, Procedural Minute 10 was issued to close the hearing 12/12/25.

DESCRIPTION OF THE SITE AND APPLICATION

13. This section describes the key elements of the site, surrounding environment and the application.

The site

14. The site is located at 240 Taramakau Highway, Kumara Junction. The site is accessed from the Greymouth Kumara Tramway, which is accessed off State Highway 6 after crossing the Taramakau Bridge south. Kahikatea Place is perpendicular to the car parking area of the application site.

15. The site consists of a Record of Titles being legally described as Lot 2 DP 577153 with an area of 5.0056 hectares. The site contains the newly constructed and lawfully established building "Melody Hall". 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 Licence to Occupy covers the use of this space.

16. The site is served by the West Coast Wilderness Trail, with it traversing the front of the application site. 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.

17. The site is elevated on a terrace above the Taramakau River. The majority of the site is covered in vegetation.

18. The immediate surroundings include rural residential activities on the Tramway, rural activities to the east, and large lot residential activities at Kahikatea Place.

19. The entirety of the site is located in the Rural Zone of the operative Westland District Plan. Similarly, the site is located in the Rural General Zone of the proposed Te Tai o Poutini Plan (TTPP). The subdivision which created this site has not been updated in the proposed TTPP. The proportion of the original site, in which the application site is located, does not include any overlays relevant to this application.

Application

20. Resource consent was granted 23/12/22 to construct and use as a community facility “Melody Hall”. The consent holder has found the conditions too restrictive to use the Hall as envisioned and therefore applying for a change of conditions.

21. Detailed below are the proposed amendments from the variation application.

General Conditions proposed to be varied:

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’.

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.

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 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.

Vehicle Access and Parking conditions proposed to be varied:

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 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.

Noise conditions proposed to be varied:

Condition 16: No Amplified musical instruments shall be used.

Proposed Change: This condition will be removed.

Hours of Operation proposed to be varied:

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 – 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

Process of the Application

22. The application was lodged with WDC in 6/11/23. An RMA s.88 hold and report was issued. The s.88 hold matters were resolved, and the application was accepted by WDC 4/12/23.

23. A further information request was issued 12/12/23 and responded to 13/05/24. The applicant requested a s91 hold 17/05/24 – 21/05/24, and 19/11/24. A notification assessment was undertaken 31/01/25. The application was determined to require limited notification, with a submission period of 5/02/25 – 06/03/25. Two submissions were received: [REDACTED]

24. A 24/06/25 hearing date was agreed by parties, and evidence exchange dates determined as set out in Procedural Minute 1, 28/05/25 and Procedural Minute 2, 5/06/25.

25. WDC reporting planner s.42a report and appendices were received 30/05/25.

26. The applicants planner contacted WDC 9/06/25 to advise the applicant wished to place the consent on hold address the concerns raised in the s.42a report. Procedural Minute 3 reflecting this was issued 10/06/25.

27. The applicant provided an addendum to address the s.42a report matters, a summary of the amended application, and a revised set of draft conditions. Subsequent to Council issuing its Section 42A RMA report, the applicant then revised the application. WDC liaised with parties to find a new hearing date within 20 working days. Following this the applicant requested the consent be put on s.37 hold as of 15/08/25, and requested a hearing be convened late October 2025.

28. WDC liaised with all parties again, a hearing date and remaining evidence exchange dates set as laid out in Procedural Minute 4.

29. Procedural Minute 5 was issued 14/10/25 in relation to transport expert assessments.

30. In preparation for the rescheduled November hearing, the application, assessments, addendum and expert reports were reviewed. Differences in expert opinion were identified between the applicants' expert, and the councils' expert. Clarification was sought from the applicant on:

- The annual total number of vehicle movements proposed including their calculations and car occupancy assumptions,
- Confirmation as to whether the cycle and pedestrian network had been included in their assessments, and if not, that their expert opinion on this was requested,
- Further commentary from the Applicants planner was welcomed.

Upon receipt and confirmation, further comment was requested from the Councils reporting officer, and Transport expert.

The submitters were also invited to participate in this process if they were intending to engage transport experts. It was expressed that there was a preference for this to occur prior to hearing.

31. A second addendum was received from the applicants' transport expert 23/10/25. This addendum sets out the methodology, assumptions and conclusions.

32. This addendum was reviewed by the Councils transport expert. WDCs reporting officer advised *"The applicant's initial response to Procedural Minute No. 5 has been reviewed by Council's Transport Manager, Karl Jackson. His review identified:*

- *Inconsistencies in the transport material (e.g., the "standard dwelling" daily-movement comparator vs the assumed daily volumes on the affected local roads, and limited treatment of active-mode effects near the West Coast Wilderness Trail); and*
- *The need for further input from Waka Kotahi (NZTA) on the SH6/Greymouth–Kumara Tramway intersection and the southbound SISD shortfall, as well as clarifications from the applicant's transport expert to reconcile the above.*

Earlier this week I wrote to the applicant setting a deadline of close of business today (31/10/25) for the additional information, to allow Karl sufficient time to review, undertake any further caucusing if required, and for me to file a final assessment/addendum before the hearing on Friday, 7 November.

33. As detailed in Procedural Minute 6; the applicants' planner did not respond within the timeframes, the Councils reporting officer asked for direction as to whether the hearing should proceed as scheduled.

I provided direction that the hearing should proceed as:

- Impacts on all parties as this would be the second postponement creating uncertainty and stress for all,
- Reorganising of schedules and travel, and any incurred costs falling on the applicant,
- Processes are available to ensure a fair process for the transport issues.

The applicants' planner advised at 3.49pm 5 November that "*they have just had confirmation from the applicant that they will postpone the hearing to await the return of our transport engineer and to seek an updated approval from NZTA*". No date of when this might happen was supplied as the applicants' planner was waiting on a response from Waka Kotahi NZTA. The Council contacted me the following morning to bring this correspondence to my attention and to ask for further direction.

The applicants' planners' email was interpreted as a request for the application to be put on hold. Having considered the application process thus far, the relevant sections of the RMA (s.88 and s.103), I determined that the applicant cannot request a further hold as they have already requested holds of more than twice the maximum processing time allowable.

As the appointed Commissioner I have jurisdiction to grant a further postponement under s.37. I did not find it appropriate to do so in the circumstances.

34. Details on the hearing can be found in the early section titled "THE HEARING".

On arrival, the applicants' planner tabled an updated statement of evidence, dated 7/11/25. This was circulated by Ms Fleming to all parties.

The applicants' planner also advised that the applicants transport expert was available via telephone to answer questions. As expert caucusing had not occurred prior to the hearing, and Council had not been notified that the applicants' expert would be available, WDCs transport expert was not available, so this offer was not able to be taken up.

35. Following the hearing adjournment, further evidence was exchanged:

- Confirmation of the assessment parameters for the acoustic assessment was received 11/11/25.
- The transport experts convened for caucusing and resolved the outstanding inconsistencies. A joint witness statement was prepared and shared, dated 20/11/25.
- Further permissions were sought and granted by Waka Kotahi NZTA 18/11/25.

36. I issued Procedural Minute 8 dated 21/11/25 advising that on the basis of the evidence now received, the hearing did not need to be reconvened in person. The timeframes for the remaining steps in the hearing process were reconfirmed.

Councils s.42a post hearing addendum, and nine appendices addressing Procedural Minute 8, were received 3/12/25.

The applicants right of reply and appendices were received 8/12/25. However, it was identified that Ms Johnston had not received all of the files she needed with which to prepare her right of reply due to their size. Ms Johnston requested time to amend her right of reply and to consult with Mrs Loader on the same. This was granted in Procedural Minute 9.

Ms Johnstons revised right of reply and appendices, containing additional evidence supplied by acoustic engineer Elena Salmond of Marshall Day Acoustics Limited in response to the noise effects interpretation within the 42A report addendum, were received 11/12/25. Upon review of these final exchanges, the evidence and assessment required to make a decision was resolved as provided, and Procedural Minute 10 was issued to close the hearing.

RESOURCE CONSENT VARIATION REQUIRED

37. Variations to change consent conditions, under the RMA s.127(3)(a) are deemed a **Discretionary Activity**.

38. A variation to resource consent allows for an assessment of effects from the proposed change.

STATUTORY CONSIDERATIONS

39. The key statutory provisions considered in the assessment of this application are set out in summary below.

40. Section 127 of the RMA specifically pertains to *changes or cancellations of a consent conditions on application by consent holder*. As set out under s.127.(3)b, the references referred to in s.88 to s121 apply only in so far as to changes or cancellations, and the effects of those respectively.

41. Resource consents are considered and determined under the RMA. Section 104 of the RMA lists the relevant matters a consent authority may consider in determining a resource consent application. Relevant to the consideration of this application are:

a. Part 2 of the RMA

b. any actual and potential effects on the environment of allowing the activity; and 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

c) 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

d) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

42. Section 104B of the RMA provides that in relation to a resource consent application for a discretionary activity, a consent authority may grant or refuse the application, and if grants the application, may impose conditions under s.108 of the RMA.

Principal issues in contention

43. The principal issues in contention with this proposal are:

- a. Its potential effects on the rural amenity and character of the area,
- b. Its potential effects from noise,
- c. Its potential effects on the transport network,
- d. Its potential effects on reverse sensitivity, and
- e. Its potential effects positive effects.

44. These matters are now considered in turn.

The Evidence and the Main Findings on the Principal Issues

45. This section of the decision summarises the evidence heard and the main findings on the principal issues in contention.

Rural amenity and character of the area.

46. The proposal's adverse effects on the rural amenity and character have been raised in the submissions from [REDACTED] and by the Council's reporting officer.

47. The Councils reporting officer details the potential effects on rural amenity and character of the wider environment, and that concludes that the potential effects, as per the application, will be more than minor. The officer explains that *"While the building footprint remains unchanged, the proposed scale of use transforms the character of the activity from an occasional community facility to one that closely resembles a commercially operated function centre. This shift, when considered in the context of the site's location, the nature of the surrounding environment, and the feedback received from directly affected neighbours, supports the conclusion that the proposal will have adverse effects on rural character and residential amenity that are more than minor"*.

48. In contrast, in the applicants' original application notes that as community halls and community facilities are anticipated within the rural zone, and form part of a permitted baseline, that the adverse effects from the applicant are likely to be less than minor. The delineation of the formed parking area, and retention of indigenous vegetation will make clear the public vs private space. Further they note, *"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"*.

49. The applicants' evidence, while not specifically addressing the impacts on rural amenity and character do respond to some of the issues raised with traffic movements and noise and request a lesser increase in activity than originally applied.

Vegetation Clearance

50. The applicants evidence requested a change to the vegetation conditions as *"Please note, the vegetation conditions have been amended as those proposed within the draft conditions*

were not achievable. Minor vegetation clearance (no more than 500m² - within permitted activity standards) has occurred within Lot 2 DP 577153 in order to accommodate the amended car parking (already constructed) as described within the original application.”

51. This is further detailed in the 7/11/25 evidence “*The site is predominantly covered in indigenous vegetation, which will be retained in accordance with the original resource consent 220119, excluding that which has already occurred to complete the proposed changed to the car parking area. Additional vegetation clearance required to accommodate the 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*”.

52. These statements were clarified during the hearing. The applicant advised that the permitted activity rule for WDP had not been breached, in part as the clearance has occurred over the title site, and the road reserve. The consent condition was not achievable, and has in effect, been breached.

The applicants 7/11/25 evidence 33-35 states that “*the retention of vegetation retains the delineation between public and private space for patrons, also that the retention of vegetation addresses adverse effects on amenity, and that overall, the adverse effects have been assessed as less than minor compared to that approved within the original application*”.

53. In considering this requested amendment, there is some complexity in that the remaining vegetation onsite does screen the hall, but the screening of the parking area has been removed. The parking area is undoubtedly well maintained, but screening on other properties is now being relied upon to mitigate effects on rural amenity.

54. During the hearing the applicant was asked if they still consider that WDP Objective 3.9 is achieved by the variation to the proposal. The applicant maintains they do as the vegetation recesses towards the Hall.

I do not agree that the objective is achieved, as the carparking area is quite strikingly different to the remainder of the site, and the surrounding area. The Hall is screened, but the carparking area which part of the area in which the proposed activity will take place is not screened.

It is not appropriate to rely on mitigations on neighbouring sites which are outside the control of the applicant.

I also do not agree that the adverse effects are less than minor compared to those within the original application, as greater effects on rural amenity are being sought, with less vegetation screening than was granted under the original consent.

55. No further comment on this issue was included in the Councils s42a addendum.

56. The applicants revised right of reply, makes note in section 4, under condition ten, “*As noted within the application addendum submitted on 29 July 2025, this condition is not achievable. Minor vegetation clearance (no more than 500m² - within permitted activity standards) has occurred within Lot 2 DP 577153 in order to accommodate the amended car parking (already constructed) as described within the original application*”.

I do not find on the evidence presented, a valid reason to amend the condition as requested. The reasoning that the vegetation has been cleared to construct the additional car parking that is requested through this variation proposal, and that to have not removed it was impossible. No clear evidence has been presented on which vegetation has been removed beyond what has been granted. The park parking plan presented does not constitute a vegetation plan. While what is requested is within the permitted activity standards of the WDP at time of lodgement, the original consent had restricted vegetation clearance as part of the mitigation of effects on rural amenity. In removing it, the applicant has in effect, increased the effects from those that were previously consented.

Number of events for commercial and community use, and hours of operation

57. The applicant has asserted that as community halls and community facilities are anticipated within the rural zone, they form part of the permitted baseline.

58. This assertion has been carefully considered and the intended use of the hall through the variation. The existing consent is for five community events a year. The application has varied vastly in the number of events being applied for, with the intended use being commercial and community, community and private events are mentioned. This was explored further during the hearing.

59. The applicant shared that they intend the events to be either commercial or community, it could be 30 commercial it could be 30 community, as the effects similar, and this would give greater operational flexibility.

60. The submitter expressed in their submission, and at the hearing, that they are comfortable with the community events permitted under the original consent, but that the expansion to more events, particularly the intended commercial use is not what they anticipated in the rural area.

61. The permitted baseline forms part of the assessment considerations for a resource consent decision, however in the case of a variation, I believe it is the existing consent that is the permitted baseline. On that basis, there is no permitted baseline to be considered for the application as the applicant could potentially have 30 commercial events under their variation.

62. Putting aside a permitted baseline I have considered, the broader discretionary assessment of whether the variation aligns with the proposed TTPP rural objectives and policies is explored in Section 125 onwards.

63. There have been different numbers of events proposed at different stages of the application, 200, 50, 30, then 30+12 civil defence meetings and use in an emergency response. I clarified with the applicant at the hearing as to how many events are being sought.

64. The applicant advised they are seeking 30 events, and that a further 12 civil defence meetings be granted, but not considered within the variation for a total 30 events. As to why the civil defence events should not be considered, outside of emergency response, the applicant advised that it is because they would likely have lesser effects than an event at full proposed capacity and functionally need to occur there.

65. The applicants 7/11/25 evidence states *“Melody Hall for the purpose of both community and commercial events to a maximum usage of 30 events per annum. This is an increase of 25 events per year as compared to that originally approved. It is noted that these events do not*

include the use of the hall for civil defence purposes which has been volunteered by the applicant in order to serve the Westland community". Notwithstanding the generosity of the offer, this is not a valid planning argument. Indeed, I find that, the use by the community civil defence group is what the kind of community use that is anticipated in a community facility. If the hall was to be used in an emergency response setting the Civil Defence Emergency Management Act would be able to be used to provide further powers to provide shelter for the community if required. I do not find a functional need has been demonstrated.

66. The councils s.42a addendum 3/12/25 summarises that *"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."* For clarity, the caps referred to are no more than 30 events, with no more than 150 guests.

67. The applicants revised right of reply contrasts with earlier evidence and asks that that 12 civil defence training / meetings be considered in the assessments and the numbers of events be increased to 42, or be explicitly excluded from contributing to the proposed 30 in conditions. The reasoning put forward for this that that is what was proposed / heard, is supported by TPPP provisions, should be considered as a positive effect which will support community resilience.

68. I do not agree with this evidence; firstly, as the events have been explicitly excluded from earlier evidence including draft conditions. Further, the expert evidence has been based on 30 events, not 30 + 12 community events. The permitted activity standard is discussed further in Section 128, however it is noted here, that TPPP supports community facilities, but there is no standard for number of events and hours within a community facility, it is the facility itself not its use that is specifically provided for.

It is understood from the hearing that these civil defence twelve events have been volunteered to the community group. The effects of those events are born by the wider community and transport network and is that that I need to balance with the positive effects from an increase in community resilience.

I cannot reasonably exclude as the extra 12 events that have not been included in any expert assessment of effects. The type of community well-being that comes from civil defence preparedness is what is anticipated in community centres and is part of why they are supported in rural areas. It is precisely the mix of smaller, community focused, lesser effects type events that are asked throughout the application to be balanced with larger commercial type functions with greater effects such as weddings. If civil defence training events were to be excluded, there is also no argument to not exclude other community good type events. Subjectively, a St Johns volunteer recruitment day or choir practice for a singing group could all be argued to benefit community wellbeing, emotional and physical resilience, and should be excluded from the 30 events being considered. If this argument is extrapolated, then the proposal becomes in effect for 30 commercial events that do not have direct benefit to the community.

69. The hours of operation have also changed considerable through the application process. The councils s42a addendum discusses hours, and there does appear as identified by the applicant, a typo with the hours potentially being across all days, when it should be as applied for Thursday, Friday, Saturday and Sunday.

70. The concept of just one event running to midnight was briefly tabled at the hearing. This was noted in Procedural Minute 7, the applicant was asked to confirm this in their right of reply which evening this was intended to be.

The councils' addendum asks the applicant to nominate a night and proposes a condition of either night being possible.

71. The applicants revised right of reply disagrees with the condition put forward in the s.42a addendum and ask for both Friday and Saturday night to be allowed till midnight, and states that this was not proposed and does not align with any district planning standard.

Further it states that *"Although the planning assessment is required to consider all possible outcomes, it is also necessary for this assessment to be fair and reasonable in considering what is likely or reasonably foreseeable in respect to effects of a proposal. Although the use of the hall each day of the week proposed is low probability, the effects of this are not considered likely to result in a high adverse impact as defined within s3(e) of the Act. The rarity with which events are likely to occur back-to-back must be considered. The effects of consistent events during a single calendar week (should they occur) are adequately mitigated by alternative conditions of consent volunteered by the applicant, including annual event restrictions, noise controls, maximum occupancy and traffic management. Therefore, it is assessed that the conditioning proposed is in part unnecessarily restrictive and not associated with actual or potential effects which may reasonably occur"*.

72. I do not agree with this assessment entirely, while it is indeed unlikely that two events till midnight occur on consecutive days, it is possible, and the cumulative effects of such effects should be considered, particularly as there could also be an event on Thursday and an event on Sunday. As such, restricting the hours to midnight for either Friday or Saturday is reasonable. This gives the applicant flexibility in not having to specify which is preferred in conditions but also gives the submitters some certainty that they cannot have two consecutive nights disturbed till midnight.

73. In summary, the adverse effects on rural amenity and character in the original variation proposal were more than minor. I find no permitted baseline can be applied. The removal of vegetation, conditioned to remain under the original consent, has in effect, nullified the mitigation it was providing. The mitigations of event frequency, restricted evening hours and the conditions to control the frequency of events to reduce the effects on rural amenity and character to no more than minor.

Noise

74. The proposal's adverse effects from noise have been raised in the submissions from [REDACTED] and by the Council's reporting officer.

75. The submissions from [REDACTED] outline the potential effect on their own properties, and on the wider area.

76. The submissions from [REDACTED] outline the potential effect on the amenity of their own properties, and on the wider rural area. The impact of proposed increased frequency and nighttime operation of the hall not being consistent with an expectation of quiet evening and weekends.

77. The Councils' reporting officer details that the original application proposed the use of amplified music during events, but that has been amended in response to concerns to proposing acoustic musical instruments, that all music will be contained within the existing hall building. The proposal seeks to amplify microphones only. This amendment likely reduces the adverse noise effects, but no acoustic assessment or modelling was provided as part of the proposal, so has no evidential basis.

78. The report concludes that *"While the move to restrict music to acoustic instruments and to internal use is a meaningful mitigation measure, it does not fully address the potential for cumulative noise effects, particularly during nighttime hours when noise travels more readily and expectations of quiet are highest. Given the absence of technical evidence, the scale and frequency of proposed events, the proximity of sensitive residential receptors, and the clear concerns raised by adjoining residents, the potential for adverse noise effects is assessed as being minor to potentially more than minor, particularly in relation to sleep disruption and the erosion of rural acoustic amenity"*.

79. The applicant engaged Marshall Day to undertake a noise assessment. The assessment is based on varying the existing consent to:

- Increase from 16 to 38 carparks
- Increase from 5 community events per year to 30 commercial and community events per year
- Maximum of 150 guest and 6 staff on site during events
- A change to operational hours as summarised in Table 1. Importantly, with respect to noise emissions, the application seeks to retain Condition 16 which excludes the use of amplified music.

Table 1: Melody Hall proposed event times
Day Event times Thursday 0800 – 2100 hrs
Friday and Saturday 0800 – 0000 hrs Sunday and Public Holidays 0800 – 1900 hr

80. Marshall Day conclude that, *"Based on our assessment, noise emissions are anticipated to comply with the most stringent noise limit of 45 dB LA10 and will be consistent with the residential noise amenity anticipated by the WDP permitted activity noise limits. Furthermore, our noise measurements indicate a relatively elevated ambient noise environment up until 1am of 42 to 49 dB LAeq from traffic noise on both SH6 and Greymouth Kumara Tramway. On this basis, we consider that the proposed variation to activities will result in a less than minor change in noise effect, compared to the consented noise limits. Should consent be granted, we recommend that existing noise related consent conditions are retained (refer Conditions 16 and 17 in Appendix A)"*.

81. The applicants' planner discusses the noise effects in her addendum, *"The following Appendix 1 includes an acoustic assessment prepared by Marshall Day Acoustics, titled 'Greymouth Kumara Tramway Community Hall – Consent Revision Noise Assessment', dated 11th July 2025. This acoustic assessment considers noise effects associated with the use of the hall, including the car parking area, vehicle movements in the receiving environment and the occupancy of the hall for events as described within the original application. This report has determined the effects of noise upon the receiving environment, and in particular the two affected parties, will be less than minor. No new condition recommendations have been included in this report. It has been concluded that the existing noise condition will be achievable and sufficient to mitigate the noise effects of the activity. As a result, no additional conditions are proposed with respect to noise management. Please see Appendix 1 for conclusive detail."*

82. There are some inconsistencies in the way the applicants' planner and the acoustic report refer to the application, reflecting the applications iterative nature. This was queried at the hearing and was confirmed via correspondence 10/11/25 from the applicants' acoustic specialists what they had assessed against.

83. The acoustic report assessed no amplification of music and assumes that acoustic instruments do not include drums. They have assumed all music is contained within the hall, and that all 38 vehicles exit from the southern exit opposite Kahikatea Place within a 15 minute period. On the basis of these assumptions, the acoustic specialist recommends the consent conditions in the approved consent are carried forward without change into the proposed variation.

84. Councils s42a addendum summarises that: *In the music source itself, I rely on the Marshall Day confirmation of method (microphones and nonamplified; 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.*

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

The Councils s.42a addendum 3/12/25 brings forward the applicants' acoustic assessment as being based on microphones only, non-amplified music only, with activities indoors and doors / windows closed during microphone use. These management methods, along with the transport management plan, will bring noise levels to a level that is consistent with rural- residential expectations, with the principal remaining effect the human activity noise of people arriving and leaving, which is addressed through hours and transport management dispersal measures.

85. The applicants right of reply puts forward further evidence to clarify the use of microphones, and whether all / some windows are to be open / shut. Specific conditions are recommended by Marshall Day.

86. I agree that the acoustic expert is suitably qualified to make these recommendations and carry them forward as my own. I note that assessment was based on a proposed 30 events, not 30 + 12 civil defence meetings.

Transport network

87. The proposal's adverse effects on the transport network have been raised in the submissions from [REDACTED] and by the Council's reporting officer.

88. The submissions from [REDACTED] outline the potential effect on their own properties, and on the wider area.

89. The Councils reporting officer details that the proposal could potentially result in a significant change in transport effects with the increase to number of operating days, occupancy, and on-site car parks. While the application does state the intended increase is to provide flexibility, the application must be assessed on the full extent of the activity enabled by the proposal.

90. The proposal has been reviewed by WDC Transport Manager, Mr Karl Jackson. Mr Jackson raised concerns about the increase in vehicle movements, and implications on road safety, and the wider transport network including the West Coast Wilderness Trail.

91. The application is supported by an Integrated Transport Assessment, which concludes the local network can accommodate the increase traffic, and that the parking amendments should reduce the likelihood of parking outside the site.

92. The proposal has received written approval from NZTA Waka Kotahi, that with appropriate mitigation, the proposal will not adversely affect the safe and efficient operation of SH6. The approval was provided contingent on the applicant volunteering transport related conditions.

93. The Councils reporting officer notes that while these measures are positive and respond to the safety risk, their effectiveness is contingent *“on consistent and ongoing compliance by the applicant and event organisers, without any proposed third-party verification. In the absence of enforceable mechanisms, residual concerns remain regarding the management of traffic volumes and safety risks over time.”*

“Further, while the parking shortfall with the proposed TTPP is minor, the increase from 16 to 38 onsite spaces is a material improvement. However, the overall intensification of the site uses introduces a significant change in traffic character, volume, and the nature of interactions between users of the road corridor. These changes differ materially from the baseline effects of RC220119. 55. In summary, while the local network can physically accommodate the increased traffic and the NZTA Waka Kotahi approval carries weight, the potential adverse effects on traffic safety and efficiency are considered to be minor to more than minor.”

94. The applicant's addendum responds to these issues with a more in-depth assessment of the activity on the local road network, the affected party properties, and the intersection with Kahikatea Place.

The report concluded that *“effects upon the local road network and the affected parties will be less than minor with respect to traffic. Overall, no adverse effects are anticipated with respect to safety, efficiency and accessibility within the local road network. No new transportation conditions have been recommended as a result of this addendum. Please see Appendix 2 for conclusive detail”*.

95. The Applicants planner concludes *“Overall, no adverse effects are anticipated with respect to safety, efficiency and accessibility within the local road network. No new transportation conditions have been recommended as a result of this addendum. Please see Appendix 2 for conclusive detail.”*

96. As detailed in the Hearing and Processing of the Application sections, inconsistencies were identified between the applicants' transport expert assessment, and the Councils. These were not resolved prior to the hearing but were through expert caucusing.

The joint statement (paragraph 11), based on the 30 events potentially occurring between for up to 150 guests and 6 staff, Thursday: 8:00am – 9:00pm ➤ Friday and Saturday: 8:00am – 12:00am (midnight) ➤ Sunday and Public Holidays: 8:00am – 7:00pm concludes, *“Ms Mace-Cochrane and Mr Jackson both agree that the existing traffic volume on Greymouth Kumara Tramway and Kahikatea Place is low, such that the traffic generation by the proposal will have inconsequential effects on the surrounding road network.”*

97. Further approvals were also granted by Waka Kotahi NZTA contingent on consent conditions being imposed. As the approval documentation that an affected party that signs notes, the effects on an affected party can no longer be considered if they have approved those effects. It is anticipated that the applicant will offer the consent conditions NZTA based their approval on in their right of reply.

98. The transport effects resulting from this proposal have been amended substantially through this variation process. I am comfortable that the methodology used to derive the expert opinion is appropriate. It is noted that Waka Kotahi NZTA have approved based more events than the transport experts. The approvals are based on the 30 events plus 12 civil defence events, potentially occurring between for up to 150 guests and 6 staff, Thursday: 8:00am – 9:00pm ➤ Friday and Saturday: 8:00am – 12:00am (midnight) ➤ Sunday and Public Holidays: 8:00am – 7:00pm.

99. The conclusions contained within the Integrated Transport Assessment (ITA), Novo addendums, joint witness statements and correspondence demonstrate that the local network can accommodate the event traffic with the proposed management measures. The joint witness statement also resolves the methodology inconsistencies.

100. In summary, considering the event frequency, attendance cap, 38 on-site spaces, TMP for events >105 attendees (with specified content), NZTA Waka Kotahi written approval and embedded expectations, and the joint witness statement outcomes, I agree that the transport experts are suitably qualified to make these recommendations, and I carry their recommendations forward as my own. I do note that assessment was based on a proposed 30 events, not 30 + 12 civil defence meetings, whereas the NZTA approvals were based on 30 + 12 civil defence meetings.

101. I consider the potential adverse effects on traffic safety and efficiency to be no more than minor subject to the updated conditions.

Reverse sensitivity

102. The Councils reporting officer outlines that the proposed variation does not create a new reverse sensitivity effect. However, the proposed variation to intensify the existing activity authorised by resource consent. The surrounding area is predominantly rural and rural residential. There has been no evidence presented of surrounding rural production or industrial activities.

The Council report concludes that *“As such, the proposed variation is unlikely to result in any material reverse sensitivity effects on surrounding land uses. The potential for conflict with existing rural operations or infrastructure is low, and there is no evidence to suggest that the variation would restrict the ongoing lawful operation of neighbouring properties. It is therefore considered that the potential for reverse sensitivity effects associated with the proposed variation is less than minor.”*

103. The councils’ addendum provides further assessment that *“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”.*

104. The revised right of reply disagrees with this, and states that *“the application is for a non-sensitive commercial and community hall. The existing environment is sensitive rural residential activity. This means the direction of sensitivity runs from the existing houses towards the proposed use of the hall. This is encapsulated through other effects (noise, character, amenity etc.) as opposed to reverse sensitivity. Reverse sensitivity would only apply if the hall were sensitive, the hall enabled future sensitive uses or the hall’s presence could create complaints that would restrict an existing established generator of effects (e.g., a farm, quarry, or industrial activity). In this instance, this does not apply to the proposal.”*

The councils’ statement is inconsistent with previous evidence that it is a highly modified area with other commercial use.

105. I find that the area is a mixture of rural, rural residential, and does include the transport network. As such, I agree with Councils earlier statement, the proposed variation is unlikely to result in any material reverse sensitivity effects on surrounding land uses. The potential for conflict with existing rural operations or infrastructure is low, and there is no evidence to suggest that the variation would restrict the ongoing lawful operation of neighbouring properties.

106. It is therefore considered that the potential for reverse sensitivity effects associated with the proposed variation is less than minor”, with the further conditioning from NZTA Waka Kotahi, I conclude the reverse sensitivity effects are less than minor.

Positive effects.

107. Under section 104(1)(a) of the Resource Management Act 1991, positive effects on the environment must be considered alongside adverse effects when assessing an application.

The Councils reporting officer outlines the potential positive effects as:

- *the potential for the hall to serve as a more active and accessible venue for local events and functions.*
- *the ability to host community gatherings, social events, workshops, and private functions on a regular basis could support greater social cohesion and community well-being, particularly in a rural locality with limited communal infrastructure.*
- *the increased use of the hall may also deliver local economic benefits, particularly if the hall attracts events that require catering, accommodation, or other support services from within the local area.*
- *the employment of up to six staff on site may create part-time or casual job opportunities, albeit modest in scale, and*
- *the proposed increase in parking capacity from 16 to 38 spaces is likely to improve the management of on-site vehicle movements and reduce reliance on roadside or verge parking. This may enhance both safety and amenity during events compared to the baseline authorised under RC220119.*

108. These effects must be weighed against the adverse effects associated with the increased intensity and frequency of use.

109. The applicants’ addendum speaks to letters of support received. The applicant acknowledges that these letters cannot be weighed into the decision, and are not considered expert evidence, however, they have been included to demonstrate the value of the proposition the local community.

The inclusion and consideration of these letters was detailed under Procedural Minute 7 and set out in the procedural matters I covered at the hearing.

I acknowledge the time and effort the Kumara Junction Community Group and other individuals have put into supporting the proposed variation. I have reviewed the affected party identification process undertaken by Ms Johnson, and the limited notification process undertaken by Olivia Anderson (WDC Planning Manager). I agree with the assessments.

One of the letters included in Appendix 3 is from a person identified as an affected party. Mr Bradley signed an affected party approval, and as such, the effects on him must then be disregarded. It is noted that the proposal currently is quite different to what was originally proposed to be verified, the effects are lesser than those signed off by Mr Bradley. The applicants 7/11/25 evidence, point 12 makes note that the proposed changes resulted in considerate reduction in potential effects.

I agree with the applicants' assertion that the letters cannot be weighed into the decision, that they are not considered expert evidence. While I acknowledge the support they show, the application is not required to demonstrate value to the local community.

110. The councils' addendum adds that *"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."*

111. The applicants right of reply puts forward that *"It is also acknowledged that the proposed activity will support community resilience through the provision of a gathering point for civil defence emergency management and training. This component of the application has not been considered within the 42A report addendum however it makes up a part of the overall proposal and should be assessed accordingly."*

112. I agree with the positive benefits put forward. The specific provision of a gathering point for civil defence emergency management and training has previously been specifically asked not to be included in assessments as detailed earlier in this report. I do agree that there is benefit from the community in the meeting of the group, that is very much the type of positive effect that is being sought, but not including the meetings in the number of events proposed does not follow. I do appreciate the conundrum that without the allowance of 12 specific civil defence training session it may not be possible to provide for them within the 30 applied for in this variation, however, that is an operational matter for the applicant, there has been no evidence presented including the expert witnesses as to why this should occur.

Statutory Planning Documents

113. This section of the decision considers the application and evidence in the context of the relevant statutory planning documents that must be considered under s.104(1)(b) of the RMA.

114. The West Coast Regional Policy Statement 2020 contains objectives and policies setting the overall strategic policy direction for the West Coast. Of particular relevance to this proposal are:

Objective 4.2 - This region's planning framework enables existing and new economic use, development and employment opportunities while ensuring sustainable environmental outcomes are achieved.

Objective 4.3 - To ensure that the West Coast has physical environments that effectively integrate subdivision, use and development with the natural environment, and which have a sense of place, identity and a range of lifestyle and employment options

Policy 4.4. To promote: a) The sustainable management of urban areas and small settlements, along with the maintenance and enhancement of amenity values in these places; and b) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers where it contributes to the economic, social and cultural wellbeing of people and communities.

Objective 5.2 Incompatible use and development of natural and physical resources are managed to avoid or minimise conflict.

Policy 5.1 Enabling sustainable resource use and development on the West Coast to contribute to the economic, social and cultural wellbeing of the region's people and communities.

Objective 6.1 Enable the safe, efficient and integrated development, operation, maintenance, and upgrading of regionally and nationally significant infrastructure.

Policy 6.4 Recognise that RSI important to the West Coast's wellbeing needs to be protected from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading, or development of the infrastructure.

115. The proposed variation is broadly aligned with these objectives and policies in that it is a form of sustainable management and provides for economic and social wellbeing. However, the conflicting uses, and impacts on regionally significant infrastructure (the State Highway) do require careful consideration and management. The management of effects, through the conditions put forward by NZTA Waka Kotahi, and the expert assessment of impacts on pedestrian and cycle networks, and economic wellbeing of the applicant and potential staff, community well-being through community use of the hall balanced against the effects on rural amenity, result in an overall alignment with the objectives and policies.

Westland District Plan (WDP), operative 2002

116. The WDP has numerous provisions that need consideration. It is noted that the applicant's assessment is against Objective 3.1, Objective 3.9 and Policy 4.4 only. As outlined earlier, this variation is considered a discretionary activity. The applicant doesn't provide reasoning for this narrow assessment.

117. The application, submissions, Council's s.42a, applicants' addendum, evidence presented at the hearing, Council's addendum, and the applicants' right of reply all speak to community and commercial activities. The appropriateness of the variation, and the effects are linked to these classifications. The definitions contained within WDP are below, the plan does not define a community activity only a facility:

Community Facilities means any building or facility or part thereof intended to be used principally by members of the local community for the assembly of people for recreation, entertainment, cultural instruction and deliberation.

Commercial Activity means any use of land or buildings for the purposes of the sale of food, services and other commodities and merchandise or the provision of services or professional advice and includes taverns and restaurants.

118. As there are numerous provisions relevant to this variation they are grouped below by chapter.

Part 3.2: Sustainable Communities.

Objective 3.2.1 – Sustainable Communities: To establish levels of environmental quality for Westland which enable people and communities to provide for their social, economic and cultural well-being, while meeting the principles of sustainable management of natural and physical resources.

Policy 4.4 – Amenity Policies A. The effects of activities which can have significant adverse effects on amenities and the well-being of residents shall generally be avoided, remedied or mitigated. B. Noxious, offensive, and/or dangerous activities shall be segregated where there is potential to generate adverse effects on the environment. C. The development and use of energy efficient design and technology should be encouraged within working, living and leisure environments. D. The safe handling, management and disposal of hazardous substances in a manner which protects community well-being, road safety, and soil and water resources shall be encouraged. E. The effects of activities which can be seen as adversely affecting the overall environmental amenity of the District shall be avoided. F. To ensure that signs are appropriate to the character of the area and do not detract from the amenity values of that environment. G. To avoid a proliferation of signs which have the potential to result in cumulative adverse effects on amenity values.

The proposal supports the community's ability to use an existing facility more frequently for events with greater flexibility which has clear social benefits. However, the increase in intensity, days and hours does create a compatibility conflict surrounding rural character. The proposed increase may affect residents' ability to enjoy rural amenity (e.g., quiet evenings, low traffic). The mitigation put forward does reduce these effects, but residual effects remain.

The applicants' assessment is against Policy 4.4, and states that *"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 do not agree entirely with this assessment. While there are no changes to the built form, the changes to the intensity (in the proposal for five events to two hundred, then to 50, then 30 in the addendum with civil defence meetings not included, then 30 with 12 civil defence meetings included in the right of reply) with the changes to the days and hours. The applicant states the established use onsite is commercial, not community. This is highlighted as when assessed against rural amenity and character in TTPP the applicant states, *"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 do not agree that the site is located in a highly modified commercial area as there is no other proximate commercial use to the best of my knowledge. The nearest commercial area is the Kumara settlement. It is modified rural residential area.

119. The applicant has also used a permitted baseline against community events as part of their assessment against TTPP and correctly states that community facilities and halls are permitted in rural zones, subject to performance standards. However, this is not the case for commercial use, and if it is indeed commercial use onsite, this permitted baseline cannot be used. Further, the permitted baseline in this instance, is that that is provided for by the existing consent, which is for community activities, therefore it must also be disregarded as the variation is for community and commercial events, without specifying either.

120. The Councils assessment against the policy states that *“the variation introduces greater frequency, longer hours, and increased visitor numbers compared to the original consent. Although the applicant has limited noise sources (acoustic instruments only) and internalised activities, submissions highlight ongoing concerns about noise, late-night disturbance, and general disruption. These effects, particularly on nearby residents, are likely to be more than minor. Therefore, the proposal is not fully consistent with this policy”*. The report goes on to state that *“this policy promotes the compatibility of non-residential activities in rural environments, recognising that rural amenity is sensitive to noise, traffic, and frequent visitation. A community hall used four days per week, including late nights on weekends, is a departure from the type of activity typically expected in the Rural Zone. While the building is lawfully established, the shift in frequency and intensity is notable. Given the scale and potential for cumulative impacts on nearby residents, the proposal is considered inconsistent with this policy”*.

In their addendum they report that *“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”*.

121. Overall, the proposal is partially consistent with this objective and related policies, it provides for social, economic and cultural wellbeing but doing so also conflicts with the provisions providing for amenity and for compatible land use.

Part 3.4: Infrastructure and services

Objective 3.4.1 –To ensure that all servicing activities are carried out in a manner, and in locations, which avoid, remedy or mitigate adverse environmental effects.

122. This objective aims to ensure infrastructure needs are met in a way that avoids or mitigates adverse effects. As there is no reticulated infrastructure in this area, the proposal relies entirely on onsite servicing, including wastewater management. This approach is typical for rural areas and is consistent with the Plan’s expectations for non-reticulated locations. The proposal is considered consistent with this objective. Discharge and disposal of wastewater are a regional council matter

Objective 3.4.2 To ensure that activities located adjacent to infrastructure resources do not adversely affect the safe and efficient use of those resources.

123. This objective is to protect the functioning of infrastructure from reverse sensitivity effects.

The site's direct access onto State Highway 6 is a key constraint. The number of vehicle movements has raised concerns about the capacity and safety of the access point. Council's Transportation Manager review of the proposed variation confirmed that such a volume exceeds what was originally contemplated and may pose risks to the safe and efficient functioning of the highway. Even though full occupancy may not occur weekly, the potential for adverse cumulative effects remains. These concerns were compounded by inconsistent methodology being used to assess the number of movements. These issues have been resolved through the hearing process with the proposal changing substantially.

The proposal is now consistent with this objective.

Policy 4.6: Infrastructure and servicing

"B. The roading hierarchy shall be used as a factor in determining the acceptability of activities (including subdivision) which affect traffic flows or the road resource; and the standards of access required

C. The formation, construction and maintenance of any transport, communications or other service facilities should be carried out in a manner which maintains environmental quality. The proposed transport impacts are on the local roading and state highway network, and the West Coast wilderness trail cycle network.

124. The effects on the wider transport network have been assessed against the statutory documents several times, with differing summaries and recommendations. This in part reflects the iterative nature of this application but also differing methodologies for assessing vehicle movements.

As outlined in the evidence section part of this decision, considerable further assessment and expert caucusing has occurred, which has enabled consideration of all the arms of transport objectives and policies.

125. Overall, the proposal is consistent with these objectives and policies, when the mitigations proposed through conditions are applied.

126. The proposed TTPP objectives and policies are also relevant statutory documents for this application.

Transport Objectives and Policies

TRN O1 To recognise and provide for the critical role land transport infrastructure plays in supporting communities including emergency services, and economic activity on the West Coast/Te Tai o Poutini.

TRN O2 To enable accessibility, safety and connectivity of land transport infrastructure and consider the amenity of all transport users, including pedestrians and cyclists.

TRN O3 To ensure that the provision of safe and efficient parking, loading and access is consistent with the character, scale and intensity of the zone, the roading hierarchy and the activity being undertaken.

TRN P1 The road and rail networks shall;

- a. Be maintained or enhanced to provide safe and efficient transportation;*
- b. Consider the needs of all transport users and modes of transport; and*

Minimise effects on adjoining properties including the impacts of vibration, noise and glare.

P8 Manage the number, location and type of parking and loading spaces, including bicycle parking and electric car charging spaces to support the following:

- a. The safe, efficient and effective operation of the transport network;*
- b. The functional and operational requirements of activities;*
- c. The recognition of different activities having different trip characteristics;*
- d. The use of sustainable transport options including cycling and walking;*
- e. Provision of safe access and egress for vehicles, pedestrians and cyclists;*
- f. Avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists;*
- g. Mitigation of stormwater contamination from vehicles through treatment of stormwater from large areas of car parking;*
- h. Provision for flexible approaches to parking, including more efficient use of parking spaces, and reduce incremental and individual parking provision.*

As with assessments against the WDP, following the hearing process, and subject to the conditions contained within the joint witness statement being imposed, I find is largely consistent with the transport objectives and policies.

127. The Noise objectives and policies are also relevant to this proposal.

Noise – O1 The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and does not compromise community health, safety and wellbeing.

Noise – O2 The function and operation of existing and permitted future noise generating activities and community infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from noise-sensitive activities.

Noise – O3 The health and wellbeing of people and communities are protected from significant levels of noise.

Noise – P1 - Enable the generation of noise when it is of a type, character, scale and level that is appropriate to the zone, having regard to:

- a. The purpose, character and qualities of the zone that the activity is located in;*
- b. The nature, frequency and duration of the noise generating activity;*
- c. Whether the noise generating activity is critical infrastructure;*
- d. Methods of mitigation; and*
- e. The sensitivity of the surrounding environment.*

Noise P4 Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and protect the health and wellbeing of people and communities by having regard to:

- a. Maximum noise limits to reflect the character and amenity of each zone;*
- b. Type, scale and location of the activity in relation to any noise sensitive activities;*
- c. Hours of operation and duration of activity;*
- d. The temporary or permanent nature of any adverse effects; and*
- e. The ability to internalise and/or minimise any conflict with adjacent activities.*

The applicant has significantly amended the proposal from the original variation application. In the addendum the applicant is seeking no amplified musical instruments, and that all music will be played within the hall. The applicants' expert has suggested conditions, including in the right of reply to provide appropriate mitigation, and clarity.

The suggested general noise condition is to be within the permitted activity noise standards.

The expert report concludes “ASSESSMENT OF EFFECTS AND RECOMMENDATIONS Based on our assessment, noise emissions are anticipated to comply with the most stringent noise limit of 45 dB LA10 and will be consistent with the residential noise amenity anticipated by the WDP permitted activity noise limits. Furthermore, our noise measurements indicate a relatively elevated ambient noise environment up until 1am of 42 to 49 dB LAeq from traffic noise on both SH6 and Greymouth Kumara Tramway. On this basis, we consider that the proposed variation to activities will result in a less than minor change in noise effect, compared to the consented noise limits.”

The proposal is therefore considered to be consistent with the noise objectives and policies.

128. The objectives and policies within the rural zone are also relevant to this proposal. The proposal site is proposed to be zoned rural, whereas the surrounding sites are proposed to be rural residential.

RURZ – O1 To provide for a range of activities, uses and developments that maintain the amenity and rural character values of the rural environment, while retaining highly productive land and rural activities, and supporting a productive rural working environment.

RURZ – O2 To provide for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.

RURZ- P2 – Rural Character and Amenity

Enable a variety of activities to occur within RURZ - Rural Zones while maintaining rural amenity and character. Outside of settlements, activities should:

- a. For buildings and structures have a bulk and location that is characteristic of rural environments;*
- b. Maintain privacy and rural outlook for residential buildings;*
- c. Be compatible with existing development and the surrounding area;*
- d. Have appropriate setbacks from the road and significant natural and cultural features;*
- e. Minimise adverse visual effects if sited on prominent ridges or immediately adjacent to public roads; and*
- f. Have awareness of cultural landscapes and avoid activities being located on the ridgelines and peaks of ancestral mountains.*

RURZ – P6

Recognise that the rural areas may be the most appropriate location for some utility, industrial or commercial uses to establish, where these have a functional relationship with rural areas, provided the character and amenity of the rural areas is maintained and adverse effects are managed.

RURZ – P8

Provide for new commercial and industrial activities within settlements where this does not detract from residential amenity.

Rural Zones RURZ- O1 – Character and Amenity

The direction of the rural policies is to enable diversification of activities, while not impinging on rural production activities. Further, the policies seek to maintain rural open space, privacy, and natural features over built form. The proposal does not seek to change the built form and does not impact rural production activities. The proposal is therefore considered to be consistent with these provisions.

Community facilities that service a community are generally allowed in most zones. Commercial activities are generally not allowed in rural zones, except for those directly servicing rural activities; farm supplies for instance. It is also noted that it is community facilities that are permitted through TTPP, not community events.

RURZ – O3

To maintain and enhance the distinctive rural character and amenity of West Coast / Te Tai o Poutini settlements while

- a. Allowing settlements to grow and adapt as economic activity changes;*

- b. *Providing for commercial and industrial land uses in larger settlements where these land use provide for local community and rural services.*

RURZ – P7

Recognise that where non rural activities are located in rural areas, this should not be to the detriment of the effective function of towns and settlements, or to avoid the costs of connection to community funded infrastructure.

RURZ – P8

Provide for new commercial and industrial activities within settlements where this does not detract from residential amenity.

In summary, the proposal is generally inconsistent with the relevant objectives and policies of TTPP.

129. Weighting

The Council officers report sets out that *“In this case, the proposal is assessed as being inconsistent with the relevant objectives and policies of the Operative District Plan, particularly in relation to rural character, amenity, and transport effects. However, it is found to be generally consistent with the Proposed District Plan, which adopts a more enabling and effects-based approach to rural land use.*

Given the advanced stage of the Proposed District Plan, and the degree to which the provisions reflect more contemporary planning outcomes and national direction, some weight can be given to the PDP. However, as the ODP remains the operative planning document and the primary statutory instrument under section 104(1)(b), greater weight must still be afforded to the ODP in this instance.

Accordingly, while the PDP provides important context, the inconsistencies with the ODP carry more weight in the overall planning assessment.”

I agree with this weighting assessment.

130. Timeframes

The RMA sets out timeframes under which consents must be processed. This application has been placed on hold by the applicant, and by the council for a variety of reasons, prior to submissions. The timeframe from which I must issue a decision is based on the date when submissions were closed, and when a hearing is held. The consent was placed on hold repeatedly by the applicant following the closure of submissions. The date which the hearing was required by the RMA to be closed was 17/12/25, with a decision to be issued by 12/01/26. The hearing was closed 12/12/25, this decision is issued 23/12/25. Therefore, I have applied no extensions to timeframes under s37.

OTHER MATTERS

131. There are no other relevant matters to this decision.

Part 2 Resource Management Act

132. I found the other actual and potential adverse effects of the proposal will be likely to be no more than minor, particularly those potential effects will occur, and the mitigation measures provided in consent conditions offered by the applicant.

133. There will also be a number of positive effects resulting from the proposal.

134. I also found the proposal has acceptable alignment with the relevant statutory planning documents.

135. In my view the proposal is consistent with the purpose of the RMA to promote sustainable development.

136. Overall, I find that the proposal is acceptable in terms of all the matters under Section 104 RMA.

Decision and the reasons for the decision.

Pursuant to Sections 127 the RMA, the application to vary resource consent RC220119 is **GRANTED** subject to the conditions set out in Annex A, for the following reasons:

- It is my opinion, based on the full record (Applicant's AEE, expert inputs, and further information provided through the application and post hearing process) that 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 contained in Appendix 1.
- With those conditions, the proposal is consistent with the relevant WDP objectives and policies for community wellbeing, amenity/rural character, and a safe, efficient transport network, and is likewise broadly consistent with TPPP transport, noise, and rural-zone provisions.
- 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.
- Overall, giving weight to the post-hearing evidence and conditions developed from that the proposal promotes the sustainable management purpose of Part 2 (s5) of the RMA.

Edith Bretherton

Independent Hearing Commissioner

23/12/25

RC230134 VARIATION TO RC220119 - Conditions

General

1. The proposal must proceed in general accordance with the information provided in the original application received 5 October 2022, further information received on 1st, 5th, and 9th December 2022, the variation application received on 10th November 2023 and further information received on 14th May 2024, 21st May 2024, 30th January 2025, 18th July 2025, 7th November 2025, 10th November 2025, 18th November 2025, 11th December 2025 and the plans marked as Attachment 'A', 'B', 'C', 'D'.
2. The exterior of the building shall be painted, clad or finished and thereafter maintained in muted, natural colours to the satisfaction of Council.
3. The building may be used for community or commercial events, which may include the use of staff or contractors (up to six at any one time) to support the operation of those events.
4. Events may occur on Thursday, Friday, Saturday or Sunday, or a public holiday which occurs Thursday – Sunday. No more than thirty (30) events may occur in any calendar year, and attendance must not exceed one hundred and fifty (150) guests and six (6) staff per event. All event-related activity (including pack-down) must cease and attendees including staff must vacate the site by the stated finish time.

Advice Note:

The thirty (30) events per year could include civil defence meetings and training but does not include use in an emergency response under the Civil Defence Emergency Management Act 2002.

Vehicle Access and Parking

5. A maximum of thirty-eight (38) marked parking spaces must be provided and maintained on site, and event-related parking must not occur in the road reserve or on adjacent roads.
6. The consent holder shall maintain detailed records of the Hall's operations for a period of 12 months, commencing from the start date of the activity.

These records shall include the timing and frequency of events, the number of visitors, and parking occupancy. The records shall be made available to the New Zealand Transport Agency upon request.

If the records indicate that events coincide with any known safety incidents, such as crashes or near misses, New Zealand Transport Agency may, at the consent holder's expense, request a road safety report or audit. This report will evaluate the SH6/Greymouth Kumara Tramway intersection and provide recommendations to improve safety. These recommendations may include adjustments to the timing, duration, and frequency of future events, or other physical improvements to the road network. In further consultation with the New Zealand Transport Agency, the consent holder shall take immediate and practical steps to implement the recommended safety improvements.

7. For any event hosting more than one hundred and five (>105 guests), a Transport Management Plan (TMP) must be prepared and implemented, at least three (3) working days prior to the event and available on site. The TMP must include, but is not limited to, the following elements:

- A requirement for minibuses to transport guests to and from the event (noting there is no space available on-site to accommodate coach parking).
- Allocation of on-site parking spaces to minibus drop-off and pick-up.
- Communication to guests advising them not to drive to the event, as minibus services will be provided.
- Communication to guests advising them of the minibus schedule, pick-up and drop-off points, and any other relevant details.

Advice Note:

The Council may seek confirmation that a Transport Management Plan is being implemented when required and monitoring of occupancy is being undertaken. Furthermore, Council may request evidence that the adjacent road network is not being used to accommodate parking associated with this activity and seek to vary the Conditions if issues are arising.

Engineering

8. Stormwater shall be managed onsite to ensure no direct discharge of stormwater is made to neighbouring properties unless provided for by way of an easement.

9. Sewerage effluent is to be disposed of in accordance with provisions of the relevant New Zealand Standard or in accordance with the requirements of the West Coast Regional Council. All power and telecommunication services are to be underground unless inconsistent with supplier requirements.

10. Erosion and sediment controls shall be implemented during earthworks and construction to the satisfaction of Council to ensure sediment or debris does not discharge offsite.

Vegetation Clearance

11. Vegetation clearance shall be limited to that which was approved under Resource Consent RC220119. No additional vegetation clearance is authorised by this consent.

12. All remaining indigenous vegetation shall be retained for the duration of the activity to preserve the desired rural character.

Signage

13. The signs shall be erected and thereafter maintained in a non-reflective material in general accordance with the attached plan marked as 'C'.

14. The southern entrance sign shall not exceed 1047mm in height as measured from existing ground level and 2000mm in width.

15. The signs shall be well maintained to the satisfaction of Council at all times. Any damage, vandalism or deterioration is to be remedied within 14 days of occurrence.

Lighting

16. All artificial lighting is to be directed away from Greymouth-Kumara Tramway and neighbouring properties.

Noise

17. Amplification within the hall shall not:

- Have a rated electrical power of more than 200 watts RMS
- Be used for pre-recorded music
- Be used for musical instruments
- Be used with more than one microphone
- Have a more than two connected loudspeaker
- Exceed a sound pressure level of 85 dB LAeq (2mins) when measured at a distance of 5 metres on axis in front of each loudspeaker. LAeq represent current best practice and the conversion from LAeq to LA10 at the notional boundary of the receivers has been considered in the analysis. Measurements shall be conducted in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of environmental sound.

18. When amplification is in use, only external doors and windows in the northern façade of the building can be opened. All other external doors must be kept closed except for the normal entry and exit of patrons.

19. 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:

- Thursday and Friday: 0700-2100hrs 55dBA L 10
- Saturday: 0700-1800hrs 55dBA L 10
- Sundays, 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

20. Hours of operation are:

- Thursday: 08:00–21:00.
- Friday and Saturday 08:00–22:00, with one night per week only permitted to extend to 00:00 (midnight).
- Sunday and public holidays 0800 – 1900.

All attendees, including staff must vacate the site and all event-related activity (including pack-down) must cease by the stated finish time.

Accidental Discovery

21. In the event of any disturbance of Koiwi Takata (human bones), taoka (artefact material) or pounamu, the consent holder shall:

- Cease any further activity in the immediate vicinity for a period of at least 24 hours; and
- Immediately advise the relevant Consent authority of the disturbance; and
- Immediately advise the relevant Runanga or their authorised representatives of the disturbance.

Advice Note:

Work in the vicinity must remain on hold to allow a site inspection by the Runanga and/or their advisors, who shall determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Until the inspection has been completed, no further work can be carried out in the immediate area, and therefore work may remain on hold for longer than a 24 hour period under some situations. Material discovered shall be handled and removed by tribal elders responsible for the tikaka (custom) appropriate to their removal and preservation.

If the consent holder identifies any archaeological remains and/or potential areas of sites of historical value, the consent holder shall immediately notify the Consent Authority, the relevant Runanga and the Regional Archaeologist of the New Zealand Historic Places Trust.

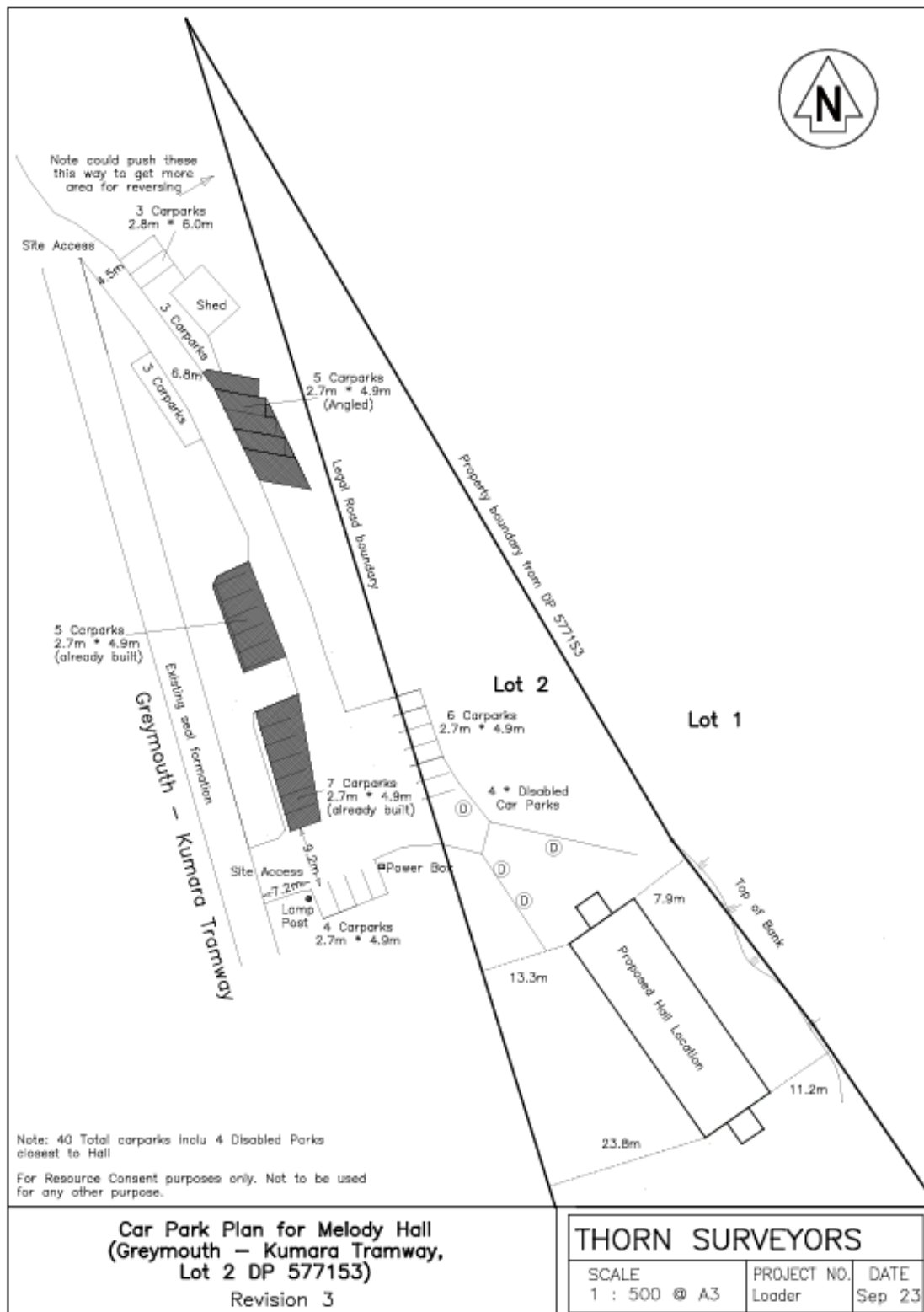
Review

22. If considered necessary by the Council, the conditions of this consent may be reviewed at any time for the following purposes: (a) (b) To deal with any adverse effects on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage. If the information available to the Consent Authority by the applicant contained inaccuracies which materially influenced the decision made on the application and the effects of the exercise of the consent are such that it is essential to apply more appropriate conditions.

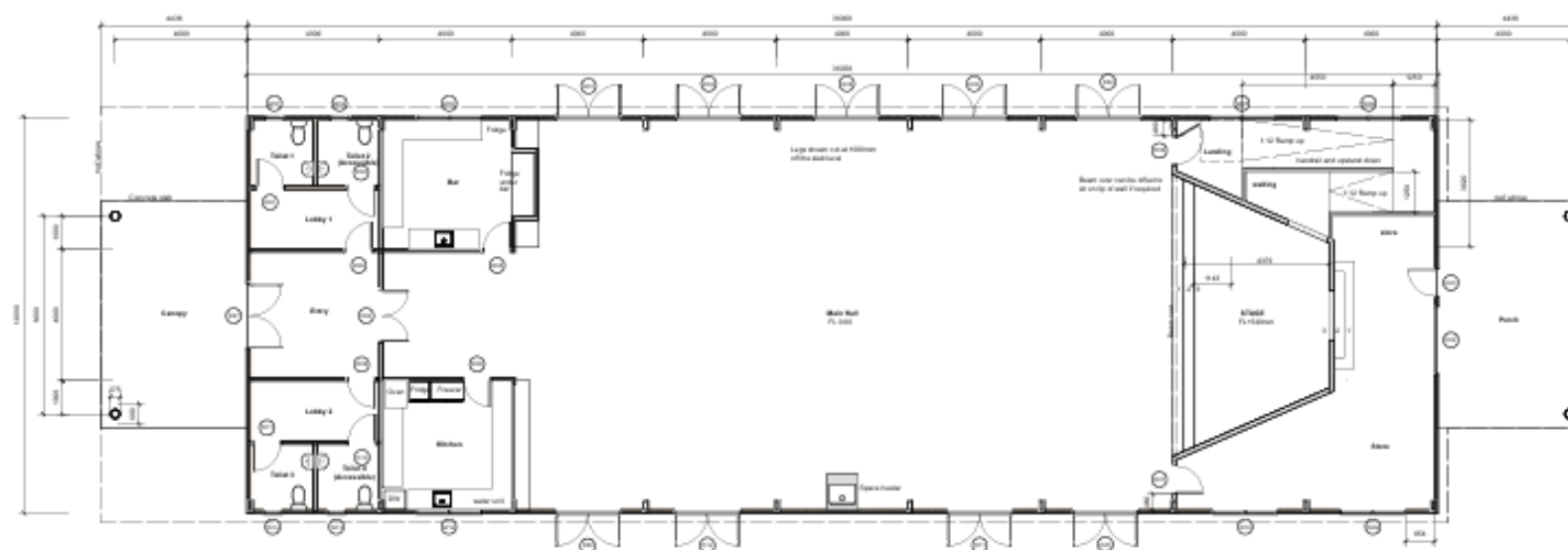
Costs and contributions

23. The consent holder will meet all costs associated with monitoring procedures undertaken by the Council, or its agents, to establish compliance with conditions of this consent.

Attachment A – Car Park Plan

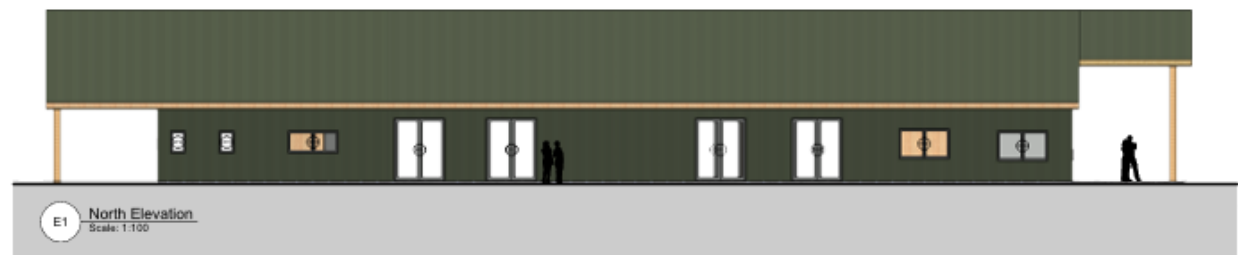


Attachment B – Floor Plan



1 Floor Plan
Scale: 1:125

Attachment C – External elevations



Preliminary



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Project: Melody Hall
Client: Greyhound
Building: Greyhound Kumara
Tramway
Drawing: External Elevations
Scale: As Shown
Date: 16/11/22
Job No: 010
Rev: Sht-3

Attachment D – Car Park sign plan

