

RMA Planning Framework

Proposed Retirement Village

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Introduction

1. The applicant, Lincoln Land Limited (LLL), proposes to construct and operate a retirement village at 1506 Springs Road, Lincoln (the **Site**).
2. LLL seeks to use the COVID-19 Recovery (Fast-track Consenting) Act 2020 to obtain the relevant resource consents required for the project.

Proposal Description

3. The retirement village will be operated by Arvida Group and will comprise:
 - a. 188 villas – individual single storey residential dwellings in a range of sizes (one to three bedrooms) and configurations.
 - b. Care home – two storey building with 60 suites offering a range of care options, including dementia care.
 - c. Clubhouse – a community hub with shared amenities and activities for all residents.
 - d. Pavilion – a small, resident run, multi-use hall facility for communal and private events.
 - e. Resident's Shed – a small workshop/store for resident run craft and garden activities.
 - f. Maintenance Shed – store for maintenance vehicles and equipment.
4. It should be noted that detailed design of the proposed development has yet to be undertaken. This may result in some changes to the composition of the villas and site layout, although bulk and location parameters will remain the same. The buildings will be constructed to the following parameters:

- a. A maximum height of 6.7m for the villas
 - b. A maximum height of 10.7m for the care home building
 - c. A maximum height of 7.9m for the resident's clubhouse
 - d. A maximum height of 9.2m for the pavilion
 - e. A maximum height of 5.7m for the resident's shed
 - f. A maximum height of 4.7m for the maintenance shed
 - g. Site coverage of 45.25% (includes buildings, roads and formed accessways)
 - h. A 5m building setback from Springs Road
 - i. A 50m building setback from the northern internal boundary
 - j. A 3m building setback from the western and southern internal boundaries
5. The buildings will be set within a landscaped setting, including amenity gardens, outdoor fitness areas, stormwater treatment areas, bowling greens and pedestrian pathways.
6. Two vehicle accesses are proposed to the site from Springs Road. The northern-most access will be the primary access, connecting to a visitor car parking area. A secondary access will be provided approximately 100m to the south of the main access.
7. Further details on the characteristics of the proposal are contained in the following annexures:

Annexure 1:	Masterplan
Annexure 2:	Urban Design Statement
Annexure 3:	Transportation Assessment
Annexure 4:	Infrastructure Servicing Summary

The Site and Surrounding Environment

8. The site and surrounding area are shown in **Figure 1**.
9. The site is located at 1506 Springs Road, to the south-west of the Lincoln town centre. The total site area is 11.41 hectares.
10. Adjoining the northern and western site boundaries is the Verdeco residential subdivision. Stormwater management swales for this subdivision are located along these boundaries.
11. The southern boundary and the eastern side of Springs Road contain rural land which is the subject of Private Plan Change 69 to the Operative Selwyn District Plan (**ODP**). The plan change is summarised further on in this report. It approved approximately 190 hectares of land to be rezoned from rural to residential and is currently subject to an Environment Court appeal.

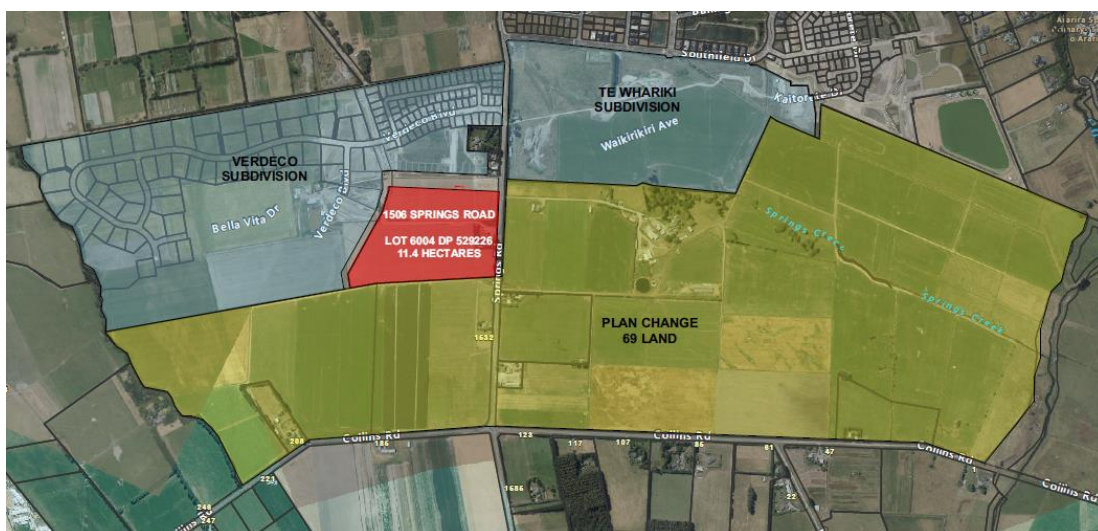


Figure 1: Site and Surrounding Environment

Planning Framework

Operative Selwyn District Plan

12. The site is in the Business 2B Zone which the ODP describes as “areas where activities may be able to be located that have effects which are incompatible with the character or amenity values of Living, Business 1 or Rural Zones.” Within this context, the zone provides for a range of permitted industrial and storage activities, with ancillary offices and limited retailing.
13. The surrounding zoning pattern is shown in **Figure 2**. Green identifies living zones and pink identifies rural zones. The Business 3 (B3) Zone comprises the Lincoln University Main Campus.

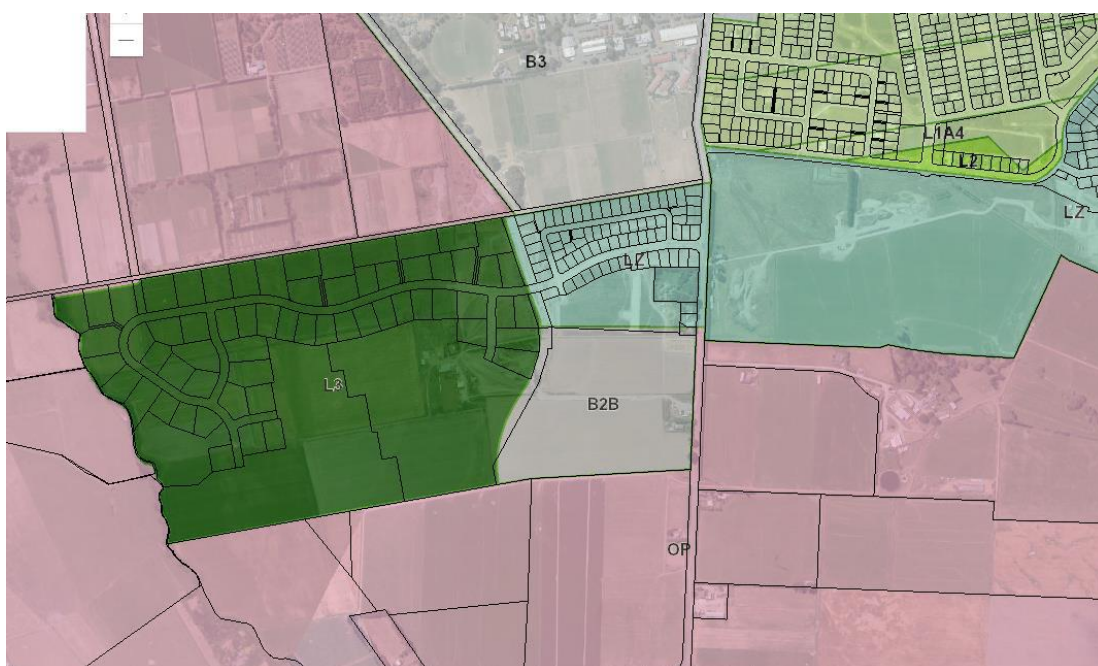


Figure 2: Operative District Plan Zoning

14. The site is also contained within Lincoln Outline Development Plan Area 5, as shown in **Figure 3**. This comprises approximately 26 hectares of land and includes the Verdeco subdivision and the Business 2B Zone.



Figure 3: Lincoln Outline Development Plan Area 5

Proposed Selwyn District Plan

15. The Proposed Selwyn District Plan (**PDP**) was notified on 5 October 2020. Variation 1 to the PDP was notified on 20 August 2022. Variation 1 gives effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act.
16. The site is in the General Industrial Zone (**GIZ**), as shown in **Figure 4**. The PDP states that the GIZ “provides for a range of industrial activities, along with other activities that have similar

characteristics, or which due to their scale or nature are best located within the General Industrial Zone.”

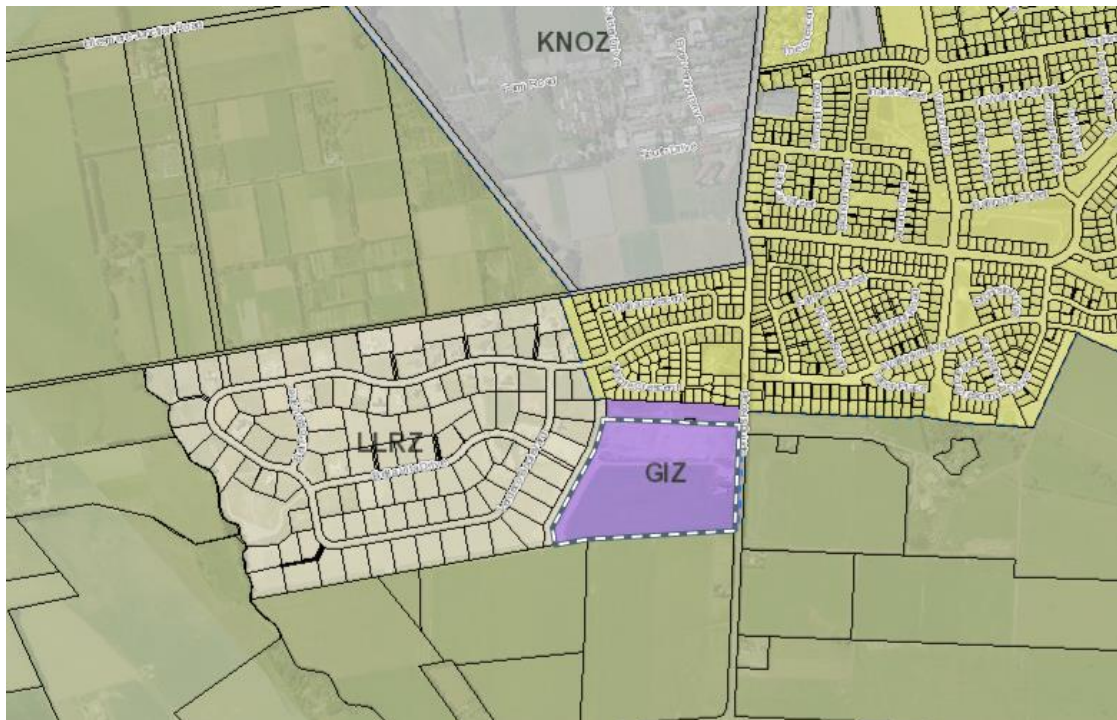


Figure 4: Proposed District Plan Zoning

17. The site is also in the Lincoln Industrial Precinct, as shown in **Figure 5**. There are three industrial precincts within the GIZ, at Lincoln, Rolleston and Leeston.

GIZ-PREC 7: Lincoln Industrial Precinct



Figure 5: Lincoln Industrial Precinct

Canterbury Land and Water Regional Plan

18. The site is within the following overlays:
 - a. Semi confined or unconfined aquifer
 - b. L-2 River Surface Water Catchment
 - c. Selwyn-Waimakariri Combined Surface and Groundwater Allocation Zone
19. The site is also subject to the Selwyn Waihora Sub Regional Chapter.

Compliance Assessments

Operative Selwyn District Plan

20. A full compliance assessment against the relevant rules of the ODP is contained in **Annexure 5**. In summary, the proposal does not comply with the following rules of the ODP:

Table 1: ODP non-compliances

Rule	Non-compliance	Activity Status
13.1.2.1	Retirement villages are not provided for as a permitted activity in the Business 2B Zone.	Discretionary activity under Rule 13.1.9.2.
14.1.1.5	Earthworks will exceed the maximum permitted volume of 5000m ³ per project.	Discretionary activity under Rule 14.1.4.2.
17.3.6	The retirement village will generate more than 250 vehicle movements per day.	Restricted discretionary activity under Rule 17.3.6.
19.1.1.6	The entry signs to the retirement village may exceed 3m ² .	Discretionary activity under Rule 19.1.2.
22.1.1.1	Dwellings will be constructed on a contaminated site.	Restricted discretionary activity under Rule 21.1.2.

21. The proposal is a discretionary activity overall.
22. It should also be noted that the proposal has differing access arrangements and stormwater treatment areas from the Outline Development Plan in **Figure 3**. There are, however, no rules triggered by this as the rules relating to Outline Development Plans are only relevant to subdivision activities. It is considered that the proposal is in general accordance with the Outline Development Plan.

Proposed Selwyn District Plan

23. While no decisions have been released on the PDP or Variation 1, some rules have immediate legal effect from the date of notification.
24. A review of the rules which have legal effect has not identified any which are applicable to the proposal.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

25. The National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) is applicable to the proposal given the bulk earthworks to occur across the site.
26. The site is identified on Environment Canterbury's Listed Land Use Register as having previously contained Hazardous Activities and Industries List (HAIL) activities, this being horticultural use and landfill activities. As such, consent will be required under the NES-CS.
27. The activity status will be dependent on the results of a Detailed Site Investigation, however, will be either controlled or restricted discretionary.

Canterbury Land and Water Regional Plan

28. An assessment of the Land and Water Regional Plan (**LWRP**) has identified the following consenting requirements:

Table 2: LWRP non-compliances

Rule	Non-compliance	Activity Status
5.93A Reticulated stormwater system	As the site is potentially contaminated and on the LLUR, Selwyn District Council is unable to provide permission for built phase stormwater discharge under their global stormwater consent.	Discretionary activity under Rule 5.97.
5.94A Construction phase stormwater	The area of disturbed land will be greater than two hectares and the discharge will be from a site which is potentially contaminated.	Restricted discretionary activity under Rule 5.94B.
5.99 Other minor contaminant discharges	Where flocculants are used to treat stormwater or dewatering water, these result in the discharge of a hazardous substance.	Discretionary activity under Rule 5.100.
5.119 Site dewatering	The taking of groundwater for the purpose of dewatering for carrying out excavations is not permitted on a potentially contaminated site.	Restricted discretionary activity under Rule 5.120.
5.175 Earthworks over Aquifers	The volume of material excavated will be greater than 100m ³ and within 1m of groundwater.	Restricted discretionary activity under Rule 5.175.

29. Overall, the proposal is a discretionary activity under the LWRP.

District Plan Objectives and Policies

Operative Selwyn District Plan

30. An assessment of the relevant ODP objectives and policies is contained in **Annexure 6**.
31. This assessment found that the proposed retirement village is generally consistent with the relevant Objectives and Policies as demonstrated via the supporting technical assessments and assessment of the proposal.

Proposed Selwyn District Plan

32. An assessment of the relevant PDP objectives and policies is contained in **Annexure 7**.

33. This assessment found that the proposed retirement village would be inconsistent with one Objective (GIZ-O3) and the supporting policies (GIZ – P1-P6) relating to development, character and function of the zone given residential development is proposed within an industrial zone. However, overall, the proposal would be in general alignment with the proposed objectives and policies, as demonstrated via the supporting technical assessments and assessment of the proposal.

Rezoning process

34. While the assessment of the project has been undertaken under the existing zoning there is an ongoing planning process via the PDP (notified in late 2020) and Variation 1 to the PDP (notified in August 2022), which seeks to rezone the Site from industrial to residential as described further below.
35. There are several submissions and further submissions that are directly, or indirectly, relevant to the proposed GIZ, and they are:

Proposed District Plan

- a. Next Level Developments Ltd (DPR-0352) to rezone the Site General Residential Zone (**GRZ**);
- b. Arvida Group Limited (DPR-0566 FS) further submission in support of submission DPR-0352;
- c. Stewart, Townsend and Fraser (DPR-0136) to rezone approximately 20ha of land located at Springs/Tancreds Roads (the **Tancreds Site**) from Rural to a mix of General/Large Lot Residential and General Industrial;
- d. New Zealand Institute for Plant and Food Research Limited (DPR-0213 FS) further submission opposing submission DPR-0136; and
- e. AgResearch Limited (DPR-0342 FS) further submission opposing submission DPR-0136.

Variation 1

- a. Next Level Developments Ltd (V1-0091) to rezone the Site Medium Density Residential (**MRZ**);
 - b. Arvida Group Limited (V1-0122) further submission in support of submission V1-0091;
 - c. Stewart, Townsend and Fraser (V1-0069) to rezone approximately 20ha of land located at Springs/Tancreds Roads from Rural to MRZ¹;
 - d. New Zealand Institute for Plant and Food Research Limited (V1-0120) further submission opposing submission V1-0069; and
 - e. AgResearch Limited (V1-0055) further submission opposing submission V1-0069.
36. The Next Level Developments and Arvida submissions relate directly to the site subject to this referral request. The Stewart/Townsend/Fraser (and related further submissions) relate indirectly to the Site, insofar as it seeks an additional Industrial (and residential) zone within

¹ This submission increased the area sought to be rezoned from the submission on the PDP and did not include the industrial rezoning request. However, rebuttal evidence of PF Ashton on behalf of Stewart, Townsend and Fraser 3 February 2023 – PDP rezoning hearing 30.4 introduces an alternate option for industrial only zoning.

Lincoln Township. The general location of the Tancreds Site is shown in Figure 6 below. The GIZ Site at 1506 Springs Road is also shown in the Figure.

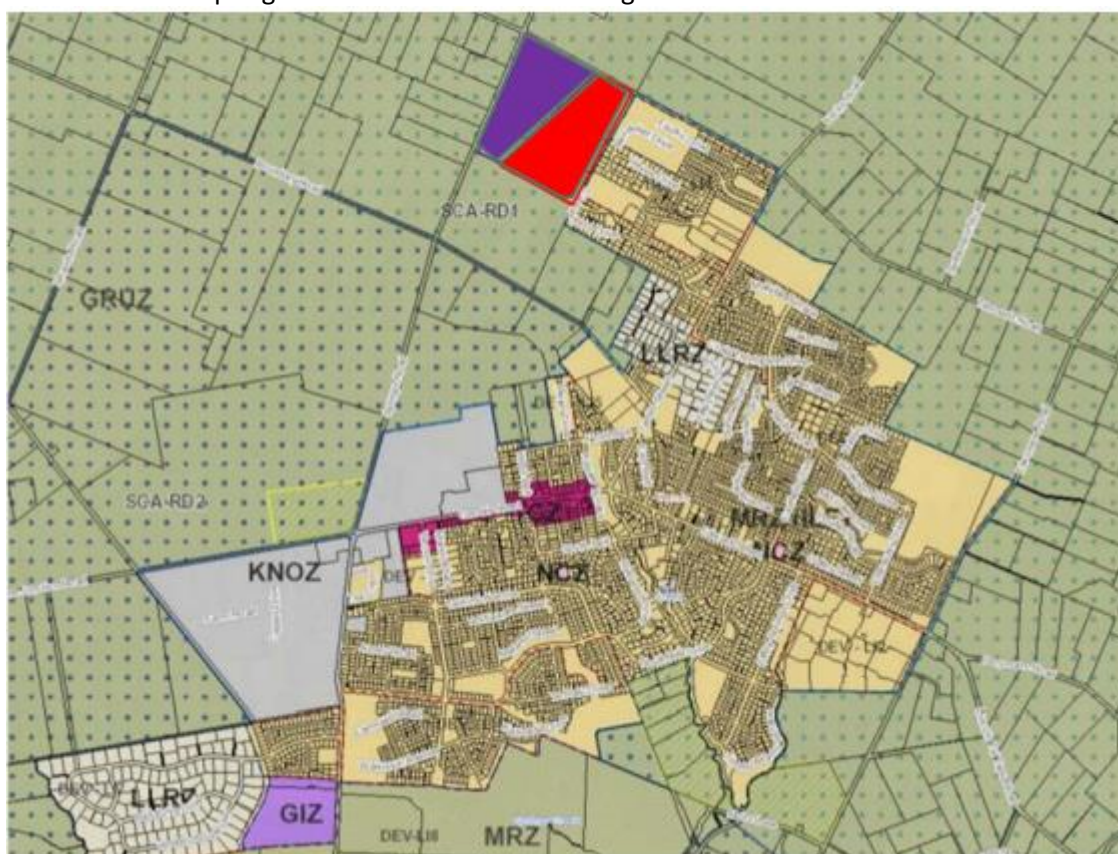


Figure 6: Proposed Zoning the Tancreds Site – GIZ Shaded Purple, GRZ Shaded Red²

37. For completeness, it is also noted that land to the south and east of the Site is subject to:
 - a. An approved Plan Change (PC69) to the operative District Plan rezoning approximately 190 hectares of rural land to residential. PC69 is subject to an Environment Court Appeal³ by Lincoln Voice Incorporated. The location of the PC69 land relative to the Site is shown in Figure 7 below;
 - b. A submission on the PDP (Submitter DPR-0384) seeking a GRZ and Neighbourhood Commercial Zone – largely aligned with the PC69 outcome. A hearing on this rezoning requested is due to commence on 23 February 2023; and
 - c. A submission on Variation 1 (and Variations to PC69) seeking the introduction of a MRZ across the PC69 land.

² Source: Rebuttal evidence of PF Ashton on behalf of Stewart, Townsend and Fraser 3 February 2023 – PDP rezoning hearing 30.4. Note that the evidence also introduces an alternate option for industrial only zoning.

³ The Appeal is adjourned sine die pending decisions by the District Council on the PDP and related Variations.

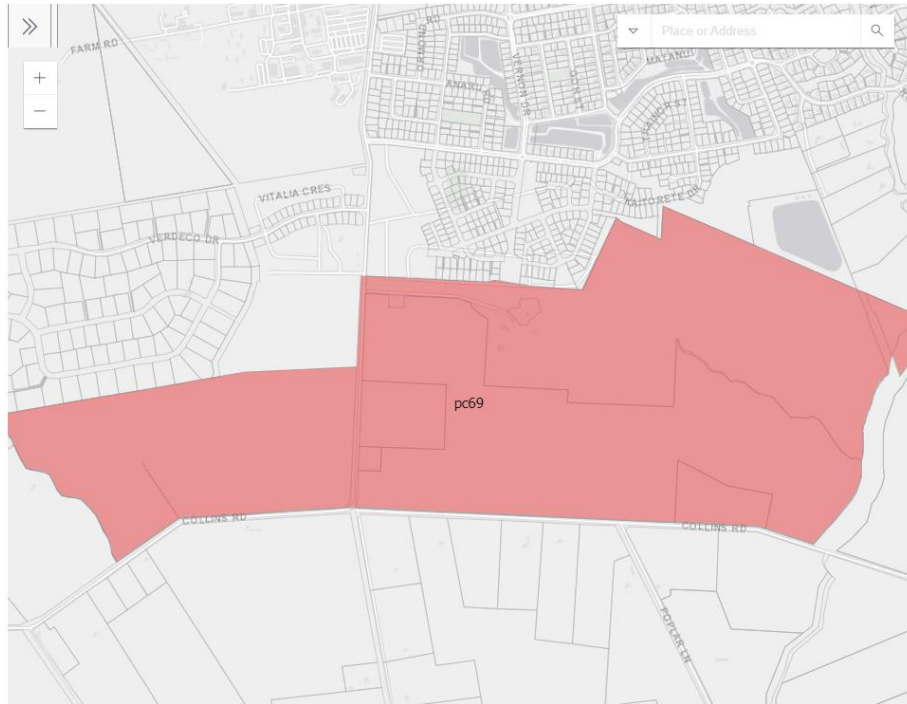


Figure 7: PC69 Land

38. The planning framework affecting the Site, nearby land and proposed additional industrial zoning for Lincoln is dynamic and uncertain. Hearings on the PDP rezoning requests at Lincoln commence in February and the Variation hearings are scheduled for May – June of this year.

Industrial Land in Lincoln

39. While the Site is currently the only land zoned GIZ within Lincoln there is the potential that there is no need for industrial land within Lincoln itself (as set out in the economics evidence on behalf of Next Level Developments in relation to the PDP and Variation 1 rezoning). There is also at least one other significantly sized site within Lincoln with the potential for industrial uses in the form of the Tancreds Site.
40. Accordingly, there are industrial options for the Council within Lincoln through the PDP and Variation 1 process (should it so be required) to give effect to its obligations under the NPS UD. The Site is almost completely surrounded by land zoned for residential uses and the proposed use as a retirement village is much more consistent with the surrounding land use.

Higher Order Documents

Canterbury Regional Policy Statement

41. An assessment of the relevant objectives and policies of the Canterbury Regional Policy Statement (**CRPS**) is contained in **Annexure 8** and demonstrates that the proposal is consistent with the CRPS.
42. The key conclusions of the assessment are:

- a. The Site is located in an existing urban area and the retirement village development will provide a range of housing choice and facilities for an ageing population.
- b. Given adjacent residential land use, there will be no conflicts between incompatible activities.
- c. The economic assessment of Sense Partners concludes there is an oversupply of industrial land in Selwyn District and an undersupply of Plan enabled residential land. There is also at least one other significantly sized site within Lincoln with the potential for industrial uses in the form of the Tancreds Site. Accordingly, there are industrial options for the Council within Lincoln through the PDP and Variation 1 process (should it so be required) to give effect to its obligations under the NPS UD. The Site is almost completely surrounded by land zoned for residential uses and the proposed use as a retirement village is much more consistent with the surrounding land use.
- d. The CRPS does not restrict the types of activities that can establish in greenfield priority areas. There are no avoidance policies relating to business land.
- e. The proposal provides for regeneration of brownfield land.

National Policy Statement on Urban Development

- 43. The National Policy Statement on Urban Development (**NPS-UD**) sets out objectives and policies for planning for well-functioning urban environments. Such environments are defined as those which:
 - a. *have or enable a variety of homes that:*
 - i. *meet the needs, in terms of type, price, and location, of different households; and*
 - ii. *enable Māori to express their cultural traditions and norms; and*
 - b. *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
 - c. *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
 - d. *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
 - e. *support reductions in greenhouse gas emissions; and*
 - f. *are resilient to the likely current and future effects of climate change.*
- 44. The proposed retirement village will contribute to a well-functioning urban environment and provide development capacity to meet demand for housing for New Zealand's ageing population. The proposed development will align with the objectives and policies of the NPS-UD.

National Policy Statement for Highly Productive Land

- 45. The National Policy Statement for Highly Productive Land (**NPS-HPL**) seeks to protect highly productive land for use in land-based primary production, now and for future generations. Until such time as regional councils map areas of productive land, such land is defined as any land which is zoned general rural or rural production and which is Land Use Category 1, 2, or 3 land. Highly productive land does not include any land identified for future urban development⁴.

⁴ Clause 3.5(7)(b)(i) of the NPS-HPL

46. As the application site is identified as a greenfield priority area in the CRPS for future urban development, the site does not comprise highly productive land and therefore the policy framework of the NPS-HPL is not applicable.

Conclusion

47. This report has set out the RMA planning framework applicable to the proposal to construct and operate a retirement village at 1506 Springs Road, Lincoln.
48. The proposal requires resource consent under the ODP, the LWRP, and the NES-CS. The overall activity status is discretionary.
49. The proposal will be consistent with the objectives and policies of the applicable plans and policy statements, as demonstrated in this report and annexures.

Annexures:

1. Masterplan
2. Urban Design Statement
3. Transport Assessment
4. Infrastructure Servicing Summary
5. Operative District Plan Compliance Assessment
6. Operative District Plan Policy Assessment
7. Proposed District Plan Policy Assessment
8. Regional Policy Statement Assessment