

Report recommending whether or not an application for resource consent should be:

- Granted or declined, and if granted, the conditions of the consent.

**Name: Andrew Henderson**

**Position: Consultant Planner**

**Resource Consent Number: RC245009**

<b>APPLICANT:</b>	Cornerstone Rolleston Trust
<b>PROPOSAL:</b>	Land use consent RC245009 is sought to construct and operate a church with non-compliant parking, earthworks, light spill and noise.
<b>LOCATION:</b>	999 Goulds Road, Rolleston
<b>LEGAL DESCRIPTION:</b>	Legal Description: Lot 19 – 21 DP 7589 Title Reference: CB12K/1351 Area: 1.2138 ha
<b>ZONING:</b>	<b>Operative Selwyn District Plan (2016), Township Volume</b>  Living Z Zone  Outline Development Plans: Rolleston ODP Area 10  <b>Partially Operative Selwyn District Plan (Appeals Version)</b>  Medium Density Residential Zone  Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Rolleston Development Area: DEV-RO3
<b>STATUS:</b>	Discretionary Activity
<b>HEARING DATE:</b>	14 February 2024
<b>RECOMMENDATION:</b>	That consent be granted subject to conditions

### Preamble

1. This report reviews the application for resource consent and addresses the relevant information and issues raised. The recommendation made in this report is not binding on the Commissioners and it should not be assumed that the Hearings Panel will reach the same conclusion having considered all the evidence brought before the hearing by the Applicant and submitters.

### Qualifications and Experience

2. My name is Andrew Henderson. I am currently employed as a Principal Planner with Jacobs New Zealand Ltd. I have practiced as a planner for the past 30 years, having graduated with a Master of

Regional and Resource Planning from the University of Otago in 1994. I am a Full Member of the New Zealand Planning Institute. I have been engaged by the Selwyn District Council (the Council) to assess and report on this resource consent application.

3. I have over 30 years' experience in the field of planning and resource management and have worked in both local government and private practice during this time. I have been involved in a range of land use and statutory planning projects throughout New Zealand, predominantly in the South Island. I have previously presented evidence at Council and Environment Court Hearings, and I have acted on behalf of applicants, submitters and as a peer reviewer/processing officer for multiple councils.
4. I have read and agree to comply with the Code of Conduct for Expert Witnesses as contained in the Environment Court Practice Note. I confirm this evidence is within my area of expertise, except where I state I am relying on facts or information provided by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

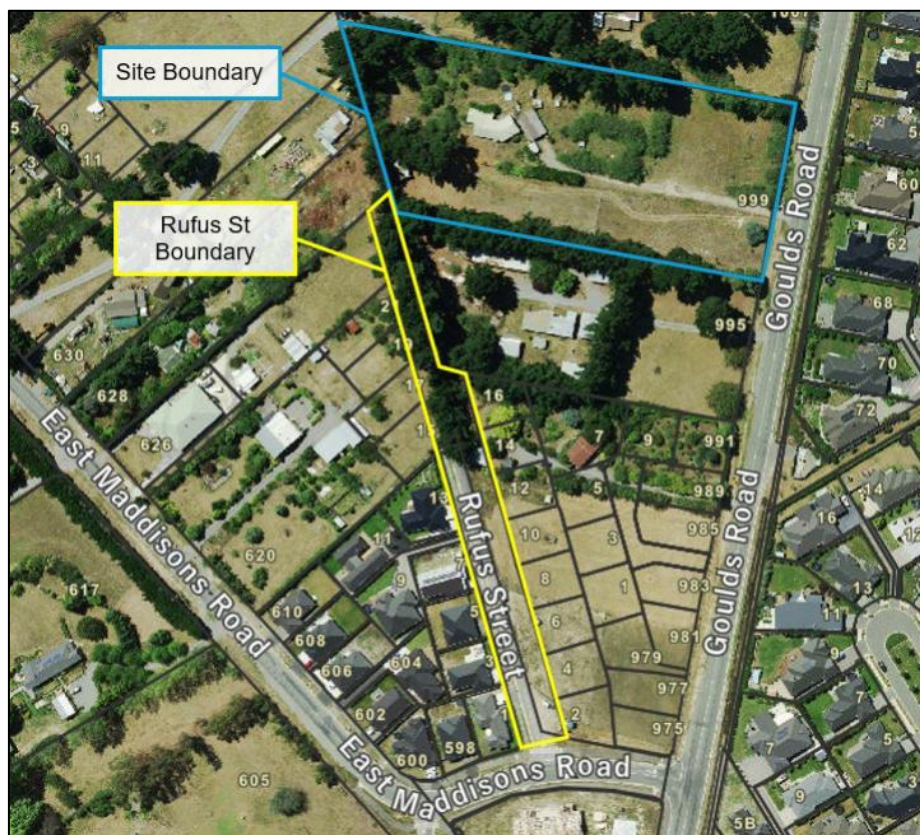
## Introduction

5. The application as originally sought proposed the construction and operation of a church in a building with a maximum capacity of 505 people, with associated office activities taking place in a separate residential building that is currently on the site.
6. The main aspects of the activity as identified in the original AEE are as follows:
  - A main auditorium that can accommodate 350 people, with a useable floor area of 715m<sup>2</sup> (1 person per 2.04m<sup>2</sup>)
  - A foyer of 335m<sup>2</sup>, which, allowing for egress routes and movements between the doors and seating, will conservatively seat 155 people.
  - There is a disused dwelling located on the site, which will be retained and used as an office and administrative facility. There are currently 3 full-time office staff, who work at the site. The dwelling has an area of 172m<sup>2</sup>.
  - A sealed carparking area is proposed, with 114 carparking spaces, including 4 mobility carpark spaces. 13 cycle parks are proposed. These are accessed via two vehicle crossings, which are anticipated to operate in a one-way configuration.
  - Earthworks will be required. These will exceed the maximum volume of 150m<sup>3</sup> for the site and are likely to be completed within 12 months. However, final remediation of the site may extend beyond 12 months of the earthworks' completion.
7. The application was amended by s92 responses received on 13 February 2024 and 5 April 2024, and the application was further amended on 29 September 2024, with the following changes / clarifications made:
  - *Providing kerb and channel and a footpath across the Goulds Rd property frontage to the end of the existing footpath and upgrading the road to the same dimensions that exist immediately north of the site.*
  - *Providing an unformed overflow parking area behind the formed carpark as shown on the plan already provided.*
  - *Changing the accessways by limiting the northern access to operate as entry only, and narrowing it to 4.2 metres wide, and retain the southern access at 6.0 m wide to operate on a two way basis, as shown on the plan recently provided.*
  - *Relocating the disabled parking spaces into the front rank of the main parking area to remove the need for disabled people to have to cross the main entry.*
  - *Marking the entrance and exit routes from the site with signage and painted directions on the surface as shown on the current plan.*
  - *Surveying the land required for the widening of Rufus St and vesting this land with the Council at no cost.*
  - *Erecting acoustic fences along the northern and southern boundaries of the site as close to the legal boundaries as practical given the shelter belts in the same location.*
8. The Applicant also identified that their own acoustic report and the Council's acoustic peer review both incorrectly referred to 220 people. Rather, the seating capacity in the auditorium is 628, and provision could be made for an overflow of 150 in the foyer if required on rare occasions. However, this will not affect the assessed noise levels as that was based on amplified music and not seating capacity.

9. The Applicant also clarified that the church wishes to make the building available for events by to other organizations in the community from time to time. This would include:
- Weddings;
  - Schools;
  - Other church groups;
  - Small groups; and
  - Conferences.

### Description of the Existing Environment

10. The application site is currently largely vacant, with a dwelling and accessory buildings located towards the rear half of the site. These are accessed via an accessway. There are mature boundary plantings that screen the site from its neighbouring properties. The site comprises three parcels that sit between 995 and 1005 Goulds Road.
11. The site and surrounding properties are shown in Figure 1 below, reproduced from the Applicant's noise assessment.



**Figure 1: Site and surrounding area. Source: Application.**

12. The surrounding sites to the north, west and south are similar in use and appearance, and are largely vacant sites with a principal building and accessory buildings set towards their boundaries. To the east is medium density residential development. These residential buildings do not gain access via Goulds Road and are screened to some degree by planting and fences.
13. I first visited the site and surrounding area on 17 May 2024, and have viewed the site on further occasions since then.

## Activity Status

### Operative Selwyn District Plan (2016), Township Volume (“the Operative Plan”)

14. The application site is zoned Living Z. The site is also subject to Outline Development Plans: Rolleston ODP Area 10.
15. The Council released the Appeals Version of the Partially Operative Selwyn District Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act), and the corresponding provisions in the Operative Plan are treated as inoperative.
16. At the time that the application was made, the rules that still applied following appeals and that this proposal did not meet were as follows.

#### Land Use

17. The proposed land use activity does not meet the following rules:

RULE	TOPIC	COMPLIANCE	STATUS
2.1.1.3	Earthworks	Rule 2.1.1.3 requires that any site subject to earthworks is built upon, sealed, landscaped, or recontoured and replanted no more than 12 months after earthworks are completed. The applicant is unable to confirm if they are able to comply with this timeframe.	Discretionary (Rule 2.1.8)

18. Therefore, the land use proposal at the time the consent was first lodged required consent for a Discretionary activity under the Operative Plan.

### Partially Operative Selwyn District Plan (Appeals Version) (“the Partially Operative Plan”)

19. The application site is zoned Medium Density Residential. The site is also subject to Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay and is within the Development Area: DEV-RO3.
20. The Council released the Appeals Version of the Partially Operative Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act). Those subject to appeal continue to have legal effect pursuant to s 86B.
21. At the time that the application was made, the rules of the Partially Operative Plan that applied following appeals and that this proposal did not meet were as follows.

#### ***Operative/treated as operative:***

RULE	TOPIC	COMPLIANCE	STATUS
TRAN-R4/REQ3	Access Restrictions	Part 1 requires that there is no more than one vehicle crossings per site and two are proposed.	Restricted Discretionary (TRAN R4/REQ3)
TRAN-R6/REQ9	On-site parking	The parallel parks do not comply with TRAN-R6/REQ9, as a width of 2.4m is proposed, and the minimum width is 2.5m.	Restricted Discretionary (TRAN-R6/REQ9.4)
TRAN-R6/REQ11	Cycle parks and facilities	10 (shown on drawings, and 13 stated in transport assessment) cycle parks are proposed. 19 cycle parks are required under the Plan.	Restricted Discretionary (TRAN-R6/REQ11.2)

<b>TRAN R6/REQ10</b>	Mobility parks	The Plan requires mobility spaces to be 6.1m in length and this is not achieved.	Restricted Discretionary (TRAN-R6/REQ10)
<b>TRAN-R8</b>	High Trip Generating Activities	50 to 120 vehicle movements will be generated in the peak hour. This triggers the need for a Basic Transportation Assessment.	Restricted Discretionary (TRAN-R8)
<b>EW-R1/REQ3</b>	Earthworks subject to a building consent	The earthworks for the proposed building will exceed a maximum depth below natural ground level of 2 metres. The applicant has stated that any filling of land will consist of cleanfill material only.	Restricted Discretionary (EW-R1/REQ3.3)
<b>LIGHT-R2/REQ1</b>	Artificial outdoor lighting	The maximum level of light spill from artificial outdoor lighting shall not exceed the horizontal or vertical illuminance levels outlined in LIGHT-TABLE1 on an adjoining site, including roads. Light Spill at side boundaries will be 3.1 Lux (as opposed to 2 Lux permitted).	Restricted Discretionary (Light R2)
<b>LIGHT-R2/REQ2</b>	Glare	Artificial outdoor lighting will not be directed away from and/or screened from adjoining properties and roads.	Restricted Discretionary (LIGHT-R2)
<b>LIGHT R2/REQ3</b>	Glare	Lighting is directed downward and shielded from above.	Restricted Discretionary (LIGHT-R2)
<b>NOISE-R1/REQ1</b>	Activities not otherwise specified	The maximum permitted noise levels are 50 dB LAeq (15min) between 0700 – 2200, and 40 dB LAeq (15min) / 70 LAFmax between 2200 – 0700. The noise assessments identified that noise experienced at 995 and 1005 Goulds Road may be up to 55 dB LAeq.	Restricted Discretionary (NOISE-R1/REQ1.2)
<b>MRZ-R14</b>	Community Facilities	Places of worship fall under the definition of community facilities. All community facilities in the MDR Zone are a Discretionary activity.	Discretionary (MRZ-R14)

***Has legal effect – subject to appeal:***

<b>RULE</b>	<b>TOPIC</b>	<b>COMPLIANCE</b>	<b>STATUS</b>
EW-R2/REQ1	Earthworks	150m <sup>3</sup> of earthworks are permitted in residential zones. This volume will be exceeded.	Restricted Discretionary (EW-R2/REQ1.2)
EW-R2/REQ3	Excavation and Filling	Earthworks shall not exceed a maximum depth below or height above natural ground level of: 2m, when 1.5m or more from the boundary of a site in separate ownership; or 0.5m, when within 1.5m of the boundary of a site in separate	Restricted Discretionary (EW-R2/REQ3.3)



ownership. Filling will exceed 0.5m within 1.5m of the boundary. Any potentially contaminated soils will be removed.			
EW-R2/REQ4	Rehabilitation and reinstatement	Rehabilitation may not be completed within 12 months	Restricted Discretionary (EW-R2/REQ4)

22. The Applicant obtained a Flood Assessment Certificate (FAC) (Council Reference: FAC240052) on 26 January 2024. The FAC identified that the site is likely to be subject to inundation in a 200-year Average Recurrence Interval (ARI) flood event and identified that the minimum finished floor level of the building shall be +42.90m LVD37. This will be referenced in the conditions of consent. Given a FAC has been issued, the proposal satisfies NH-R2 of the Partially Operative District Plan.
23. Overall, the land use proposal as originally sought was a Discretionary activity under the Partially Operative District Plan.

### **Appeals**

24. Rule EW-R2 has been appealed by CSI Property and iPort Rolleston Holdings, and Dairy Holdings Limited (DHL). The appeal from DHL relates to the requirement for earthworks in an ONL to comply with NFL-REQ9, which requires earthworks within the ONL Rakaia River Overlay to comply with the NFL-Table 1 earthworks thresholds. They also state it is unclear if NFL-R2 applies to activities covered by EI rules, within an ONL Overlay. Relief sought by the appellant is clarification that NFL-REQ9 and NFL-Table 1 do not apply to activities undertaken pursuant to EI rules, and to exempt irrigation infrastructure from NFL-REQ9 and NFL-Table 1. Should the Court determine it appropriate for resource consent to be required for irrigation infrastructure within the ONL Rakaia River Overlay, then DHL seeks that the activity status for when compliance with NFL-REQ9 is not achieved be restricted discretionary rather than non-complying. The appeal does not affect the proposed activity for which consent is sought given that no infrastructure or irrigation is proposed.

### **Update on Rules Post Notification**

25. Since the Application was limited notified, appeals relating to EW-REQ3 and EW-REQ4 have been resolved and these rules are no longer subject to challenge. As a result, the one rule referred to from the Operative District Plan, Rule 2.1.1.3, no longer applies, and no consents are required under the Operative District Plan.
26. Consent is therefore required for a **Discretionary Activity** under the Partially Operative District Plan.

### **National Environmental Standards**

#### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)**

27. The subject site is currently listed under the Environment Canterbury Listed Land Use Register, due to possible exposure to persistent pesticide use associated with horticultural activities between 1962 – 1974. A Detailed Site Investigation (DSI) has been submitted as part of the application for resource consent. The DSI states that the NES-CS is considered to not apply to the identified horticultural area pursuant to Regulation 5(9), as the concentration of contaminants in the soil comfortably meet applicable NES-CS guidelines and are representative of background levels.
28. The DSI has been reviewed by Environment Canterbury's (ECan) contaminated land experts. They have agreed that the contamination identified in the DSI is minor, with concentrations of arsenic and lead slightly exceeding background levels. Organochloride pesticides were not detected in any of the samples collected. ECan have noted that if development activity involves demolition of onsite buildings, contamination from lead/asbestos from demolition should be considered, and that overall a precautionary approach be taken, and that appropriate conditions can be imposed on any consent granted.

### **Notification**

29. The Application was limited notified on 9 October 2024 as the Applicant was unable to obtain the written approval of parties identified as affected by the proposal, which were the owners and occupiers of the following properties:

54 Stanford Way	Lot 217 DP 467539
60 Stanford Way	Lot 220 DP 467539
62 Stanford Way	Lot 221 DP 467539
68 Stanford Way	Lot 224 DP 467539
995 Goulds Road	Lot 22 DP 7589
1005/1007 Goulds Road	RS 41717
628 East Maddisons Road.	Lot 33 DP 7589
630 East Maddisons Road.	RS 41714
632 East Maddisons Road.	Lot 35 DP7589

30. The submission period closed on 7 November 2024. .

### Submissions

31. Two submissions were received within the statutory submission period. Of these, one opposed the application and one is neutral. Full copies of the submissions have been made available to the Commissioner and are summarised below:

(i) Mr C White (995 and 1005/1007 Goulds Road)

- Concerns raised regarding stormwater management on the site and potential effects on submitter's bores on adjacent sites;
- Concerned with the number of carparks (113 parks for a potential 1284 people), placing pressure on on-street parking and creating safety issues;
- Supports acoustic fences but considers they should be erected along the entire length of the boundaries; and
- Northern shelterbelt at 995 Goulds Road should be retained and not removed because of the erection of a fence.

(ii) A Clarke, (68 Stanford Way)

- Size of complex inappropriate and will give rise to visual effects;
- Site will become a busy event centre and does not belong in a residential zone;.
- Three external mechanical plants on roof running 7 days a week between 7am and 10 pm are inappropriate;
- Excess light spill will adversely affect bedrooms at night; and
- The building should be set back further into the site.

### Matters to be Considered

32. Section 104(1) of the Resource Management Act 1991 sets out the matters which must be considered by the Commissioner in considering this application for resource consent, and states that:

(1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*

(a) *any actual and potential effects on the environment of allowing the activity; and*

(ab) *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*

(b) *any relevant provisions of—*

(i) *a national environmental standard:*

(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*

(c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

33. Section 104(2) states that when forming an opinion for the purposes of subsection (1) (a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect ('the permitted baseline').
34. All matters listed in s104(1) are subject to Part 2 of the Act which contains its purposes and principles.
35. In addition, Section 104B of the Act relates to the determination of applications for discretionary or non-complying activities. It states that after consideration of an application, a consent authority may grant or refuse the application and if granted, may impose conditions under section 108.

## **Assessment of Effects on the Environment**

### **Introduction**

36. Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in section 3 of the Act as including-
  - a) *Any positive or adverse effect; and*
  - b) *Any temporary or permanent effect; and*
  - c) *Any past, present, or future effect; and*
  - d) *Any cumulative effect which arises over time or in combination with other effects—*  
*regardless of the scale, intensity, duration or frequency of the effect, and also includes –*
  - e) *Any potential effect of high probability; and*
  - f) *Any potential effect of low probability which has a high potential impact.*
37. Section 104(2) of the RMA directs that the decision maker may disregard an adverse effect on the environment of an activity if a rule in the District Plan permits an activity with that effect, a concept known as the permitted baseline. The application of the permitted baseline is discretionary, and case law has established that the permitted baseline test relates to the effects of non-fanciful hypothetical activities which could be carried out as of right under the District Plan, as well as any existing lawfully established activity on the site. The existing environment also includes any activity for which resource consent has been granted.
38. The activity falls within the definition of "Community Facility". Community Facilities are provided for as discretionary activities in MRZ in the Partially Operative District Plan, and accordingly I consider there is no appropriate permitted baseline against which to consider the effects of the proposal. In terms of the Operative District Plan, for completeness, I note that the proposal would have required a discretionary activity consent in relation to building height and building area, and I consider the scale of the building to be such that a permitted baseline comparison would not be useful. However, given the Operative District plan rules that relate to this proposal are no longer relevant, I have not considered this further.
39. I have considered the matters raised in the application and further information requests. I also note that in assessing the actual and potential effects of the proposal, I have been guided by the following expert assessments:
  - A review of the Applicant's traffic modelling and assessment, prepared by Mr Nick Fuller, Consultant Transportation Engineer (Attachment 2); and
  - A review of the Applicant's noise modelling and assessment, prepared by Mr Jon Farren, Consultant Acoustic Engineer (Attachment 3).
40. The various experts for Council have come to the general view that subject to conditions of consent, the effects of the proposal can be appropriately managed. These conditions are included in the set appended to this report.



41. The Council's expert reports have identified the areas where there is agreement with the Applicant's assessment and experts, as well as any outstanding matters. Some of these matters have been addressed in the changes made to the application, and where necessary I address these points in the following assessments. As stated above I rely upon these reports, and therefore in my own assessment I do not traverse in detail the matters where agreement has been reached, apart from noting the agreement or identifying potential conditions of consent that the experts have agreed on in relation to particular effects. My assessment largely identifies the outstanding areas where there is a disagreement or difference of opinion in relation to matters, and considers these, with reference to the appropriate expert report where necessary.
42. I also note that these effects were addressed in part in the s95 report prepared for this application. The assessment provided below is based upon the effects assessed in that report, updated to reflect matters raised in submissions, changes made to the application, and additional assessment by the relevant subject matter experts.

### ***Transportation Effects***

43. The application has been supported by a comprehensive assessment of the transportation related issues undertaken by Mr Andy Carr of Carriageway Consulting (Carriageway). This has been peer reviewed by Mr Nick Fuller of Novo Group, Council's consulting transportation engineer (Novo Group). I note that generally the two experts are largely agreed on the appropriateness of what is now provided. The key transportation elements of the proposal are addressed below.

#### Parking

44. The application was supported by a transportation assessment prepared by Mr Andy Carr of Carriageway Consulting. The assessment was revised following changes to the building size through the RFI process.
45. Based on a congregation size of 350, with a typical attendance of 250, the Applicant's traffic assessment notes that:
- For a typical Sunday attendance, 1 car parking space for 3.3 seats is appropriate. Hence the typical congregation of 250 people equates to demand for 76 parking spaces.
  - For peak use occasions, additional parking of 1 car parking space for 2.5 seats may be required. The additional 100 churchgoers would therefore require an additional 40 car parking spaces, making 116 spaces in total.
  - If the church was to grow and to regularly have 505 attendees (the maximum capacity of the building) then this would require 153 car parking spaces
46. Mr Carr's assessment notes that the church has indicated that it will likely take some time for the congregation to increase in size from current numbers. The existing congregation of 250-350 people will therefore increase gradually over the foreseeable future.
47. The drawings forming part of the application identify that 114 car parking spaces will be provided on the site, meaning that for the regular church services and the (occasional) 'peak use' services, there will be sufficient parking, requiring minimal use of the surrounding kerbside parking resources for even the maximum size of current congregations. There is also sufficient area within the site to provide additional parking in the future should growth require extra spaces to be available. Novo Group, the consultant transportation planners for the Council have agreed that the parking provided will be sufficient. They have also recommended the additional area be available for intermittent parking should it be required.
48. I note that the transportation experts agree that the parking provided is appropriate. No changes to the parking arrangements have been made since the s95 report was completed. I accept this advice and consider that any parking related effects will be less than minor.

#### Cycle parking

49. Given the floor area proposed in the auditorium and foyer areas, a capacity of 505 people requires 19 cycle parking spaces (17 visitor plus two staff), based on a capacity of 505 people under the District Plan's standards. The proposed layout provides for ten cycle stands, although the layout of these is unclear. Novo Group has noted that the applicant's Transport RFI response suggests that the provision of seven 'hoops / staples' will be sufficient to effectively comply with the District Plan requirement, based on the 350-person capacity of the main auditorium. The Novo Group review agrees that this is appropriate, and I therefore consider that there will be adequate provision for cycle parking, and that there will be no adverse effects relating to cycle parking. For the avoidance of

doubt, I consider that the requirement for the seven cycle hoops should be required through the conditions of consent.

#### Vehicle Access and Internal Circulation

50. Mr Fuller has noted that the application indicates that both accesses to the site from Goulds Road will be two-way (i.e. both ingress and egress), whereas the plans provided with the Application indicate that the southern access is egress only and the northern access is ingress only (i.e. both one-way). For the purpose of this assessment, the Novo Group review assumed that the accesses will both operate as two-way. Mr Fuller was satisfied that the vehicle accesses will generally operate without giving rise to adverse effects on the safe operation of the transportation network.
51. Mr Fuller noted that there are presently no details of signage or landscaping proposals, giving rise to a concern that visual obstructions around the access could obscure drivers (exiting the site) from seeing passing pedestrians. On this basis I agree that there is merit in limiting the height of landscaping/planting and signage to the northern side of the accesses, and that this could be addressed by way of a condition requiring the development of a landscaping plan detailing appropriate species and heights prior to the commencement of construction. Provided these conditions are imposed, I consider that any adverse effects relating to the operation of the vehicle crossings will be less than minor.
52. I also agree with Mr Fuller that the proposed internal directional line-marking should be removed, allowing for two-way travel within the site. Removal of the marking would be supported by two-way vehicle accesses and, importantly, would avoid drivers needing to circulate back to Goulds Road to find on-site car parks.
53. I note that the Applicant has agreed with this proposed change and the attached site plans have removed the marking.

#### Pedestrian Access

54. Carriageway has noted that the church has agreed to fund the construction of a footpath across the site frontage, extending the current provision that terminates at the northern boundary of the site. Novo Group has noted that provision should also be made for pedestrian access to Goulds Road from the main building entrance. I consider this is appropriate to avoid potential conflicts between pedestrian access and moving vehicles.
55. With respect to potential issues relating to pedestrians crossing Goulds Road, I note Mr Carr's view that the flat and straight alignment of the road means that sight distances are excellent, and all road users will have excellent intervisibility of one another. Anyone walking to the site is therefore likely to be doing so outside the times of peak traffic flows on the road but even if they were to be crossing the road at the busiest times, the relatively low traffic flows create ample opportunities for pedestrians to safely cross. I generally agree with this statement, but note that over time, as the immediate and wider area develops, traffic is likely to increase. I also note that at the present time there are no formed footpaths on the opposite side of Gould's Road from the site.
56. The ability for the mobility impaired to cross the site accesses was noted in the Applicant's response to an RFI; however, I note the response that the site does not differ from any other site access that needs to be crossed by the mobility impaired. Mr Carr noted that if the accesses were to be considered as highly trafficked, then tactile paving could be provided at the vehicle crossings. However, I agree that this is a matter that can be considered at Engineering Approvals stage, or otherwise covered in a review condition.
57. I also note that the Council engineering assessment has identified that existing power poles may need to be removed and services related underground as part of the creation of access into the site for the church. The Applicant has indicated that the power supply is underground within the property, however at present the power outside the boundary has been undergrounded as Orion are still working on load requirements. As a result, the poles are still present, but the Applicant has indicated that they had agreed with Orion Limited that the power will go underground eventually. In any event, I note Mr Carr's assessment that Gould's Road is straight in this location and there are no adverse effects expected relating to visibility of oncoming traffic.
58. Therefore, consider that this matter can be addressed at Engineering Approval, where the Applicant will be required to provide details of the proposed accessway and showing the location of services and pedestrian connections.

#### Traffic Generation

59. Aside from Sunday services, other activities that are anticipated to occur at the site generally include:
- Small groups, meeting every second Monday 6pm to 8pm, every Tuesday 7pm to 9pm, every Wednesday 7pm to 9 pm, every Thursday 9am to 12pm and 1pm to 2pm, every Friday 6pm to 9pm;
  - Saturday meetings for youth events, working bees etc.;
  - Monday to Friday, 8am to 6pm, for office/administrative purposes; and
  - Other events that are not regularly scheduled.
60. Other more infrequent activities will include weddings and funerals, and the Applicant also intends to make the building available to community groups for programmes and events, and potentially host conferences into the future.
61. While many of these activities are infrequent, there is the potential for them to generate larger volumes of traffic. These have been addressed in detail in the Carriageway assessments, where it is concluded that overall, there would be no adverse effects on the operation of the site accesses, nearby intersections, or issues with the capacity of Goulds Road. I note that overall Mr Fuller agrees, and I rely on these expert assessments.
62. The site is zoned for Medium Density Residential development, and while the traffic can be accommodated on the roading network, as identified in the s95 assessment, the level of traffic that will be generated will at times be greater than the traffic generation from activities that are anticipated or permitted in residential zones. While the concentration of traffic movements will have a minor effect on the immediate neighbouring properties given they will experience a higher degree of activity on the site than if it were developed for residential purposes, I note that the assessments of Mr Carr and Mr Fuller that the traffic generation will overall not give rise to significant adverse effects.
63. I note that there is sufficient space on the site for parking, and overflow parking if required, and there are no visible issues for traffic exiting the site. Key activity times for the church facility will be in weekends, where there is less likelihood of conflict with day to day traffic, and overall I agree with the traffic experts that any adverse effects can be addressed through conditions of consent.

#### ***Provision for future Rufus Street extension***

64. The Applicant has confirmed that they will provide land from the rear of the site to contribute to the extension of Rufus Street. Future subdivision of a portion of the property at the rear will not affect the operation of the site, as the access to the church is to be from Goulds Road.
65. The extension of Rufus Street is shown on the Rolleston 3 Development Area plan. Provision of the land required for the extension of this roads along the site's western boundary ensures the proposal is consistent with the Development Area plan.
66. I note that a number of the conditions in the Council's Engineering Assessment Report related to upgrades to roading infrastructure and appear to relate to the future formation of the Rufus Street extension. The Applicant has agreed to subdivide the required portion of land off for Rufus Street and vest that land in Council, however, the future formation of the road is not the Applicant's responsibility. I have therefore not imposed those conditions and have relied upon the conditions provided by Mr Fuller, the Council's consultant transport engineer insofar as they relate to the proposed development on the subject site.

#### ***Servicing***

67. The Council's Development Services Engineer has raised an issue with the proposed design of the wastewater connection. The services are available, and I consider it appropriate that the final design of the wastewater (and water) connections be confirmed at the engineering approval stage.
68. The applicant has obtained stormwater discharge consents from Environment Canterbury. I acknowledge that matters relating to stormwater management have been raised in the submissions; however, agree with the applicant that they are out of scope for this application. Given that stormwater discharge consents have been granted, I do not consider it necessary to address this matter further.
69. The extension of Rufus Street is shown on the Rolleston 3 Development Area plan. Provision of the land required for the extension of this roads along the site's western boundary ensures the proposal is consistent with the Development Area plan.

## **Noise**

70. Potential noise to be generated from the operation of the church was addressed in a technical assessment provided by AES Ltd, which was peer reviewed for the Council by Marshall Day Acoustics (Marshall Day).
71. As identified in the noise assessments, the main noise sources associated with the operation of the church are expected to be:
- Break-out noise from the congregation and music within the building;
  - Noise generated by vehicles travelling about on the site (engine noise, exhaust noise, road/tire noise and door slams); and
  - Noise from external mechanical plant associated with the church.
72. Marshall Day's assessment identified that the highest predicted noise levels from the auditorium or from vehicle movements were likely to be in the order of 55 dB LAeq at the boundary of 995 Goulds Road, and 51 dB LAeq (from auditorium) and 55 dB LAeq (from vehicles) at the boundary of 1005 Goulds Road. Although these levels exceed the permitted maximum of 50 dB LAeq, both noise assessments agreed that actual noise received at the notional boundaries of the existing dwellings on these sites would be in the order of 50 dB LAeq or lower, which is consistent with the noise environment anticipated in the zone. However, given that Noise Table 5 identifies that the noise measurement is to be taken from any part of the receiving site.
73. Both assessments agreed that construction noise effects would be consistent with the construction noise limits.
74. Overall, Marshall Day have confirmed the findings in the Applicant's noise assessment, noting that in their view the noise effects would be less than minor at the adjacent properties. They also initially recommended conditions of consent limiting the generation of noise within the auditorium, and that amplified music only be permitted between 0900 and 1130 on Sundays. They also recommended that conditions requiring that all noise generated on the site should not exceed the following noise limits at any point within 995 or 1005 Goulds Road:
- (a) 0700 to 2200 hrs 55 dB LAeq; and
  - (b) 2200 to 0700 hrs 40 dB LAeq and 75 dB LAmax
75. Subsequent to this advice, the Applicant clarified that it was not the intention that amplified noise only be provided for between 9am and 11.30 on Sundays, as this would not provide for the range of church activities that could occur throughout any given week. While the principal focus is on Sunday services, there are other times when amplified music may be present including practices, mid week events, or other activities such as conferences. The applicant's view was that given the noise modelling had shown that the noise effects be minor, it was unnecessary to impose a restriction other than the 0700 and 2200 hours on any day.
76. Further to this advice, and to provide clarity around the potential noise effects, Marshall Day have advised that while they accept that noise effects could still be 'less than minor' for more than one occasion per week, this does not mean that the noise levels should be left without restriction, and initially suggested that some form of control on amplified music should be contemplated. It was suggested that amplified music should not occur for more than 3 hours per day between 0700 and 2200 hours and on no more than 3 days a week. However, following further discussions with the Applicant and Mr Farren, it was agreed that the condition was unnecessary, particularly given the restrictions that there be no amplified music after 10 PM, and that the acoustic modelling had identified that any effects would be less than minor overall.
77. I agree that restrictions other than those of the hours of operation are unnecessary given the advice from both Mr Farren and Dr Trevathan. However, I consider that a review condition should be included that provides the Council the opportunity to review the noise conditions in the event that complaints or other issues arise. The outcome of the review could be that additional measures such as a noise management plan or acoustic fences could be investigated as options. I note that the applicant has confirmed that they are satisfied with this approach, as was Mr Farren.

## **Lighting**

78. The AEE notes that outdoor lighting of the accessways and parking areas is necessary to provide for nighttime events and for purposes of security and Crime Prevention Through Environmental

Design. The exceedances of the light standards are minimal, and I agree with the applicant that any adverse effects on adjacent properties and the road will be less than minor.

### **Character and Amenity**

79. Consent is sought to construct and operate a church on the site. As a site within the Medium Residential Density Zone, the anticipated character and amenity is determined largely by the related zone rules and standards. Large scale activities such as a church are discretionary activities, and the bulk of buildings and level of traffic generated are not necessarily of a scale commensurate with residential activity as identified in the submissions.
80. Traffic and noise have been assessed earlier in his report, with the Council's acoustic and traffic experts agreeing with the Applicant's experts that overall, these effects will not be significant, and that they can be appropriately managed through consent conditions.
81. The maximum building coverage provided for the Zone is 50% of the net site area. The site is large at 1.2138ha, and as identified by the applicant is a regularly shaped through site with a maximum width of 71m. There are setbacks of 7m from the southern side boundary, 14m from the northern side boundary, 15m from the front boundary at Goulds Rd and 100m from the nearest point on the rear boundary at Rufus St.
82. The proposed building is 9.5m high at the peak of the roof, and 7.2m and 5m high at the side walls. Total site coverage including the existing 172m<sup>2</sup> former dwelling, which is being retained as office and administration facilities, is 14.5%.
83. While I do not rely on the above as a permitted baseline, it is nonetheless useful for comparative purposes. The overall scale of built form proposed on the site is less than if the site were developed for residential activity in accordance with the zone provisions. I therefore do not consider that the built form will give rise to adverse effects on the overall character of the surrounding residential zone, or to adverse visual effects, given that the height and setback provided in particular are in excess of what would be applied to a residential development.
84. Notwithstanding the above, I do note that the general appearance of the building could appear as visually incongruous with the anticipated built form in the MRZ. However, community facilities are a common occurrence in urban areas in the district and greater Christchurch area. I also note that built form is managed through various controls such as setback, coverage and height standards, and there is no plan requirement for buildings in the residential zone to appear as residential structures.
85. The Applicant has clarified the nature of activities that are proposed to occur on the site, and has volunteered the following condition:

*There shall be no more than 24 large scale events that are not organised and run by the Church per calendar year. For the purpose of this condition a large scale event is defined as any event not organised or run by the Cornerstone Church for its own purposes, involving more than 100 people, and not including any wedding, funeral or memorial service.*

86. I consider that this is an appropriate condition. Churches have long been established in residential areas, providing a range of activities to support their own congregations and the wider community. The car parking provided is sufficient to provide for the larger events, and the noise restrictions that restrict amplified music after 10 PM will assist in maintaining the amenity of the surrounding residential area. Restricting such events roughly equates to one per fortnight on top of regular church activities. I consider this is an appropriate limitation given the surround residential zoning.
87. Overall, I consider that the proposal will not have significant effects on residential character and amenity, and the conditions proposed are appropriate to manage the actual and potential effects of the proposed use of the site.

### **Cultural Effects**

88. A Cultural Advice Report was received from Mahaanui Kurataiao Ltd (Mahaanui) on behalf of Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga, both of whom have mana whenua over the proposal's location. The key issues raised in the report are:

- *Earthworks can have significant adverse effects on the environment through erosion and sedimentation of waterways, impacting the mauri of these wāhi taonga. As such, during all works associated with the development of the proposed commercial property an Erosion and Sediment Control Plan (ESCP) must be in place and strictly adhered to until such a time as soils have been stabilised. If the erosion and sediment controls prove to be inadequate, works must cease until appropriate and effective measures are in place. All disturbed surfaces must*



*be adequately topsoiled and vegetated as soon as possible to limit sediment mobilisation. All contractors working on site must be made aware of these measures and strictly adhere to them. The ESCP must include specific dust suppression measures to protect the mauri of air on site.*

- *Indigenous biodiversity, landscapes and ecosystems are a fundamental part of the culture, identity, and heritage of Ngāi Tahu. Indigenous vegetation provides a range of benefits such as increasing indigenous habitat throughout the takiwā, binding/stabilising soil, nutrient uptake, and carbon sequestration – all of which help support a healthy environment. To mitigate the effects of earthworks, enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon, indigenous planting is required on site.*
- *Contaminated land can have adverse effects on the environment, including the potential for contaminants to runoff into surface water, or leach into groundwater. Contaminated land can also have effects on mana whenua cultural values such as wāhi taonga. Contaminated material should be disposed of at a suitable facility and contaminated material should not be stockpiled on site. During earthwork an accidental contamination discovery protocol must be implemented to ensure contaminated materials are correctly handled and disposed of.*
- *Kaitiaki are also concerned with the accumulation of contaminants such as heavy metals in the receiving environment. Long term, untreated discharges have the potential to cause the accumulation of contaminants in soils and water. An effective filtration mechanism an/or heavy metal traps must be installed and regularly maintained to treat dissolved contaminants in stormwater (e.g., dissolved metals) from all hardstand areas on site, for the protection of the environment. The filtration mechanism can include swale, rain garden, or proprietary device.*
- *Stormwater infrastructure (both operational and construction phase) is designed to ensure the ongoing protection of land/soil and groundwater used as the receiving environment. Operational phase stormwater infrastructure must be maintained and monitored in accordance with the manufacturers guidelines to ensure designed levels of treatment.*
- *The overall development of the proposed building should align with the Ngāi Tahu Subdivision and Development Guidelines (Appendix 2) to the greatest practical extent, particularly with regards to stormwater controls and greywater re-use.*

89. Subject to the above matters being addressed in conditions attached to any consent, Mahaanui have noted that the Rūnanga will not consider themselves an affected party. I infer from this that the cultural effects of the proposal are considered to be less than minor.

90. The conditions proposed in the Mahaanui assessment are as follows:

1. *An accidental discovery protocol (ADP) must be in place during all earthworks to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).*
2. *Indigenous planting is required to enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon.*
3. *Contaminated soils are not to be re-used on site.*
4. *Contaminated soils must be removed from site and disposed of at an appropriate facility.*
5. *During earthwork activity, an accidental contamination discovery protocol must be implemented.*
6. *All erosion and sediment controls installed must be constructed, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox.*
  - a) *All contractors working on site must be made aware of these measures and strictly adhere to them.*
  - b) *Where measures prove to be inadequate, works must cease until appropriate and effective measures are in place.*
  - c) *The ESCP must include specific dust suppression measures to protect the mauri of air on site.*
7. *All disturbed surfaces must be adequately topsoiled and vegetated as soon as possible to limit sediment mobilisation.*
8. *Operational stormwater discharged from all hardstand areas on site must be treated via a heavy metal trap prior to discharge to land.*

9. *Operational phase stormwater infrastructure must be maintained and monitored in accordance with the manufacturers guidelines to ensure designed levels of treatment.*

91. No significant landscaping is proposed in the application, and I consider that Condition 2 proposed by Mahaanui is more appropriate as an advice note, to the extent that should additional landscaping be undertaken on the site that indigenous planting be considered.
92. I note that the applicant has obtained consents for stormwater discharges from Environment Canterbury, thereby addressing the stormwater matters raised by the cultural assessment. Conditions 8 and 9 above therefore are not required.
93. The remainder of the Mahaanui conditions are standard conditions and are addressed by the conditions appended to his report, and I consider them appropriate.

#### **Earthworks**

94. The Application notes that the proposed earthworks are similar in their nature to recent subdivisions in the local area, and that they will be undertaken in accordance with standard practice. They will also be subject to building consent and Engineering Approval processes.
95. The earthworks have been discussed in detail in the assessment by Kim Sanders, Registered Engineering Associate, the Applicant's Project Engineer. The works are to be undertaken in accordance with an Erosion and Sediment Control Plan and other measures. These have been reviewed by the Council's Development Services Engineer Mr Will Kirk, who has not raised any issues with the volume of earthworks or the construction methodology. Standard conditions of consent have been recommended to manage the effects of the earthworks throughout the construction process, and I consider that these are appropriate.

#### **Positive Effects**

96. The proposal will have positive effects for the district. As well as providing a new church facility that will provide for the growing local population, the facility will provide a venue for various community needs, requiring less travel to other facilities elsewhere in the district.

#### **Conclusion**

97. Overall, considering the matters raised in the application and in the assessments undertaken above, I consider that the adverse effects overall of the proposal are minor, and can be appropriately avoided, remedied or mitigated through the recommended consent conditions.

#### **Statutory Assessment**

98. Section 104 of the Act requires that to the provisions of an Operative and Proposed District Plan be considered in the consideration. In this case, the Operative Selwyn District Plan and Partially Operative District Plans are relevant to the proposal.
99. The Applicant has noted that as all of the relevant rules in the Partially Operative District Plan are beyond challenge, the Objectives and Policies behind those rules should be afforded the most weight, with little weight being placed in the objectives and policies of the Operative Selwyn District Plan.
100. I agree with this assessment. An assessment of the relevant provisions of each plan are set out below.

#### **Operative District Plan**

101. The objectives and policies of the Operative District Plan that I consider relevant are set out in the following table. In reviewing these provisions, I have also considered the Applicant's assessment of these matters, and I have stated where I agree with the Applicant's assessment.

<b><i>Objectives and Policies</i></b>	<b><i>Comment</i></b>
<b><i>B1 Natural Resources</i></b>	
<b><i>B1.1 Land and Soil Objectives</i></b>	

Objectives and Policies	Comment
<b>Objective B1.1.1</b> <i>Adverse effects of activities on the District's land and soil resources are avoided, remedied or mitigated.</i>	<p>I consider that the proposal is consistent with Objectives B1.1.1 and B1.1.2. The risk of any discharges which may result in contamination will be managed during the proposed extraction and rehabilitation processes, and by appropriately disposing of any contaminated soils at appropriate facilities.</p> <p>I agree with the Applicant's assessment, and overall rely upon the assessments provided by ECan's contaminated land team that confirm there will be no adverse effects on human health, subject to appropriate conditions.</p> <p>Policy B1.1.2 seeks to avoid adverse effects on people through exposure to contaminated land and mitigate or remedy any adverse effects on the environment, a policy that is consistent with the outcomes sought in the NES-CS. I rely on ECan's assessment agree that provided the appropriate site management practices are employed, there will be no adverse effects on human health associated with the disturbance and removal of contaminated soil from the site.</p>
<b>Objective B1.1.2</b> <i>People and their property are not affected by contaminated soil or unstable land and any adverse effects on the environment are avoided, remedied or mitigated.</i>	
<b>B1.1 Land and Soil Policies – Contaminated Land</b>	
<b>Policy B1.1.1</b> <i>Ensure any activity involving hazardous substance or waste disposal is carried out in a way which reduces the risk of contaminating land or soil.</i>	
<b>Policy B1.1.2</b> <i>Avoid adverse effects on people through exposure to contaminated land and mitigate or remedy any adverse effects on the environment.</i>	
<b>Policy B1.1.3</b> <i>Encourage the management of contaminated sites so that effects on peoples' health or on the environment are avoided.</i>	
<b>Land and Soil Policies – Soil Damage</b>	
<b>Policy B1.1.7</b> <i>Avoid removing large quantities of topsoil from sites unless:</i> <ul style="list-style-type: none"><li><i>The site will be covered in hardstanding; or</i></li><li><i>The topsoil will be replaced and the site replanted, when the activity ceases.</i></li></ul>	
<b>B2 Physical Resources LURP</b>	
<b>B2.1 Transport Networks – Objectives</b>	<p>Mr Fuller has reviewed the Applicant's assessment and overall agree with the applicant's assessment. I consider the proposal is consistent with the Transport provisions.</p>
<b>Objective B2.1.1</b> <i>An integrated approach to land use and transport planning to ensure the safe and efficient operation of the District's roads, pathways, railway lines and airfields is not compromised by adverse effects from activities on surrounding land or by residential growth.</i>	
<b>Objective B2.1.2</b> <i>An integrated approach to land use and transport planning to manage and minimise adverse effects of transport networks on adjoining land uses, and to avoid "reverse sensitivity" effects on the operation of transport networks.</i>	
<b>B2.1 Transport Network Policies – Roads and Pathways</b>	
<b>Policy B2.1.4(a)</b>	

Objectives and Policies	Comment
<p>Ensure all sites, allotments or properties have legal access to a legal road which is formed to the standard necessary to meet the needs of the activity considering:</p> <ul style="list-style-type: none"><li>the number and type of vehicle movements generated by the activity;</li><li>the road classification and function; and</li></ul> <p>any pedestrian, cycle, public transport or other access required by the activity.</p>	
<p><b>Policy B2.1.5</b></p> <p>Promote the strategic planning of transport networks to achieve a high level of connectivity and provision for sustainable transport including public transport, cycling and walking.</p>	
<p><b>Policy B2.1.6</b></p> <p>Avoid adverse effects of on-road parking and loading generated by surrounding land uses on rural roads.</p>	
<p><b>Policy B2.1.10</b></p> <p>Ensure vehicle crossings, intersections, pathways, roadside signs and noticeboards are designed and positioned to ensure good visibility for all road users, and to allow safe passage, access and egress.</p>	
<b>B3.4 Quality of the Environment</b>	
<p><b>Objective B3.4.1</b></p> <p>The District's townships are pleasant places to live and work in.</p>	<p>The proposal is consistent with these provisions. The facility will provide for the needs of the local community and provide a venue that accommodate church activities but is also available to the community for other events.</p> <p>The character and amenity of the residential area will be maintained, with restrictions on the use of amplified music in particular ensuring that there will be no adverse effects on surrounding properties, including at night time.</p>
<p><b>Objective B3.4.2</b></p> <p>A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.</p>	
<p><b>B3.4 Quality of the Environment - Policies</b></p>	
<p><b>Policy B3.4.2</b></p> <p>To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.</p>	
<p><b>Policy B3.4.3</b></p> <p>To provide Living Zones which:</p> <ul style="list-style-type: none"><li>are pleasant places to live in and provide for the health and safety of people and their communities;</li><li>..</li><li>have safe and easy access for residents to associated services and facilities; ...</li></ul>	
<p><b>Policy B3.4.10 Noise</b></p> <p>Ensure noise in all zones does not adversely affect the health or well-being of people.</p>	
<p><b>Policy B3.4.16</b></p>	

<b>Objectives and Policies</b>	<b>Comment</b>
<i>Ensure the operating hours for non-residential activities in Living zones do not disturb surrounding residential activities, particularly at night.</i>	
<b>Traffic</b>	
<b>Policy B3.4.18</b> <i>Ensure non-residential activities in Living zones generate vehicle and pedestrian movements on a scale compatible with the quality of the environment in Living zones and the local receiving environment.</i>	
<b>Policy B3.4.19 (a)</b> <i>Ensure all activities have appropriately designed car-parking facilities to avoid, remedy or mitigate any adverse effects of car-parking on:</i> <ul style="list-style-type: none"> <li>• <i>The amenity values of streets;</i></li> <li>• <i>The privacy of residents; and</i></li> <li>• <i>Safe and convenient access to sites.</i></li> </ul>	
<b>Policy B3.4.19 (b)</b> <i>Ensure that a high level of amenity, safety and accessibility is achieved for pedestrians, users of public transport and cyclists when car parking is provided.</i>	
<b>Building Design</b>	
<b>Policy B3.4.27</b> <i>Ensure buildings and structures in Living zones which are used for non-residential activities, are of a size and bulk and in a setting compatible with the quality of the environment and amenity values of a residential area.</i>	

102. The Site is also located within Outline Development Plan Area 10 of the Rolleston ODP. The LURP identifies this as a priority Greenfields area, with the expectation that residential subdivision will achieve a density of a minimum of 10 household units per hectare. No residential subdivision or development is proposed, and the development is therefore not inconsistent with this plan.

### **Summary – Operative District Plan Objectives and Policies**

103. Overall, I consider the proposal to be consistent with the relevant provisions of the Operative Selwyn District Plan.

### **Partially Operative Selwyn District Plan**

104. The applicant has assessed the provisions of the Partially Operative Plan in the assessment included with the Application. I concur with that assessment, and comment on key provisions below.

### **Strategic Directions**

105. Objective SD-DI-01 (Sensational Selwyn) sets the overarching directions for the district's identity, seeking that Selwyn is an attractive place to live, work and visit, and relevantly seeks to enhance environmental and social outcomes for the benefit of the district, among other matters. The proposal provides for the spiritual needs of the community and is consistent with this high-level Objective. In a similar vein, Objective SD-UFD-01 provides for a well-functioning urban environment that enables people to provide for their social and cultural wellbeing, and the proposal is consistent with this Objective.



## Residential

106. With respect to the Plan's 'general residential' objectives and policies, I note that RESZ-O1 identifies that residential zones are safe, convenient, pleasant, and healthy living environments that meet the needs and preferences of the community.
107. RESZ-O6 enables non-residential activities in residential zones where those do not compromise the role, function, and predominant character of the receiving zone. RESZ-O7 provides for residents to have access to a range of community and other facilities that support, maintain and enhance the surrounding residential amenity. This is elaborated on by RESZ-P17, which provides for non-residential activities and community facilities that are of a nature and scale that meets the needs of the community, are compatible with the planned urban form of the residential zones, among other things.
108. It is my opinion that the proposal is consistent with these "general residential" objectives and policies. While the building is larger than a standard residential dwelling, I note that the larger setbacks and minimal site coverage overall will result in an overall scale that does not dominate the surrounding area. I also note that multi-unit complexes are common in residential zones and the proposed building is not out of character with such developments.
109. Regarding the matters raised by RESZ-O6, I do not consider that the application will compromise the role, function, and predominant character of Medium Density Residential Zone. The proposed buildings will not prevent the development of adjacent or nearby sites in accordance with the zone rules. The proposed church will support members of the local community.

## Transport

110. Objective TRAN-01 seeks that people and places are connected through safe, efficient, and effective land transport corridors and land transport infrastructure for all transport modes, which are well integrated with land use activities.
111. Policy TRAN-P7 is directly relevant, seeking to recognise and protect the function of the District's land transport network and systems by managing the safe and efficient movement of people and goods by
  - Avoiding significant adverse effects and minimising other adverse effects from activities on the safe, efficient, and effective operation of land transport corridors and land transport infrastructure;
  - Ensuring transport corridors and land transport infrastructure can efficiently and effectively provide for the volume and type of transport movements based on the network road classifications; and
  - Requiring the design, positioning, and maintenance of accessways, corner splays, vehicle crossings, intersections, footpaths, plantings, and signs to ensure appropriate sightline visibility is provided to road users to support safe and efficient vehicle, pedestrian, and cycle movements.
112. The proposal satisfies these provisions. The assessment undertaken by Mr Fuller has confirmed that subject to appropriate conditions, the transportation related effects of the proposal will be appropriately managed.

## Earthworks

113. Objective EW-01, as well as Policies EW-P3 and EW-P4, seek to manage potential adverse effects resulting from earthworks to limit erosion, inundation, or siltation so that it does not impede the functioning of natural biological and physical processes, and to minimise any adverse visual effects, loss of privacy, dust nuisance, or shading adverse effects during or on completion of the earthworks.
114. I consider that the proposal is consistent with these provisions. The earthworks will be contained within the site. The works will be undertaken in accordance with an Erosion and Sediment Control Plan, and overall the proposed conditions of consent will manage the effects of the earthworks throughout the construction and rehabilitation stage.

## **Noise**

115. Objective NOISE-01 and Policies NOISE-P1 and NOISE-P8 require the protection of the welfare of people and communities, and their amenity values, from adverse noise effects, and that noise effects be managed through the setting of appropriate limits via consent conditions. I consider that the conditions proposed are appropriate to manage any effects associated with potential noise from the activity, and the inclusion of a review condition will provide the Council with the ability to review the conditions should any unanticipated effects arise. I consider the proposal is consistent with these provisions.

## **Lighting**

116. The proposal will give rise to minimal light spill beyond the boundary, and in this regard is consistent with Objective LIGHT-01 and Policies LIGHT-P1, which seek to manage lighting to maintain the health, safety, and amenity values of people, and to ensure the effective operation of the land transport network.

## **Rolleston 3 Development Area**

117. The site is located within the Rolleston 3 Development Area. This area has a target net density of 15 households per hectare, and shows a planned future road to the west of the area (Rufus Street). No residential subdivision is proposed as part of the application and the density requirement is therefore not breached. The applicant has agreed to provide the land necessary for the Rufus Street extension, thereby satisfying that part of the Development Plan.

## **Summary**

118. Overall, I consider that the application is consistent with the provisions of the Partially Operative District Plan.

## **Plan Weighting**

119. Section 104(1)(b)(vi) requires the consent authority to have regard to an [operative] plan or proposed plan. Where there is conflict between the provisions of an operative and proposed plan, a weighting assessment is required to determine which plan may be afforded more weight.
120. Case law indicates that the extent to which the provisions of the proposed plan are relevant should be considered on a case-by-case basis and might include:
- how far through the plan making process the proposed plan is, and the extent to which it has been tested and undergone independent decision making;
  - any circumstances of injustice if the provisions are given more or less weight;
  - the extent to which a new provision, or the absence of a provision, implements a coherent pattern of objectives and policies;
  - whether the new provisions represent a significant shift in Council policy; and
  - whether the new provisions are in accordance with Part 2 of the Act.
121. In this instance, the provisions of the Partially Operative Plan that relate to the proposal are beyond challenge. Although s104(1)(b)(vi) requires consideration of the provisions of the Operative Plan, I consider that no weight should be given to the Operative Plan.

## **Other Relevant Documents (section 104(1)(b)(i)-(v))**

### **Canterbury Regional Policy Statement (CRPS)**

122. The District Plans give effect to the relevant higher order documents, including the CRPS. Therefore, I consider there is no need to assess these provisions.

### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)**

123. The NES-CS was discussed earlier in this report, with my conclusion being that resource consent was not required.

### **National Policy Statement on Urban Development 2020 (NPS-UD)**

124. The NPS-UD) 2020 sets out the objectives and policies for planning for well-functioning urban environments under the RMA. As such, I consider the following clauses to be relevant to the application.
125. Objective 1 states that New Zealand is to have well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. Objective 4 is related given that urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
126. In my view, the application supports the provision of a well-functioning urban environment. This is due to the provision of a community facility that will support members of the Rolleston community.
127. Objective 8 requires New Zealand's urban environments to support reductions in greenhouse gas emissions, and to be resilient to the current and future effects of climate change. While the church will have members in the local community, others may come from further afield and as such will be largely reliant on private motor vehicles. Provision is made however for bicycle parking to support alternative means of travel, and the parking could also be used by staff who are present. I also note that a FAC has been issued, demonstrating that the site can be developed in a manner that avoids significant flooding risks to its occupants or the surrounding sites.
128. Policy 11 of the NPS-UD has removed the requirement for the District Plans to impose minimum car parking standards (other than for accessible parking). That notwithstanding, the applicant has provided on-site parking and has demonstrated that it is adequate for the scale of the activity. There is also on-site space for overflow parking that will likely avoid the need for on street parking, although there is adequate on-street parking within the surrounding road network to accommodate any overspill parking associated with large events.
129. Overall, I consider the proposal to be generally in keeping with the NPS-UD.

#### **Section 104(1)(c) – Other Matters**

##### **Selwyn 2031**

130. The purpose of Selwyn 2031 is to provide an overarching strategic framework for achieving sustainable growth across the district to 2031. The Strategy emphasises the importance of adopting and implementing a strategic approach to managing urban growth as a means of strengthening the district's self-sufficiency and to ensure that it continues to be a great place to live, work and play.
131. One of the key activities in the Strategy is the encouragement of appropriate levels of health, community and social services, among other matters. In my view, the application supports the growth of resilient communities by providing opportunities for the spiritual and social needs of the Rolleston community.

##### **Rolleston Structure Plan**

132. The site is located in the Low Density Residential area of the Rolleston Structure Plan. Development of the site by the proposed activity is not inconsistent with the outcomes sought in the plan and does not conflict with any facilities that the plan provides for.

##### **Mahaanui Iwi Management Plan 2013**

133. The Mahaanui Iwi Management Plan (IMP) is the principal mana whenua planning document prepared and mandated by the six Papatipu Rūnanga holding mana whenua over the area within the Hurunui River to the north, the Hakatere/Ashburton River to the South, and inland to the Southern Alps. The subject site falls within this area.
134. The IMP provides a statement of Ngāi Tahu objectives, issues and policies for natural resource and environmental management in the takiwā (area). Policies of relevance to the land use proposal are contained in Part 5.4, Papatūānuku, which contains objectives and policies relating to land and soil resources.
135. I note that the Cultural Advice Report provided by Mahaanui has traversed the relevant provisions of the Iwi Management Plan in depth and has provided a set of proposed conditions that are intended to address the matters of significance to mana whenua in relation to the application, based upon the outcomes sought in the provisions of the Iwi Management Plan. I have commented on the conditions earlier in this report, and identified those that should be imposed on the consent. Overall, I consider that the proposal is consistent with the relevant provision of the Iwi Management Plan.

## Part 2 Resource Management Act 1991

136. The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources, while enabling people and communities to provide for their well-being, while sustaining resources and addressing any adverse effects.
137. In assessing an application for resource consent, a consent authority is required to determine whether the proposal is consistent with the purpose and principles of the Act (Part 2), having regard to the matters set out in section 104, the Fourth Schedule, and any other statutory consideration. Part 2, as set out under sections 5 to 8 of the RMA, outlines the purpose and principles of the Act.
138. The District Plan is the mechanism by which the purpose and principles of the Act are given effect to in the Selwyn District. It was competently prepared through an independent hearing and decision-making process in a manner that appropriately reflects the provisions of sections 5 to 8 of the Act.
139. I consider the proposal is consistent with Part 2 of the RMA and accords with the relevant matters in sections 5 to 8 of the Act and would otherwise achieve the purpose and principles of the Resource Management Act 1991.

## Summary of Statutory Assessment

140. Land use consent RC245009 is sought to construct and operate a church with non-compliant parking, earthworks, light spill and noise. As discussed in this report, I consider that:
- (i) The actual and potential effects of the proposal will not be significant and can be managed through conditions of consent.
  - (ii) The proposal is consistent with the provisions of the Operative and Partially Operative Selwyn District Plans.

## Development Contributions

141. If the consent is granted, the relevant development contributions will be required in accordance with the Local Government Act 2002. These contributions will be obtained through the Development Contributions Policy under the Council's Long Term Community Plan (LTP) and charged in accordance with the table attached to the decision. Development contributions are not able to be challenged through this RMA hearings process but are mentioned here as the Council's policy is to include the Development Contributions Notice on resource consent decisions where consents are granted.

## Draft Conditions

142. I consider that the conditions of consent will develop over the course of the hearing, including incorporating additional matters as identified in the peer review reports. The version of the conditions appended to this report include comments from the Applicant and are drawn from the technical reports.

## Recommendation

143. Resource consent RC245009 be **granted** pursuant to sections 104 and 104B of the Resource Management Act 1991, subject to the conditions appended to this report.

<b>Reported and recommended by</b>  <b>Andrew Henderson, Consultant Planner</b>	<b>17 January 2025</b>
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## Draft conditions of Consent: RC245009

### General

1. That the application proceed in general accordance with the attached approved plans listed below and the details included with the application, except varied by the following conditions of consent.
  - Whimbrel 'Site Access Plan' Drawing A1.103 Rev D
  - Whimbrel Site Plan Drawing A1.102 Rev C
  - Whimbrel Elevations Plans Drawings A3.01 and A3.02 Rev C
  - Kim Sanders Consulting Earthworks Plans Drawings CC1, CC2 and CC3 dated 03/23.

#### *Advice Notes:*

- (i) *The proposed development must not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.*
- (ii) *In the event that an adjacent neighbour's historical stormwater drainage was onto the site, the proposed development must maintain or mitigate the historical discharge.*
- (iii) *The discharge of roof stormwater must not arise from unpainted galvanised sheet materials or copper building materials. The use of these materials is prohibited in accordance with the conditions of Selwyn District Council's global stormwater consent.*
- (iv) *Water and Waste water connections to service the proposed development are the consent holder's responsibility and should be assessed as part of the engineering design and Building Consent process.*

2. There must be no more than 24 large scale non-Church organised events per calendar year.

#### *Advice Note:*

*For the purpose of this condition a large scale event is defined as any event not organised or run by the Consent Holder for its own purposes, involving more than 100 people, and not including any wedding, funeral or memorial service.*

3. The Minimum finished floor level for the building shall be +42.90m LVD37 in accordance with the level specified in Flood Assessment Certificate FC240052 issued by the Selwyn District Council.

### Noise

4. Amplified music and speech must not generate a noise level greater than 90 dB LAeq(15mins) when measured in the centre of the auditorium at 1.2 metres above the floor.
5. The Consent Holder must ensure that all activities on the site measured in accordance with NZS6801:2008 Acoustics - Measurement of Environmental Sound, and assessed in accordance with the provisions of NZS6802:2008 Acoustics - Environmental Noise, must not exceed the following noise limits at the site boundaries:
  - (a) 0700 to 2200 hrs 55 dB LAeq; and
  - (b) 2200 to 0700 hrs 40 dB LAeq and 75 dB LAmix.
6. All doors must remain closed while sound amplification is in use.
7. Amplified music must be restricted to between the hours of 7am to 10 pm.

### Construction Noise

8. Construction activities must be conducted in accordance with NZS 6803:1999 Acoustics – Construction Noise and must comply with the applicable noise limits contained within Table 2 of that Standard.

### Exterior Lighting

9. Exterior lighting of the site is to achieve light spill and glare levels in accordance with the Lighting Plans R0 and R1 prepared by BetaCom Ltd dated 3 May and 4 May 2023 respectively submitted with the application.



## Earthworks and Dust Control

10. All earthworks must be carried out in accordance with the plans and specifications prepared by Kim Sanders Consulting submitted with the application, subject to minor amendments if required by Council under the engineering acceptance process. The site specific Erosion and Sediment Control Plan (ESCP) must follow the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury <http://esc.canterbury.co.nz/>. The ESCP must be held on site at all times and made available to the Council on request.
11. The Consent Holder must notify Selwyn District Council no less than ten working days prior to works commencing, (via email to [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) of the earthworks start date and the name and contact details of the site supervisor. The consent holder must at this time also provide confirmation of the installation of ESCP measures as per the plan referred to in Condition 9 above.

### *Advice Note:*

- (i) *The Consent Holder or Consent Holder's agent may need to discuss the following with Council's Development Engineer;*
  - (ii) *Suitable time for pre-start meeting to meet with contractor on site and discuss Council construction requirements;*
  - (iii) *Any infrastructure requirements associated with the development; and*
  - (iv) *Council approvals necessary for future connections.*
12. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel), or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site specific ESCP, prior to discharge to the Council's stormwater system.

### *Advice Note:*

- (i) *For the purpose of this condition muddy water is defined as water with a total suspended solid (TSS) content greater than 50mg/L.*
13. No earthworks may commence until the ESCP has been implemented on site. The ESCP measures must be maintained over the period of the construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP must be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces must be adequately topsoiled and vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.

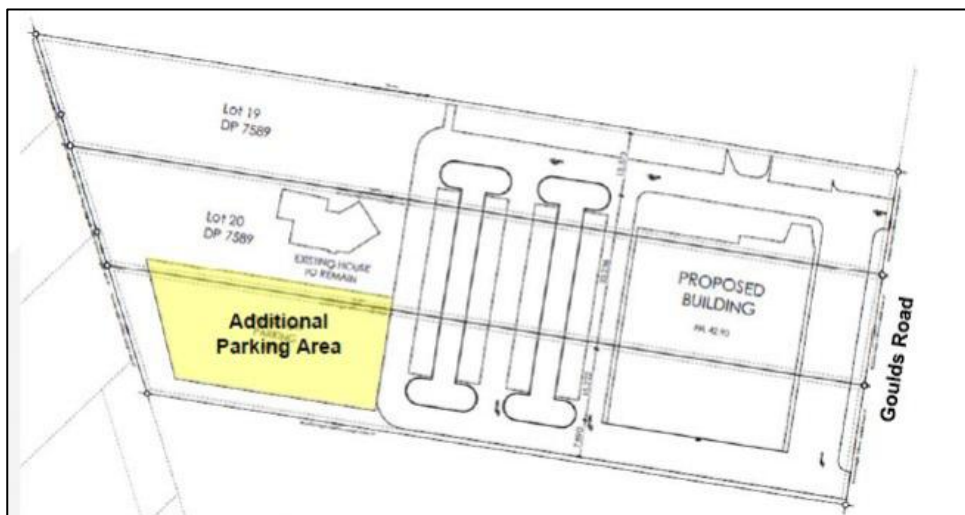
### *Advice Note:*

- (i) Any changes to the accepted ESCP must be submitted to the Council in writing following consultation with the Council's Development Engineer. The changes must be accepted by the Development Engineer prior to implementation.
14. Dust emissions must be appropriately managed within the boundary of the property in compliance with Environment Canterbury's Regional Air Plan. Dust mitigation measures such as water carts, sprinklers or polymers must be used on any exposed areas. The roads to and from the site, as well as the site entrance(s) and exit(s), must remain tidy and free of dust and soil at all times.
  15. All loading and unloading of trucks with excavation or fill material must be carried out within the subject site.
  16. Any surplus or unsuitable material from the project works must be removed from site and disposed at a facility authorised to receive such material.
  17. An accidental discovery protocol must be in place during all earthworks to ensure that there is a process in place to deal with archaeological finds.
  18. If any exterior areas are not finished within 12 months of the earthworks commencing, the most appropriate of the following three options must be adopted:

- (i) If carpark and landscape areas are not complete, watering by sprinkler or watercart must be carried out to control all dust in accordance with the ESCP;
  - (ii) The balance land areas (west of the carparks) must be completed to level, seeded and watered so as to create a strike of grass. Note, unless the Consent Holder is using these areas for a compound, there should be no reason why this area cannot be completed and sown;
  - (iii) If any stockpiles are still present (awaiting to be used in the final landscaping), they must be watered and if necessary a layer of hydroseed (or similar product) must be applied on the stockpile to create grass and stabilise the stockpiles from the risk of excessive dust;
  - (iv) A combination of the above three options is acceptable where appropriate.
19. Soils from the former horticultural area on the site which were investigated in the Detailed Site Investigation Report by Fraser Thomas Ltd (No 32437 dated 6 July 2016) and not identified as contaminated within the meaning of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 may be spread on site in the manner proposed in the plans and specifications by Kim Sanders Consulting accompanying the application.
20. In the event of contamination discovery (e.g. visible staining, odours and/or other conditions that indicate soil contamination), then work must cease until a Suitably Qualified and Experienced Practitioner (SQEP) has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. Any discovered contamination should be reported to the Selwyn District Council within 5 days of its discovery.
21. Any contaminated soils removed from the site will not be suitable to be disposed of at a cleanfill facility and must be disposed of at a facility whose waste acceptance criteria would be met. Evidence of waste disposal such as weighbridge receipt weighbridge receipts or waste manifest should be submitted to the Selwyn District Council within three months of completion of works.

### Transportation

22. The area identified for additional car parking in Figure 1 must be formed such that it can accommodate intermittent car parking associated with large events, such as conferences. This must include providing a level trafficable surface (albeit potentially grassed) with a means of access (such as kerb drop-down). This area must be made available at times when it is expected that the capacity of the permanent car parking will be exceeded.



**Figure 1: Additional Car Parking Area**

23. Prior to opening, the activity will provide seven hoop / staple style cycle parks that comply with District Plan layout requirements. These are to be provided as close to the building access as is practicable.

24. The landscaping at the site accesses must provide clear visibility above 0.5m height for the following splays at the vehicle accesses:
- i. Northern access: A triangular splay of 2m along the road boundary by 5m into the site to the immediate north of the access; and
  - ii. Southern access: A triangular splay of 2m along the road boundary by 3m into the site to the immediate north of the access.

*Advice Note:*

*Should new plantings be undertaken, indigenous species should be considered to enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon.*

25. The internal accessways are to be marked to accommodate two-way traffic. The vehicle crossings are also to be marked to accommodate two-way traffic;
26. A pedestrian access be provided adjacent to the northern vehicle access to connect with the main building's entrance.
27. Heavy duty commercial vehicle crossings are to be installed. Both vehicle crossings to service the site must be formed and sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary and the requirements of the Engineering Code of Practice.
28. The Consent Holder must provide accurate 'as built' plans of the vehicle crossings installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and the Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the Consent Holder.
29. The proposed car park area is to be sealed with pavement marking of parking bays.

**Goulds Rd Frontage Upgrade**

30. 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.

**Maintenance Bonds (In accordance with the Council's Bonding Policy of Subdivision Works and Large Projects as at the date of issue of this consent)**

31. The Consent Holder must enter into a bond and be responsible for the maintenance of all works associated with the road frontage upgrade in relation to the consent at the completion of the works and continue until the Council tests and accepts the quality of the bonded infrastructure and the agreed or stipulated maintenance period taking into account any needed repairs, replacement or rectification required for a period of 12 months for the Roding Infrastructure

*Advice Note:*

- (i) *Maintenance bonds will be valued at 5% of the total value of works (plus GST). The consent holder must provide costings and estimates for the total value of works from an independent quantity surveyor, acceptable to Council, at the resource consent holder's expense. The Council may re-evaluate the value and duration of the maintenance bond for the following reasons:*
- (ii) *Inflation;*
- (iii) *Delays in works being completed;*
- (iv) *Repairs, rectification and or replacement is required; or*
- (v) *Price escalations.*

**Rufus Street Extension**

32. The land required at the western end of the site for the extension of Rufus St at is to be surveyed and transferred to the Council as legal road (timeframe to be determined).