

Sections 95, 95A-E

Resource Management Act 1991



Decision and Planning Report

Planning Report pursuant to section 42A of the Resource Management Act 1991 recommending whether or not an application for resource consent should be:

- Publicly notified, limited notified or non-notified

APPLICATION NUMBER:	RC245337
APPLICANT:	Deg Tegh Fateh Sikh Society
BRIEF DESCRIPTION OF APPLICATION:	Land use consent RC245337 is sought to establish and operate a community facility (place of worship)
SITE DESCRIPTION:	Address: 517 Hampton Road, Rolleston Legal Description: Lot 2 DP 580320 and SEC 1 SO 559834 Title Reference: 1080376 Area: 6.1457 ha
ZONING / OVERLAYS	Operative Selwyn District Plan (2016), Rural Volume Inner Plains Zone Airport Noise Overlay, Designation - CSM2 / MSRFL (Christchurch Southern Motorway) Partially Operative Selwyn District Plan (Appeals Version) General Rural Zone Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Rural Density Control (SCA-RD: Inner Plains/ Te Urumanuka ki Ana-ri), State Highway Noise Control Overlay, Airport 50 dB Ldn Noise Control Overlay Designation NZTA-4 (State Highway 76).
OVERALL ACTIVITY STATUS:	Discretionary

The Application

- This application was formally received by the Selwyn District Council on 13 May 2024. Further information was received on 23 September 2024, 13 November 2024, 2 December 2024, 3 December 2024 and 11 December 2024 this information now forms part of the application¹. To assist the reader, a summary of the further information responses is provided in Table 1 below:

¹ The Applicant's RFI response of 23 September 2024 is dated 19 September 2024 but was provided via e-mail on 23 September 2024.

Table 1 – Further Information Received

Date Received	Further Information Details
23 September 2024	<p>Response to Council's Request for Further Information Letter (RFI) of 5 June 2024, including:</p> <ul style="list-style-type: none"> Noise Assessment; Request for a Flood Assessment Certificate (FAC)²; Interests from Record of Title; and Integrated Transport Assessment (ITA). <p>Response to Council's RFI of 25 July 2024 including:</p> <ul style="list-style-type: none"> Updated Productivity Assessment; Comments on future plans for the site; and Comments of Cultural Assessment Report (CAR).
13 November 2024	<p>Response to Council's RFI of 25 October 2024, including:</p> <ul style="list-style-type: none"> Details of building ventilation; Crowd size management; Further transport assessment; Development engineering information.
2 December 2024	Updated application drawings
3 December 2024	Updated Productivity Assessment and ITA to reflect drawings received on 2 December.
11 December 2024	Updated Noise Assessment to reflect drawings received on 2 December.

- The application involves the establishment of a new community facility, a Sikh temple at 517 Hampton Road, Rolleston (the 'Temple')³. The lodged Assessment of Environmental Effects (**AEE**) by Baseline Group provides a description of the proposed development and its operational characteristics⁴. The following description is based on the AEE, the technical reports provided by the Applicant and the updated drawings provided on 2 December 2024⁵.
- As shown in Figures 1, 2 and 3, the primary building for the temple is a 385m² hall, with verandas on its southern and western elevations, creating 480m² of roofed building. The building is set back from all boundaries and will be single storey in height. The building will be clad in white rockcrete or similar non-reflective material. A community garden is also proposed, which will be located between the northern boundary and the hall.

² The Applicant has since confirmed that a FAC will be sought once the resource consent process has completed.

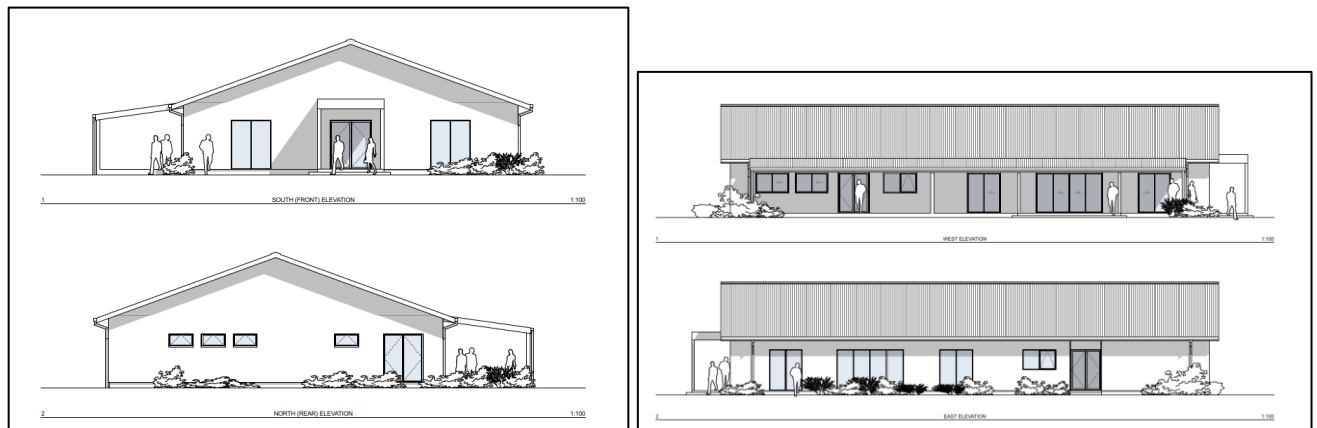
³ Canterbury Maps also identify the site as 860 Waterholes Road.

⁴ Pages 5 – 6, AEE.

⁵ The earlier drawings provided with the AEE and the 23 September 2024 RFI response have been superseded by the drawings received on 2 December 2024.



Figure 1 – Site Layout (Source: Applicant)



Figures 2 and 3 – Building Elevations (Source: Applicant)

4. The Temple's hall will be fronted by a 542m² paved area, which then leads to a car park featuring 20 parking spaces and 2 mobility spaces. The car park will be formed to an all-weather standard (shingle, with hardstand for the accessible parking spaces and low lux bollard lighting (if deemed required).
5. The Applicant proposes to utilise grassed areas of the site (beside the accessway) for overspill parking during Sunday services and other events. Between 53 to 96 vehicles would use this "informal" parking area (Figure 4).

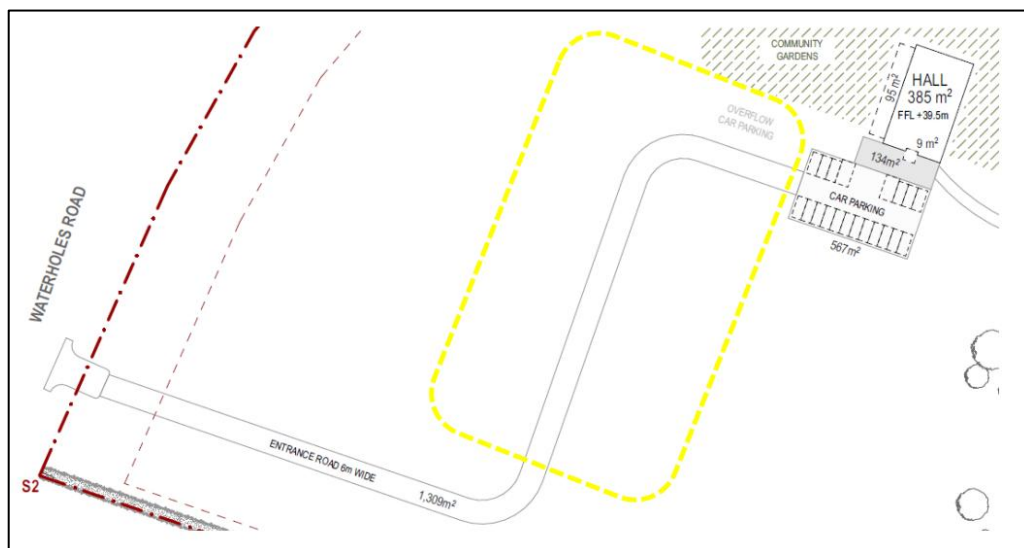


Figure 4 – Location of overspill parking (Source: Novo Group)

6. Access to the Temple will be primarily from a new 6m wide accessway from Waterholes Road. The accessway will utilise an existing vehicle crossing. Between 52 and 82 vehicle movements are anticipated per day via the accessway and associated crossing⁶. The existing dwelling and associated accessways from Hampton Road will be retained. While the site plan shows an extension of this accessway towards the Temple, which the Integrated Transport Assessment (ITA) advises is for maintenance vehicles only.
7. The Temple would appropriate seven days week between 4am and 10pm. Morning prayers would occur between 4am and 6.30am with up to 20 worshippers expected. Evening prayers would be held from 6 pm to 7.30 pm in winter and 7 pm to 8.30 pm in summer.
8. The Applicant has advised that larger events would also be held at the Temple, generally on weekends. These events would include regular Sunday worship between 11.30am and 2pm of up to 290 people. A further four “special events” would be held per year (Diwali, New Year and Guru Birthdays). While the dates for these special events are not fixed, they generally occur during October/November and December/January.
9. No signage is proposed, although a flag will be placed near the Waterholes Road entrance.
10. The servicing of the Temple will be supported by an existing on-site water bore (Well M36/5125), which the Applicant advises was lawfully established but will require a further consent from Environment Canterbury (ECan). The site will also be served by an on-site wastewater system that will be independent of the dwelling’s existing system. Groundwater disposal will rely on soakage, while electricity and telecommunications connections will be undertaken in accordance with supplier requirements.
11. Construction of the Temple will include approximately 2000m³ of earthworks to a maximum depth of 0.3m bgl. While the site is on ECan’s Listed Land Use Register given the presence of a historic landfill, no works are proposed in the affected portion of the site. Regardless the Applicant has offered to undertake further soil testing prior to construction.
12. Lastly, the Applicant has not proposed any signage.
13. The main aspects of the activity are as follows:
 - Establishment of a community facility in a rural area;
 - Use of an existing vehicle crossing a community facility; and
 - Construction in a rural area.

Background

14. The application site is currently a rural lot with a single dwelling present. The historic approvals for the site are detailed in Table 2.

⁶ Page 4, ITA.

Table 2 – Summary of Historic Planning and Building Approvals

Council Reference	Consent Description	Approval Date
BC001550	Dwelling addition	CCC issued 26 September 2000
R410411	Erect a dwelling (Building Consent)	18 December 1992
RC225413	To undertake a boundary adjustment	Section 224c issued 8 September 2022
RC225414	To construct a dwelling on an undersized lot	26 July 2022

15. The site was also affected by the Christchurch Southern Motorway – Stage 2 Project, which included the alignment of the Waterholes Road/Hamptons Road intersection and the splitting off of the north-western corner of the site from the rest of the property.
16. A condition of RC225413 was the creation of a “no build” consent notice on the site’s Record of Title. This is show in Figure 5 below as the areas marked A, Y and Z. The hall building is not located in any of these areas.

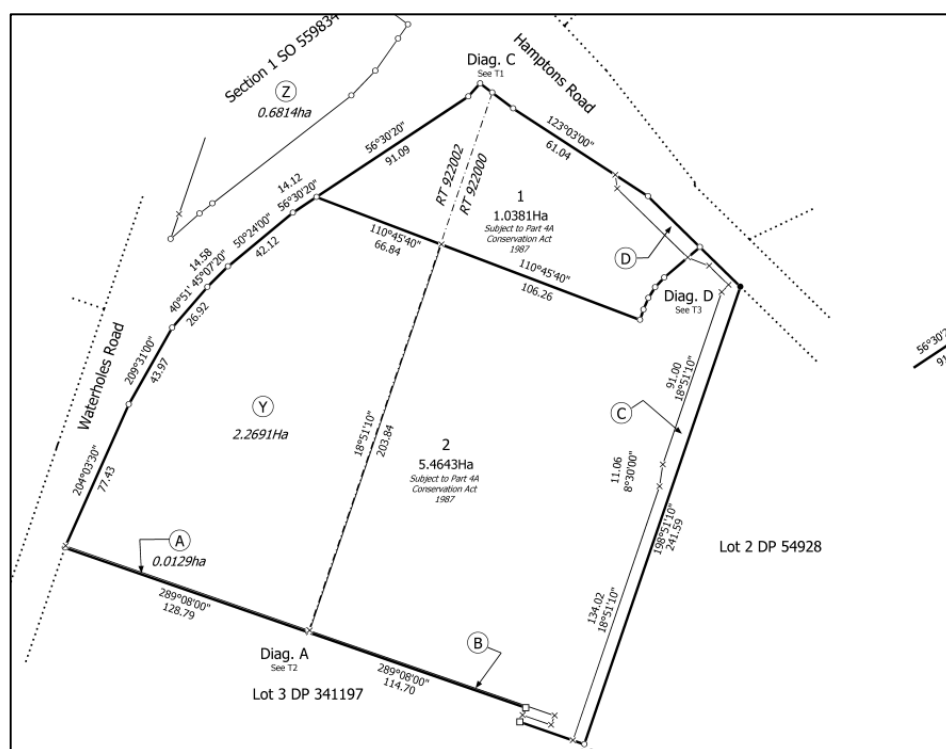


Figure 5 – Survey Plan (Source: Record of Title)

17. There is also a land covenant registered on the Record of Title that limits development on Lot 1 DP 580320, which is not land that forms part of this application. Lastly, there are two consent notices that relate to contaminated land issues, in particular part of the site adjacent and within the intersection of Waterholes Road and Hamptons Road.
18. Selwyn District Council has also been contacted by over 15 external parties who have expressed a variety of concerns in regard to the application. While this notification report addresses these concerns in the forthcoming effects assessment section, I have provided a summary table of these concerns below.

Table 2 – Summary of External Parties' Concerns

Matter Raised	Summary
Traffic/Transport	<ul style="list-style-type: none"> Previously held events have caused congestion on Waterholes Road. Waterholes Road is unable to safely accommodate the additional traffic expected from the Temple. Inadequate parking results in Temple visitors parking on Waterholes Road, which causes sightline issues. Inadequate formed parking has resulted in use of paddocks for parking. No/inadequate details on visitor numbers has been provided for events. No/inadequate details on the number of events that will be held. No detail has been provided on the projected growth in visitor numbers. There will be safety effects for pedestrian and cyclists using Waterholes Road. This includes schoolchildren.
Noise	<ul style="list-style-type: none"> Previously held events have used loudspeakers over long periods which caused noise disturbance to the surrounding area. The noise generated by the proposal, including during early morning and evening events/worship affects the amenity and enjoyment of the area by current residents.
Amenity	<ul style="list-style-type: none"> The noise and traffic effects of previous events and the application undermine the amenity values of the zone, adversely affecting those values enjoyed by current residents. The effects are exacerbated by the proposed hours of operation, particularly given the early start and late closing times which are inappropriate in a rural/rural-residential area. Overall that the application is an inappropriate use of rural land and will undermine rural amenity values.
Highly Productive Land	<ul style="list-style-type: none"> The proposed development is a de facto fragmentation of highly productive land.
Reverse Sensitivity	<ul style="list-style-type: none"> The establishment of a community activity in a rural area could result in complaints about existing lawfully established rural industries and rural production activities.
Future Expanded use of the Site	<ul style="list-style-type: none"> A newspaper article featuring the applicant details "<i>The land acquired will be used to build a community school, a kindergarten, a community kitchen, and different playground areas, besides the main Gurudwara Sahib</i>", as well as "<i>to teach horse riding to kids</i>". There has been no reference to these plans or the related effects in the application. The application will provide a baseline for further future development
Integrity of Rural Zone	<ul style="list-style-type: none"> The establishment of a Temple is not otherwise provided for in the General Rural Zone and will diminish the ability of that zone to support rural activities. Approval of the application will set a precedent and undermine the District Plan. The activity is best located within or close to a township, while the application site is in a rural location.

19. I will comment on the last two matters, future expansion and rural zone integrity, as neither of these matters directly relates to an adverse effect and are rather procedural matters.
20. With regard to future expansion of the site, this planning report is limited to the proposal as documented in the current application material. While the Applicant may have future expansion plans, such expansion would itself be subject to its own planning approval process and assessment against the environment as it would exist at the time of that approval. The inclusion of any theoretical expansion of the Temple, whether or not a future

desire of the Applicant, would be inappropriate and speculative at this time. Consequently, I have not considered it further for the purposes of this planning report.

21. Turning to the integrity of the GRUZ, while I address effects on existing rural activities, the issue of creating a precedent for activating in that zone is a matter for section 104 rather than section 95. As such, a consideration of plan integrity is best left to the section 42A report once a determination of notification and any submission period is concluded.

The Existing Environment

22. The application site is located at the intersection of Hamptons Road and Waterholes Road, Rolleston. The majority of the application site is currently in pasture, with a single dwelling located towards its eastern boundary. The site also includes a roughly triangular portion of land located in the centre of the Hamptons Road/ Waterholes Road intersection. This portion of the site is currently fallow.
23. With regard to the Operative District Plan, the application site is located within the Inner Plains zone. The site is zoned General Rural zone under the Partially Operative Plan. The site is also subject to overlays under both District Plans relating to airport noise, while further flood and state highway noise overlays are imposed under the PDP⁷.
24. The local roading environment includes Hamptons Road, Waterholes Road and State Highway 76 (SH76). The PODP classifies the local roads as:
- Hamptons Road – arterial between Waterholes Road and Springs Road;
 - Waterholes Road – arterial between Hamptons Road and State Highway 1 (SH1); and
 - Waterholes Road – collector between Hamptons Road and Selwyn Road.
25. The road speed limits for both roads adjoining the application site is 80 km/h. The site features three existing vehicle crossings. Two of these off Hamptons Road provides access to the dwelling, while the third crossing is located on Waterholes Road and provides paddock access.
26. No direct access to SH76 is available from either road. Rather, Waterholes Road crosses the state highway corridor via a road bridge and proceed northwards to SH1 and Jones Road. The Waterholes Road and Hamptons Road intersection is designated for state highway purposes under both District Plans, with NZ Transport Agency Waka Kotahi (NZTA) the requiring authority (Figure 6).

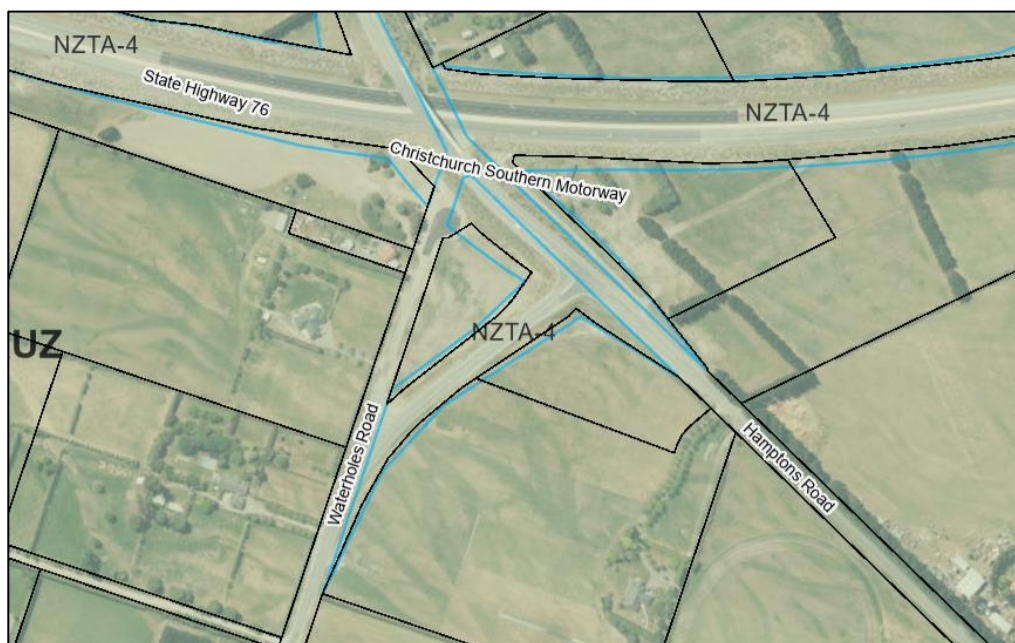


Figure 6 – NZTA Designation Footprint – in blue (Source: Partially Operative District Plan)

⁷ The airport noise overlays under both Plans affect the area of the site located within the center of the Hamptons Road/ Waterholes Road intersection. No works or activities are proposed in this portion of the site.

27. The surrounding area is rural in character and land use (Figure 6). The surrounding properties range in size from approx. 3.5 ha to 157 ha, though the majority are approximately 3.5 to 4.5 ha. The predominate land use of these sites appears to be pastoral farming and rural residential activities, with open fields punctuated by shelterbelts and farm fencing. There are also numerous large established homes present.



Figure 5 – Wider Environment (Source: Canterbury Maps)

28. In addition to the pastoral farming and rural residential activities is a rural industrial site at 848 Waterholes Road (Poulfort Limited) who produce and sell fertilizer. There is also a garden centre/plant nursery (Kiwiflora Nursery) at 851 Waterholes Road.
29. Both the application site and surrounding area are located on highly productive soils, with the application site identified as having LUC 3 soils. No apparent natural inland wetlands or streams were observed, while no areas of indigenous vegetation are present. The area is not located within an Outstanding Natural Landscape, a site of significance to mana whenua or significant natural area.
30. I last visited the site on 23 November 2024.

Activity Status

Operative Selwyn District Plan (2016), Rural Volume ("the Operative Plan")

31. The application site is zoned Inner Plains. The site is also subject to the Airport Noise control and a NZTA designation.
32. 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.
33. All rules that would apply to this proposal are now treated as inoperative and the proposal is a permitted activity under the Operative Plan.

Partially Operative Selwyn District Plan (Appeals Version) ("the Partially Operative Plan")

34. The application site is zoned General Rural. The site is also subject to the Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Rural Density Control (SCA-RD: Inner Plains/ Te Urumanuka ki Ana-ri),

State Highway Noise Control Overlay, Airport 50 dB Ldn Noise Control Overlay and Designation NZTA-4 (SH76).

35. 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.
36. The rules of the Partially Operative Plan that this proposal does not meet are as follows.

Land Use

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

Operative/treated as operative:

RULE	TOPIC	NON-COMPLIANCE	STATUS
GRZ-R33	Community Facility ⁸	New community facilities are not provided for in the General Rural Zone	Discretionary (Rule GRZ-R33.2)
NH-R2	New Buildings and Structures in Natural Hazard Overlays	The establishment of any new residential unit or other principal building must have finished floor level is equal to or higher than the minimum floor level stated in a Flood Assessment Certificate issued in accordance with NH-SCHED1 Flood Assessment Certificates. No Flood Assessment Certificate has been issued.	Restricted Discretionary (Rule NH-R2.6)
EW-R2/ EW-REQ1	Earthworks	A maximum volume of 1,536m ³ is permitted ⁹ . Approximately 2000m ³ of earthworks are proposed.	Restricted Discretionary (EW-REQ1.2)
TRAN-R5/ TRAN-REQ7	Vehicle accessways	The minimum distance between accessways on an 80 km/h arterial road is 100m. The existing vehicle crossing on Hamptons Road is approximately 17m from a farm access track.	Restricted Discretionary (TRAN-REQ7.2)
TRAN-R7	Rural vehicle movements and associated parking	Up to 60 ecm/day are permitted onto a local or collector road from a site within the General Rural Zone. Between 52 and 82 vehicle movements are anticipated per day onto Waterholes Road.	Restricted Discretionary (TRAN-R7.2)

38. The current vehicle crossing associated with the proposal does not comply with Partially Operative Plan standards. However, TRAN-R4 “Vehicle Crossings” applies to the “*establishment of a vehicle crossing*”. Given that the crossing is in-situ I consider that TRAN-R4 (and its related requirements) do not apply to the proposal.
39. However, TRAN-R5 “Vehicle Accessways” relates to the “*establishment and use of an accessway*”. As the proposed activity will use the Hampton Road accessways, I consider that TRAN-R5 and its related requirements apply to the proposal. As such, resource consent is required under TRAN-REQ7.
40. The application site is located within a Plains Flood Management Overlay. No FAC has been issued, with the Applicant wishing to defer a FAC application until the issuing of the related building consent (should resource consent be granted).
41. Therefore, the land use proposal is a Discretionary Activity under the Partially Operative Plan.

⁸ The PODP defines community facilities as:

“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.”

⁹ The AEE states that a maximum of 1,366m³ is permitted. However, the AEE has not included within its calculation the portion of site separated by the Waterholes Road/Hamptons Road intersection hence the larger permitted earthworks volume in the table above.

National Environmental Standards

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

42. Although the proposal is a change of use, the Listed Land Use Register (LLUR) obtained from ECan shows that the only area of potential contamination is located towards the northwest corner of the site (Figure 7). Consequently, the area of the site proposed for the Temple and its access is not land that has been used in the past or is unlikely to have been used for an activity listed in the Hazardous Activities and Industries List (HAIL). Consequently, resource consent under the NES-CS is not required.

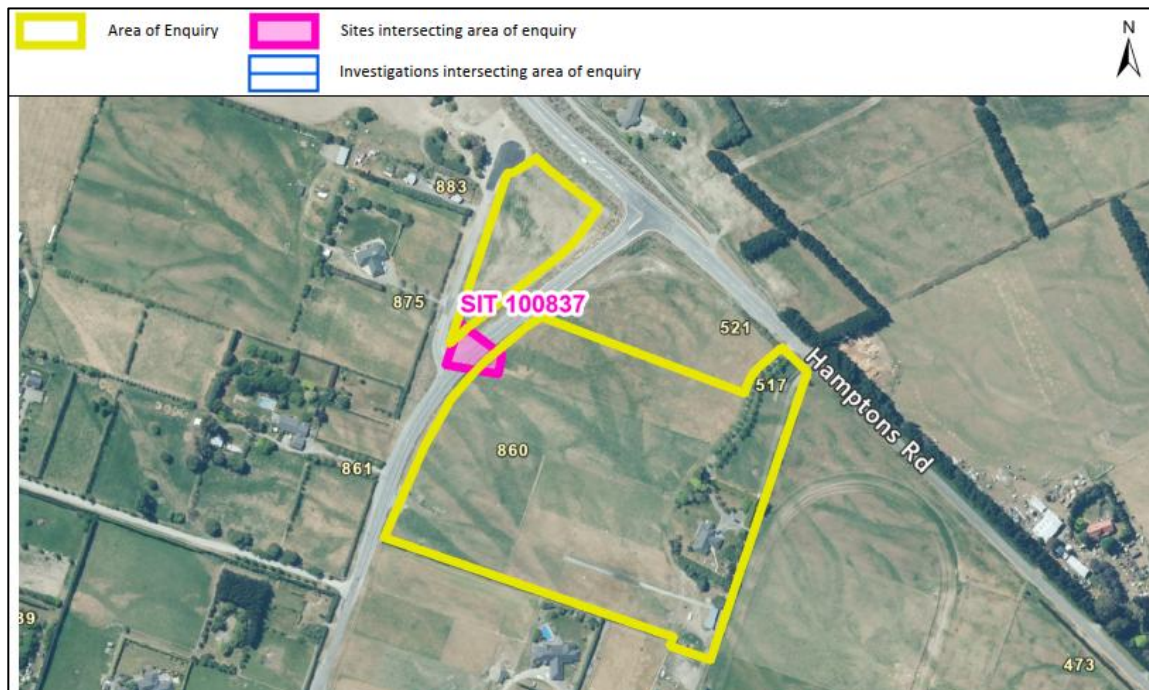


Figure 7 – LLUR Information (Source: ECan)

Written Approvals (Sections 95D(e), 95E(3)(a) and 104(3)(a)(ii))

43. The provision of written approvals is relevant to the notification and substantive assessments of the effects of a proposal under sections 95D, 95E(3)(a) and 104(3)(a)(ii). Where written approval has been provided, the consent authority must not have regard to any effect on that person. In addition, that person is not to be considered an affected person for the purposes of limited notification.
44. The Applicant has not provided any written approvals. As noted previously, over 15 parties have corresponded with the Council in regard to their concerns regarding the proposal's (potential) adverse effects. Consequently, the matters the parties have raised are addressed further below in respect to each individual effect type.

Notification Assessment

Assessment of Adverse Environmental Effects (Sections 95A, 95B, 95D and 95E)

Permitted Baseline

45. Sections 95D(b) and 95E(2)(a) allow that a consent authority “may disregard an adverse effect” if a rule or a national environmental standard permits an activity with that effect, a concept known as ‘the permitted baseline’. The application of the permitted baseline is discretionary, as denoted by the use of the word “may”. It is understood that its intention is to identify and exclude those adverse effects that would be permitted by the Plan from consideration.
46. In this case, the Operative Plan provides for the following as permitted activities in rural areas (noting that resource consent is not required under this Plan):

- Non rural or residential activities where the maximum area of any site covered by building(s), loading, storage and waste areas is 100m² within the Inner Plains zone and that has no more than two full time two full-time equivalent persons employed;
- Carparking, vehicle crossings, access and egress subject to standards (e.g. sightlines);
- Signage subject to controls on location, size and number of signs;
- New buildings subject to development standards (e.g. height, site coverage);
- One residential unit per 4 ha;
- Earthworks that do not exceed a vertical cut face where no more than 5% of the total vertical cut is over 2m and a maximum volume of 5000m³ per project.

47. The Partially Operative Plan includes the following as permitted activities:

- Earthworks associated with works requiring a building consent;
- Parking, vehicle access and crossings subject to transport standards;
- Noise subject to NOISE-REQ1;
- Signage subject to controls on location, size and number of signs; and
- One residential unit per 4 ha.

48. In my view, a permitted baseline can be applied to an assessment of the proposal's effects, albeit in relation to transport, earthworks, signage, noise and built form due to the clear articulate of related permitted activity standards in both District Plans. However, I consider that the permitted baseline does not include the community facility activity itself given its fully discretionary status under the PODP.

Assessment

49. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. In this case, the receiving environment is a rural area featuring a mixture of rural production, rural residential and rural industrial sites. The area is served by an established rural road network with 80 km/h speed limits.

50. The status of the activity is **Discretionary**. As such, the Council's discretion is unrestricted, and all adverse effects must be considered.

51. The adverse effects that might be considered relevant to this proposal are transport, noise, construction, flooding, rural production, cultural, and rural amenity and character.

Transport Effects

52. The Applicant has provided an ITA by Novo Group (**Novo**), which has been reviewed by Council's Consultant Transport Planner Grace Stapleton of Abley Consultants Limited. The potential transport effects of the proposal can be broken down to the following sub-types:

- Traffic generation effects;
- Parking effects; and
- Transport safety effects.

53. Turning first to traffic generation effects, the Applicant has advised that between 52 - 82 vehicles movements per day will occur from the site, averaged across a 1 week period. On occasion, a greater number of vehicle movements can be expected, such as during religious festivals although it is unclear how many vehicle movements may occur at those times.

54. Novo Group have assessed these predicted vehicle movement volumes based on information on the Applicant's existing temple, as well as using data for other places of worship. As such, they expect vehicle occupation rates to be between 2.5 to 4.0 persons per vehicle. These movements will occur during the site's operational hours from early morning to evening. These vehicles will access the site via a crossing on Waterholes Road, before travelling on an internal accessway to formal and informal parking areas. Waterholes Road is a collector road where this crossing is currently located.

55. Ms Stapleton advises, that while the Waterholes Road crossing is existing, it has been sited and designed to support lower traffic generating activities than that proposed (e.g. rural production). This differs from the proposed traffic generation volumes and patterns proposed. In my view, there will be 'surge' like pattern of traffic generation that will impact the operation of the surrounding road network. Traffic associated with the

Temple can be expected to occur in surges, where visitors' arrival and departure times correlate with worship schedules and the start/end times of other events. Consequently, there is potential for there to be increased traffic flows within the immediate road network at those times, with subsequent impacts on the function of the road corridors and associated intersections (e.g. the Waterholes Road/Hamptons Road intersection which is within a NZTA designation).

56. I also acknowledge that further traffic volumes may be experienced when special events and festivals are held on-site. While these may be relatively infrequent, correspondence received by Council has identified that congestion on Waterholes Road occurred during events held by the Applicant. I note that the Applicant has not provided any specific mitigation in regard to this congestion and related transport effects nor has any controls over visitor numbers been proposed to limit the scale of potential effects to that described in the AEE and associated application materials.
57. With regard to parking, Novo Group consider that the formed car park and overflow parking area shown in Figures 1 and 2 of this planning report are adequate for the expected parking demand. They further advise that flexibility has been sought (in regard to overflow parking) given its limited use, while its use will be managed to avoid the generate of mud/dust or internal vehicle circulation conflicts. Visitors to the site will be directed to parking areas by moveable "park here" signs.
58. As noted by Ms. Stapleton, the proposal complies with the relevant District Plan parking standards. While I concur with Ms. Stapleton in terms of car parking design compliance, I also recognise that that correspondence from other parties has advised of overflow parking occurring along Waterholes Road itself during larger events at the site. Again, it is my view that while such events may be infrequent, the potential and previous use of Waterholes Road itself leads to adverse effects on that road corridor given Waterholes Road's narrow formed carriageway and current speed limits. It is apparent that any use of Waterholes Road for parking raises significant traffic safety issues given potential conflicts between parked vehicles, pedestrians travelling to and from the Temple and other road corridor users (e.g. goods vehicles visiting the nearby fertilizer and plant nursery businesses).
59. I consider that the proposal will also have transport safety effects given the scale of traffic generation, parking arrangements and use of the existing Waterholes Road vehicle crossing. Given that I have detailed the traffic generation and parking effects above, I will primarily focus on the safety effects associated with use of the vehicle crossing. Novo Group have stated that the use of this crossing is appropriate given that it is an existing crossing, the adequacy of sightlines and that vegetation control could be used to ensure sightlines.
60. Ms Stapleton has advised that she disagrees with Novo Group's assessment of the crossing's safety noting that the crossing has been designed to service low traffic volumes (i.e. those associated with rural production). While sightlines to the south are adequate, the sightlines to the north do not meet Partially Operative Plan standards due to the road's alignment and vegetation. Consequently, sightlines for vehicles exiting the site are obscured to the north which given the road's current 80 kph speed limit could lead to accidents. I further note that correspondents to Council have raised concerns regarding road safety given the use of road corridor by cyclists and pedestrians. I also recognise that the road corridor may also be used for horse riding given its rural location.
61. With regard to the use of the existing Hamptons Road crossings, I note that their use would be limited to infrequent maintenance vehicles. Ms Pullar has also identified that the westernmost crossing on this boundary does not meet current crossing standards and advised that the crossing should be upgraded. However, given the low frequency of its use and that Temple's visitors will arrive via the Waterholes Road crossing I do not consider that maintenance vehicle use of the Hamptons Road crossings will generate significant transport related effects.
62. On the whole, the Proposal's transport effects are those that can be typically expected with a place of worship. However, such land use activities are usually found in urban areas where road network layouts and carriageway designs are better suited to manage such effects. However, the proposal is located within a rural area with a road network that is primarily designed to service rural land uses. Furthermore, given safety effects associated with the use of the current Waterholes Road crossing and potential overflow parking onto Waterholes Road, it is my view that the proposal will have more than minor transport effects. Furthermore, I consider that the following parties are directly affected by these effects:
- NZ Transport Agency;
 - Selwyn District Council (as road controlling authority); and
 - The properties 694 to 883 Waterholes Road (who are reliant on Waterholes Road for access).

Noise Effects

63. The Applicant has provided a noise assessment by Marshall Day Acoustics (**MDA**) that has considered the Proposal's operational noise effects. The MDA assessment has been reviewed by Council's Consultant Noise Expert Robin Chen.
64. The MDA assessment has focused on noise arising from amplified sources (i.e. music systems and PA equipment, as well as from vehicle movements. In general, MDA advise that the internal reverberant sound levels for amplified music/announcements will be 95 dB LAeq and have assumed that only lightweight building materials will be used for the Temple (i.e. with poor noise insulation properties). They have also based their vehicle generated noise assessment on up to 116 vehicle movements over a peak 15 min period, with a smaller 8 vehicle movements for the early morning service. In both instances, vehicles on the internal accessway are anticipated to generate noise levels of 75 dB LAeq at 3m, while parking vehicles will generate noise levels of 70 dB LAeq at 3m.
65. Using these assumptions and the maximum noise limits of the Partially Operative Plan¹⁰, MDA consider that the noise generated is 'acceptable', with their modelling identifying the following noise levels:

Sensitive Receiver	Day-time Noise Criterion	Community hall music break out*	Sunday Main Service Vehicles departing	Night- time Noise Criterion	Community hall music break out*	Morning Service Vehicles departing
875 Waterholes Rd	55	36	46	45	36	37
861 Waterholes Rd	55	35	41	45	35	39
1/851 Waterholes Rd	55	30	40	45	30	31
848 Waterholes Rd	55	37	50	45	37	41
2/839 Waterholes Rd	55	30	42	45	30	33
544 Hamptons Rd	55	37	44	45	37	35
488 Hamptons Rd	55	33	41	45	33	32

Figure 5 – Predicted Noise Levels (Source: MDA)

66. Mr Chen has reviewed MDA's assessment and generally concurs with both their methodology and results. In particular, Mr Chen advises that the noise assessment and subsequent RFI responses mean that MDA have reasonably captured the representative noise emissions of the proposed activity in an appropriately conservative manner. Mr Chen also comments that the noise effects of the proposal will be minimal.
67. However, I am also aware that the correspondents to Council have raised noise effects, in particular noise from amplified systems and early morning/evening events. While I concur that the Partially Operative Plan includes maximum noise levels within for the GRUZ, the duration and frequency of these noise levels within a rural environment should also be considered when determining the scale of adverse noise effects.
68. In my view, the existing rural environment features low ambient noise levels, including noise arising from vehicle traffic on the adjoining road corridors and SH1. Other noise sources are limited given the low level of development present on the adjacent sites and pastoral activities that are the predominate local land use. Within this context, the Applicant proposes to introduce an urban land use that includes potentially regular and frequent large events/services with associated amplified sound systems and traffic generation. While the Applicant has offered to employ a Noise Management Plan¹¹, I consider that the scale and frequency of noise

¹⁰ The maximum noise levels of the GRUZ are:

- 55 dB LAeq (0700 – 2200); and
- 45 dB LAeq / 70 dB LAmx (2200 – 0700 hours).

¹¹ Applicant's RFI Response of 13 November 2024.

generation has the potential to disturb the related amenity values associated with the adjacent sites. Given this, it is my view that the noise effects of the proposal are at least minor, with the following adjacent sites directly affected:

- 723, 2/839, 861, 875, 883 Waterholes Road; and
- 473, 488, 521, 540 and 544 Hamptons Road.

Construction Effects

69. The proposal involves earthworks that are in excess of the Partially Operative Plan's permitted earthworks volumes. In my view, any effects associated with these earthworks will be minimal. There is ample space available on-site for the temporary staging and storage of any fill. The site is relatively flat, which will minimise any potential sediment runoff and avoid any land stability effects.
70. I further note that the Applicant has adopted the erosion and sediment control condition requested by Mahaanui. This condition requires the use of Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury while earthworks are undertaken. In my view, this is an appropriate measure to address the potential effects arising from earthworks.
71. While the LLUR does identify that a portion of the site has been used for a HAIL activity, no works are proposed within proximity to that location. The use of standard earthworks controls, which would include accidental discovery protocols, sufficiently address any potential effects arising from the accidental disturbance of contaminated material.
72. Turning to construction phase noise, Mr Chin that the proposal is expected to have minimal effects. This is based, in part, on the setbacks from the site's boundaries. I note that the proposal does not involve piling or rock breaking, which would typically give rise to increased construction noise effects.
73. Lastly, there will be construction phase traffic. However, given the various access points to the site, as well as the on-site space available for parking and waiting vehicles and that the building itself is a permitted activity, I consider that any traffic effects from construction vehicles will be minimal and are unlikely to affect the safe operation of the surrounding road network.
74. Based on the above, I consider that the proposal's construction effects will be less than minor.

Flooding and Servicing Effects

75. The proposal is located within the Plains Flood Management Overlay of the PODP. While the Applicant has not provided a flood assessment, I note that they consider that this hazard should be addressed at the building consent stage (should consent be granted). Similarly, no mitigation for flood hazard effects (e.g. finished floor levels, resilient building materials) has been provided.
76. This matter has been considered by Council's Development Engineer Helen Pullar, who advises that she has no concerns regarding the flooding. I concur and note no apparent significant changes to ground levels or bunding has been proposed, which could divert floodwater onto the surrounding sites.
77. Ms Pullar has also assessed the 3 Waters servicing of the Temple. Ms Pullar advises that the use of stormwater soakage is appropriate, while I note that stormwater discharges from the Temple building and car park will also be subject discharge standards in the Canterbury Regional Land and Water Plan.
78. The Applicant has also advised that an on-site wastewater disposal system will be employed. Ms Pullar has identified that again resource consent under the Canterbury Regional Land and Water Plan. However, given the size of the site, there is adequate space available for any wastewater treatment and disposal field infrastructure.
79. Lastly, the Applicant advises that water supply will be provided by an existing groundwater bore. They have also provided comments from Fire and Emergency New Zealand (**FENZ**) in regard to firefighting water supply¹². FENZ state that at least 90,000L of water storage or a building sprinkler system with 45,000L of water storage would be acceptable. The Applicant has confirmed that both options are satisfactory and would accept them as conditions of consent.
80. Based on the above, I consider that the proposal will have less than minor flooding and servicing effects.

¹² *Ibid.*

Rural Production Effects

81. As identified earlier, the Proposal is located within a rural area with a mixture of pastoral and other rural land uses present. The Proposal's potential effects on rural production may arise from both the loss of highly productive land and reverse sensitivity effects.
82. Considering first effects on highly productive soils, the Applicant has provided an Agricultural Productivity Assessment by Agri Intel Limited (**AIL**) which has been reviewed for Council by Joshua Brown. The AIL report has employed the National Policy Statement for Highly Productive Land (**NPS-HPL**) as the application site has been identified as having LUC 3 soils.
83. To summarise, the AIL assessment states that the proposal would result in a negligible loss of highly productive land. This is based on their view that the productive usefulness of the site is principally constrained by its size and has poor economic viability to operate a profitable rural enterprise over the next 30 years. The AIL assessment also identifies that any productive activities at the site would be at risk from reverse sensitivity given the proximity to residential development. Mr Brown has stated his disagreement with AIL's findings, not least that it has employed an overly narrow scope in determining the productivity capacity of the application site. This includes the exclusion of potential horticulture cropping.
84. I concur with Mr Brown's review of the AIL assessment. In particular, the surrounding area does feature a variety of rural production activities despite its proximity to nearby urban development and rural lifestyle blocks. While some land fragmentation has historically occurred, the site is larger than the minimum 4 ha site size for the Inner Plains indicating that it is of a size that can still support rural activities.
85. I do agree with the AIL assessment that urban activities (like residential development) can generate reverse sensitivity. However, I do not agree that the Southern Motorway itself leads to reverse sensitivity impacts on the application site given that a motorway is not a sensitive receiver for either odour or noise. Rather, the Temple, as a community facility, is itself a sensitive activity. I take this view based on the Partially Operative District Plan, which identifies community facilities as sensitive activities for the purpose of GRUZ-REQ10 (Sensitive Activity Setback From Intensive Primary Production). I consider that the introduction of a community facility at the application site will give rise to reverse sensitivity effects on the surrounding lawfully established rural activities, not least the fertilizer operation at 848 Waterholes Road. In a broader sense, the proposal may potentially undermine the viability of rural activities in the surrounding area, thereby impacting access to and the rural production use of highly productive land. I am aware that reverse sensitivity effects have also been raised by correspondents to Council, including those activities that require a rural location to avoid causing odour issues for sensitive activities.
86. Consequently I consider that there will be at least minor reverse sensitivity effects, including on the following directly affected parties:
- Environment Canterbury (ECan);
 - Federated Farmers;
 - 723, 839, 848, 861 and 883 Waterholes Road; and
 - 473 and 521 Hamptons Road.

Cultural Effects

87. The application has been reviewed by Mahaanui on-behalf of Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga. Mahaanui have provided a CAR that is based on consultation with Kaitiaki representatives and informed by the Mahaanui Iwi Management Plan 2013. The CAR details that the following cultural matters were considered:
- Ranginui – discharges to air;
 - Wai Māori – impacts on water;
 - Papatūānuku – soils, earthworks;
 - Tāne Mahuta - indigenous biodiversity; and
 - Ngā Tūtohu Whenua - wāhi tapu or wāhi taonga.
88. Mahaanui advise that *if* the consent conditions are provided for, the Rūnanga will not consider themselves to be an adversely affected party, the requested conditions being:
- *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).*

- *An Erosion and Sediment Control Plan must be prepared, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury until such time the site is stabilised.*
 - *Effective measures must be implemented to manage sediment-laden stormwater runoff from the site.*
 - *If the erosion and sediment controls prove to be inadequate, works must cease until appropriate and effective measures are in place.*
- *Indigenous planting is required to mitigate the impacts of earthworks, enhance the cultural landscape, increase indigenous habitat, filter sediment, and sequester carbon.*
- *Operational phase stormwater from roads and hardstand areas must undergo treatment for contaminants including heavy metals before being discharged into soak pits. Treatment mechanisms may include swales, rain gardens, or proprietary devices.*

The following advice note have also been requested by Mahaanui:

- *For future development, the consent holder should install and operate a secondary treatment on-site wastewater system.*

89. The Applicant has provided the following response:

*"With the exception of the requirement for indigenous planting, the above conditions are accepted. The requirement for indigenous planting is non-specific (i.e. does not provide mitigation for any particular adverse effect on the environment and potentially unenforceable) and no planting other than productive planting is proposed. Although we understand this is a standard condition, it is not relevant to the proposed activity, we request the condition is not included in any draft conditions."*¹³

90. I have reviewed both the CAR and the Applicant's response, noting that the CAR has identified the planting of indigenous species is a fundamental part of the culture, identity and heritage of Ngāi Tahu. Given that community facilities are not provided for as a permitted activity in the General Rural zone and the cultural advice provided by Mahaanui I consider that the proposal will have at least minor effects on cultural values, with both Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga directly affected.

Rural Amenity and Character

91. As noted previously, the receiving environment is rural in character, with the application site and surrounding properties formed by series of paddocks, shelterbelts and farm houses. The existing environment is largely defined by these rural characteristics, in which the Applicant proposes a community facility comprising both a Temple building and car parking. I am also aware that the effects of the proposal on rural character and amenity have been raised by correspondents to Council.

92. The AEE states that the proposal is 'compatible' with existing rural amenity and character values as it is located in an area with smaller lifestyle blocks, the proximity to the Southern Motorway and the use of part of the site for a community garden. The AEE further comments that it is more economic to use the land for the Temple, while its hours of operation would be incompatible within an urban residential area and is more convenient a location for worshippers.

93. I disagree with the Applicant's assessment. In my view, the existing environment is a rural setting. While there are lifestyle blocks present, there are also larger land holdings and the predominate land uses are pastoral in character. The surrounding sites are largely open fields, interspersed with by single dwellings and accessory buildings (e.g. farm sheds). Within this rural context, the Applicant proposes an activity that is urban in character. The proposal involves noise and traffic generation that differs in character and intensity to those occurring in the surrounding area, and which have been previously assessed as having at least minor and more than minor adverse effects respectively. While the Southern Motorway is located nearby, it is of a sufficient distance and screened so that it is not a dominating landscape feature when viewing the site from either Hamptons Road or Waterholes Road, while I note that no motorway interchange is located on either of those roads.

94. I do note that there are two rural commercial/industrial activities occurring within the immediate area, these being a plant nursery at 851 Waterholes Road and a fertilizer business at 848 Waterholes Road. Both these activities are generally well screened from public view points and do not diminish the overarching rural character and associated amenity values of the area. I further do not consider that the Applicant's comments that the use

¹³ RFI Response of 23 September 2024.

of the site for a temple is an economic use of the land nor its convenience to worshipers are relevant to an assessment of rural character and amenity values. I also refer to my earlier assessment of the proposal's adverse effects on rural production in regard to the Applicant's comments on economic land use.

95. The AEE further considers that the proposed temple building will not be dissimilar to other buildings provided for in the General Rural Zone. I acknowledge that the building is compliant with relevant building coverage, setback and height controls. However, I consider that building's appearance can not readily be separated from its purpose. While compliant with the previously mentioned development controls, it will be sited in proximity to car parking and will be readily visible from the surrounding sites and road corridors. No screening vegetation has been proposed, although any screening vegetation along Waterholes Road would likely aggravate the transport safety issues previously identified by Ms Stapleton and Ms Pullar. Consequently the proposal will be visible to regular users of Waterholes Road and Hamptons Road, including local residents.
96. Given the above, it is my view that the proposal will have more than minor effects on rural character and amenity, with the following parties considered directly affected:
- The properties 694 to 883 Waterholes Road; and
 - 473, 488, 521, 540 and 544 Hamptons Road.

Positive Effects

97. Positive effects are not relevant to the consideration of notification and will be considered as part of the s 104 assessment later in this report.

Conclusion

98. In conclusion the proposal will have more than minor adverse transport, and rural character and amenity effects. It will also have at least minor effects on cultural values, noise and rural production. Lastly, less than minor construction, flooding and servicing effects are anticipated.
99. A variety of parties will be directly affected by the proposal. This includes the owners/occupiers of properties on Waterholes Road (between Hamptons Road and Robinsons Road), owners/occupiers of the adjacent properties on Hamptons Road, ECan, mana whenua, NZTA, Federated Farmers and Selwyn District Council.

Public Notification (Section 95A)

100. Section 95A states that a consent authority must follow the steps in the order given to determine whether to publicly notify an application for resource consent.

Step 1: mandatory public notification in certain circumstances (sections 95A(2) and 95A(3))	Y	N
Has the applicant requested that the application be publicly notified?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is public notification required under section 95C (no response or refusal to provide information or agree to the commissioning of a report under section 92)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*If the answer to any of the above criteria is yes, the application must be **publicly notified**, and no further Steps are necessary.*

*If the answer is no, continue to **Step 2**.*

Step 2: public notification precluded in certain circumstances (sections 95A(4) and 95A(5))	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the application for one or more of the following, but no other types of activities:		
• A controlled activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• A boundary activity only (as per the definition of "boundary activity" in s 87AAB of the Act)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*If the answer to any of the above criteria is yes, continue to **Step 4**.*

*If the answer is no, continue to **Step 3**.*

Step 3: public notification required in certain circumstances (sections 95A(7) and 95A(8))	Y	N
Is the activity subject to a rule or national environmental standard that requires public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer to any of the above criteria is yes, the application must be **publicly notified**, and no further Steps are necessary.

101. In conclusion, in accordance with the provisions of section 95A, the application must be publicly notified. As concluded above in the AEE, the following are affected persons; therefore, they must be served notice.

- Te Ngāi Tūāhuriri Rūnanga;
- Te Taumutu Rūnanga;
- NZ Transport Agency Waka Kotahi;
- Federated Farmers;
- Environment Canterbury;
- Selwyn District Council; and
- The owners and occupiers of:
 - The properties 694 to 883 Waterholes Road; and
 - 473, 488, 521, 540 and 544 Hamptons Road.

Notification Recommendation

102. I recommend that the application (RC245337) is processed on a **notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

Report by:	
Tim Hegarty, Consultant Planner	Date: 16 December 2024

Notification Decision

103. In coming to the following decision, I have read the application and supporting evidence, along with the s.95 report prepared by Mr. Hegarty, including technical reports he has relied on. I have also familiarised myself with the relevant provisions of the Partially Operative District Plan.

104. Having thoroughly considered the evidence before me, on balance, I agree with the assessment and conclusion of Mr. Hegarty. Accordingly, for the reasons set out in the report above, the Notification Recommendation is adopted under delegated authority.

	Date: 18 December 2024
Commissioner O'Connell	