# LAND USE CONSENT APPLICATION

**NOVEMBER 2026**

PROPOSED LIFESTYLE VILLAGE – GOULDS ROAD, ROLLESTON

PREPARED FOR GEMLIFE

GemLife

## APPLICATION FOR RESOURCE CONSENT
## SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

**TO:** the Selwyn District Council

1. **GEMLIFE** hereby applies for land use consent to construct and operate a lifestyle village comprising 216 residential units and a village club house on Goulds Road, Rolleston. The proposal is a **non-complying** activity and is more fully described in the attached AEE and plans which form part of this application.

2. The names of the owner and or occupier of land to which this application relates are as follows: Healthcare Shelf Company No. 37 Limited

3. The location of the proposed activity is as follows:

| | |
|---|---|
| **Site Address** | Goulds Road and Blackbird Way, Rolleston |
| **Legal Description** | Lot 2007 DP 576787 |
| **Record of Title** | 1062384 **(APPENDIX 1)** |
| **Area of Land** | 9.5432ha |

4. There are no other activities that are part of the proposal to which this application relates.

5. In accordance with the Fourth Schedule of the Resource Management Act 1991 (as amended 3 March 2015), Section 6 of the application includes an assessment of environmental effects that the proposed activity may have in such detail to satisfy the purpose for which it is required.

6. No other information is required to be included in this application by the district/regional plan, the Resource Management Act 1991, of any regulations made under the Act.



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Devcorp Limited

(On behalf of applicant)

**Date: 4 November 2026**

| **ADDRESS FOR SERVICE** | **ADDRESS FOR APPLICANT** |
|---|---|
| Devcorp Limited<br>17 Sir Gil Simpson Drive<br>CHRISTCHURCH 8053<br><br>**Attention: Matt McLachlan**<br><br>Telephone: 021 325 891<br>Email: matt.mclachlan@devcorp.co.nz | GemLife<br>Level 2, 120 Siganto Drive, Helensvale<br>QUEENSLAND 4212<br><br>**Attention: Lissa Wangoma**<br><br>Telephone: 0413 736 279<br>Email: Lissa@Gemlife.com.au |

| **QUALITY ASSURANCE** | |
|---|---|
| **Filename** | https://devcorpltd.sharepoint.com/sites/Devcorp1/Shared Documents/01 - Projects/03 - Land Development/L2095 - 583 East Maddisons Road/Resource Management/LU Application/261030.mm.Gemlife Rolleston.LU.v1.doc |
| **Date** | November 2026 |
| **Version** | 1 |
| **Project Number** | L2095 |
| **Prepared By** | Matt McLachlan<br>Principle Planner<br>MPlan |

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## 1.0 INTRODUCTION

Today's over-50s lifestyle resorts appeal to a broad and active demographic. While many homeowners are retired, an increasing number continue to work full-time or part-time, valuing the flexibility, security and low-maintenance lifestyle these communities provide. Equally important is the opportunity to enjoy a genuine sense of community, with shared facilities and social experiences that encourage connection.

GemLife is one of Australia's leading developers and operators of premium over-50's lifestyle resorts. They currently have 33 established, in-development and pipeline villages in sought after regional and coastal destinations and are now looking to expand their operation to New Zealand.




**FIGURE 1 – VILLAGE LOCATIONS ACROSS AUSTRALIA**

The site is located within the wider Faringdon community, bordered by the Arbor Green and Westwood residential developments and adjacent to the new Lemonwood Grove Primary School, as shown in Figure 2 below. The site is ideally suited for a retirement village due to its size and topography within the expanding urban community of Rolleston.




**FIGURE 2 – SITE LOCATION**

## 1.1 PURPOSE OF THIS REPORT

The following report is an assessment of the actual and potential effects on the environment generated by the construction and operation of a lifestyle village comprising 216 residential units, a village club house and communal open space areas. This application has been prepared in accordance with section 88 and the Fourth Schedule of the Resource Management Act 1991 (RMA). It provides a detailed description of the site and the proposal, an assessment of actual and potential effects that may arise from the proposal, and an assessment of the proposal against the relevant statutory framework, including the partially Operative Selwyn District Plan 2020.

## 1.2 OVERVIEW

| | |
|---|---|
| **Zoning / Overlays** | Medium Density Residential Zone<br>Development Area DEV-RO13<br>Plains Flood Management Overlay<br>Liquefaction Damage Unlikely Overlay |
| **Road Hierarchy** | Goulds Road – Collector<br>Blackbird Way – Local |
| **Proposal** | Land use consent for the construction and operation of a over-50s lifestyle village is sought as a **non-complying** activity. |

## 2.0 SITE DESCRIPTION

### 2.1 APPLICATION SITE

The site is legally described as Lot 2007 DP 576787 being 9.5432ha in area, as contained in Record of Title 1062384. A copy of the Record of Title is attached as **APPENDIX 1** to this application. The site is located on Goulds Road within the Faringdon Westwood residential development as shown in Figure 3 below. The site is currently vacant and contains no residential dwellings or other substantial buildings. Vegetation is predominantly open grass, with some low-growing scrub species.




**FIGURE 3 – LOCATION DIAGRAM**

The site is zoned Medium Density Residential. This zone seeks to provide areas for a **higher density of residential development than elsewhere in the district. The zone will provide for a range of housing typologies to meet the diverse needs of the community…. More intense development in close proximity to centres, public transport, open space and community infrastructure facilities will assist in minimising urban sprawl and increasing housing supply and housing choice within the District.**

The development area forms part of the Rolleston 13 Development Area (DEV-RO13), as shown in Figure 4 below.

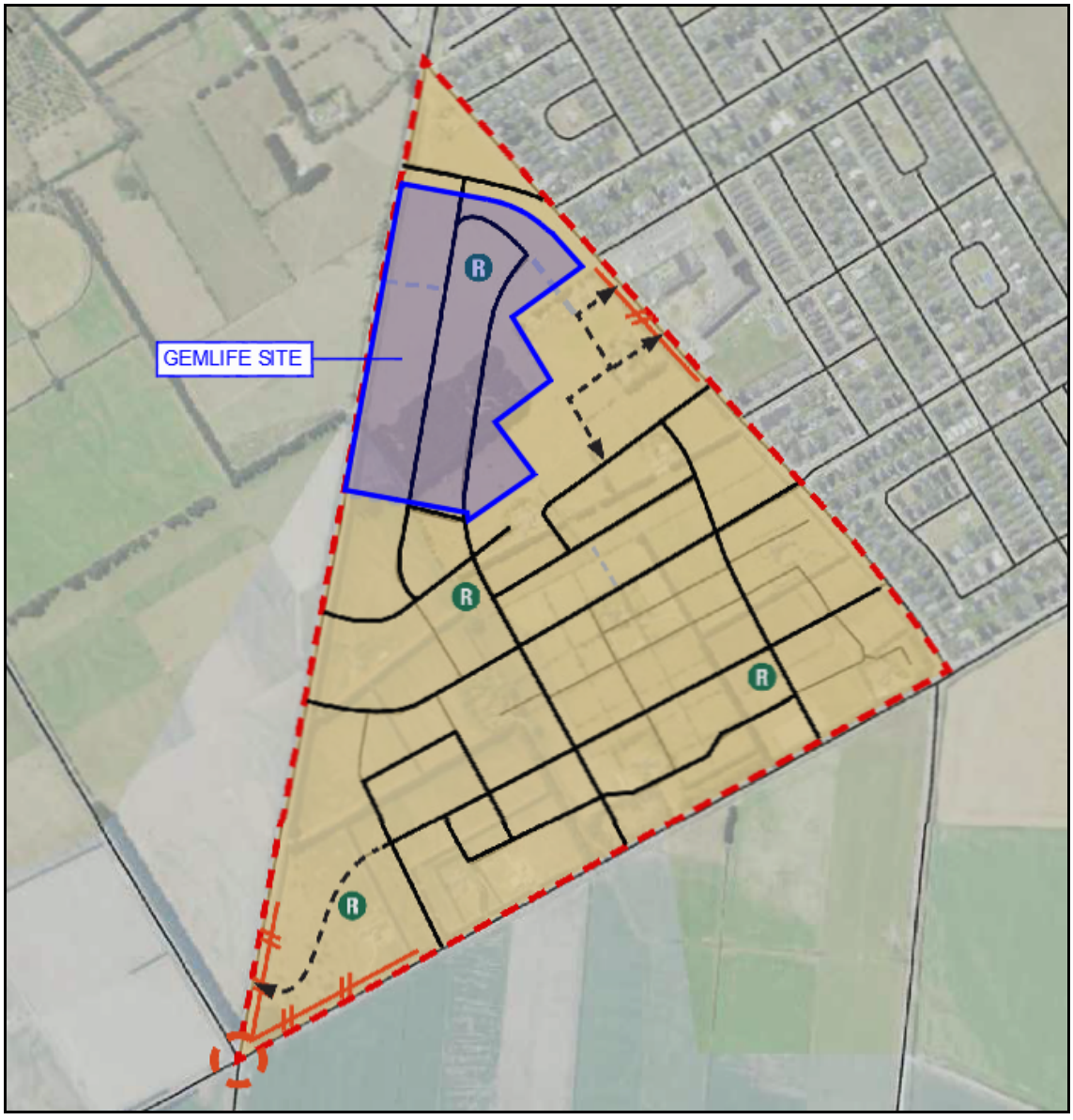



**FIGURE 4 – DEV-RO13**

The extent of the development area **incorporates land being developed through the COVID - 19 Recovery (Fast-track Consenting) Act 2020. A larger development area is considered appropriate to show how roading, cycling and pedestrian networks link between neighbourhoods and where community nodes and destinations are located.**

## 2.2 SURROUNDING AREA

The surrounding area is a master-planned, family-focused hub on the southern side of Rolleston. Known for its expansive green spaces and expanding infrastructure, this location balances the quiet of a residential neighbourhood with highly convenient commercial and recreational amenities. More recent residential development also includes smaller lots and areas of medium-density housing. Streets generally include footpaths, grass berms and street trees, contributing to a walkable suburban residential character.

Foster Park, a major community reserve containing sports fields, indoor sporting facilities, walking paths and a playground, is approximately 1.6km from the site.

## 2.3 PLANNING HISTORY

Hughes Development Limited were granted resource consent for the subdivision and residential development of the wider subdivision in August 2021 via the COVID-19 Recovery (Fast-track Consenting) Act 2020. The consented subdivision comprised 10 stages over an area of approximately 54.4 hectares. The site of the proposed development forms part of Stage 8 which comprised 126 residential allotments. The northern boundary of the subdivision (Stage 9A) was varied by Hughes Development Limited to remove a public accessway and road link between Stages 8 and 9A.

A list of previously approved resource consents obtained by Ryman Healthcare Ltd is shown in Table 1 below.

**TABLE 1: RESOURCE CONSENT HISTORY**

| REFERENCE | DESCRIPTION | GRANTED |
|---|---|---|
| RC225800 | To establish a comprehensive care retirement village | March 2023 |
| CRC232543 | To discharge contaminants to air from an emergency generator. | June 2023 |
| CRC232544 | To discharge operational phase stormwater to land. | |
| CRC232545 | To discharge construction phase stormwater to land. | |

## 2.4 HERITAGE AND MAORI CULTURAL VALUES

No heritage sites, wahi tapu or wahi taonga are identified on Selwyn District Council planning maps for the application site.

## 3.0 DESCRIPTION OF PROPOSAL

The applicant proposes to construct and operate a lifestyle village comprising 216 residential units, a village club house and communal open space areas in general accordance with the architectural plans included as **APPENDIX 2**.

The master plan has been carefully designed with the shape of the site considered, activating both the Goulds Road and Blackbird Way frontages. The design has been carefully considered to support residents' health and emotional wellbeing through the provision of passive and active recreational spaces, safe and accessible pedestrian connections between roads, and opportunities for resident-led initiatives. Together, these elements are intended to foster a strong sense of ownership, social connection and engagement with both the village community and the surrounding environment. The main features of the development include:

- Construction of 216 residential units. Each would be single storey with two bedrooms and a multi-purpose room that could be used as a third bedroom or study. The architectural package includes 12 floor plans with each having four or five different façade options. The applicant seeks the ability, through conditions of consent to not allocate specific typologies to the sites.
- Each unit has a modest area of private outdoor space / alfresco adjacent to the living areas, along with a service area for storage of bins / washing lines.
- Construction and operation of a village club house, with a ground floor area of 2440m$^2$ and a loft area of 460m$^2$ for the use by residents and their guests.
- Amenity features such as a tennis and pickle ball courts, lawn bowls area and a dog run.
- The development will be gated with one vehicle access via Goulds Road.
- The internal road network will be private and is designed as a shared space, with some areas of communal parking, whilst most units have garages. There are also several pedestrian routes through the site as well as connections to the adjoining subdivision.
- Landscaping will be integrated with the buildings, with a mix of trees, shrubs and planting.

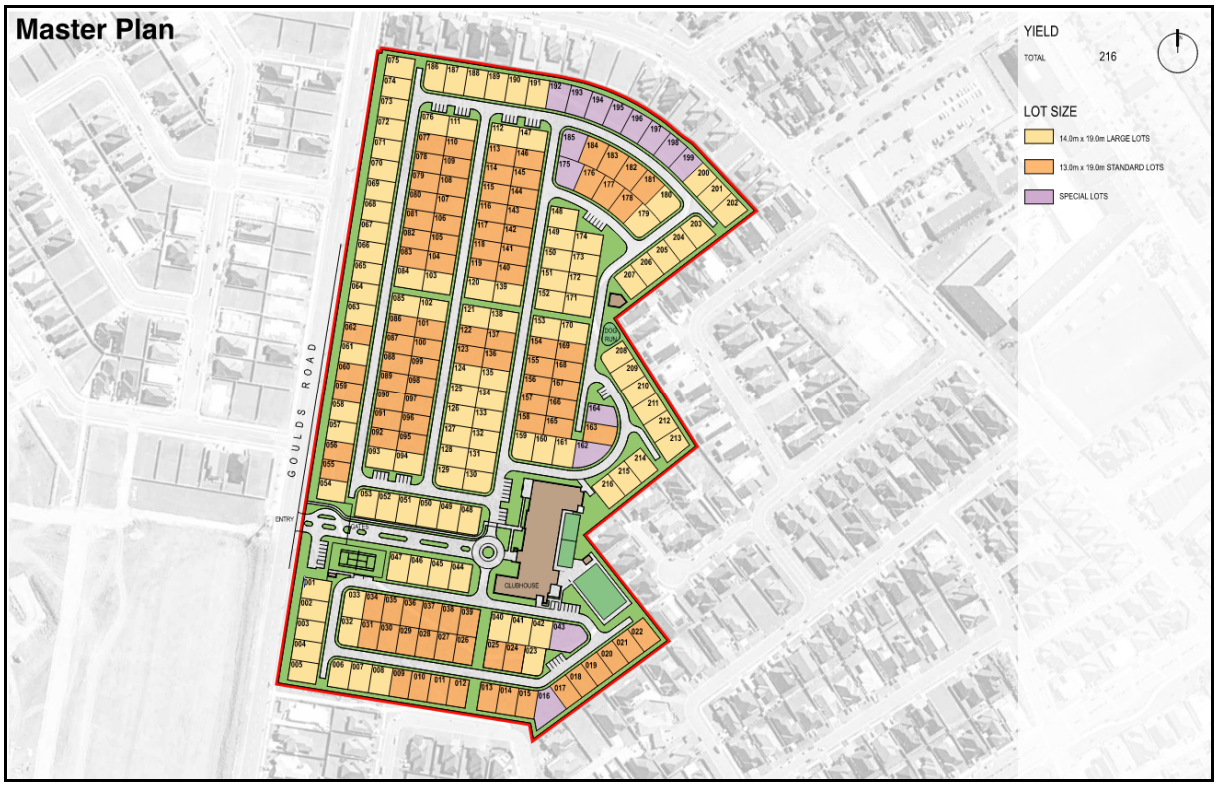



**FIGURE 5 – MASTER PLAN**

The proposal also seeks the temporary use of some of the units as a show home / sales centre, along with other units throughout the site as required, up to a maximum of 20 units. This would be for a period of five years from notice being provided to the Council of the show homes becoming operational. The applicant would like some flexibility in where these will be located and proffers the below conditions:

**The Consent Holder must, prior to the lodgement of a building consent for any residential units, submit a final plan showing what units are to be utilised as the show homes on a temporary basis and the associated parking areas.**

**The utilisation of any residential units for sales purposes shall be subject to the following requirements:**

**a.** **A maximum of twenty units across the site may be used as show homes.**

**b.** **The use of the residential units for the purpose of a show home and any other residential units being used for sales purposes must cease, and any reinstatement works completed, within five years of the date the notice of commencement.**

**c.** **The reinstatement works in b. above shall include the removal of any temporary carpark, vehicle crossing and access into the show home.**

**d. <u>The operating hours for the show home sales precinct and the use of any residential units within the wider lifestyle village that are used for sales purposes shall be:</u>**

- **<u>9am to 4pm weekdays and 10am to 3pm weekends.</u>**

The key aspects of the proposal are discussed below.

**RESIDENTIAL UNITS**

Two main dwelling types are proposed, shown on the architectural plans as the 180 and 200 series. Each series is available in a range of floor-plan configurations, including alternative and reversed layouts, with further variation provided through different façade treatments and roof forms. These include hipped, gabled and mono-pitch roof forms, together with variation in glazing, entry features and façade articulation. Each typology is similar in size – between 160m$^2$ and 200m$^2$. Each comprises open plan kitchen, living and dining areas, two bedrooms with one having an ensuite, a multi-purpose room, a separate bathroom and toilet, laundry and double garage with internal access. Each has a covered alfresco space directly accessed from the living room.

The applicant seeks the ability to not allocate specific typologies to the sites, and proffers the following condition:

**<u>The Consent Holder must, prior to the lodgement of a building consent for any residential units, submit the final detail of any changes to the external appearance of any residential unit, or if any residential unit typology is proposed to be exchanged with an alternative to what is illustrated in the approved plans, to the Council's Planning Manager for approval a minimum of ten (10) working days prior to the lodgement of any building consent for the residential unit or grouping of residential units. The plans for certification shall generally be consistent with the masterplan and associated design and typology framework.</u>**

**CLUB HOUSE**

The club house is the cornerstone of development, providing the residents and their guests a space to enjoy. The club house includes the following:

- Bar / dining hall that can also be used for resident functions
- Craft area
- Indoor bowling alley
- Salon

- Cinema
- Metting rooms
- Gym and sauna
- Indoor lap pool
- Internal access to the pickle ball courts and lawn bowls area
- A loft which comprises a library, golf simulator and games room

**STAGING**

The development will be completed in five stages as shown in Figure 6 below. The staging is as follows:

- Stage 1A = 47 Units
- Stage 1B = Club House
- Stage 2 = 75 Units
- Stage 3 = 44 Units
- Stage 4 = 49 Units

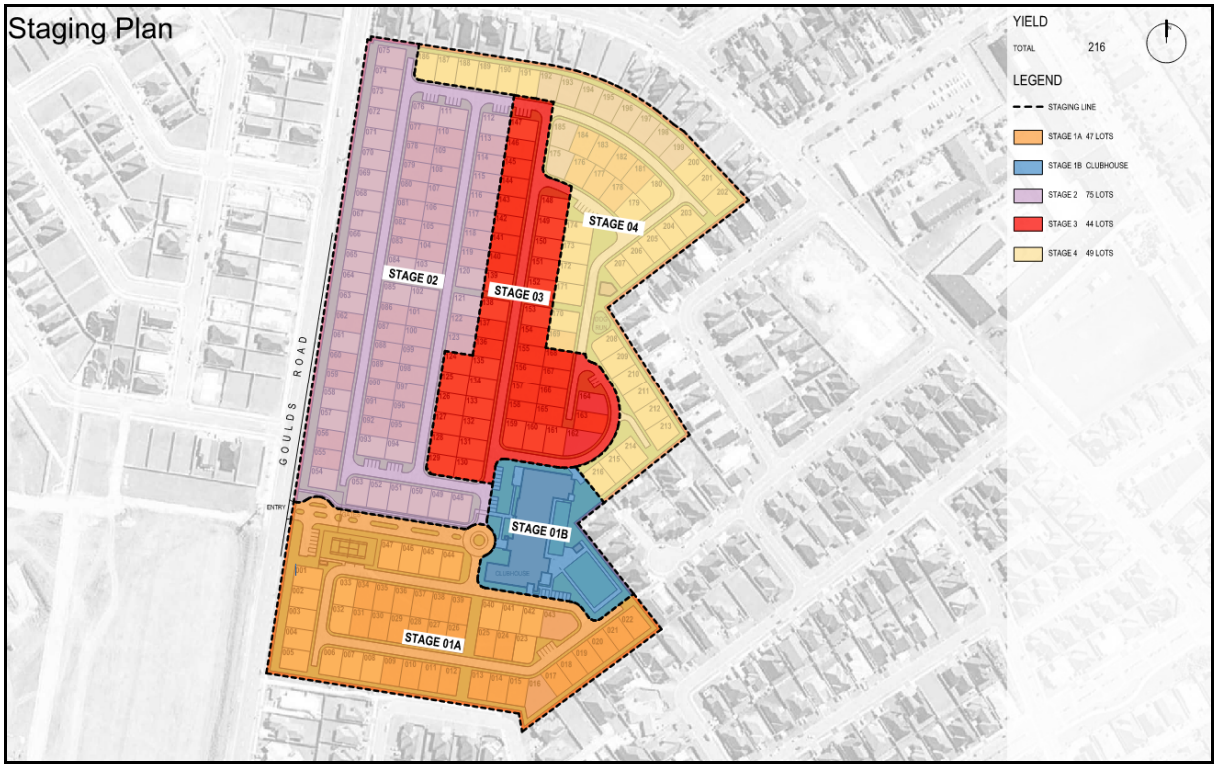



**FIGURE 6 – PROPOSED STAGING**

**INTERNAL ROAD NETWORK**

The proposed development has been designed around a new private road network, which will provide accessibility and connectivity internally and to the wider area. There is one access point via Goulds Road with no units having direct access to Goulds Road and Blackbird Way.

The main road is around 12m wide and has two lanes separated by a median traffic island. The remaining roads are 6m in width, providing for two-way traffic, albeit at a slow speed. The roads will likely consist of a concrete pavement cross-falling to central V-channels, which will collect and convey stormwater to the soakage network. Final details of the internal network will be confirmed through engineering approval or building consent.

The proposal includes around 65 additional on-grade car parks to be used by guests when visiting. At least three of these will be mobility spaces. The typical dimensions for these parks are shown in Figure 7 below.

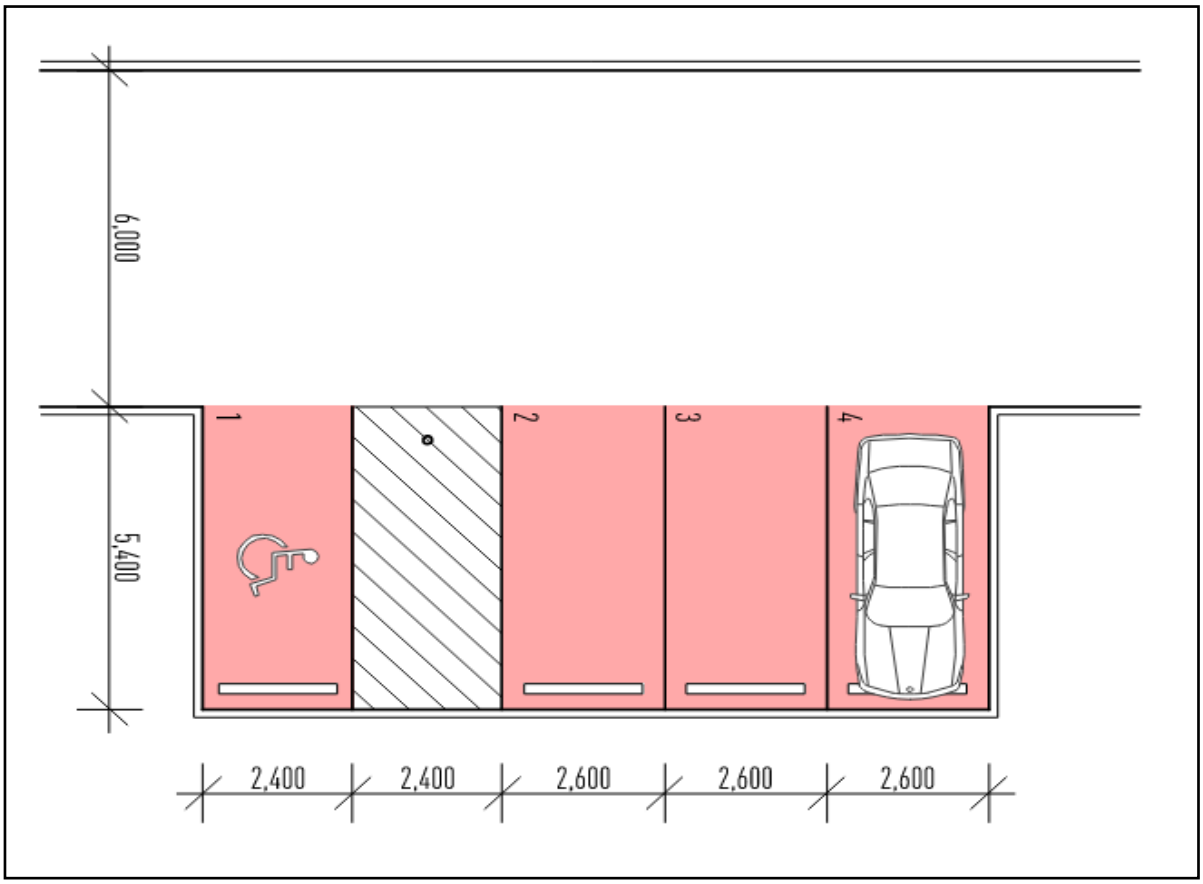



**FIGURE 7 – TYPICAL ON-GRADE PARKING DETAIL**

A series of pedestrian footpaths will be provided for within the development, connecting the club house with the surrounding units and the adjoining subdivision. Details of these will be provided through the engineering approval process.

**LANDSCAPING**

The proposed landscape plan shows low amenity shrub planting, street and specimen trees, as well as boundary planting. The landscaping within the boundary buffer will include tree and shrub planting along with a combination of solid timber fencing, visually permeable picket fencing and post-and-rail fencing, including a more open treatment along parts of Goulds Road. Solid 1.8m high paling fencing is proposed between dwellings to provide privacy for residents. The landscape concept plan is included as **APPENDIX 3.**

## 3.1 SERVICING

The proposed development will connect to the existing reticulated services located within Blackbird Way. A preliminary infrastructure design report, included as **APPENDIX 4**, sets out the servicing intent for the overall development with confirmation to be provided at time of either engineering approval or building consent. The applicant has also obtained a two waters infrastructure certificate and surface water certificate which are included as **APPENDIX 5.**

A summary of the servicing is provided below.

**STORMWATER**

Stormwater runoff from proposed private dwellings shall be collected and discharged to ground on site in accordance with NZBC E1 methodology. Roof runoff shall drain to private shared soak pits within the road carriageways, sized for at least the 10% AEP event, with carriageway runoff collected via trapped or submerged-outlet sumps and discharged to the same soakage network. The overall soakage network shall maintain hydraulic neutrality for events up to and including the 1% AEP event (RCP8.5, 2081–2100). Runoff from larger events shall flow overland towards public road corridors and shall not flow or pond onto neighbouring properties.

**WASTEWATER**

Wastewater from the site is proposed to be conveyed by gravity sewer reticulation. The primary site discharge point shall be the existing DN225 connection on the southern side of

the property, off Blackbird Way. PWWF from the units was calculated using SDC ECoP methodology at 3.3 L/s (216 units), with an additional 0.3 L/s from the proposed clubhouse. As the combined proposed PWWF from the development is less than the previously consented Ryman design (3.7 L/s), we do not anticipate any sewer capacity constraint issues with the proposed development.

**WATER SUPPLY**

Two OD180 watermain extensions may be fed from Goulds Road or from Blackbird Way. These mains primarily serve the clubhouse sprinkler demand, with OD180–OD63 submains reticulating water around the site to service the private units. The proposed peak water demand of 2.55 L/s was calculated based on a peak occupancy of 367.2 people, less than the 2.91 L/s previously estimated for the Ryman development.

Hydrant locations shall be determined during detailed design and are to conform to the FW2 classification of SNZ PAS 4509:2008.

**OTHER SERVICES**

Telecommunications and power reticulations are present in the surrounding area, and it is anticipated that new connections can be made available to these networks.

## 3.2 EARTHWORKS

Earthworks across the site primarily consist of stripping turf and topsoil where engineered fill is required on sites and excavating the internal road network to subgrade. The earthworks plan, included as **APPENDIX 6** has been colour-coded to show the depth of the fill and excavation, with approximately 16,000m³ of material to be excavated and 6000m³ of fill to be placed. The maximum depth of filling and excavation is around 0.9m. The finished site levels and earthworks volumes will be confirmed prior to construction. It is also imperative to note that these figures are preliminary and could vary by +/- 15% depending on final engineering design.

The earthworks on-site will generally include (but not limited to):

- Stripping of topsoil and vegetation;
- Stockpiling of material;
- Excavation of trenches to accommodate the installation of services that are required;

- Importation and placement of clean fill;
- Redistribution of topsoil followed by the establishment of grass;
- The establishment of erosion and sediment control measures; and
- The removal of any contaminated material (if required).

Once the bulk earthworks are completed, the proposed sites will be at the finished section level and roads at or close to sub-grade depth. Stockpiles may be required around the development area and will typically consist of stripped topsoil/vegetation; engineer approved imported fill material or unsuitable material unable to be re-used. Different soil/material will be stockpiled individually to prevent cross contamination. The location and size of the stockpiles will be identified on the Erosion and Sediment Control Plans (ESCP) which will be prepared prior to work starting on-site.

The proposal seeks that the earthworks operations and any transportation occur within the hours of 7am to 7pm Monday to Saturday inclusive, to ensure works are completed within the timeframe given above. The operation hours exclude public holidays and Sundays.

## 3.3 GEOTECHNICAL CONSIDERATIONS

CMW Geotechnical NZ Ltd (CMW) have undertaken a review of the existing information to support the proposed development, included as **APPENDIX 7.** CMW have reviewed the following supplied information:

- Geotechnical Engineering Assessment of Environmental Effects (AEE), prepared by Tonkin + Taylor (T+T), Ref. 30319 v3, dated November 2022.
- Proposed GemLife New Zealand Development, prepared by GemLife, dated September 2026.

CMW conclude that **based on the available information, we consider that the site is suitable for the proposed development. A site-specific geotechnical report will need to be prepared as part of the building consent application for the project.**

## 3.4 ADDITIONAL CONSENTS

The following consents / approvals will be applied for in due course:

- Engineering approval
- Building consent

- Regional consents from Environment Canterbury

This application can be processed independently of the above consent applications / approvals.

## 4.0 CONSULTATION

A pre-application meeting between the applicant, their representatives and Council planning, engineering and building staff was held in August 2026. A copy of the Council pre-application notes is included as **APPENDIX 8.**

## 5.0 PARTIALLY OPERATIVE SELWYN DISTRICT PLAN ASSESSMENT

All provisions of the Partially Operative District Plan (Decisions Version) have legal effect from 19 August 2023, and those parts of the Proposed District Plan modified by the Council's Intensification Planning Instrument to incorporate Medium Density Residential Standards (Variation 1) are operative from 28 August 2023. An assessment against the relevant rules is provided below.

### 5.1 TRANSPORT

The table below outlines the rules within the transport section (Part 2) that are relevant to this proposal.

| **TABLE 2: PART 2 – DISTRICT WIDE MATTERS** | |
|---|---|
| **TRANSPORT – RULES** | |
| **RULE** | **COMMENT** |
| **TRAN-R8 High Trip Generating Activities**<br>1. The establishment of a new, or expansion of an existing activity listed in TRAN-TABLE2 – HTGA Thresholds and ITA Requirements. | The proposal is a high trip generator and is supported by a basic ITA.<br><br>**Does not Comply – Restricted Discretionary Activity** |

| TABLE 3: PART 2 – DISTRICT WIDE MATTERS | |
|---|---|
| **TRANSPORT – RULE REQUIREMENTS** | |
| **RULE** | **COMMENT** |
| **TRAN-REQ3 Number of vehicle crossings**<br>There is no more than one vehicle crossing per site… | The proposal will have one vehicle crossing to Goulds Road.<br><br>**Can Comply – Permitted Activity** |
| **TRAN-REQ4 Siting of vehicle crossings**<br>a) Vehicle crossings shall comply with TRAN-TABLE4 - vehicle crossing distances from intersections. | The new vehicle crossing is located around 36.5m from Mondo Drive.<br><br>**Complies – Permitted Activity** |
| **TRAN-REQ5 Vehicle crossing design and construction**<br>Vehicle crossing design and construction shall comply with TRAN-TABLE6 - Vehicle crossing width requirements. | The vehicle crossing will be around 13m wide.<br><br>**Does not Comply – Restricted Discretionary Activity** |
| **TRAN-REQ6 Vehicle crossing surface**<br>Vehicle crossings where they adjoin a sealed carriageway shall be sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary. | The vehicle crossing will be sealed for the full length between the site boundary and carriageway.<br><br>**Can Comply – Permitted Activity** |
| **TRAN-REQ7 Accessway design, formation and use**<br>1. Accessway(s) shall:<br>a. be formed to comply with the design requirements listed in TRAN-TABLE3 - Minimum Requirements for Accessways and TRAN-TABLE6A - Accessway Separation from Other Accessways…. | The main accessway via Goulds Road will have a pavement width of 12m (including the internal islands). Most of the other accessways will have a pavement width of around 6m in width. There are some areas where the accessways have a pavement width of 4m where they serve between 2 and 3 sites.<br><br>**Can Comply – Permitted Activity** |

| | |
|---|---|
| 11. MRZ:<br>b. Formed accessway widths are no greater than the maximum vehicle crossing width listed in TRAN-TABLE6 - Vehicle Crossing Width Requirements.<br><br>c. Every accessway is formed and sealed. | The main accessway via Goulds Road will have a width of 12m (including the internal islands). This is less than the proposed vehicle crossing.<br><br>All accessways will be formed and sealed.<br><br>**Can Comply – Permitted Activity** |
| 16. MRZ:<br>a. Where access is shared to more than four sites this shall be via a road. | The accessways serve 216 sites with the network being private.<br><br>**Does not Comply – Restricted Discretionary Activity** |
| **TRAN-REQ9 On-site parking**<br>2. On-site parking in the RESZ for a residential activity is formed to comply with the minimum dimensions listed in TRAN-TABLE11 - Parking - Minimum Internal Dimensions - All Residential Activities. | The additional on-site parking spaces will comply with the dimensions set out in TRAN-TABLE11.<br><br>**Can Comply – Permitted Activity** |
| 3. The entrance to any single garage has a minimum width of 2.4m. | Any garage will meet this requirement.<br><br>**Can Comply – Permitted Activity** |
| **TRAN-REQ10 Mobility parking**<br>1. All activities shall provide the following number of mobility parking spaces:<br>a. one mobility parking space with the first 20 vehicle parking spaces provided;<br>b. not less than two mobility parking spaces for up to 49 vehicle parking spaces provided; and<br>c. one additional mobility park space for every additional 50 parking spaces provided. | The proposal provides around 65 additional car parking spaces. At least three of these spaces can be provided as mobility spaces.<br><br>**Can Comply – Permitted Activity** |

| | |
|---|---|
| 2. All mobility parking spaces shall comply with the design requirements listed in TRAN-TABLE10 - Minimum Parking Area Dimensions and illustrated in TRAN-DIAGRAM13 - Parking Area Formation Dimensions. | The mobility spaces can comply with the dimensions in TRAN-TABLE10.<br><br>**Can Comply – Permitted Activity** |
| **TRAN-REQ11 Cycle parks and facilities**<br>1. All activities shall comply with:<br>a. the cycle space rates listed in TRAN-TABLE9 - Number of Cycle Spaces in All Zones…<br><br><u>Retirement Villages</u><br>1 space per 10 units | The proposal requires 21.6 short term cycle spaces. Although not specifically shown, there is sufficient space around the communal building to accommodate the required spaces.<br><br>**Can Comply – Permitted Activity** |

## 5.2 NATURAL HAZARDS

The table below outlines the rules within the natural hazards section (Part 2) that are relevant to this proposal.

| **TABLE 4: PART 3 – DISTRICT WIDE MATTERS** | |
|---|---|
| **NATURAL HAZARDS – RULES** | |
| **RULE** | **COMMENT** |
| **NH-R2 New Buildings and Structures in Natural Hazard Overlays**<br>3. The establishment of any new residential unit or other principal building<br><br>Where:<br>c. the building 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. | Although no FAC has been issued, all buildings will comply with the required minimum floor level.<br><br>**Can Comply – Permitted Activity** |

| TABLE 5: PART 3 – DISTRICT WIDE MATTERS | |
|---|---|
| **NATURAL HAZARDS – RULE REQUIREMENTS** | |
| **RULE** | **COMMENT** |
| **NH-REQ4 Natural hazards and earthworks**<br>The activity does not exacerbate flooding on any other property by displacing or diverting floodwater on surrounding land. | The earthworks required is the excavation of topsoil and importation of material for lots and road pavements. There are no overland flow paths through, or between new buildings, with all flood waters contained within open space areas and internal private road corridors. All new sites will grade back to road corridors, as such, modification to the site levels to build new dwellings will not cause or exacerbate flooding on any neighbouring allotments.<br><br>**Complies – Permitted Activity** |

## 5.3 EARTHWORKS

The table below outlines the rules within the earthworks section (Part 2) that are relevant to this proposal.

| TABLE 6: PART 2 – DISTRICT WIDE MATTERS | |
|---|---|
| **EARTHWORKS – RULES** | |
| **RULE** | **COMMENT** |
| **EW-R5 Stockpiling**<br>1. Earthworks stockpiling<br><br>Where:<br>a. all stockpiles greater than 250m$^3$ or 4m in height above natural ground level are located at least:<br>• 100m from any sensitive activity on an adjoining site held in different ownership; or | Any stockpiles are likely to be greater than 250m$^3$ and 4m in height.<br><br>The stockpiles may be within 100m of the adjoining residential dwellings adjoining the development area.<br><br>**Does not Comply – Restricted Discretionary Activity** |

| TABLE 7: PART 2 – DISTRICT WIDE MATTERS | |
|---|---|
| **EARTHWORKS – RULE REQUIREMENTS** | |
| **RULE** | **COMMENT** |
| **EW-REQ1 Volume of earthworks**<br>The volume of earthworks is not to exceed the threshold outlined in EW-TABLE1: Earthworks Volumes by Zone over any consecutive twelve-month period.<br><br>All Residential Zones – 150m$^3$ per site | Approximately 22,000m$^3$ of earthworks are proposed, comprising:<br>• 16,000m$^3$ of cut<br>• 6,000m$^3$ of fill<br><br>**Does not Comply – Restricted Discretionary Activity** |
| **EW-REQ3 Excavation and filling**<br>Earthworks…shall not exceed a maximum depth below or height above natural ground level of:<br>a. 2m, when 1.5m or more from the boundary of a site in separate ownership; or<br>b. 0.5m, when within 1.5m of the boundary of a site in separate ownership. | The maximum depth of excavation for the bulk earthworks will be around 900mm below existing ground level.<br><br>The maximum depth of excavation for the infrastructure will be 2.9m below existing ground level.<br><br>**Does not Comply – Restricted Discretionary Activity** |
| All filling of land…shall consist of clean fill material only. | Clean fill material will be used.<br><br>**Can Comply – Permitted Activity** |
| **EW-REQ4 Rehabilitation and reinstatement**<br>No more than twelve months after the earthworks commenced and on completion of the earthworks, the area of land disturbed as a result of the earthworks activities is to be built upon, sealed with hardstand material, landscaped, or recontoured and replanted. | The earthworks will comply with the requirements of this rule.<br><br>**Can Comply – Permitted Activity** |

## 5.4 MEDIUM DENSITY RESIDENTIAL STANDARDS

The proposal is for a lifestyle village, which is not an activity provided for within the District Plan, with the closest activity being a retirement village which provides for these as a restricted discretionary activity under MRZ-R9. The definition for these is taken from the National Planning Standards and means:

**a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.**

In this case, not all residents may be fully retired, and so on this basis, the proposal cannot be considered under MRZ-R9. Given this, the residential elements have been considered under MRZ-R1 and R2 as 'normal' residential activities.

The table below outlines the rules within the Area Specific Matters (Part 3) that are relevant to this proposal.

| **TABLE 8: PART 3 – AREA SPECIFIC MATTERS** | |
|---|---|
| **MRZ – RULES** | |
| **RULE** | **COMMENT** |
| **MRZ-R5 Fencing**<br>1. Any fence or freestanding wall<br><br>Where:<br>a. it is not located within an outlook space required by MRZ-REQ9;<br>b. a site has a road boundary:<br>• within 1.5m of the primary road boundary, a maximum height of 1.2m;<br>• within 1.5m of a secondary road boundary, a maximum height of 1.8m for the remaining length of the road boundary where at least 50% of the fence is visually permeable;<br>c. a site shares a boundary with a reserve:<br>• there shall be no more than one fence or freestanding wall within 5m of the boundary of the reserve, and<br>• the fence or freestanding wall shall be a maximum of:<br>o 1m in height if solid; or<br>o 1.8m in height where at least 50% of the fence is visually permeable;<br>d. any other fence or freestanding wall, is a maximum height of 1.8m. | A fencing plan is included within the landscape package. This shows:<br>• a 1m high timber post and rail fence along the Goulds Road boundary.<br>• A 1.8m high timber paling fence along the external boundary with the existing residential allotments.<br>• There are two fences within 5m of the reserve link to the south by Blackbird Way:<br>o A combination of 1.2m high pool fence and 1.8m high timber paling fence on the boundary and the individual sites having a 1.2m high pool fence for privacy.<br><br>**Does not Comply – Restricted Discretionary Activity** |

| | |
|---|---|
| **MRZ-R11 Commercial Activity**<br>4. Any commercial activity not otherwise listed in MRZ-Rule List. | The show homes will be a commercial activity for a temporary period.<br><br>**Does not Comply – Non-Complying Activity** |

| **TABLE 9: PART 3 – AREA SPECIFIC MATTERS** | |
|---|---|
| **MRZ – RULE REQUIREMENTS** | |
| **RULE** | **COMMENT** |
| **MRZ-REQ1 Servicing**<br>1. Any residential unit or other principal building shall be connected to a Council reticulated water supply.<br>2. Any residential unit or principal building in a township with a reticulated sewer network shall be connected to that network. | The proposed development will be connected to the Council's reticulated wastewater and water networks. A 2-waters certificate has been included.<br><br>**Complies – Permitted Activity** |
| **MRZ-REQ2 Number of residential units per site**<br>There must be no more than 3 residential units per site. | The proposal includes 216 units plus a club house.<br><br>**Does not Comply – Restricted Discretionary Activity** |
| **MRZ-REQ3 Building coverage**<br>The maximum building coverage of all buildings must not exceed 50% of the net site area. | The overall building coverage will be around 48%.<br><br>**Complies – Permitted Activity** |
| **MRZ-REQ4 Height**<br>Buildings must not exceed 11 metres in height… | All proposed units will be single level. The club house is generally around 9.1m in height, with the top of the chimney being 11.1m in height.<br><br>**Does not Comply – Restricted Discretionary Activity** |

<table>
<tr>
<td>MRZ-REQ5 Height in relation to boundary<br>Any building or structure shall comply with the Height in Relation to Boundary D requirement in APP3 -Height in Relation to Boundary.</td>
<td>The proposed units and club house comply with the requirements of this rule.<br><br>Complies – Permitted Activity</td>
</tr>
<tr>
<td>MRZ-REQ6 Setbacks<br>Building must be set back from the relevant boundary by the minimum depth listed in MRZ-TABLE 1: Setbacks.<br><br>
<table>
<tr><th colspan="2">BOUNDARY</th></tr>
<tr><td>Road</td><td>1.5m</td></tr>
<tr><td>Internal</td><td>1m</td></tr>
</table>
</td>
<td>The proposed units and club house comply with the relevant setbacks.<br><br>Complies – Permitted Activity</td>
</tr>
<tr>
<td>MRZ-REQ7 Windows to street<br>Any residential unit, or other principal building, facing the street must have a minimum of 20% of the street-facing façade in glazing.</td>
<td>All units fronting Goulds Road and Blackbird Way have their main pedestrian access from the opposite elevation, so this is not visible and accessible from the existing roads.<br><br>Based on the proposed unit designs, the minimum glazing on the street facing façade will be 16%.<br><br>Does not Comply – Restricted Discretionary Activity</td>
</tr>
<tr>
<td>MRZ-REQ8 Outdoor living space<br>1. A residential unit at ground floor level must have an outdoor living space that is at least 20m$^2$ and that comprises ground floor, balcony, patio, or roof terrace space that:<br>a. where located at ground level, has no dimension less than 3m…</td>
<td>Each unit has a minimum outdoor living space of 18m$^2$ with a minimum dimension of 3m.<br><br>Does not Comply – Restricted Discretionary Activity</td>
</tr>
</table>

| | |
|---|---|
| **MRZ-REQ9 Outlook space**<br>1. An outlook space must be provided for each residential unit.<br>2. An outlook space must be provided from habitable room windows as shown in MRZ-DIAGRAMB: Outlook Space.<br>3. The minimum dimensions for a required outlook space are as follows:<br>a. a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and<br>b. all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.<br>… | The proposed units can provide a complying 4m x 4m outlook space from the principal living room. A 1m x 1m outlook space from all other habitable rooms can be provided.<br><br>**Complies – Permitted Activity** |
| **MRZ-REQ10 Landscaped area**<br>1. A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants and can include the canopy of trees regardless of the ground treatment below them. | Each unit will provide a minimum of 13% landscaping of the developed site in grass and low-level planting.<br><br>**Does not Comply – Restricted Discretionary Activity** |
| **MRZ-REQ11 Outdoor storage**<br>1. Any outdoor storage area shall not:<br>a. be located between the applicable building setback on a site and any road boundary;<br>b. exceed a total area of 25m$^2$;<br>c. exceed the height of any permitted fencing. | The outdoor storage across the site will exceed 25m$^2$.<br><br>**Does not Comply – Restricted Discretionary Activity** |

## 5.5 SELWYN DISTRICT PLAN ASSESSMENT SUMMARY

The proposal requires resource consent under the following rules:

| **TABLE 10: DISTRICT PLAN ASSESSMENT SUMMARY** | |
|---|---|
| **STANDARD** | **ACTIVITY STATUS** |
| **Transport**<br>TRAN-R8 High trip generating activities<br>TRAN-REQ5 Vehicle crossing design<br>TRAN-REQ7(16) Accessway design | <br>Restricted Discretionary<br>Restricted Discretionary<br>Restricted Discretionary |

| | |
|---|---|
| **Earthworks** | |
| EW-R5 Stockpiling | Restricted Discretionary |
| EW-REQ1 Volume of earthworks | Restricted Discretionary |
| EW-REQ3 – Excavation and filling | Restricted Discretionary |
| **Medium Density Residential** | |
| MRZ-R5 Fencing | Restricted Discretionary |
| MRZ-R11 Commercial activity | Non-Complying |
| MRZ-REQ2 Number of residential units per site | Restricted Discretionary |
| MRZ-REQ4 Height | Restricted Discretionary |
| MRZ-REQ7 Windows to street | Restricted Discretionary |
| MRZ-REQ8 Outdoor living space | Restricted Discretionary |
| MRZ-REQ10 Landscape area | Restricted Discretionary |
| MRZ-RE11 Outdoor storage | Restricted Discretionary |

Having regard to the relevant rules under the Partially Operative Selwyn District Plan, and based on the assessment undertaken above, land use consent is sought as a **non-complying** activity.

## 6.0 ASSESSMENT UNDER THE NES-CS

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) came into the effect in January 2012. The NES requires territorial authorities to enforce the regulations for particular 'land' and 'activity' criteria.

The site is listed on the Listed Land Use Register (LLUR) however remediation of the site was undertaken as part of the underlying subdivision. The site validation report prepared by ENGEO in April 2021 concluded that:

**Based on our investigation, aforementioned documents and laboratory analysis results, further remediation of the identified areas of concern are not considered to be required, and the site is therefore deemed suitable for the intended residential land use. It is recommended that the remainder of the site redevelopment work is completed under a contractor earthworks plan that provides contingency measures should additional areas of concern be identified during any soil disturbance works.**

This has been accepted by the Council and therefore no further consideration is required as part of this proposal.

## 7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Section 88(2)(b) of the Resource Management Act 1991 requires that any application for a resource consent include an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. This section also requires that any assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Resource Management Act 1991. This assessment has been made in accordance with both these requirements.

The actual and potential effects of the proposed subdivision can be categorised into the following issues:

- Permitted baseline and consented baseline
- Residential character and amenity effects
- Bulk and location effects
- Effects of non-residential activities
- Traffic effects
- Servicing effects
- Earthworks effects
- Natural hazard effects
- Positive effects

### 7.1 PERMITTED BASELINE AND EXISTING ENVIRONMENT

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. This is now a discretionary statutory based test codified by section 104(2) of the Act. It is understood that its intention is to identify and exclude those adverse effects that would be permitted by the Plan from consideration.

In this case, the permitted baseline would be for the construction of three residential units that complied with the relevant standards, noting that any further subdivision would require a resource consent. Given this, there is no relevant permitted baseline.

The Court of Appeal case in **Arrigato Investments Ltd v Auckland Regional Council [2001]** argued that existing but unimplemented resource consents should also be regarded as falling within the concept of the permitted baseline. The consented baseline can be considered as an alternative for the purposes of this proposal.

RC225800 was granted to establish a comprehensive care retirement village on the site. In short, the proposal provided:

- A two-storey village centre building covering an area of around 5900m$^2$ and being 11.6m in height. This building contains communal amenities, care beds and assisted living suites including 72 care beds (18 rest home care, 36 dementia care, 18 hospital care); and 64 assisted living suites.
- 218 townhouses, comprising of 157 two-bedroom dwellings; and 61 three-bedroom dwellings.
- Private internal road network.
- 311 car parks, comprising of 83 at-grade car parks; 218 internal townhouse garages; four EV car parks; four accessible car parks; and 14 bicycle spaces.
- Earthworks being approximately 14,000m³ of total cut and approximately 30,000m³ of total fill, over an approximate area of 95,440m².

It is appropriate to assess the effects of the application in comparison to the consented development in this instance. The potential effects on the environment of the proposal are less than minor when viewed in the context of the previous consent, generally being a downsizing in unit numbers and scale of the activity, albeit some elements of the previously consented development being similar.

## 7.2 RESIDENTIAL CHARACTER AND AMENITY EFFECTS

Activities such as lifestyle villages can be recognised as contributing to the pleasant functioning of the living environment. The proposal is generally compatible with the planned urban form of the Medium Density Residential Zone. The development is predominantly single

storey and residential in scale, with the larger clubhouse located within the southern part of the site and integrated with communal recreation and landscape areas.

The single storey dwellings incorporate variation in roof forms, façade treatments, materials, colours and glazing, which helps to reduce the visual effects of the comprehensive layout. Although the residential pattern is relatively compact and repetitive in some areas, the proposed landscaping, central green connection, communal recreation spaces and street and buffer planting provide visual relief and contribute to the overall residential amenity.

The proposal is further supported by an urban design statement completed by DCM Urban and included as **APPENDIX 9.** This assessment considers the urban design effects of the proposed lifestyle village, including its relationship with the surrounding residential environment, streets and public spaces, internal layout and amenity, and the relevant urban design provisions of the Selwyn District Plan and Residential Development Design Guide.

The report concludes that:

**… the proposal can achieve an acceptable urban design outcome and is generally consistent with the residential scale and level of development anticipated within the Medium Density Residential Zone. The site has previously been granted resource consent for a comprehensive care retirement village containing 218 townhouses together with assisted living and care facilities. While the current proposal differs in its layout and operational model, the earlier consent establishes a relevant context for comprehensive lifestyle development of a similar overall residential yield on the site…**

**Overall, the proposal is considered to provide an acceptable urban design response for a comprehensive residential lifestyle village within the Medium Density Residential Zone. While the development has a relatively compact and repetitive residential pattern, the proposed architectural variation, landscape framework, communal amenities and boundary treatments assist in moderating these effects and maintaining an appropriate level of residential amenity**

Any adverse effects on the residential character and amenity of the surrounding area will be less than minor.

## 7.3 BULK AND LOCATION EFFECTS

There are several District Plan standards which seek to control the visual impact of buildings. The proposal breaches the standards relating to building coverage, windows to the street and outlook spaces. Each of these non-compliances is discussed below.

**FENCING**

Rule MRZ-R5 sets out the requirements around fencing for any new development. The proposed fencing strategy includes a combination of low post-and-rail fencing, visually permeable pool-style and timber fencing and solid timber paling and steel fencing. Along Goulds Road, a low post-and-rail fence is proposed, maintaining an open interface with the road corridor. Existing fencing along the southern boundary and reserve link near Blackbird Way, includes a combination of 1.2m high visually permeable fencing and 1.8 m high solid timber fencing, resulting in a non-compliance with the reserve boundary fencing requirements.

The urban design report states that:

**… the more permeable fencing treatments support passive surveillance and visual connection between the development and adjoining public spaces. Where solid fencing is proposed within the site, it will provide privacy to residential outdoor living areas, and the effect of the higher solid fencing is considered to be low, provided visually permeable treatments are maximised along pedestrian and reserve boundaries.**

Any adverse effects on the surrounding environment will be negligible.

**NUMBER OF RESIDENTIAL UNITS**

Rule MRZ-REQ2 sets out that there must be no more than 3 residential units per site. The proposal will provide 216 residential units within a comprehensive lifestyle village, together with the clubhouse and associated communal facilities. While this exceeds the maximum number of residential units anticipated on a single site, the development has been designed to function as an integrated residential community, with a clear internal street network, private outdoor living areas, communal recreation facilities and coordinated landscape treatment. As stated in the urban design report:

**… the number of units on the site does not in itself result in an inappropriate built form, with the overall scale and density remaining generally consistent with the Medium Density Residential Zone.**

Any adverse effects on the surrounding environment will be less than minor.

**HEIGHT**

Rule MRZ-REQ4 sets out that buildings must not exceed 11m in height. The club house has a general height of around 9.1m, with the chimney extending to around 11.1m. This is a very minor and localised breach associated with a narrow architectural element rather than the main building mass. The additional height will not result in any noticeable increase in visual bulk, dominance or shading effects. Any adverse effects are negligible.

**WINDOWS TO THE STREET**

Windows are an important element in building design which helps improve the visual interest of the building's façade, breaks up the perceived bulk of the development, improves passive surveillance, enhances the streetscape and usually enhances internal amenity for residents. Based on the proposed unit designs, glazing to the façades facing Goulds Road and Blackbird Way will be around 16%, which is lower than the required 20%.

The assessment matters outlined in RESZ-MATA generally seek to ensure that development engages with the street, minimising visual bulk and CPTED principles to achieve a safe, secure environment. These dwellings are primarily oriented toward the internal street network, where the main pedestrian entrances, living areas and more active façades are located. As a result, the public road facing elevations contain a lower proportion of glazing.

Despite the shortfall, the Goulds Road and Blackbird Way elevations are not blank and retain windows and architectural articulation. The landscaped setbacks and visually permeable boundary treatments also assist in maintaining visual connection and an open relationship with the public road interfaces. Overall, the reduced glazing is considered a modest shortfall and will have insignificant adverse effects on the existing streetscapes.

**OUTDOOR LIVING SPACE**

Rule MRZ-REQ8 requires a minimum outdoor living space of 20m$^2$ with a minimum dimension of 3m. Each unit provides a minimum outdoor living area of approximately 18m² with a minimum dimension of 3m. Although this represents a minor shortfall in the outdoor area of each dwelling, the spaces remain functional and useable in shape and are directly accessible from the dwellings. The reduced area is also offset by the range of communal recreation and amenity spaces provided throughout the lifestyle village. Overall, the shortfall is considered minor from an urban design perspective and is not anticipated to result in significant adverse effects on residential amenity.

**LANDSCAPED AREAS**

Rule 14A.5.2.2 requires a minimum of 20% of the site be provided for landscaping. The proposed units provide a minimum landscaped area of approximately 13%, made up of lawn and planted areas. Although this represents a shortfall, which relates to the relatively compact arrangement of the residential units and limited space available for planting, the effects of the reduced landscaped area are moderated by the wider landscape framework, which includes street and specimen tree planting, amenity planting, landscape buffers, the central green pedestrian connection and communal recreation areas. These elements will provide visual relief and help soften the more intensive built form. The quality and establishment of this planting will be important in maintaining an appropriate level of residential amenity.

Any adverse effects with regards to landscaping will less than minor and internal to the development.

**OUTDOOR STORAGE**

The total outdoor storage area across the development will exceed 25m². The storage areas will be distributed throughout the site and associated with the individual dwellings as well as the club house and other communal facilities. Provided that the storage areas are located and screened from internal streets, communal spaces and external boundaries, the additional storage is not anticipated to result in significant adverse urban design or visual amenity effects.

## 7.4 EFFECTS OF NON-RESIDENTIAL ACTVITIES

Under the District Plan, any commercial activity not otherwise listed in the MRZ rule list is a non-complying activity. The proposal will include up to 20 units being utilised as show homes and / or display units. his use will be temporary in nature (a period of 5 years from the commencement of the activity is sought), with these then sold and returned to residential activity.

Marketing and selling units to future residents is part of how any lifestyle village operates. The display units only market units within this village, with no goods or services sold to the public. This is an ancillary activity that supports and is subsidiary to the primary residential activity. It is not a commercial activity of the kind Rule MRZ-R11 targets, such as shops, offices, or businesses drawing customers into a residential area.

The units will not change in appearance, with no external alterations proposed, so built form, bulk, and streetscapes will remain unaffected. Traffic will be low and intermittent: prospective residents and their families visiting by appointment or during set hours. This is comparable to normal residential visitor traffic in a village and can be absorbed by existing village parking.

Any adverse effects will be less than minor and somewhat temporary, and will fall mainly within the village, on residents who chose to live in a village still being developed and sold.

## 7.5 TRAFFIC EFEFCTS

The Selwyn District Plan sets out a number of transportation related rules which any new development is expected to comply with. Such rules include vehicle access, parking, and vehicle crossings. Compliance with these transport rules ensures the safe and efficient functioning of the transport network.

A transport assessment has been prepared by Novo Group and included as **APPENDIX 10.** This report provides an assessment of the transport aspects of the proposed development. It also describes the transport environment in the vicinity of the site, describes the transport related components of the proposal and identifies compliance issues with the transport provisions in the District Plan. The report concludes that:

**Overall, the proposal will provide an appropriate layout to service the future residents vehicular and active travel needs. The access design and location is suitable for the volume of traffic generated and in the context of the surrounding road network.**

**Further to the above, the proposal can be supported from a transport perspective, and transport effects are considered to be acceptable and less than minor.**

## 7.6 SERVICING EFFECTS

The provision of new infrastructure is a fundamental component of any development. No servicing constraints have been identified for the proposal, with the units and club house able to be provided with connections to all the service reticulations. Therefore, any adverse effects on the environment with regards to servicing will be less than minor.

## 7.7 EARTHWORKS EFFECTS

The District Plan sets out several standards relating to earthworks. The proposed earthworks do not meet the specific standards relating to stockpiles, the quantity of earthworks and the depth of excavation. The Council's discretion is restricted to such matters as nuisance, land stability and amenity.

The development area is appropriate for residential development, and the earthworks proposed provide the ability for the land to be used for this purpose. The actual and/or potential effects associated with the earthworks can include (but not limited to); noise, dust, traffic generation, visual and drainage effects. An assessment against these actual and/or potential effects is provided below.

**CONSTRUCTION MANAGEMENT**

Given the size of the site, construction vehicles and contractor parking can be accommodated within the site and, as such, will not impact the surrounding road network. Prior to any bulk earthworks being undertaken, a Construction Management Plan (CMP) will be implemented, which will detail how all activities onsite are controlled. This will include maps and plans, traffic routes, sediment ponds, overflow channels, storage areas and a timing schedule. This plan will also set out the methodology of works and the environmental controls proposed to mitigate against aby adverse environmental effects.

**NOISE**

Any noise effects, including earthmoving plant and vibration during compaction, will be temporary and kept to a minimum by locating access tracks away from existing residential dwellings, and only operating equipment between the hours stipulated earlier in this report, being 7am – 7pm, Monday to Saturday inclusive, excluding public holidays and Sunday.

Furthermore, the noise limits set out in NZS 6803:1999 Construction Noise Guidelines will be complied with at all times.

**VEHICLE CIRCULATION**

During construction, vehicles entering and exiting the site will be restricted to travel through access points identified on the ESCP. These access points will be confirmed prior to earthworks commencing. Shaker ramps and ballast measures are likely to be implemented at access points to prevent the transport of soils/sediment off-site.

Movements on site are likely to include earthmoving plant excavating, importing and redistributing material around site. Additional vehicle movements will be those of the contractors arriving and leaving site each day. No earthworks plant will leave site during construction, and a speed restriction will be placed on all vehicles on site.

Although it is not possible to accurately estimate traffic associated with construction there must be an expectation that appropriately zoned land for residential development will be subdivided and developed. With this there must be some expectation that construction related effects will also occur. However, these will be temporary in nature. While some effects cannot be fully avoided, they can easily be managed. Therefore, it is considered that any adverse effects associated with vehicle circulation on site will be temporary and have less than minor effects on the environment.

**PROCESSING, STOCKPILING AND DISTRIBUTION OF MATERIAL**

Stockpiles will likely be required as part of the bulk earthworks. These will typically consist of stripped topsoil/vegetation, engineer-approved imported material for fill and unsuitable material unable to be re-used. Different soil/material types will be stockpiled individually to prevent cross-contamination. Where appropriate, stockpiles will be seeded for stabilisation, sediment retention, and dust mitigation. Water will be applied by water carts during dry

windy weather to minimise any potential dust generation. The locations and approximate sizes will be identified on the ESCP prepared for each stage of earthworks.

**DRAINAGE**

The earthworks proposed will alter the natural drainage pattern across the site which will in part enable drainage to be controlled so that it is directed to appropriate stormwater treatment solutions. Erosion and sediment control plans will be provided before any earthworks are undertaken on-site. These will be in accordance with Environment Canterbury's ESCG Toolbox with all controlling methods to be constructed and carried out in accordance with the specifications of this guideline.

**DUST AND SEDIMENTATION**

The potential adverse effect of dust on the surrounding environment could include soiling of properties during the loading, transporting, and unloading of material. These effects can be mitigated through the implementation of the ESC Plan which is proposed to cover all earthworks described in this application.

All exposed earthworks areas will be monitored for dust nuisance throughout the earthworks process until the surface is deemed fully stabilised. Any areas subject to earthworks, stockpiles or unsealed roads will be kept damp using appropriate methods for dust suppression (water carts or k-lines). Any dust generating activities will be stopped during times of high wind where dust suppression methods are insufficient to prevent fugitive dust leaving the site.

The earthworks also have the potential to generate water laden sediment run off. All works will be undertaken in accordance with the ESC Plan to ensure run off is captured and treated prior to its release into drainage systems.

Therefore, any adverse effects on the surrounding environment will be less than minor and temporary and can be appropriately controlled through good management practices.

**VISUAL EFFECTS**

Given the sites MRZ Zoning, the visual effects of the earthworks associated with residential development have somewhat been anticipated by the Selwyn District Plan. Therefore, any adverse visual appearance of the site during the construction process will be negligible given

the temporary nature of the earthworks and the location of the construction area within the bounds of the site.

**CONCLUSION**

The earthworks will be carried out in accordance with the following documents to ensure that the best practicable options are used to achieve stable fill for the construction of residential dwellings and services without subsequent detrimental movement:

- Erosion and sediment control plans
- Site management and/or construction management plans
- Traffic management plan
- NZS4431: 1989 Code of Practice for Earthfill in Residential Development
- NZS6803: P1999 "Measurement and Assessment of Noise from Construction, Maintenance, and Demolition Work".

The earthworks proposed are a necessary and temporary component and merely seeks to provide an appropriate level for development. Having regard to the potential effects and rules, it is considered that on balance, the proposal will have less than minor effects on the environment.

## 7.8 NATURAL HAZARD EFFECTS

The proposal is supported by a geotechnical letter report from CMW Geotechnical NZ Ltd (CMW) who have confirmed that the site is suitable for development.

In terms of flood risk, bulk earthworks are proposed to create building platforms and road sub-grades. A Flood Assessment Certificate will be sought upon completion of these earthworks to provide accurate levels to determine the final building floor levels, all of which will be able to be readily complied with, noting the site is outside any high hazard areas and any historical overland flow paths can be managed on-site. The applicant proffers the following conditions:

1. **Engineering plans and supporting design information for all works associated with all necessary earthworks must be submitted to Council via the development engineer for acceptance.**

2. **All designs and supporting information submitted to Council for review and Engineering Acceptance must demonstrate that any secondary flow paths created by this consent are able to convey the 0.5% annual exceedance probability (AEP) storm event. The designs will be expected to demonstrate that all flows generated by the design storm event will not exceed the capacity of the overland flow paths.**
3. **A flood assessment must be undertaken by a qualified professional as part of the Engineering Approval process.**
4. **Plans and supporting information must be submitted to the development engineer for acceptance to confirm:**
    a. **Any change in ground levels will not cause ponding or drainage nuisance to neighbouring properties.**
    b. **All filled land is shaped to fall to the road boundary.**
    c. **Existing drainage paths from neighbouring properties are maintained.**

Any adverse effects with regards to flooding can be appropriately managed and are less than minor.

## 7.9 POSITIVE EFFECTS

The proposal offers a number of social and wellbeing benefits for residents, including (but not limited to):

- Companionship and the ability to remain close to family.
- A safe and secure environment.
- A less onerous lifestyle (with reduced home and garden maintenance and other household tasks).
- Purpose-built, higher performing and comfortable accommodation.
- A club house to engage socially and enjoy others company.

The proposal can also offer wider community benefit. For instance, a new lifestyle village can release existing homes back onto the market to be used more efficiently by families. Villages are also set up to optimise efficiency in terms of the use of scarce land resources and external services. The economic benefits can also be significant, contributing substantially to the construction industry.

### 7.10 CONCLUSION

This conclusion is based on an assessment of the actual and potential effects on the environment of the proposed development. Having regard to the actual and potential effects, it is considered that the proposal will have less than minor adverse effects on the environment.

## 8.0 OBJECTIVES AND POLICIES OF THE PARTIALLY OPERATIVE SELWYN DISTRICT PLAN

When considering an application for resource consent, pursuant to section 104(1)(b), the consent authority must, subject to Part 2, have regard to any relevant provisions of relevant planning documents.

The Selwyn District Plan contains a detailed set of objectives and policies that generally seek a quality living environment that meets the differing needs of the districts' population. The following addresses relevant objectives and policies.

### 8.1 STRATEGIC DIRECTIONS

This chapter sets out the **overarching direction for matters relating to the growth of urban areas in the District.** Below is an assessment of the level of compliance that this proposal has in relation to key strategic objectives.

| OBJECTIVE | COMMENT |
|---|---|
| **SD-UFD-O1**<br>**WELL FUNCTONING URBAN ENVIRONMENT** | The proposed development represents an efficient, effective, and sustainable use of land that provides a range of housing opportunities in a growing community. |

### 8.2 TRANSPORT

Selwyn has an extensive land transport network that is being progressively extended and improved to cater for the continued population growth. Below is an assessment of the level of compliance that this proposal has in relation to the relevant objectives and policies.

| OBJECTIVE | COMMENT |
|---|---|
| **OBJECTIVES**<br>**TRAN-O1**<br><br>**POLICIES**<br>**TRAN-P1**<br>**TRAN-P2**<br>**TRAN-P5**<br>**TRAN-P6**<br>**TRAN-P7** | The proposal is supported by an integrated transport assessment which confirms that there is sufficient capacity within the wider transport network to accommodate the anticipated trip generation. The safety and efficiency of the transport network are maintained.<br><br>The proposal meets the purpose of this objective and its supporting policies. |

## 8.3 EARTHWORKS

The earthworks provisions within the District Plan seek to **manage the scale to address these effects by setting permitted thresholds, while requiring resource consent where the scale requires more specific assessment to ensure effects are adequately addressed and managed.** Below is an assessment of the level of compliance that this proposal has in relation to earthwork objective.

| OBJECTIVES + POLICIES | COMMENT |
|---|---|
| **OBJECTIVES**<br>**EW-O1**<br><br>**POLICIES**<br>**EW-P1**<br>**EW-P3**<br>**EW-P4**<br>**EW-PA** | The earthworks proposed seek to facilitate the site for residential development. The earthworks will be carried out in accordance with best practice, with appropriate controls in place to minimise any adverse effects nearby residents and the surrounding environment.<br><br>The proposal will result in a quality development, and the earthworks proposed are a necessary and temporary component of this.<br><br>Therefore, the proposal is consistent with Objective EW-O1 and its supporting policies. |

## 8.4 RESIDENTIAL ZONES

The District's Residential Zones are those areas which provide for the residential needs of the community. The objectives and policies below apply to all Residential Zones.

| OBJECTIVES + POLICIES | COMMENT |
|---|---|
| **OBJECTIVES**<br>**RESZ-O1**<br>**RESZ-O2**<br>**RESZ-O3**<br>**RESZ-O4**<br>**RESZ-O5**<br>**RESZ-O6**<br>**RESZ-O7**<br><br>**POLICIES**<br>**RESZ-P1**<br>**RESZ-P2**<br>**RESZ-P3**<br>**RESZ-PA**<br>**RESZ-PB**<br>**RESZ-PC** | The proposal would generally reflect the anticipated residential environment and form and maintains residential activity as the principal use. A range of typologies are provided which provide for choice within the constraints of the applicant's lifestyle village proposal. The proposal by default provides choice and provision for changing demographics and an ageing population.<br><br>The design of the buildings provides for variety whilst maintaining a coherence across the whole site, and the siting and design retains privacy, open space and access to sunlight and daylight for all units. Internally, the accesses would all be overlooked, with appropriate passive surveillance provided.<br><br>The development has been designed to achieve good urban design outcomes.<br><br>The proposal is consistent with the objectives and supporting policies. |

## 8.5 MEDIUM DENSITY RESIDENTIAL ZONE

The purpose of the Medium Density Residential Zone is to **provide areas for a higher density of residential development than elsewhere in the district. The zone will provide for a range of housing typologies to meet the diverse needs of the community. Detached, semi-detached and terraced housing and low rise apartments are anticipated in the zone, provided the design achieves high-quality on-site amenity for future residents.** Below is an assessment of the level of compliance that this proposal has in relation to the relevant objectives and policies.

| OBJECTIVES + POLICIES | COMMENT |
|---|---|
| **OBJECTIVE**<br>**MRZ-O1**<br><br>**POLICIES**<br>**MRZ- P1**<br>**MRZ-P2** | This objective recognises the need for a range of housing typologies to meet the needs of the district.<br><br>The proposal would generally reflect the anticipated residential environment and form and maintains residential activity as the principal use. A range of typologies are provided which provide for choice within the constraints of the applicant's lifestyle village proposal. The proposal by default provides choice and provision for changing demographics and an ageing |

| | |
|---|---|
| | population<br><br>The proposal is consistent with the objective and its supporting policies. |

### 8.6 CONCLUSION

Overall, the proposal is consistent with the policy direction sought to be achieved by the Partially Operative Selwyn District Plan.

## 9.0 OTHER REGIONAL PLANS, STANDARDS AND POLICY STATEMENTS

When considering an application for resource consent, pursuant to section 104(1)(b), the consent authority must, subject to Part 2, have regard to any relevant provisions of relevant planning documents.

### 9.1 CANTERBURY REGIONAL POLICY STATEMENT

The Canterbury Regional Policy Statement (CRPS) became operative on 15 January 2013 and gives an overview of the significant resource management issues facing the region and sets out objectives and policies to resolve those issues. The Canterbury Regional Council and territorial authorities are required to give effect to the CRPS through their regional and district plans. Relevant chapters in the CRPS relate to servicing and urban development. These have been given effect to through requirements within the Partially Operative District Plan.

Therefore, the proposal will provide for outcomes consistent with that sought by the relevant Objectives and Policies in the CRPS.

### 9.2 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT

The National Policy Statement on Urban Development 2020 (NPS-UD) came into effect on 20 August 2020 and replaced the National Policy Statement for Urban Development Capacity 2016.

The NPS-UD contains objectives and policies that councils must give effect to in their resource management decisions. The NPS-UD is designed to improve the responsiveness and competitiveness of land and development markets. It requires local authorities to open up

more development capacity, so more homes can be built in response to demand, having three key provisions to achieve the outcomes sought, being intensification, responsive planning policy, and removal of minimum parking requirements. Objectives and Policies of particular relevance are discussed below:

| OBJECTIVES | COMMENT |
|---|---|
| **OBJECTIVE 1**<br>**New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.**<br><br>**OBJECTIVE 4**<br>**New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.**<br><br>**OBJECTIVE 6**<br>**Local authority decisions on urban development that affect urban environments are…**<br><br>**POLICIES**<br>**POLICY 1**<br>**POLICY 3** | The proposal will achieve the objectives of the NPS-UD by enabling more people to live within Rolleston's urban area where there is appropriate servicing of sufficient capacity and high demand for housing, while responding to the diverse and changing needs of people and the community.<br><br>This will be achieved by contributing to a well-functioning urban environment by contributing to the offering of a variety of home styles in a location where there is good accessibility to all urban amenities and services.<br><br>Overall, it is considered the proposal will promote the outcomes sought by the NPS-UD. |

## 9.3 NATIONAL POLICY STATEMENT FOR NATURAL HAZARDS (NPS-NH)

The NPS-NH came into force on 15 January 2026. The aim of the NPS-NH is to maximise development while minimising losses from natural hazard events (in terms of injury, loss of life, and damage to land and buildings) by encouraging the right kind of development in the right locations. To achieve this, the NPS-NH directs that a risk-based proportionate approach be applied when managing the risk from natural hazards

The application site is located within the plains flood management overlay, and outside the liquefaction damage unlikely overlay; therefore, the NPS-NH applies to the proposal.

The geotechnical letter, included as **APPENDIX 7** includes a risk assessment which notes that any risk would be low.

A Flood Assessment Certificate will be applied for following the preparatory earthworks, and all buildings on the site will be required to meet a finished floor level that complies with the minimum level specified in that certificate, with a proffered condition of consent securing this.

The proposal is consistent with t he objectives and policy framework of the NPS-NH.

### 9.4 CONCLUSION

For the reasons discussed above, the proposal is consistent with the relevant regional plans, standards and policy statements listed above.

## 10.0 RESOURCE MANAGEMENT ACT 1991

### 10.1 PART 2 MATTERS

Part 2 of the Act "Purpose and Principles" comprises sections 5 to 8. Section 5 sets out the Act's purpose as follows:

**1) The overall purpose of the Act is to promote the sustainable management of natural and physical resources.**

**2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -**

**a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and**

**b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and;**

**c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.**

In turn, sections 6 to 8 set out 'principles' relating to:

- Matters of National Importance (s6)
- Other Matters (s7)
- Treaty of Waitangi (s8)

The recent Court of Appeal decision in **R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316** confirms that RMA decision makers should usually consider Part 2 when making decisions on resource consents (that is the implication of the words **"subject to Part 2"** in section 104).

However, where the relevant plan provisions have clearly given effect to Part 2, there may be no need to do so as it **"would not add anything to the evaluative exercise"**. It would be inconsistent with the scheme of the RMA to override those plan provisions through recourse to Part 2. In other words, **"genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome".**

The District Plan has a robust set of objectives, policies, rules, and associated standards which seek to ensure that social, economic and environmental change resulting from development in the residential zones, including the subject site, is managed in a way that encourages positive growth. In short, the relevant District Plan provisions are comprehensive, robust, and fully aligned with Part 2 obligations.

Consequently, in assessing and deciding the application for the proposal, I consider that recourse to Part 2 would not add anything to the evaluative exercise. However, for completeness I consider that the application is consistent with Part 2, and that the following aspects of Part 2 are relevant:

- the section 5 direction to enable people and communities to provide for their wellbeing, while avoiding, remedying, or mitigating adverse effects.
- the section 7 direction to have particular regard to;
    - the efficient use and development of natural and physical resources (s 7(b)).
    - the maintenance and enhancement of amenity values (s 7(c)).
    - maintenance and enhancement of the quality of the environment (s 7(f)).
    - any finite characteristics of natural and physical resources (s 7(g)).

## 10.2 NOTIFICATION

Section 95A sets out the steps a consent authority must follow to determine whether to publicly notify an application for resource consent. If under s.95A there is no requirement to publicly notify an application, s.95B sets out the steps that a consent authority must follow to determine whether to give limited notification of the application.

| **S95A PUBLIC NOTIFICATION** | |
|---|---|
| Step 1 - Does the application fall within the criteria for mandatory public notification under s95A(3)? | No<br>• The applicant has not requested public notification<br>• Public notification is not required under s95C<br>• The application is not made jointly with an application to exchange recreation reserve land under section 155AA of the Reserves Act 1977. |
| Step 2 - Does the application fall within the criteria where public notification is precluded under s95A(5)? | No. The application is for a **non-complying** land use consent application. |
| Step 3 – Does the application fall within the criteria for public notification subject to certain criteria under s95A(8)? | No. The proposal does not have adverse effects that are more than minor. |
| Step 4 – Are there any special circumstances under s95A(9) which requires public notification? | There are no special circumstances which require the application to be publicly notified. |

The application does not meet the criteria for public notification under the provisions of s95A.

| **S95B LIMITED NOTIFICATION** | |
|---|---|
| Step 1 – Are there certain affected groups and affected persons who must be notified under s95BA(2-3)? | No<br>• There are no affected customary rights groups or affected marine title groups<br>• The proposed activity is not on or adjacent to, or affects land is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11. |

| | |
|---|---|
| Step 2 - Does the application fall within the criteria where limited notification is precluded under s95B(6)? | No.<br>• The application is not for an activity subject to a rule or national environmental standard that precludes limited notification.<br>• The activity is not for a controlled activity<br>• The activity is not for a prescribed activity |
| Step 3 – Does the application fall within the criteria for other affected persons to be notified under s95B(7-8) and s95E? | The above assessment of environmental effects concludes the proposal will have less than minor adverse effects. Therefore, there are no persons whom should be notified. |
| Step 4 – Are there any special circumstances under s95B(10) which requires limited notification? | There are no special circumstances which require the application to be limited notified to any other persons (excluding persons assessed under s95E as not being affected persons). |

Based, on the above, and the preceding assessment, any adverse effects on the environment are less than minor and as such, no parties are considered to be adversely affected by the proposal. It is considered that the application need not be limited notified in accordance with Section 95B of the RMA.

## 10.3 SECTION 104 – CONSIDERATION OF APPLICATIONS

Section 104 of the Resource Management Act 1991 sets out those matters that must be considered in assessing an application for resource consent. Subject to Part II of the Act, Section 104(1) requires a consent authority to have regard to:

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

**b)** **any relevant provisions of-**

- **i)** **a national environmental standard**
- **ii)** **other regulations**
- **iii)** **a national policy statement**
- **iv)** **a New Zealand coastal policy statement**
- **v)** **a regional policy statement or proposed regional policy statement**
- **vi)** **a plan or proposed plan; and**

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

When considering an application for resource consent, pursuant to section 104(1)(b)(vi), the consent authority must, subject to Part 2, have regard to any relevant objectives, policies and other provisions of the District Plan.

The proposal is consistent with the relevant objectives, policies and assessment matters which essentially seek to maintain or enhance the amenities of the built environment.

### 10.4 SECTION 104D – NON-COMPLYING ACTIVITIES

Section 104D(1) sets out the particular restrictions for non-complying activities as follows:

- **The adverse effect of the activity on the environment will be minor; or**
- **The application is for an activity that will not be contrary to the objectives and policies of the Plan.**

The application of Section 104D(1)(a) and Section 104D(1)(b) are commonly referred to as the 'threshold tests' under which an application for a non-complying activity must be assessed. In this case, land use consent is required for a non-complying activity. The actual and potential adverse effects arising from these non-compliances are considered to be less than minor, thus the proposal passes the first threshold test.

With respect to Section 104D(1)(b) an assessment of the objectives and policies of the plan was undertaken in Section 7 of this application. The proposal is not contrary to these objectives and policies, thus passing the second threshold test.

A proposal need only pass one of the two threshold tests in order to be granted by the Council. In this case both tests are passed and therefore Council must grant consent with appropriate conditions imposed.

## 11.0 CONCLUSION

Section 104 of the Resource Management Act 1991 sets out the matters to be considered when assessing an application for resource consent. These matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the proposal is consistent with the provisions of the Plan.

The proposal seeks land use consent for a new lifestyle village as a **non-complying** activity. It has been demonstrated by the preceding assessment that the effects on the environment are less than minor. Furthermore, the proposal is an appropriate and efficient use of land that is already recognised as being appropriate for residential purposes, and consistent with the character and amenity values of the surrounding residential area.

The relevant provisions of Part 2 of the Resource Management Act 1991 have been satisfied as it is considered that the proposed activity is consistent with the purpose of the Act, promoting sustainable management of natural and physical resources. Council can grant consent subject to appropriate conditions.

## APPENDIX 1

RECORD OF TITLE

## APPENDIX 2

ARCHITECTURAL PLANS

## APPENDIX 3

LANDSCAPE PLANS

## APPENDIX 4

PRELIMINARY INFRASTRUCTURE DESIGN REPORT

## APPENDIX 5

TWO WATERS AND SURFACE WATER CERTIFICATES

## APPENDIX 6

EARTHWORKS PLAN

## APPENDIX 7

GEOTECH LETTER

## APPENDIX 8

PRE-APPLICATION MEETING NOTES

## APPENDIX 9

URBAN DESIGN REPORT

## APPENDIX 10

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