

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Subdivision and
Land Use Consent
Applications by Glenelg
Gospel Trust

**STATEMENT OF EVIDENCE OF
GRAEME JOHN MATHIESON**

1.0 INTRODUCTION

- 1.1 My name is Graeme John Mathieson. I am an Environmental Planning Consultant in the Auckland Office of Environmental Management Services Ltd (EMS). I have a Bachelor of Arts (Geography Major) degree and a Masters of Regional and Resource Planning degree from the University of Otago, and more than 22 years of resource management experience. During this time, I have assisted AgResearch Ltd (“AgResearch”) on a national basis providing resource management advice, reviewing and submitting on District and Regional Plans, and securing resource consents, private plan changes and other statutory approvals.
- 1.2 I prepared AgResearch’s submission in relation to the applications by Glenelg Gospel Trust to subdivide 326 Factory Road and establish a Church, manse and dwelling. I have now been engaged by AgResearch to present planning evidence. AgResearch owns the adjacent Invermay Agricultural Research Centre (“Invermay”), and the submission raised a number of concerns about the proposal potentially generating adverse environmental effects on the research facility.
- 1.3 I am familiar with the Dunedin District (and Mosgiel) as a result of attending the University of Otago, and undertaking planning consultancy work for AgResearch with respect to Invermay over the last 22 years. Through this work I also have experience with the Operative Dunedin City District Plan (“Operative Plan”), the Proposed Second Generation District Plan for Dunedin (“Proposed 2GP”), the Otago Regional Plan, the Otago Regional Policy Statement, and other statutory documentation relating to the management of natural and physical resources within the Otago Region.
- 1.4 Invermay is located near the eastern outskirts of Mosgiel township “across the road” from the proposed Church. The main Invermay site accesses Puddle Alley and consists of a large Research Campus (located within a 23 hectare defined area), and an adjacent Research Farm (approximately 495 hectares). Invermay also utilises a second Research Farm (approximately 50 hectares) a short distance to the north of the main Invermay site straddling Silverstream Valley Road. A Site Plan showing the boundaries of Invermay (and proximity to the proposed Church) is attached as Appendix A.

- 1.5 Invermay was originally established as a Regional Agricultural Research Station in 1949 by the Fields (Advisory) Division of Department of Agriculture to investigate local farming problems (sheep and dairy). In 1973, deer were introduced to Invermay and the Research Campus was originally opened in 1986. While the Invermay site is owned by AgResearch, there are a range of other research organisations who are tenants including PrimaryITO, Gribbles Veterinary Pathology, Oritain, Asurequality, Velvet Antler Developers Ltd, VetEquine and Deer Industry.
- 1.6 Research at Invermay currently has an emphasis on animal nutrition and health, animal production, land and environment and farm systems. Invermay is a unique and significant facility requiring sustainable management and to this end has been given special consideration in both the Operative Plan and the Proposed 2GP in terms of recognition of opportunities for continued use, intensification and expansion. While located in a rural area, the buildings and types of activities at Invermay are different to farming activities generally undertaken in the Rural Zone.
- 1.7 Agricultural research activities conducted in Otago are vital to the sustainable development of agriculture in the Region and beyond. To take into consideration issues specific to Otago (e.g. climate, soils, hydrology etc), this research must be conducted in the Region. Research activities at Invermay represent a major investment in accumulated data and intellectual property (n.b. there is a 66 year history of research data specific to Otago conditions collected by AgResearch and its predecessors).
- 1.8 Sound planning is required to ensure that agricultural research activities at Invermay are sufficiently recognised, provided for and protected under the Resource Management Act 1991 ("RMA"), including in terms of the establishment of new activities in the vicinity.
- 1.9 My evidence will discuss:
- The RMA status of the proposed applications;
 - Section 104D of the RMA;
 - Section 104D(1)(a) of the RMA;
 - Section 104D(1)(b) of the RMA;

- Section 104 of the RMA;
- Part 2 of the RMA; and
- Conclusion.

1.10 I confirm that I have read the 'Code of Conduct for Expert Witnesses' contained in the Environment Court Consolidated Practice Note 2006. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

1.11 I have read the report prepared by Mr Darryl Sycamore (Council Planner) under section 42A of the RMA (which I will refer to as the Staff Report), and the supporting Council Officers' Reports (n.b. Water and Waste Services, Environmental Health, Landscape, Transportation). I will seek to avoid repeating matters covered in the various reports except to the extent I take issue with their contents, or wish to emphasise a particular point.

1.12 I have also read the evidence submitted by the applicant's various experts and will provide commentary on any matters of concern or interest.

2.0 RMA STATUS OF THE PROPOSED SUBDIVISION AND LAND USE

2.1 Section 1.3 of the application states that under the relevant Rural Zone provisions in the Operative Plan, the proposed subdivision and residential dwelling on lot 2 are non-complying activities, and the proposed Church is a discretionary activity (as a "*community support activity*"). The applicant notes the approach adopted by Council's is to "bundle" activity categories and apply the most stringent activity status (which in this case would be "non-complying"). The applicant then states it is generally not appropriate to bundle different types of consents (e.g. discharges, water takes, subdivision and land use), and different activities that are spatially discrete and where their respective environmental effects do not significantly overlap. As a result, the applicant concludes that the proposed Church should be assessed as a discretionary activity, and the subdivision and residential dwelling on lot 2 as non-complying activities.

- 2.2 The Staff Report disagrees with the applicant on the basis that the proposal is for a Church to be established on a new site not the underlying title, where the subdivision precedes the establishment of a Church and a residential activity. Accordingly, the Staff Report considers the activities to be linked to the extent that unbundling the applications is not appropriate, and therefore the proposal (including the Church) should be assessed as a non-complying activity.
- 2.3 I note the comments in the evidence of the applicant's Planner that the Church manse is no longer proposed. He then reinforces his view that it is not appropriate to bundle the activities together so that the whole proposal becomes non-complying, further emphasising that the proposed Church is provided for as a discretionary activity in the Rural Zone, and it is unrealistic to expect the facility to require the 15 hectares of land (the minimum lot size for the Rural Zone in the Operative Plan). He states that he considers *"the District Plan to be flawed in that while it recognises the need for such facilities in the Rural Zone, no thought has been given as to how that may be achieved"*.
- 2.4 My understanding of the relevant case law is that where there is an overlap between two or more applications such that consideration of one may affect the outcome of the other(s), it will generally be appropriate to treat the applications as a whole requiring the entire proposal to be assessed as the most restrictive land use classification.¹
- 2.5 Based on that case law, it is my opinion that the correct way in which the applications should be considered is for the entire proposal (i.e. the three applications) to be 'bundled' and assessed as a non-complying activity. In this case, the proposed subdivision and the proposed land use are inextricably linked. The subdivision layout, design and number of lots have been specifically advanced to accommodate the proposed Church and associated facilities on one lot, and a residential dwelling on the second lot. In this regard, I note that the applicant's Planner has stated in his evidence that the site is *"too large for a Church activity and hence subdivision is necessary for efficiency purposes"*.

¹ Body Corporate 970101 v Auckland CC (M.1725/99).

3.0 SECTION 104D OF THE RMA

- 3.1 As detailed in the Staff Report, for a consent authority to grant a resource consent for a non-complying activity, it must be satisfied that the proposed activity is able to pass one of the two 'threshold tests' in section 104D of the RMA.
- 3.2 The threshold test in section 104D(1)(a) of the RMA is whether the adverse effects of the proposed activity on the environment, as proposed to be remedied and/or mitigated, and taken as a whole, are more than minor.
- 3.3 The threshold test in section 104D(1)(b) of the RMA is that the application is for an activity that will not be contrary to the objectives and policies of any relevant plan or proposed plan.
- 3.4 An analysis of the proposal is presented in relation to the section 104D threshold tests in the following sections of my evidence.

4.0 SECTION 104D(1)(a) OF THE RMA

- 4.1 In terms of concluding that the proposal fails the first threshold test under section 104D(1)(a), the Staff Report relies heavily on the report from Council's Landscape Architect which concludes that the proposed parking and traffic movements associated with the proposed Church would at times be of such a relatively large scale that associated effects on rural character and amenity would be more than minor.
- 4.2 AgResearch's submission raised concerns about several other associated environmental effects, in particular:
- Reverse sensitivity effects on existing and future operations at Invermay;
 - Traffic safety; and
 - Wastewater and stormwater management.
- 4.3 I do not consider that Council or the applicant have adequately demonstrated that environmental effects associated with each of the above matters would be less than minor. As a result, these matters are likely to provide additional reasons as to why the Hearings Committee could conclude that the proposal fails the first threshold test under s104D(1).

- 4.4 I will now deal with each of these matters in turn.

Reverse Sensitivity Effects

- 4.5 While the Staff Report does not specifically refer to potential reverse sensitivity effects in terms of the proposal failing the first threshold test under section 104D(1)(a), I note that it does raise concerns elsewhere in the report. For example, Section 6 (Environmental Effects of Allowing the Activity) includes a sub-section on “reverse sensitivity” in response to concerns raised by AgResearch (and other submitters) which includes the following statement:

In my opinion, a Church that has daily services and twice-yearly services of up to 1495 persons could well be more perceptive to reverse sensitivity issues than a typical residential unit. Key triggers could for this site include, but not limited to, discontent from smoke emanating from vegetation burnoff or philosophical positions on genetic modification or the research abattoir nearby.

- 4.6 Similarly, in Section 9 of the Staff Report, one of the reasons for the recommendation to decline the resource consents is that “*Issues of managing reverse sensitivity have not been sufficiently addressed in the application.*”. In my view, this statement amounts to a conclusion that the issue of reverse sensitivity is a more than minor environmental effect.

- 4.7 I also note that Section 6 of the Staff Report supports the request in AgResearch’s submission to register a “*no complaints/no objections*” covenant against each of the new titles should the Hearings Committee approve the resource consents.

- 4.8 My view is that establishment of the proposed Church could result in potential issues of “reverse sensitivity” effects on existing and future operations at Invermay which would be more than minor, and can therefore be used as another reason to conclude that the first threshold test under section 104D(1)(a) cannot be passed.

- 4.9 I understand that various decisions of the Environment Court have identified the following ‘planning principles’ with respect to reverse sensitivity:

- The concept of reverse sensitivity is a valid effect under the RMA and may arise when ‘sensitive uses’ (usually residential activities) locate in

close proximity to existing uses which have actual or potential offsite effects. These new residents then seek to constrain the existing use or, just as importantly, will oppose any attempt to further develop or expand the existing activity.

- District Councils are responsible for managing these reverse sensitivity effects (e.g. by making appropriate provisions in their District Plans and in the determination of resource consent applications).
- Generally, buffer zones or setbacks are appropriate around existing uses where those uses have taken reasonable steps to avoid, remedy or mitigate their offsite effects. Sensitive uses wanting to establish within those zones or setbacks are required to be assessed against various criteria to determine the potential level of reverse sensitivity effects, and may be subject to conditions addressing those potential effects.

4.10 In order for the Committee to appreciate the potential for reverse sensitivity effects arising from the proposal, I consider it important to firstly outline the key planning provisions in the Operative Plan and Proposed 2GP that are specific to Invermay, and provide for it's future use and development as a long established and important research facility.

4.11 Under the Operative Plan, the Invermay Campus and farm are a "scheduled site" within the Rural Zone. In addition to activities permitted throughout the Rural Zone, under Rule 6.5.8(i), the following activities are permitted within the site:

- *Farming and forestry research activities*
- *Commercial activities deriving directly from farming and forestry research activities*
- *Residential activities for the accommodation of staff employed on the site*
- *Farm field days and conferences*
- *General storage and office activities accessory to farming and forestry research activities*

4.12 I note that the Rural Zone Description in the Operative Plan includes the following supportive statement:

Invermay Agricultural Centre is a research facility that makes an important

contribution, at both a local and a national level, to the development of the rural community.

4.13 As noted in the submission, AgResearch has been working alongside Council during the drafting of the Proposed 2GP to develop new site specific planning provisions for Invermay. The Proposed 2GP was publicly notified on 26th September (after the submission deadline for the Brethren Church proposal). I can advise that the Proposed 2GP includes the following new provisions for Invermay:

- (i) A 23 hectare “Research Campus” area located immediately across Puddle Alley from the site zoned as “*Major Facilities (Invermay/Hercus)*” (see Site Plan attached as Appendix A for location and extent of Research Campus in relation to the proposed Church).
- (ii) Adjacent to the Campus is the main 495 hectare Invermay Research Farm, the closest part of which is located immediately across Factory Road from the site (zoned Rural but with scheduled site provisions providing for “*rural research*”). As noted in the submission, this part of the Research Farm contains an abattoir facility (approximately 260 metres west of the site) recently purchased from AgResearch by Velvet Antler Developers Ltd (see Site Plan attached as Appendix A for location of Research Farm and abattoir in relation to the proposed Church).

4.14 In terms of the Major Facilities zoning provisions for the 23 hectare Research Campus area, “*Invermay/Hercus activity*” is a permitted activity and is defined as:

The use of land and buildings at the Invermay Research Centre and Hercus Taieri Resource Unit for:

- *agricultural, forestry, animal, food and biomedical related research, training and education activities, including field days;*
- *industrial or commercial activities deriving directly from research or education activities undertaken within the zone; and*
- *any ancillary activities necessary for the functioning of the facility, including but not limited to laboratories, conference and meeting facilities, staff offices and facilities, administration services, laundries, kitchens,*

temporary staff accommodation, staff facilities and laboratories.

4.15 A range of other activities are also permitted including ancillary retail, conference and meeting facilities, veterinary services, training and education facilities, farming and forestry.

4.16 As previously mentioned, the Research Farm is zoned Rural in the Proposed 2GP, and in addition to general permitted activities for the Rural Zone, “*Rural research large scale*” is provided for as a permitted activity within the site. In the Proposed 2GP, “*rural research*” is defined as:

The use of land and buildings for research linked to rural activities occurring on the site (such as farming) or linked to the natural environment on or surrounding the site. This definition also includes any educational, training or teaching activities ancillary to the research activity. Examples include research linked to:

- *agricultural production*
- *rural land management*
- *forestry*
- *marine activities*
- *geological features.*

Rural research is managed at two different scales small scale and large scale.

4.17 “*Rural research – large scale*” is defined as:

Rural research that employs more than 20 full time equivalent staff onsite.

4.18 AgResearch’s submission raised concerns about the potential risk of reverse sensitivity issues developing as a result of the proposed Church which may restrict AgResearch's ability to efficiently use, manage and develop Invermay. The Proposed 2GP is particularly relevant in this regard because it has identified a 23 hectare “Research Campus” area located immediately across Puddle Alley from the site (zoned as “*Major Facilities (Invermay/Hercus)*”). Accordingly, any future development at Invermay (via AgResearch or existing/future tenants) will most likely be concentrated within the Research Campus area (although research facilities can also be developed on the adjacent research farm as a permitted activity under both Plans). There is also the possibility that Velvet Antler Developers Ltd may wish to increase the capacity of the recently purchased abattoir facility at some stage.

- 4.19 The proposed Church is a high quality development and at times would result in a significant number of attendees and visitors (up to 1495) who would likely expect a high level of ambient rural amenity that could be incompatible with Invermay's established and future activities. For example, the proposed Church would be used for church services, wedding and funeral services and large regional events (which I note would include marquees and other temporary structures in the carpark).
- 4.20 Under the Operative Plan and Proposed 2GP, AgResearch (or existing/future tenants) could establish a range of permitted activities which the Church could potentially view as incompatible with their activities due to associated environmental effects (e.g. noise, dust, odour, traffic). For example, buildings housing animals, commercial or industrial activities deriving directly from research, spray irrigation of animal effluent, harvesting and cultivation of crops, use of fertilisers and agrichemicals, silage pits, operation of heavy farm machinery.
- 4.21 As responsible corporate citizens, AgResearch, will continue to operate in a manner which meets their obligations under the RMA and other legislation (including the avoidance of any significant adverse environmental effects). However, due to the nature of some agricultural research activities, it is not always possible to completely contain all associated effects within the boundaries of the site. AgResearch is concerned that the members of the proposed Church could see the continuation, expansion or establishment of such activities as incompatible, and consequently existing activities and future development of Invermay (on the Campus or farms) could be constrained by complaints about associated environmental effects (such as noise, odour, dust), as well as by objections to resource consent applications that AgResearch (or its tenants) may be obliged to make.
- 4.22 Where adjoining neighbours are other farmers or those undertaking other rural production activities, there is generally a higher level of acceptance and tolerance towards research farming activities and associated environmental effects. My concern is that with the introduction of the proposed Church, the level of acceptance and tolerance towards research related activities could be reduced significantly.
- 4.23 One needs to consider the possible implications if AgResearch (or one of

Invermay's tenants) required resource consent from the District or Regional Council for an activity in the vicinity of the proposed Church. Both Councils could feel obliged to require consultation with the Church as a potentially affected party, and if written approval cannot be obtained, require public notification of the application. The Church could then take the position that the activity is incompatible, and oppose the application through the planning process. This would add significant costs and delays to any such project and provide an uncertain outcome.

- 4.24 By way of example, in recent years AgResearch has been investing in research programmes associated with cow barns, feed pads and stand-off pads in relation to increasing productivity and reducing the environmental footprint of dairying. In addition, the housing of livestock can also be required for a number of other research activities such as post-surgery recovery, evaluation of livestock under controlled feeding situations and the like. The housing of cattle has been a relatively recent trend in farming and as a result both District and Regional Council's are beginning to focus more on introducing planning provisions to manage the associated environmental effects of such activities, in particular odour, where the need for resource consent is becoming more likely. While such facilities are currently permitted under the Operative Plan, Proposed 2GP and Otago Regional Plan (subject to setback requirements), this could change in the future. AgResearch would not want to be in a position where any resource consents required by either the District or Regional Council is opposed by representatives of the proposed Church.
- 4.25 Similarly, Velvet Antler Developers Ltd may wish to increase the capacity of the abattoir facility located on AgResearch's research farm approximately 260 metres from the proposed Church. Again, this could trigger the need for resource consent from the district and/or the regional council where the proposed Church could be considered to be a potentially affected party, and could decide to take the position of opposing any necessary applications.
- 4.26 Further, not all people agree with some of the research activities undertaken by AgResearch. It is becoming increasingly common for "anti-research" lobby groups to use the RMA process as a platform to oppose research related activities via submissions on resource consent applications and District and Regional Plan changes. The Church may be fundamentally opposed to some

of the research programmes undertaken by AgResearch in this regard.

- 4.27 I have reviewed the evidence of the applicant's Consultant Planner with respect to "reverse sensitivity". He states that *"the Church is designed not to be affected by the surrounding environment"*. He refers to an Environment Court Decision (*Trustees & the Papakura Gospel Hall Trust v Auckland Council [2014] NZEnvC057*) which he notes accepted evidence that after a short time, people show a significant tolerance to traffic noise (with respect to the effects of traffic noise on an adjoining neighbour who was significantly closer to the Church than neighbours here). He notes that the Court concluded that acoustic treatment consisting of a closed board timber fence would adequately mitigate noise effects. He also notes that the Court concluded that no buffer was necessary around the Church given its design *"mitigates external effects and could be described as reclusive – keeping to its self and containing effects on site"*.
- 4.28 The applicant's Planner then applies the outcome of this Court Decision to the current proposal, concluding that *"there will simply be no issue of reverse sensitivity"* with respect to Invermay *"because all Brethren Churches follow the same template"*. In response to AgResearch's request for a "no complaints" covenant, he states *"the Church has no qualms signing a restrictive covenant but if you understand how this Church operates, then you will realise that this is not needed"*. He goes on to say that if reverse sensitivity *"was a concern in the area, one would have expected the neighbouring residents to have already made complaints as they are likely to be more affected than this Church"*. He also states that reverse sensitivity would not be an issue for the larger regional events that may utilise marquees in the carpark because they will occur very infrequently and will generally be held over the weekend.
- 4.29 I do not agree with the statements of the applicant's Consultant Planner for the following reasons:
- (i) The Environment Court Decision he refers does not appear to be considering reverse sensitivity associated with a proposed Church, it is addressing potential traffic noise effects caused by the Church in question on adjacent neighbours.

- (ii) The subject Church is in an urban area (apparently near residential dwellings), whereas the proposed Brethren Church is in a rural environment in the vicinity of the Invermay Campus and Farm (and an abattoir).
- (iii) Whether or not existing residents in the vicinity of the proposed Church have made any complaints about Invermay to date is not relevant, the key concern is that the proposed Church would be a substantial new activity resulting in the congregation of a significant number of visitors, so as a result could be more sensitive and incompatible with existing and future activities at Invermay.
- (iv) I consider it is a step too far for the applicant's Consultant Planner to conclude that "*there will simply be no issue of reverse sensitivity*" with respect to the proposed Church and Invermay. As discussed, both the Operative Plan and Proposed 2GP provide for future development at Invermay as a permitted activity. The applicant's Consultant Planner does not know what future development could occur or its associated environmental effects, nor does he know the attitude of future representatives of the Church in relation to existing activities or future development.
- (v) In terms of the applicant's Consultant Planner statement that the larger regional events will occur infrequently and will generally be held over the weekend, this is at odds with Table 1 in Section 1.2 of the resource consent application which states that such events could occur on "*any day*". There is also reference to associated marquees being left in place in the carpark for up to two weeks. I also note that the examples of potentially incompatible activities at Invermay that I have provided are not just restricted to the week, but are facilities or activities that could be operating or occurring both during the week and the weekends (e.g. the abattoir, buildings housing animals, commercial or industrial activities deriving from research, spray irrigation of animal effluent, harvesting and cultivation of crops, use of fertilisers and agrichemicals, silage pits, operation of heavy farm machinery). While the main Church services would occur on Sundays, the application notes that other activities could occur during the week (e.g. weddings, funerals, and other Church activities).

- 4.30 In terms of addressing the issue of reverse sensitivity, as detailed in AgResearch's submission, if Council does decide to approve the consent applications, AgResearch requests that a *"no complaints/no objections"* covenant is registered on the two new certificates of title with respect to existing and future activities undertaken by the owner and occupiers of the Invermay. I note that the Staff Report supports this approach, and the applicant's Planner has stated *"the Church has no qualms"* in this regard.

Traffic Effects

- 4.31 AgResearch's submission raised concerns about potential traffic safety issues arising from the establishment of the proposed Church in relation to Invermay employees, tenants and visitors using the local roading network (as well as other local road users). In particular, the adequacy of on-site carparking and the increased usage of the Factory Road/Puddle intersection.
- 4.32 I have reviewed Council's Traffic Report (prepared by Grant Fisher (Transportation)), and the evidence of the applicant's Traffic Engineer (Andrew Carr from Carriageway Consulting). While Mr Carr specifically addresses each of the issues raised by submitters, I am concerned that Council's Traffic Report does not. Upon review of the various documents relating to traffic I still have the following concerns.

Parking

- 4.33 With regards to parking, there is some contradiction within the application regarding the proposed number of carparks. Section 5.2 of the Transportation Assessment included with the application states that there would be 160 permanent carparks (including 4 carparks for mobility impaired), and the analysis has been undertaken on this basis. However Section 1.2 of the Resource Consent Application Report states *"this application also seeks consent to increase the marked carpark up to 200 spaces"* (*"most likely in the grassed area directly in front of the Church and in the vacant space to the south of the carpark"*). In contrast, the Site Plan attached to the application only appears to show 160 carparks. Council's Traffic Report refers to 160 carparks and concludes these would be *"be sufficient for a congregation in the order of 631 people"* based on the traffic generation rate of 0.254 trips per person used by the applicant. Council's Traffic Report goes on to conclude

that *“the proposed on-site parking provisions are therefore considered by Transportation to be sufficient for typical services and events as described within the application”*.

- 4.34 The Transportation Assessment included with the application states that expected traffic volumes have been based on data provided by the applicant and surveys carried out at the existing Kaikorai Valley Church which show an average traffic generation of 0.254 car trips per person (or four people per vehicle). Section 4(a) of the Form 9 application applies for a maximum capacity of 1495 people (n.b. *“1300 people plus 15% buffer”*). This is to cater for the larger regional events held for a 3 day duration (on any day) at least every 6 months (refer Section 1.2 of the application). The application notes that the capacity of the proposed Church (for Sunday Church services) would be 920 people, and that marquees would be erected in the carpark to cater for the additional people expected at the larger regional events (refer Section 2.8 of Resource Consent Application Report). The application notes that overflow parking could be provided on grassed areas on the site, and there would be a higher use of larger vehicles such as mini-buses and coaches at the larger regional events.
- 4.35 An average of four people per vehicle seems high. The evidence of the applicant’s Traffic Engineer states that at face value the figure appears high, and notes that the data has been provided by the applicant and not verified independently. I note that the Kaikorai Valley Church is located in an urban area (where more attendees could walk or use public transport) whereas the proposed Church at 326 Factory Road is in a rural location. I also have concerns that the data provided by the applicant has not been verified independently. Accordingly, there is a risk that the expected traffic volumes may be underestimated which would have implications for the analysis undertaken in the Transportation Assessment with regards to carparking and traffic safety.
- 4.36 If an average of four people per vehicle is appropriate in terms of assessing traffic volumes, I note that on this basis, a capacity Sunday Church service of 920 people would require 234 carparks (74 more than the 160 proposed). Similarly, a maximum capacity regional event of 1495 people would require 380 carparks (220 more than the 160 proposed). It is accepted that there would be a greater use of minivans and coaches for the larger regional events

resulting in a reduced need for car parks. However, Section 1.2 of the Resource Consent Application Report refers to using marquees at capacity events (to provide additional space for attendees while protecting from the weather), and Section 2.8 of the application states that *“the marquees will be sited in the car park”*.

- 4.37 The resultant loss of available car parks has not been specifically addressed in the Transportation Assessment included with the application, or within Council’s Traffic Assessment. However, the evidence of the applicant’s Traffic Engineer acknowledges that the erection of marquees *“and other temporary structures”* might result in areas of the car park becoming temporarily unavailable when a major event is being held, but that greater use of vans, mini-buses and coaches would reduce the demand for parking. He also comments that the effective use of the car parking area during the larger regional events would be addressed through a requirement for a Traffic Management Plan. This still does not take away from the fact that the proposal to site marquees (and other temporary structures) in the car park would result in a corresponding loss in permanent car parks available for attendees, which could be particularly problematic because this scenario would occur during the larger regional events. In terms of the reference to *“other temporary structures”*, the evidence of the applicant’s Planner refers to *“the use of temporary amenity infrastructure (such as portaloos)”*. He also refers to the use of “outside caterers” which I note may also require part of the car park given that Section 2.4 of the application states that *“no shower or cooking facilities will be provided on site”*.
- 4.38 In terms of the larger events, Section 9.4 of the Transportation Assessment included with the application notes there is potential for off-site parking to occur and that there is no provision for on-site parking for larger vehicles such as minivans and coaches, so recommends a requirement for a Traffic Management Plan as a condition of consent. There is reference to utilising the two vacant areas on the site for overflow parking. As mentioned in AgResearch’s submission, these areas are grassed which could be problematic in wet weather particularly for larger vehicles such as coaches. There is no specific commentary on this matter in Council’s Traffic Report. The evidence of the applicant’s Traffic Engineer acknowledges potential problems during wet weather, and notes that there is sufficient area within the

site to avoid the scenario of parking on grassed areas simply by sealing them to cater for the larger events. This is obviously a potential solution, but I note that any proposed extension of sealed carparks does not appear to have been taken into account in the application or in the evidence of the applicant's Stormwater/Wastewater Specialist (Derrick Railton of Fluent Infrastructure Solutions Ltd) in terms of addressing the associated increase in stormwater flows.

- 4.39 Neither the Transportation Assessment included with the application or Council's Traffic Report specifically address the concerns raised in the AgResearch submission about the suitability of the proposed access or on-site manoeuvring space in terms of larger vehicles such as coaches. For example, based on the Site Plan provided, any coaches would need to negotiate an "s-bend" at the main entrance, and a number of "right angle corners" as they travel around the perimeter of the carpark to the entrance of the Church. In addition, there are no specific formed parking areas proposed for larger vehicles such as coaches, instead the application refers to the use of a Traffic Management Plan and utilising two vacant grassed areas on the site for overflow parking (which as noted earlier, could be problematic during wet periods).
- 4.40 The evidence submitted by the applicant's Traffic Engineer states that these matters would be addressed through the use of a Traffic Management Plan during the larger events. He notes that *"it is very common that when parking is actively managed (as would be necessary in this situation), various areas are often deliberately kept clear of parked vehicles to ensure that larger vehicles are able to manoeuvre easily."* Accordingly, the applicant's Traffic Engineer has acknowledged that the proposed carpark has not been designed to provide adequate manoeuvring areas for larger vehicles such as coaches, with the proposed solution being to sacrifice a number of carparks around the corners. This means that during the larger events, in addition to a loss of carparks as a result of the establishment of marquees and other temporary structures in the permanent carpark, there would also be a further loss of carparks around the fringes to provide adequate manoeuvring areas for larger vehicles such as coaches.
- 4.41 Neither the applicant's or Council's Traffic Engineer have provided any analysis of the number of carparks that would be required for the erection of

marquees, temporary structures and creating sufficient manoeuvring room for larger vehicles such as coaches, and the associated traffic effects. Section 1.2 of the application states that *“The marquees are not likely to exceed 1000m².”* To put this into context, it is noted that Section 1.2 of the application states that the approximate footprint of the Church is 1300 m². The area of the carpark is not specified in the application but I have calculated it to be approximately 5000 m² (including areas within the carpark shown for landscaping). Accordingly, the proposed marquees could take up approximately 20% of the proposed carpark, with additional carparks required for other temporary structures (e.g. portaloos) and manoeuvring areas for coaches. This would all occurring during the largest capacity events (e.g. up to 1495 attendees) when there would be the greatest demand for carparks.

- 4.42 The evidence of the applicant’s Traffic Engineer refers to the proposed review condition with respect to parking in Council’s Traffic Report, and concludes that this is appropriate. However, I am still not convinced that the applicant has demonstrated that adequate parking would be provided for the reasons discussed. In particular, I’m concerned that the proposed 160 carparks would be inadequate for capacity Sunday Church services (up to 920 attendees) and the larger regional events (up to 1495 attendees) resulting in the need for cars and larger vehicles (such as minivans and coaches) to park off-site (e.g. along the road verge of Puddle Alley and Factory Road). The need to find adequate parking off site could cause traffic safety issues for local motorists (including Invermay employees, tenants and visitors).

Factory Road/Puddle Alley Intersection

- 4.43 The second key matter of concern relates to the impact of associated traffic during larger events on the safety and efficiency of the Factory Road/Puddle Alley intersection. The Transportation Assessment included with the application notes there have been six reported accidents in the vicinity of the intersection between 2010 and 2014, with three occurring at the intersection. The submission lodged in opposition to the proposal by Ian and Eleanor Brown (322 Factory Road) includes the following statement:

There have been over 50 accidents, including 1 fatality, in the last 25 years. For every reported accident there would be 3 or 4 unreported. We have lost count of the number of times fences have been breached, both on our side of

Factory Road, and the Invermay paddocks side.

4.44 Accordingly, it is apparent that there has been a history of traffic safety issues in the vicinity of the Factory Road/Puddle Alley intersection, including in recent years. The Transportation Assessment states that for vehicles exiting the intersection from the direction of the proposed Church entrance (on Puddle Alley), if they were turning right onto Puddle Alley, the sight distance to the left along Factory Road is 135 metres. The Transportation Assessment notes that under the Austroad standards, the sight distance is appropriate for vehicle speeds of 64 km/h, and concludes that even though the speed limit for passing motorists is 80 km/h, the 135 metre sight distances is adequate because vehicles will be slowing for the corner. However, the Transportation Assessment does not provide any traffic speed survey data supporting this conclusion. In addition, the Transportation Assessment has not specified whether the safety of the intersection has been assessed in the context of cars or coaches or both (given that coaches would typically be slower to accelerate from the intersection than cars). I am also concerned that any potential traffic safety issues at the intersection could be exacerbated by vehicles queuing as there would typically be fixed start and finish times for the various events held at the proposed Church.

4.45 AgResearch is concerned that there could be a potential traffic safety issue at the Puddle Road/Factory Road intersection and that this matter has not been adequately addressed in the application. I note that the Council Traffic Report does not specifically address the concerns raised in the AgResearch submission regarding the Factory Road/Puddle Alley intersection, but instead includes the following general statements:

Section 7 of the Transportation Assessment provides an assessment of the effects this traffic will have on the Level of Service of the transportation network. SIDRA analysis of the Factory Road/Puddle Alley intersection has been undertaken, and the assessment shows that the intersection will operate to a high degree of efficiency.

and

Section 4.3 of the Transportation Assessment provides regarding the safety of the transportation network surrounding the site. It is noted that while there are

a number of crashes reported on the network in this area, there do not appear to be any specific crash trends that might be exacerbated by the proposed development. Based on this information, Transportation is of a mind to assess any effects on road safety as a consequence of the proposal to be minor, subject to recommended conditions of consent.

- 4.46 With regards to the statement in the Council Traffic Report that “Transportation is of a mind to assess any effects on road safety as a consequence of the proposal to be minor, subject to recommended conditions of consent” the only recommended condition that appears relevant is condition (iv) which requires:

The applicant shall submit a detailed Travel Management Plan to the Resource Consents Manager for approval, prior to Church activities within the site commencing. The purpose of the Travel Management Plan shall be to mitigate the adverse effects of traffic and parking in relation to large services and events held at the Church.

- 4.47 Recommended condition (v) in Council's Traffic Report is a review condition under section 128 of the RMA which states:

Pursuant to section 128 of the Resource Management Act, the transportation requirements of this activity may be reviewed to ensure any adverse effects on the transportation network are sufficiently managed. The purpose of this review shall relate to:

- (a) The Travel Management Plan, including (but not limited to) the adequacy of on-site and off-site parking to provide for the consented activities within the site, and;*
- (b) The safety/functionality of the service access from Factory Road.*

- 4.48 It is noted that the specified purpose of the review condition does not specifically refer to the safety and efficiency of the Puddle Alley/Factory Road intersection. Even if the applicant can provide greater certainty that there would not be a traffic safety issue, I consider it would still be prudent to amend the recommended review condition to include reference to the safety/functionality of the Puddle Road/Factory Road intersection.

Wastewater and Stormwater Management

- 4.49 The Preliminary Wastewater Management and Stormwater Management Study attached to the application proposes to manage, treat and dispose of wastewater on-site. Section 4(a) of the Form 9 application applies for a maximum capacity of 1495 people (n.b. *“1300 people plus 15% buffer”*) to cater for the larger regional events held for a 3 day duration (on any day) at least every 6 months. In contrast, the Transportation Assessment applies a maximum of 1300 people. It’s not clear what capacity figure has been used to assess the wastewater management, treatment and disposal requirements.
- 4.50 In terms of stormwater management, Section 1.2 of the Resource Consent Application Report states *“this application also seeks consent to increase the marked carpark up to 200 spaces” (“most likely in the grassed area directly in front of the Church and in the vacant space to the south of the carpark”)*. However, the Site Plan attached to the application only appears to show 160 carparks. It’s not clear what number of carparks have been used in assessing stormwater management options in the Preliminary Wastewater and Stormwater Management Study attached to the application.
- 4.51 In addition, as noted earlier, the evidence submitted by the applicant’s Traffic Engineer acknowledges potential problems with parking on grassed areas during wet weather, and notes that there is sufficient area within the site to avoid the scenario of parking on grassed areas simply by sealing them to cater for the larger events. However, I note that any such proposed extension of sealed carparks has not been assessed in the application or in the evidence submitted by the applicant’s stormwater and wastewater expert in terms of whether adequate stormwater treatment and management can be achieved on site.

5.0 SECTION 104D(1)(b) OF THE RMA

- 5.1 My understanding of the relevant case law is that an analysis undertaken under section 104D(1)(b) of the RMA requires an assessment of the objectives and policies of the relevant plan(s) as a whole in an overall consideration of the purposes and scheme of the relevant parts of the plan(s).
- 5.2 The Staff Report has undertaken a comprehensive analysis of the relevant objectives and policies of the Operative Plan and the Proposed 2GP, and

concluded that the proposal is contrary to a number of those provisions (e.g. those relating to maintaining rural character and amenity, protecting the productive use of rural land, discouraging fragmentation of rural land, avoiding or minimising reverse sensitivity effects, adequate provision for waste disposal).

5.3 I generally concur with the analysis and conclusions in the Staff Report. However, I note the Staff Report conclusion that the proposal would not have any traffic safety issues (based on the conclusions in Council's Traffic Report), and would therefore be consistent with the objectives and policies relating to transportation issues. As previously discussed, AgResearch's submission listed a number of concerns about potential traffic safety issues, and I am concerned that Council's Traffic Report does not adequately address the concerns raised. If the applicant cannot adequately address the traffic safety issues, then the proposal would be contrary to the relevant objectives and policies in the Operative Plan relating to Transportation (detailed on page 24 of the Staff Report).

5.4 Based on the above, it is my opinion that the proposal is unable to pass the second threshold test under section 104D(1)(b) of the RMA (in addition to the first threshold test under section 104D(1)(a)).

6.0 SECTION 104 OF THE RMA

6.1 If the Hearings Committee reach a conclusion that the proposal is able to pass one of the threshold tests in section 104D of the RMA (or that the proposed Church can be considered as a discretionary activity), the proposal needs to be considered in relation to section 104 of the RMA. In that regard, my evidence presented above is equally applicable to the assessment of the proposal under section 104 of the RMA. I generally agree with the Staff Report analysis and conclusions, in particular that in terms of section 104(1)(a), the proposal would have more than minor effects on the environment, and in terms of section 104(1)(b), the application is contrary to key objectives and policies of the Operative Plan and Proposed 2GP. In terms of having regard to any actual or potential effects on the environment, I again highlight the additional concerns discussed in my evidence in relation to reverse sensitivity, traffic and wastewater/stormwater disposal.

6.2 The Staff Report spends some time discussing section 104(1)(c) of the RMA which requires Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. I note the Staff Report comments and concerns about maintaining the integrity of the District Plan, and the need to apply the “true exception” test to determine whether a perception of an undesirable precedent being set can, or should be avoided. I generally concur with the analysis and conclusion in the Staff Report that the proposal does not sufficiently distinguish itself from the subdivision of other small rural zoned sites on the basis that despite the proposed Church, the applicant is still applying to establish a residential dwelling on each of the two new lots. However, I note in the evidence of the applicant’s Consultant Planner that the Church manse is no longer proposed. I agree that the proposal is now more unique and less likely to set a precedent.

6.3 Notwithstanding this, I consider that it does seem somewhat unusual for a substantial Church facility (catering for up to 1495 attendees for large regional events) to be established in the Rural Zone. In my experience, rural Churches are typically located in the Rural Zone for historic reasons and are relatively small catering for the immediate local rural community. In my view, there is no unique functional need for the proposed Church to be established in the rural area compared to being established within an urban area. This appears to be the approach taken in the Proposed 2GP. The proposed Church would be classified as “*Community and leisure – large scale*” which is defined as:

Community and leisure that exceeds an attendance rate of 25 people at any one time or, for a maximum of 10 days per calendar year, an attendance rate of 50 or more people at any one time.

6.4 By way of example, the activity status for “*Community and leisure – large scale*” is Discretionary in the Rural and Rural Residential Zones, Restricted Discretionary in the Residential and Industrial Zones and Permitted in the Commercial and Mixed Use Zone. Accordingly, the rules of the Proposed 2GP appear to indicate that large scale Church facilities are more appropriate in urban areas.

6.5 In addition, I also note the comments in the Staff Report that the existing 5

hectare site to be subdivided is substantially less than the 15 hectare minimum lot size in the Operative Plan, and that this disparity increases substantially when assessing the proposal against the 40 hectare minimum lot size in the Proposed 2GP (n.b. the subdivision rules took legal effect from the 26th September 2015 date of notification).

7.0 PART 2 OF THE RMA

- 7.1 I have reviewed the Staff Report analysis of Part II of the Act, and generally concur with the conclusions that the proposal is inconsistent with a number of aspects.
- 7.2 In addition, I note that in terms of the purpose of the RMA, the on-going use and development of Invermay as a significant agricultural research facility will enable people and communities to provide for their social, economic, and cultural well-being. I have highlighted a number of concerns in my evidence relating to reverse sensitivity and traffic effects that may restrict the ability of AgResearch to efficiently use, manage and develop the facility.

8.0 CONCLUSION

- 8.1 I consider that the applications by Glenelg Gospel Trust should be ‘bundled’ together and considered as a Non-complying Activity. For the Hearings Committee to have jurisdiction to be able to grant the consents sought, the proposal must pass at least one of the threshold tests in section 104D of the RMA.
- 8.2 In my opinion, the applications as currently proposed are not able to pass either of the threshold tests in section 104D of the RMA on the basis that the actual and/or potential effects would be more than minor and the proposal is contrary to the objectives and policies of the Operative Plan (and Proposed 2GP).
- 8.3 If the Hearings Committee reach a conclusion that the proposal is able to pass one of the threshold tests in section 104D of the RMA (or that the proposed Church can be considered as a discretionary activity), I consider that the Hearings Committee has sufficient reason to decline resource consent under section 104 of the RMA.
- 8.4 In terms of Invermay, allowing the establishment of incompatible activities in

close proximity to one another is contrary to the purpose and principles of the RMA and contrary to sound resource management practice, and I have raised concerns about traffic safety and stormwater management.

8.5 Accordingly, for the reasons presented in my evidence, it is my opinion that the application should be declined unless the concerns raised in my evidence are adequately addressed including by imposing resource consent conditions sought by AgResearch. More specifically:

- (i) That the applicant demonstrates that adequate on-site parking and manoeuvring areas can be provided for associated traffic for all events held at the proposed Church.
- (iii) That the applicant provides greater certainty that traffic associated with the proposal would not result in a significant adverse effect on the safety and efficiency of the Puddle Alley/Factory Road intersection, and that the recommended review condition in Council's Traffic Report be amended to include reference to the safety/functionality of the Puddle Road/Factory Road intersection.
- (iv) That the applicant demonstrates that associated wastewater and stormwater can be adequately managed, treated and disposed of in response to the concerns raised (including in relation to any proposed extension of the permanent carpark area with regards to stormwater).
- (v) That a "*no complaints/no objections*" covenant be registered against the two new certificates of title with respect to existing and future activities undertaken by the owner and occupiers of Invermay (to address AgResearch's concerns regarding potential reverse sensitivity effects).

Graeme Mathieson

Environmental Management Services Ltd

28th October 2015

APPENDIX A
Invermay Site Plan