

Before the Hearing Commissioner
Appointed by Selwyn District Council

Under

the Resource Management Act 1991

In the Matter of

An application by the Cornerstone Rolleston
Trust to erect and operate a church, with
accompanying carparking and vehicle accesses,
and church administration and offices in an
existing residential building on the site

Statement of Evidence of David Laurence Mountfort (Planning)
30 January 2025

INTRODUCTION

- 1 My full name is David Laurence Mountfort.
- 2 My qualifications are LLB (Hons) Canterbury University 1977, and Diploma of Town Planning, Auckland University 1979.
- 3 I have practiced consistently in the fields of town and country planning, and resource management since December 1978, working in central and local government, and since July 2009 as a self-employed planning consultant and Hearing Commissioner. I am a member of the New Zealand Planning Institute.
- 4 My role in relation to this application has been to provide planning advice, prepare and lodge a resource consent application, provide further information in response to s92 requests, comment on Council's suggested conditions, prepare and submit within-scope revisions to the application and generally liaise with Selwyn District Council's representative about this application in preparation for the hearing.
5. In preparing this statement of evidence I have considered the following documents:
 - a) The Application document
 - b) The Assessment of Environmental Effects
 - c) Expert reports on the proposal from,
 - i. Acoustic Engineering Services for the Council and Marshall Day Ltd for the Council on sound levels;
 - ii. BetaCom Ltd on exterior lighting
 - iii. Carriageway Consulting on transport access and parking matters;
 - iv. Kim Sanders Consulting on earthworks, stormwater and wastewater engineering and site development ;
 - v. Fraser Thomas Ltd on possible soil contamination of a small part of the site.
 - d) Various modifications to the application made during the process to date
 - e) The submissions made on the application by Mr White and Ms Clarke;
 - f) The Statements of Evidence of Mr Andy Carr, Transport Engineer, Carriageway Consulting Ltd and the assessment of the effects of earthworks and stormwater management by Kim Sanders of Kim Sanders Consulting Ltd submitted with the application.

- g) Resource consents from the Canterbury Regional Council to the Cornerstone Rolleston Trust to discharge construction and operational phase stormwater to land, including officer recommendation reports and decisions.
- h) The Selwyn Partly Operative District Plan (**District Plan**); and
- i) The s42A Report prepared by Andrew Henderson, planning consultant to the Selwyn District Council and related documents.

Code of Conduct for Expert Witnesses

6. While this is not an Environment Court hearing, I record that in preparing my evidence I have reviewed the code of conduct for expert witnesses contained in Part 9 of the Environment Court Practice Note 2023. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

7. I have prepared evidence in relation to:
- relevant planning framework;
 - key findings in regard to effects on the environment;
 - matters raised by submissions;
 - matters raised in the s42A Report;
 - proposed mitigation; and
 - conditions of consent.

EXECUTIVE SUMMARY

8. This is an application by the Cornerstone Rolleston Trust (the Trust) to erect and operate a church building and related accessways and car parking, to use a former dwelling on the site for church offices and administration purposes, and for activities on the site by external and community groups.
9. The site at 999 Goulds, which comprises 1.2138 hectares is in a rural area near the southern edge of Rolleston. This area is rapidly transitioning into urban. The site is currently in the form of a lifestyle block mostly in grass, with a residential building in the middle of the block and mature pine shelter belts on both side boundaries. Similar lifestyle blocks adjoin the site on either side. At the rear of the site, it adjoins a partly formed and legalised new subdivisional road, Rufus St, leading to a developing new residential area off East Maddisons Rd. A small portion of the applicant's land will be required to continue development north and west of the site. This is illustrated in Figure 1 of Mr Henderson's section 42A report.

10. On the opposite side of Goulds Rd is a developed residential area with the dwelling houses facing the site situated behind a substantial landscaped strip and having their physical access to Stanford Way. One of the two submitters is located in that area.
11. The Church function is the primary focus of the development, but the Trust also proposes to make the facilities available for use by groups within the Rolleston community for purposes such as playgroups, toy libraries, after school programmes, day respite care or aged exercise groups or gyms. Most of these will be of a small-scale not involving large numbers of people on site or vehicle movements. There may be occasional larger community events such as school end of year functions, conferences or public meetings. It is proposed to limit the numbers of such larger events to no more than 24 per year. Ceremonies such as weddings, funerals and memorial services are regarded as core church functions and are not proposed to be limited in this way. This aspect was not identified in the original application lodged with the Council but was advised in a letter dated 29 September 2024 prior to the notification decision and included in the limited notification information provided to the notified parties. It is therefore a part of the application.
12. Under the Partly Operative Selwyn District Plan the activities applied for are Discretionary or Restricted Discretionary Activities and should all be treated as Discretionary under the bundling principle.
13. Resource Consents for construction phase and operational phase stormwater disposal of stormwater to land have been granted by the Canterbury Regional Council. In my opinion the whole subject of stormwater disposal is a function reserved to regional councils under the Resource Management Act and the Selwyn District Council has no jurisdiction to consider this¹. However, the submission by Mr White has raised the topic. In my opinion it should not be considered at all in these current proceedings before the Selwyn District Council

THE APPLICATION

14. The timeline for this application is as follows.
- a) The application was lodged on 10 January 2024.
 - b) A request for further information was received on 2 February 2024.
 - c) This was responded to on 3 May 2024. Minor in-scope changes to the design and layout of the proposal were incorporated as a result of these processes, including upgrading of the Goulds Rd frontage to full urban standards with a footpath and kerb and channel, adjustments of the parking layout and accessways, provision of an overflow parking area, acoustic fences along the side boundaries, and an offer of provision of land for the Rufus St formation. The possibility of use of the premises by groups within the wider Rolleston community was also advised at this time.

¹ See section 30(1)(f) of the Resource Management Act 1991.

- d) The applicant also agreed to upgrade its frontage to Goulds Rd to full urban standard, including kerb and channel and a footpath. Recently the Trust has become aware of a proposal by the Council to provide a shared pathway 2.5 metres wide along this frontage and the full implications of this are unclear at the time of preparing this evidence. I return to this later in the evidence.²
- e) These amendments were notified to the Council prior to the Council's decision on the notification status of the application under section 95 of the RMA. They therefore became part of the application and were included in information sent out to potentially affected parties under the limited notification process.
- f) I provided draft conditions of consent for the applicant's consideration on 13 January 2025.

Proposed Activities

- 15. The application is primarily for the erection and use of a church building and related access and parking facilities, and for the use of the existing residential building for office and administration purposes.
- 16. The Trust would welcome the opportunity to allow community focussed groups the use of its site during the week for activities such as but not confined to playgroups, toy libraries, after school care, educational programs, day respite care, and aged exercise groups. The commercial kitchen being planned allows for services such as meals on wheels and other community initiatives to help people in Selwyn. There would also be the possibility of services such as food banks, vegetable cooperatives, and clubs like Probus.
- 17. Almost all of these non-Church activities would be minor in scale compared to the Church itself and the effects correspondingly small.
- 18. Occasional larger events such as public meetings, conferences and school prizegivings and breakups may find the building useful as there are few such spaces of this size in Rolleston. However, this would be occasional, rather than regular. The Trust would accept a limitation of no more than 24 days in a calendar year being used for events involving more than 100 persons and not organised or run by the Church itself. However, this limit would not include any weddings, funerals or memorials, whether or not conducted by the Church itself, because these are considered to be legitimate activities to be expected at a church. I return to this below under the discussion of the submissions, and possible conditions.

² See Paragraph 64

The Site

19. The site is currently in the form of a lifestyle block mostly in grass, with a former residential building in the middle of the block. There are mature and very large pine shelter belts on both side boundaries, which the applicant intends to remove during the development. Similar lifestyle blocks adjoin the site on either side.
20. At the rear of the site it adjoins a partly formed and legalised new subdivisional road, Rufus St, leading to a developing new residential area off East Maddisons Rd.



Figure 1 – The application site showing the proposed extension of Rufus St

21. Across Goulds Rd is a row of new residential dwellings with legal frontage to the road but physically separated from it by a dense and attractive strip of landscape planting. These properties all have right of way accesses to Stanford Way and the landscape strip appears to have been planted to mitigate any adverse effects from what is expected to become a busy road as Rolleston continues to expand. I return to this below under my discussion of the submissions.

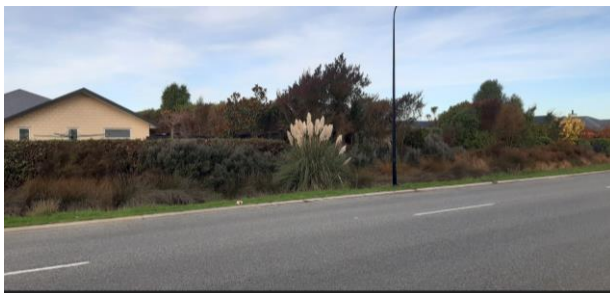


Figure 2 - 52 and 54 Stanford Way showing screening

22. The Church building will be located near the front of the site, spanning most of the width, with accessways on either side of the building. The parking area is located behind the building with an area behind that set aside for overflow parking or future parking if required. The former dwellinghouse is located centrally within the site.
23. The site also has frontage to a new, partly formed road, Rufus St, at the rear of the site. This road has been constructed to half its eventual width along this frontage, with the formed part on the opposite side of the road. The Trust does not propose to use this street for any purpose other than for a sewer connection. All physical access to the site will be from Goulds Rd. Discussions have taken place with the Council about further formation of this road. The Trust has offered to provide the strip along its frontage to the Council at no cost to the Council, for future construction of the road when further development of sites to the north takes place. The Trust does not wish to contribute to the cost of construction of the road. This offer has been accepted by the Council.
24. As the formation of Rufus St does not relate to the use of the site for the proposal currently being applied for, it is suggested that a condition be imposed requiring the vesting of the land for the road. This is included in proposed Condition 32 in Mr Henderson's report under section 42A of the RMA.

Application Activity Status

25. Under the partly Operative Selwyn District Plan the site is in the Medium Density Residential Zone, (the MRZ). Under this zoning, the Church and most of the proposed community activities fall within the definition of Community Facility under Rule REQ – 18, and are a discretionary activity. The definition is

means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.

26. A Compliance Assessment was provided with the original application as Attachment 3. This did not include the non-Church related community, educational and other activities described above, which were introduced through the applicant's response to the Council's suggested conditions, prior to the limited notification process, and are now part of the application.

27. If the buildings are used occasionally by local schools for events, this would fall outside this definition and would be an Educational Facility and a Restricted Discretionary Activity. The definition is

means land or buildings used for teaching or training by child care services, schools, and tertiary education services, including any ancillary activities.

28. Other events and meetings that do not fall within the meaning of Community or Educational facilities would be Discretionary Activities within the category of Other Activities, under Rule REQ – 28.

Any activity not otherwise listed in MRZ-Rule List.

Earthworks

29. Earthworks under rule EW-REQ1 for volume are a Restricted Discretionary Activity as they will exceed 250 m³ per hectare.
30. Earthworks under rule EW-REQ3 for filling close to a boundary and the use of small amounts of lightly contaminated soils from the site.
31. Earthworks under rule EW-REQ4 because they may not be completed within 12 months.

Transport

32. Two Vehicle crossings which exceeds the per site limit of one under Rule TRAN-REQ-3 are a Restricted Discretionary Activity.
33. High Trip Generating Activities under Rule TRAN-8 where a full Integrated Transport Assessment (ITA) has not been completed are a Restricted Discretionary Activity
34. On-site parking space Dimensions under Rule Tran REQ-9. Any departure from these standards require consent as a Restricted Discretionary Activity
35. Mobility Space dimensions are set out in Rule TRAN REQ10. Any departure from these standards require consent as a Restricted Discretionary Activity
36. Cycle parking requirements are under Rule TRAN REQ11. Any departure from these standards require consent as a Restricted Discretionary Activity.
37. Queuing Spaces under Rule TRAN REQ. Any departure from these standards require consent as a Restricted Discretionary Activity.
38. A full assessment of these matters are set out in the evidence of Mr Andy Carr on transport matters.

Lighting

39. Light Spill Levels are set out under Rule LIGHT REQ1 and Light Glare Direction and Screening under Rule LIGHT REQ-3
40. The proposed levels of lighting do not comply with these levels. Any departure from these standards require consent as a Restricted Discretionary Activity

ASSESSMENT OF ENVIRONMENTAL EFFECTS

Activities And Light Spill

41. The exterior lighting on the site will exceed the standard for light spill in Rules LIGHT-R1, LIGHT REQ 1 and Table 5, of 2 lux horizontal or vertical. Actual levels will be 3.5 lux at the north and south side boundaries and the eastern(road) boundary as shown on the attached lighting plan prepared by BetaCom Ltd (attachment 8 in the application), falling quickly to 0.7 lux within a few metres. This is a very small increase over the permitted activity level. Therefore any adverse effects arising from this are expected to be less than minor.

Earthworks

The effects of the proposed earthworks were assessed in an email report by Kim Sanders, the Project Engineer, Attachment 5d in the application package. His assessment is arranged under each of the rules triggered by the proposal. He considers that in each case the effects there would have few if any permanent adverse effects and that temporary effects during earthworks would be no more than minor and would be managed by best current practice. He states that the proposed management of the project would be similar to that of numerous subdivisions taking place currently in the Selwyn district.

I accept and adopt Mr Sanders's assessment and consider that any adverse effects of the earthworks will be less than minor.

Transport

42. The effects of traffic entering and entering the site and moving around the site, and parking are discussed in the evidence of Mr Carr, who concludes that any effects would be minor or less. I accept and adopt Mr Carr's conclusions

Noise

43. The effects of noise generated by activities on the site have been discussed in the Noise Assessment by Acoustic Engineering Services which was included in the original application. They concluded that

Provided that a 110 metre long 1.8 metre high acoustic fence is built on the northern and southern boundaries, and that noise levels within the church are kept below 90 dB LAeq, noise from the church is expected to comply with District Plan noise limits, and adverse noise effects are expected to be minimal.

If the acoustic fences are not provided the noise levels at the boundaries of 1005 and 995 Goulds Rd would be 55 and 51 dB LAeq respectively, falling to less than 50dBA at the location of the dwelling houses. I consider that this would be a satisfactory level. It is provided for in the applicable NZ Standard NZS 6802:2008 Acoustics – Environmental

Noise which outlines a guideline day time limit of 55 dB LAeq(15 min) for “the reasonable protection of health and amenity associated with the use of land for residential purposes”.

44. For clarity, the applicant intends to provide the acoustic fences, but in my opinion, this should be left on a voluntary basis rather than be the subject of a condition. This is because the fences are not strictly necessary, and because the boundaries have not yet been surveyed, so problems could arise that are currently not anticipated. In addition, at time of writing the submitter Mr White is seeking the retention of some of the trees and this may cause difficulties for fencing. It is possible that the erection of the acoustic fences may be impractical due to the presence of the very large trees in the shelter belt along the boundaries.

ASSESSMENT OF RELEVANT OBJECTIVES AND POLICIES OF THE DISTRICT PLAN

45. I prepared an assessment of the objectives and policies in the original application document and I refer to that. Nothing I have learned as the application proceeded has altered my views. There have been some changes from the original application but nothing that would change my conclusions. I have also read the assessment in the section 42A report by Andrew Henderson. He concludes that the application is consistent with the objectives and policies, and I accept and adopt his conclusions.
46. I therefore consider that the application would achieve the objectives and policies of the Partly Operative District Plan.

MATTERS RAISED IN SUBMISSIONS

47. Two submissions have been lodged against the application, by Mr White whose properties at 99 and 1005 Goulds Rd adjoin the application site on either side, and Ms Clarke whose property is on the opposite side of Goulds Rd at 68 Stanford Way.
48. The submission by Mr White raises concerns about transport issues including access and the adequacy of parking. I note Mr White over-estimates the seating capacity of the church considerably, relying on Mr Carr’s initial assessment of the proposal which he has now corrected in his evidence. His figure is 1284 people, but in fact should be 628. This level is not likely to be reached in the near future. The difference can be partly explained by the fact that the applicant is no longer proposing to provide overflow seating in the foyer if required. That could have increased the capacity to approximately 775, still far short of the 1284 level Mr White refers to.
49. Transport and parking issues are discussed by Mr Carr in his evidence and he concludes that the carparking provision is adequate for the expected levels of attendance with the addition of the overflow area and some reliance on on-street parking, which is not expected to be problematic.

50. On access and parking layouts, these have been discussed between Mr Carr and the Council's consultants. Some modifications have been made and the consultants are in agreement that the proposed layout would be safe and efficient
51. Mr White is also concerned about the effects of the proposed discharge of stormwater to ground. His concern is that the discharge may contaminate the existing water supply bores on his two adjacent properties. This matter is solely within the responsibility of the Canterbury Regional Council under the RMA.³ The Regional Council has granted the appropriate resource consents to discharge construction and operational phase stormwater⁴ and must be presumed to have considered any adverse effects on nearby water supply bores. Mr White has the option of connecting the properties to the Council reticulation in Goulds Rd, but has an aversion to fluoride in drinking water.
52. In my opinion the stormwater disposal system is not a relevant matter for this process.
53. Mr White also wishes acoustic fences to be constructed along both side boundaries, but also wants some of the shelterbelt trees to be retained to protect his privacy. These two matters may work against each other as the trees are very large and situated very close to the boundary, possibly making it difficult or impossible to erect the fences on the boundary.
54. In my opinion the privacy Mr White seeks would be better achieved by the proposed fences, which would be solidly clad, while the shelter belt has gaps between the trees allowing visibility through.
55. I also consider that these very large mature trees may well be at risk of branch drop or even being blown over completely should there be a very severe wind event, such as occurs from time all over New Zealand including the Canterbury plains. Due to their size and proximity to buildings on either side this is a significant risk to both property and human safety. This risk is of low probability but potentially very high consequences.
56. I am also aware, based on my previous residence in a horticultural area in the Gisborne district, that shelter belts can generate significant levels of noise in windy conditions.
57. For all these reasons I consider that the existing shelter belt trees are no longer appropriate in a developing residential area and would be better removed. The applicant owns these trees and has decided to remove them. I do not consider that there is any need for a condition of consent on this.
58. Ms Clarke has four concerns, traffic and parking, views of the church building from her property, and the appropriateness of the proposed activities in a residential zone. Dealing with each of these in turn;

³ See Section 30(1(c) of the RMA

⁴ See Attachment 1 for the regional consents

59. Ms Clarke considers the site is likely to become a very busy full-time events and conference centre, with related adverse effects from traffic access and parking. In fairness to her, nothing in the original application identified this. It was not specifically identified until the letter of clarification sent to the Council just prior to the limited notification process and included in that process. However, I have been informed that it is certainly not the intention of the Trust to establish a fulltime or large-scale events and conference centre. While small scale community activities and events may take place frequently, possibly even daily, the Trust is prepared to limit large-scale non Church-related events to no more than 24 per year and offers a condition to that effect. Such an event would be defined as gatherings of no more than 100 people for events not organised and conducted by the Church. Weddings, funerals and memorial services would be excluded from this limitation as they are regarded as core Church business. The scale of such large-scale events would be no larger than the scale of the Church if it was operating at full capacity, and the effects on the environment would be similar. Provided the conditions of consent relating to noise, lighting, access and parking are adhered to, the effects of such activity would be similar to those of the Church's own activities. Therefore I consider that the effects of such activities would be no more than minor, and acceptable.
60. Ms Clarke is concerned about the appearance of the Church development. She describes the visual impact as huge. Because of the landscaping strip along her frontage, most of the development and activities on site would not be visible from the property. However it would be possible to see the upper part of the building from the Stanford Way houses, although not from the open yard areas at the rear of the properties. The height of the building will be 9.5 metres. The maximum permitted height in the GRZ for a building with a pitched roof is 9 metres and therefore the proposed church building requires consent as a restricted discretionary activity under Rule GRZ REQ Height. Discretion is limited to height under this rule.
61. I consider that the height of the building is proportionate to the width and scale of the site. In my opinion the additional 0.5 metres in height compared to a compliant building when viewed from the distance of Ms Clarke's residence would be scarcely perceptible and would be less than minor.
62. Ms Clarke considers that the residential zone is not the place for large church buildings. In response to this, my observation is that many churches, including large ones are located in residential zones. There is a similar example not far away in Rolleston, the new Hope Presbyterian church in Springs-Rolleston Rd. The Cornerstone Church proposal will be sited on a large property with a wide frontage. The scale and design of the buildings are proportional to the scale of the site and I consider are attractive. Any adverse effects will be mitigated through the design and by the proposed conditions of consent.

PROPOSED CONDITIONS

63. I have read the proposed conditions in Mr Henderson's report. I prepared the first draft of these conditions in consultation with Mr Henderson. The only condition that we have not agreed upon is Condition 30 relating to the upgrading of the Goulds Rd frontage. The applicant previously agreed to upgrade the road to full urban standards with kerb and channel and a footpath. The recommended condition is

The road frontage of Goulds Road must be upgraded as part of the works. This upgrade work is must be accepted by Council and undertaken by the Consent Holder through the Engineering Acceptance process. Key requirements include an 11.0m wide carriageway (kerb face to kerb face), with a 2.5m shared use pathway to be installed along the site's eastern frontage with Goulds Road, and details of any removal of power poles and subsequent undergrounding of services

64. When the offer was made to upgrade the road frontage, the proposed shared pathway along Goulds Rd was not known to the applicant. The Project Engineer Mr Sanders has advised that there would be insufficient space to provide the 2.5m width without removing the power poles and placing the electric lines underground, I accept that the change of use of the site from a rural lifestyle block to a large church will result in additional foot traffic along the frontage, especially if kerbside car parking occurs. However the church will generate little or no need for a shared pathway that includes cycles. It would be a facility for the wider Rolleston community and largely unrelated to the church's project. Presumably other landowners along the route will not be expected to contribute to its cost. The timing of the construction of the rest of the shared pathway is unknown. And when it is built I understand that the power company, Orion, will be responsible for the power poles and undergrounding.

65. My proposed condition was

The Goulds Rd frontage of the site is to be upgraded to provide

- a. an 11 metres wide carriageway,*
- b. a 1.2 metre footpath for pedestrians,*
- c. Kerb and channel*

A plan of the proposed upgrade is to be submitted to Council for approval as part of the engineering acceptance process.

66. This is the wording I prefer. It would meet the immediate needs generated by the construction of the church, leaving it to the Council and Orion to construct the shared path in their own time.

67. In addition proposed Condition 1 refers to the plans and details submitted with the application. These have been revised since the application was submitted.
68. . A revised plan set is in preparation and will be submitted to the Council in the near future. Any changes are minor and intended to address matters raised in the Council's initial appraisal of the application prior the limited notification. Version numbers have also changed from those stated in the draft condition.
69. Finally, in preparing this evidence it has become apparent to me that there has been some confusion about the layout and purpose of the northern accessway to Goulds Rd. Various versions of the plans have shown it as either To clarify this, it is intended that this access be 4.0 metres wide and limited to entrance only. I consider that a condition of consent be included. I suggest the following;

The northern accessway to the site shall be for entrance only and shall be 4.0 metres in width. The accessway is to be marked with an inward facing arrow and a No Exit sign shall be erected at the street boundary on the northern side of the accessway.

CONCLUSION

70. For all the reasons stated in this evidence, I consider that the proposed church will no more than minor effects on the surrounding environment. I consider that it is consistent with and will achieve the relevant objectives and policies of the Selwyn District Plan.

APPENDIX 1

Resource Consents from the Canterbury Regional Council for Construction and Operational Phase Stormwater Disposal