

Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

For office use only:

Project name: Summerset Rotorua
Application number: PJ-0000836
Date received: 25/11/2022

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: fasttrackconsenting@mfe.govt.nz

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

Part I: Applicant

Applicant details

Person or entity making the request: Summerset Villages (Rotorua) Limited

Contact person: Oliver Boyd

Job title: National Development Manager

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

PO Box 5187, Wellington 6140

Address for service (if different from above)

Organisation: Russell McVeagh

Contact person: Daniel Minhinnick / Jacob Burton

Job title: Partner / Senior Solicitor

Phone: s 9(2)(a)

Email: s 9(2)(a)

s 9(2)(a)

Email address for service: s 9(2)(a)

Postal address:

Vero Centre, 48 Shortland Street, PO Box 8, Auckland 1140

Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

171-193 Fairy Springs Road, Fairy Springs, Bay of Plenty, 3015, New Zealand

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

Kawaha 3K Block, Title SA273/201 (refer **Appendix 2**)

Kawaha 3L1 Block, Title S382/103 (refer **Appendix 2**)

Registered legal land owner(s):

The Applicant, Summerset Villages (Rotorua) Limited owns both parcels of land.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

Summerset Villages (Rotorua) Limited is the registered legal landowner of 171-193 Fairy Springs Road, Rotorua and therefore has full control over the brownfield development of this land, subject to securing all necessary resource consent approvals for such development.

Part III: Project details

Description

Project name: Summerset Rotorua

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

The Project is the construction and operation of a Retirement Village. Further detail on what the Project will comprise of is discussed in the application for referral attached.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

Summerset Villages (Rotorua) Limited has recently purchased approximately 14.24 ha of land which is zoned Commercial Zone 5 – City Entranceway Tourism ("COMZ5") under the Rotorua Lakes Plan. The Site is to be developed in stages as a Retirement Village, owned and operated by Summerset. The Site will deliver approximately 280 living units, and 100 units comprising assisted living suites, memory care suites, care suites and beds.

The purpose of the Project is to develop the COMZ5 zoned land to provide a comprehensive Retirement Village and small commercial holding within the site fronting to the State Highway. This will help to facilitate additional residential dwellings to assist with resolving Rotorua's current housing crisis. The objective of the Project is to develop the site in general accordance with the comprehensive Masterplan which has been developed for the site, contained at Appendix 3. Please note that the Masterplan is preliminary and may be refined during the detailed design phase. The fundamentals of the Project, however, will not change.

In order to establish the Project, it will be necessary to undertake bulk earthworks to provide suitable building platforms, and to accommodate the required ground infrastructure; undertake vegetation clearance where necessary; carry out the deconstruction and removal of any structures not suitable to the Project along with the safe removal or remediation of contaminated soils that are already located on site; and erect site security fencing and hoardings as appropriate, including project advertising and site identification.

In addition, the Project will involve earthworks to construct infrastructure and roading network required to serve the development, re-contouring of overland flow paths within the site, ecological restoration of the Waiowhiro Stream, which intersects the Site.

The Project requires consents / approvals as indicated below. Overall, District Consents would be bundled as a non-complying activity, and Regional Consents as a discretionary activity. Construction of the development will be undertaken entirely by Summerset and their internal construction and project delivery teams.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

As a result of the size of the Project, the construction of the retirement village is anticipated to be undertaken in stages. Access to the Site for construction traffic and for residents, staff and visitors during the staging of the Project will be shared from Fairy Springs Road, with management measures put in place to facilitate this.

The staged construction of the retirement village also means that some temporary activities are proposed during the various phases. These include:

- a temporary recreation centre and associated car parking spaces;
- a show suite;
- temporary advertising hoardings;
- a temporary operations office; and
- a temporary sales office.

The bulk earthworks and civil construction is expected to be finished within the first stage of the programme. High level programme indication is 10-14 months for bulk earthworks completion. The Project is intended to be constructed in several stages continuously during an estimated 5-7 year period, with the potential for some stages to overlap.

Summerset has significant experience in projects of this nature and has financing in place to fund the Project to completion. Summerset is not dependent on pre-sales to fund any aspects of the Project. As such, no delays are expected to occur between any stages of construction, and completion of the Project as soon as possible will be Summerset's priority. In all respects, the Project is "shovel ready".

Consents / approvals required

Relevant local authorities: Bay of Plenty Regional Council, Rotorua District Council

Resource consent(s) / designation required:

Land-use consent, Subdivision consent, Discharge permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Kawaha 3K Block (prior references SAPR100/22)	Rotorua Lakes District Plan	Water Zone	N / A	N / A
Kawaha 3L1 Block (prior references SAPR168/179)				

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Rotorua Lakes District Plan	SUB-R11	Subdivision of sites or buildings not otherwise stated in the Subdivision Rules	Controlled Activity	
Rotorua Lakes District Plan	COMZ-R10	Office in the Commercial 5 Zone	Non-Complying Activity	
Rotorua Lakes District Plan	COMZ-R25	Medical Centres in the Commercial 5 Zone	Non-Complying Activity	
Rotorua Lakes District Plan	COMZ-R26	Daycare Centres in the Commercial 5 Zone	Non-Complying Activity	
Rotorua Lakes District Plan	COMZ-R30	Community Facilities in the Commercial 5 Zone.	Non-Complying Activity	
Rotorua Lakes District Plan	COMZ-R31	Rest Homes in the Commercial 5 Zone.	Non-Complying Activity	
Rotorua Lakes District Plan	COMZ-R32	Household units in the Commercial 5 Zone.	Non-Complying Activity	
Rotorua Lakes District Plan	NATC-R2	Earthworks within 25 metres of a stream	Discretionary Activity	

		within the Commercial Zone.		
Rotorua Lakes District Plan	EW-R1	Earthworks in the Commercial Zone that are not associated with a permitted or controlled activity.	Non-Complying Activity	
Rotorua Lakes District Plan	SIGN-R1	Signage that does not relate to a permitted or controlled activity on the site.	Restricted Discretionary Activity	
Rotorua Lakes District Plan	WTRZ-R11	Disturbance or removal of riparian vegetation with 10 metres of a water body.	Restricted Discretionary Activity	
BOPRC Regional Natural Resources Plan	Rule LM R4 (Rule 1C)	The disturbance of land and soil (earthworks) across an area greater than 2 hectares.	Discretionary Activity	
Rotorua Lakes District Plan	Rule DW R8 (Rule 37)	The discharge of untreated stormwater to the Waiowhoro Stream.	Discretionary Activity	
Rotorua Lakes District Plan	Rule DW R21 (Rule 30A)	The discharge of stormwater to surface water at a rate of more than 125L/s during the 10% AEP to Waiowhoro Stream.	Restricted Discretionary Activity	
Rotorua Lakes District Plan	Rule DW R25 (Rule 35)	Remediation or disturbance of contaminated land.	Restricted Discretionary Activity	
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	Clauses 9-11 of the NES-CS	Subdivision, change of use, and disturbing the soil of a 'piece of land'.	Controlled, Restricted Discretionary or Discretionary Activity	

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

No resource consent applications or notices of requirement have previously been made for the Project or other similar projects on the Site.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

There are no resource consents or designations required for the Project that will be obtained by someone other than the Applicant. For completeness, the Applicant will be seeking all resource consents associated with the Project.

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

No other legal authorisations, such as authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987, have been identified as being required for the Project.

Building consents under the Building Act 2004 will be required for in-ground infrastructure and building works following the granting of resource consents.

Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

Summerset expects construction to commence within a matter of months of the forecasted date of receiving consent, with the Project developed in a staged manner over 5-7 years from commencement. Pre-construction planning is conducted at the early stages of preliminary design and refined through the consent process with technical construction input. Management plans required are prepared in advance so that they will be ready to lodge with RRLC and BOPRC should consent be granted. The requirements for establishing the Site and any associated enabling works are determined prior to Resource Consent, along with procurement of contractors.

Further detail is provided in the application for referral attached.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

To date the Applicant has not undertaken pre-application discussions with the Ministry for the Environment Fast Track application team or any other Government ministry or department.

Local authorities

Detail all consultation undertaken with relevant local authorities:

Rotorua Lakes Council Representatives from Aurecon, Stratum and Summerset met with RLC on the 2nd of December 2021 to discuss the Project. Present at the meeting were Simon Bell (Development Support Manager), Paula Meredith (Manager, Land Development), and Stephanie Kelly (Principal Advisor, District Development Team) from RLC; Oliver Boyd from Summerset; Andrew Perry, Johan Pretorius and Harriet McKee from Aurecon; and Brett Farquhar from Stratum. A summary was provided of the proposed development, including a discussion around the split of the Summerset Village and the potential residential and commercial areas. The summary discussion at the outset of the meeting also centred on the potential for repurposing of the existing buildings on site, and the fact that any new residential or retirement dwellings provided on the site would have a substantial flow on effect to the existing housing stock availability within the bounds of the City.

A further meeting with RLC staff (including the Team Lead of Consenting) was held on 27 January 2022 where specific planning pathways were discussed. Summerset will continue to progress engagement with RLC in parallel to this application.

Bay of Plenty Regional Council A meeting was held with Bay of Plenty Regional Council on 22 December 2021 to discuss the Project in a similar manner to the initial meeting with RLC. A second meeting was held on 29 June 2022 to discuss the proposed stormwater solution and specific detail on the stormwater modelling to be undertaken. Summerset will continue to progress engagement with BOPRC in parallel to this application.

KiwiRail Summerset and Aurecon met with Kiwirail to discuss the need for infrastructure to convey stormwater through their rail embankment on 21 January 2022. The discussion highlighted the proposed solution, and agreed on the process forward, being KiwiRail's deed of grant process. The KiwiRail property team saw no reason an application wouldn't be approved, as long as supported by an acceptable engineering solution to allow the railway line to be operational should it wish to operate along that corridor again.

Waka Kotahi Summerset has engaged through their experts with Waka Kotahi regarding potential transport effects for the site and how to manage them, particularly in response to State Highway 5, this has informed the initial transport assessment. Summerset intends to progress engagement with Waka Kotahi regarding any matters relevant to State Highway 5 as part of the Project.

Rotorua Economic Development Unit Summerset met with the Rotorua Economic Development ("RED") organisation (a Council Controlled Organisation of RLC) to discuss the Project and the following feedback was formally received: RED supports this development as it aligns with the work being undertaken to invigorate the local economy and address housing issues. RED is also committed to working alongside Summerset and Council to help make this a success. RED supports the Project for the following reasons: - The economic impact the Summerset development creates in Rotorua is hugely significant. The Summerset development will bring 200 direct construction jobs to Rotorua and 50 ongoing jobs. - Rotorua Lakes Councils Housing and Business Development Capacity Assessment 2021 identified a current unmet demand for 1500 homes. The proposed development meets a need in our market and will free up housing stock for rentals and first home buyers. - The proposed location for the development is 171 Fairy Springs Road currently utilised as a tourism operation. We support this development in the sense that it meets a pressing need for the local community, and there are other sites across the district that could provide a similar tourism activity should the demand return in future.

Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

Summerset does not consider that there are any other persons or parties affected by the Project. Summerset is willing to meet with the District Health Board regarding the Project, including in relation to opportunities for the Project to support or supplement services provided by the District Health Board.

Detail all consultation undertaken with the above persons or parties:

The Applicant has not consulted with the above persons.

Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to [Te Kāhui Māngai – Directory of Iwi and Māori Organisations](#).

Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Te Arawa Lakes Trust	Summerset intends to issue letters to all relevant iwi authorities as an immediate next step and will continue to progress engagement with relevant iwi authorities in parallel to this application and as part of the Project.
Te Komiti Nui o Ngāti Whakaue Trust	Summerset intends to issue letters to all relevant iwi authorities as an immediate next step and will continue to progress engagement with relevant iwi authorities in parallel to this application and as part of the Project.

Te Maru o Ngāti Rangiwewehi Iwi Authority	Summerset intends to issue letters to all relevant iwi authorities as an immediate next step and will continue to progress engagement with relevant iwi authorities in parallel to this application and as part of the Project.
Raukawa Settlement Trust	Summerset intends to issue letters to all relevant iwi authorities as an immediate next step and will continue to progress engagement with relevant iwi authorities in parallel to this application and as part of the Project.
Ngāti Uenukukōpako Iwi Trust	Summerset intends to issue letters to all relevant iwi authorities as an immediate next step and will continue to progress engagement with relevant iwi authorities in parallel to this application and as part of the Project.
Te Pūmautanga o Te Arawa Trust	Summerset intends to issue letters to all relevant iwi authorities as an immediate next step and will continue to progress engagement with relevant iwi authorities in parallel to this application and as part of the Project.
Ngāti Tūrangitukua Charitable Trust	Summerset intends to issue letters to all relevant iwi authorities as an immediate next step and will continue to progress engagement with relevant iwi authorities in parallel to this application and as part of the Project.
Te Rūnanga o Ngāti Kea - Ngāti Tuarā Trust	Summerset intends to issue letters to all relevant iwi authorities as an immediate next step and will continue to progress engagement with relevant iwi authorities in parallel to this application and as part of the Project.
Te Pūmautanga o Te Arawa Trust	Summerset intends to issue letters to all relevant iwi authorities as an immediate next step and will continue to progress engagement with relevant iwi authorities in parallel to this application and as part of the Project.
Te Arawa River Iwi Trust	Summerset intends to issue letters to all relevant iwi authorities as an immediate next step and will continue to progress engagement with relevant iwi authorities in parallel to this application and as part of the Project.

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Te Arawa Lakes Trust	No consultation has been undertaken to date with Treaty settlement entities.
Te Komiti Nui o Ngāti Whakaue Trust	No consultation has been undertaken to date with Treaty settlement entities.
Te Tāhuhu o Tawakeheimoa Trust	No consultation has been undertaken to date with Treaty settlement entities.
Raukawa Settlement Trust	No consultation has been undertaken to date with Treaty settlement entities.
Te Pūmautanga o Te Arawa Trust	No consultation has been undertaken to date with Treaty settlement entities.
Ngāti Tūrangitukua Charitable Trust	No consultation has been undertaken to date with Treaty settlement entities.
Te Pūmautanga o Te Arawa Trust	No consultation has been undertaken to date with Treaty settlement entities.

Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

The land comprising the Project is not land returned under a Treaty settlement.

Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

The Project will not occur in a customary title area. No parts of the Project will occur in the coastal marine area, meaning it is unaffected by the provisions of the Marine and Coastal Area (Takutai Moana) Act 2011 ("MACAA") or any other Act pertaining to the grant of protected customary rights or customary marine title.

Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

The Project will not occur in a customary right area. No parts of the Project will occur in the coastal marine area, meaning it is unaffected by the provisions of the MACAA or any other Act pertaining to the grant of protected customary rights or customary marine title.

Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

Summary of Effects The anticipated and known adverse effects arising from the Project have been outlined above.

The nature and scale of these adverse effects will be refined through detailed specialist assessments supporting the resource consent applications, however preliminary assessments indicate they are not considered to be more than minor.

While the Site's commercial zoning does not readily anticipate residential development, it provides for urban development all the same. The effects of the proposed retirement village development are potentially less intensive when compared to the permitted standards of the COMZ5, particularly with respect to bulk and location, building height, site coverage and daylighting. The Project is an efficient use of land and will provide much needed housing within the Rotorua region. The Project will provide a well-functioning urban environment for the residents which has been designed to be cognisant of the surrounding environment through "sleeving" of the Site.

The Project responds to the directives of the National Policy Statement on Urban Development ("NPS-UD") for a Tier 1 Housing area, and the provision of over 300 dwellings will likely free a significant number of dwellings up elsewhere within the region as residents move to the Site.

The Project will achieve an appropriate balance between amenity and visual effects and the provision of residential development on what is currently underutilised commercial land, unlikely to be needed for tourism activities in the future. The design approach respects the surrounding environment and will carefully integrate urban design considerations and landscape mitigation solutions to arrive at a residential outcome that complements its setting and results in no more than minor adverse effects on the receiving environment.

Should the Minister refer the Project to an Expert Consenting Panel, the AEE that will accompany the applications for resource consent required for the Project will be prepared in accordance with Clause 9(4), Clauses 10(1)(a), (c), (d) and (g), and Clause 11 of Schedule 6 of the Fast Track Consenting Act, which require an assessment of:- The actual and potential effects on the environment- Any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects;- Any physical effects on the locality, including landscape and visual effects;- Any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity;- Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural values, or other special value, for present or future generations;- Any discharge of contaminants into the environment and options for the treatment and disposal of contaminants;- The unreasonable emission of noise; and- Any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

A number of technical and other assessments have and will be commissioned by Summerset to inform the AEE as part of any future consent application to an Expert Consenting Panel. These assessments are referred to in Appendix 5.

The following presents a general description of the anticipated and known adverse effects of the Project on people and the environment, in sufficient detail to inform the Minister's decision on this application for referral. The analysis has been prepared with input from the appropriate specialists and represents the opinions of those specialists.

Should the Minister refer the Project to an Expert Consenting Panel, more fulsome assessments will be included with the AEE.

For further detail, please refer to the application for referral **attached**.

Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

National Policy Statement on Urban Development 2020 (NPS-UD) The NPS-UD identifies Rotorua as a Tier 1 Urban Environment', reflecting the area's population size and high growth rate. In broad terms, the NPS-UD recognises the national significance of:- having 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; and- providing sufficient development capacity to meet the different needs of people and communities. The NPS-UD contributes to the Urban Growth Agenda, which aims to remove barriers to the supply of land and infrastructure to allow cities and towns to grow up and out. The NPS-UD does this by addressing constraints in the current planning system to ensure growth is enabled and well-functioning urban environments are supported and setting out objectives and policies that Councils must give effect to in their resource management decisions. The NPS-UD directs decision-makers to have particular regard to the benefits of urban development that are consistent with well-functioning urban environments, including:- provision of a variety of homes in terms of typology, price, location and different households- proximity to urban centres- supporting reductions in greenhouse gas emissions- responding to the effects of climate change. The overall intent of the NPS-UD is clear in that where out-of-sequence urban growth and intensification is practical, Councils are required to be responsive to such proposals, particularly where these would supply significant development capacity. The NPS-UD also directs decision-makers to have particular regard to the planned urban built form anticipated by planning documents that have given effect to the NPS-UD, which may involve significant changes to an area. The NPS-UD notes that changes to the urban built form of an area 'may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and are not, of themselves, an adverse effect'. It is also relevant that the NPS-UD directs that planning should promote

accessibility and connectivity between housing and business, and that choices should be provided to meet the needs of people and communities for a range of dwelling types and locations, working environments and places to locate businesses. The Project would contribute to these choices. Overall, the Project aligns with the matters in the NPS-UD set out above, and specialist technical assessments supporting the resource consent applications will demonstrate the positive contribution the Project will make for current and future generations, whilst managing environmental effects to acceptable levels in the context of the receiving environment.

He Wāhi Noho mō te Katoa – Te Panonihanga o te Whakaritenga 9 | Housing for Everyone - Plan Change 9 (Rotorua Lakes District Plan) The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("EHS Act") includes a new intensification streamlined planning process ("ISPP") and intensification planning instrument ("ISP"), which provided RDC the opportunity to undertake an efficient planning process to implement Plan Change 9 ("PC9"). PC9 seeks to give effect to Policy 5 of the NPS-UD, and incorporate the Medium Density Residential Standards ("MDRS") into the RLDP. PC9 will amend the RLDP to:- Increase housing supply;- Achieve a well-functioning urban environment;- Enable more efficient use of urban land, including amending building height limits;- Enable a greater variety of homes that meet Rotorua's needs;- Enable Māori to express their cultural traditions and norms with particular reference to papakāinga development; - Ensure development is integrated with infrastructure planning and funding for reserves; - Protect historical, cultural and environmental values; and - Ensure that significant risks from natural hazards are appropriately managed. Under the commercial zoning, residential activities on the Site would still require resource consent as a non-complying activity, however the proposed objectives and policies encourages the development of high-quality residential development. In particular, proposed objective COMZ-03A and policies COMZ-P8, COMZ-P10 and COMZ-P13. As demonstrated in the proposed master plan (Appendix 3), the development will provide a variety of dwelling and building types across the Site which will be connected via formed roads and greenspaces.

National Policy Statement for Freshwater Management 2020 ("NPS-FM") The NPS-FM sets out the objectives and policies for freshwater management, including:- Recognition of Te Mana o te Wai in freshwater management;- Reflection of tangata whenua values and interests in decision making;- Improving degraded water bodies using bottom lines as defined in the NPS-FM;- Safeguarding and enhancing the life-supporting capacity of water and associated ecosystems, including threatened ecosystems;- Working towards targets for fish abundance, diversity and passage; and- An integrated approach to management of land and freshwater and coastal water. The Site contains Waiowhoro Stream and an ecological impact assessment has been undertaken for the Site and Project. The assessment has identified that the ecological values and constraints of the Site are few, however there is the potential to increase the value of the stream by increasing the current drain capacity to enable more flood water to be carried to the lake. The Project will be readily able to control any sediment runoff into any waterbodies, given the flat topography and the implementation of appropriate sediment control measures. The Project is not expected to compromise any outcomes anticipated in the NPS-FM.

National Policy Statement on Highly Productive Land ("NPS-HPL") The NPS-HPL came into effect on 17 October 2022, and gives BOPRC three years to map Highly Productive Land ("HPL") across the region. In the interim, land zoned general rural or rural production and scores 1, 2 or 3 under the land-use capability system is deemed to be HPL. Based on the LRIS Portal, the Site's land use capability has a rating of 3, however the Site is not zoned rural under the RLDP. The zoning of the Site already contemplates urban development rather than rural activities, therefore the NPS-HPL is not considered applicable to the Site or a constraint to the proposed development.

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 ("NES-CS") The NES-CS is a nationally consistent set of planning controls and soil contaminant values. As a higher-level policy document, the NES-CS does not include specific objectives and policies, but rather is used as a tool to implement the purpose of the RMA. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed – and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use. Following the preparation of a Detailed Site Investigation (DSI) by Aurecon, it has been confirmed that the NES-CS is applicable to the Site due to the Site potentially containing, or having contained, HAIL activities, including agricultural, orchard, filling/stockpiling, workshop/shed and construction depot activities. It is recommended that a Contaminated Site Management Plan (CSMP) and Remediation Action Plan (RAP) will be required to provide control measures for contamination-related health and safety considerations during bulk earthworks. The nature and extent of the contamination identified in the DSI is not atypical of a greenfield

development, and is expected to be readily addressed through best practice industry standards and processes, such that the Project will be consistent with NES-CS.

National Environmental Standards for Freshwater ("NES-F") The NES-F regulates activities that pose risks to freshwater and its ecosystems, prescribing standards for activities in or around natural watercourses and wetlands. Given the presence of the Waiowhoro Stream within the Site, the NES-F is relevant to the Project. As detailed above, an ecological impact assessment has been undertaken which has assessed the proposed development and the potential effects on natural wetlands. Two locations within the Site were identified as potential wetlands due to the presence of facultative wetland species. However, the damp pasture swales appear to be largely the product of land use patterns and are described as wet pasture and exotic species, and therefore are likely to be excluded from the NPS-FM. Further investigations may be required to confirm the presence of natural wetlands on site, however it is expected that the development will be readily designed and managed to ensure the Project achieves consistency with the NES-F.

Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to “urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project’s economic benefits and costs for people or industries affected by COVID-19:

The Project represents a significant investment in the local area through both the construction of the retirement village and its operation. There will be additional direct and indirect employment in Rotorua and the wider Bay of Plenty Region and upper North Island, particularly in land development and construction industry, and operational employment (in terms of commercial development opportunities). Summerset has engaged Market Economics to complete an economic assessment of the Project. The full report can be reviewed on request and the key findings are included below.

Please refer to Part IX the **attached** application for referral for detail.

Project’s effects on the social and cultural wellbeing of current and future generations:

The Project would have a range of positive effects on the wellbeing of multiple generations. In terms of older generations, there are the following social benefits: (a) Elderly people are more vulnerable to fraud and other forms of "elder abuse". The wider community often do not know about these scams and elderly people either do not realise what has happened or are too embarrassed to report the events. A retirement village provides a sense of security as retirement village units are well protected and residents have support networks within the retirement village. (b) Summerset staff build a rapport with residents providing them with a sense of security. This security helps residents to be comfortable enough to ask questions and talk to staff, providing a sense of companionship. Summerset helps to foster a sense of community within the retirement village and encourages residents to be outgoing and socially involved by creating interactive social events and activities. (c) Other measures to provide a safer community are extra sensory lighting, CCTV and well-lit pathways which are provided in accordance with of Crime Prevention Through Environmental Design standards.

For the working aged generations, there would be increased employment opportunities and a decreased burden for the family and loved ones of the residents where they would otherwise be family carers, and this has emotional, financial and physical benefits. Due to the proposed location of the retirement village, local residents will also be able to stay within their local communities and remain connected with friends and family.

The development of the Site in the manner proposed provides a 24 / 7 residential activity, which in turn improves safety and security in the local neighbourhood streets, and adjoining open spaces, with the presence of activity, and passive surveillance. Such an outcome would not be guaranteed under a permitted development scenario under the Site’s commercial tourism zoning.

Summerset retirement villages have a higher population density than traditional residential development, with Summerset villages typically at a density of approximately 40 per hectare. The construction of affordable, high-density retirement village units will reduce land demand pressure and make further residential housing available as new village residents release their properties to the market. This increase in housing supply will help to relieve pressure on the housing market and will contribute towards improved housing affordability in the long term. Lack of affordable housing is widely considered to be one of the biggest issues nation-wide, and disproportionately affects younger people. Affordable housing and the realistic prospect of home ownership for younger generations provides opportunity for more secure accommodation than renting, as well as long term investment opportunities to improve financial security.

This Project provides an inclusive environment for older people that is designed so that people remain connected to their communities and have different living options to meet their needs as they change over time. The various housing options available will also be in close proximity to green spaces, support services, employment opportunities, shops, and social and cultural networks. Having inclusive environments ensures effective integration with the wider community by providing spaces that encourage positive socio-cultural activity. The Project recognises that these spaces are critical for the wellbeing of residents and for community cohesion.

The Project also strongly aligns with the Government Policy Statement on Housing and Urban Development by enabling further use for urban development in an area that is experiencing strong demand for retirement housing and quality aged care facilities, but lacks supply. The Project will enable more homes to be built, which will increase supply (and therefore contribute to housing affordability), ensure houses meet the needs of our ageing constituents, support housing solutions for older people in care, and plan for our ageing population.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

The FTCA process offers a number of advantages in terms of time over the standard RMA process. Public and limited notification is precluded under the FTCA. The Expert Consenting Panel is only permitted to invite comments from specified persons and a short timeframe is provided for comment. In the case of the Project, it is Summerset's view that few parties are affected by the Project and none in a more than minor way, based on the anticipated effects outlined above and how they will be managed. The process under the FTCA for providing comment at both the referral and Expert Consenting Panel stage is appropriate and adequate to address concerns of the Project.

The advice from Summerset's technical experts supports the Project being processed on a non-notified basis, however as Summerset has experienced on other projects across the country, the Council may ultimately take a conservative or different view to Summerset's experts and elect to limited notify (as occurred with the Stage 1 consent) or even publicly notify the application. Notification significantly increases delays and the likelihood of an Environment Court appeal.

The two-stage RMA process would create a much longer consenting timeframe for the Project and the risk of delay from a subsequent Environment Court appeal would be likely avoided under the FTCA. Appropriately for the Project, appeals under the FTCA process are limited to points of law and are restricted to those who provided comments, the relevant local authorities, and persons who have an interest in the decision greater than that of the general public. Summerset's recent experience with its St Johns and Lower Hutt villages has been that retirement village proposals that go through the Environment Court process (whether by appeal or direct referral) can take at least two years to obtain consent despite being consented largely as proposed at lodgement. The approximately six-month timeline under the FTCA reflects a significant saving by comparison. As outlined above, Summerset will be ready to commence works within a matter of months of receiving consent. The FTCA process will provide greater certainty of the timing of consent than a standard RMA process once this progresses to an Environment Court appeal. This certainty enables Summerset to ensure that the Project remains "shovel ready" in all respects, to progress the works quickly and avoid compounding delays.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

Under the Fast-Track scenario, sustained employment will begin in 2023 and will be completed by 2030. Overall, the project is anticipated to create the equivalent of 1,819 FTE workers working for one year. In 2023, 181 direct FTE jobs will be created, which is expected to increase to 434 in 2027 as the level of activity will be at its highest at this point. Across the development timeline, 227 job years are sustained per year, on average, with the minimum expected in 2025, due to the delay between civil construction and building construction, and the maximum expected in 2027. Market Economics, as part of their broader economic assessment have assessed the employment and job creation significances of the Project. The assessment has been undertaken on a conservative basis regarding dwelling yield for the Site, and the full report is included at Appendix 6.

Housing supply:

Market Economics, as part of their broader economic assessment have assessed the housing supply consequences of the Project. The full report is included at Appendix 6. Key findings regarding housing supply are summarised below. In terms of housing supply, the population of Rotorua is projected to continue growing and new housing is required to keep up with this growth in numbers and needs to keep pace with changes to the characteristics of this population. In particular, Rotorua's population of people over 65 years' will grow from 14% of the population in 2018 to 22% by 2043, under the StatsNZ medium growth projection. This age bracket is expected to grow by around 77%, being a further 8,200 people over 65 years from 2018 to 2043. Not only does this growth require additional housing, but housing of a certain capability and speciality for the older generation.

The provision of 317 retirement units across various care levels will have the consequential effect of making available an amount of existing housing stock, as residents move to the village. This will have a trickle-down benefit for others in Rotorua and the Bay of Plenty Region, whereby freeing up the housing stock for the growing population in a highly constrained housing market. It is anticipated that the net increase in dwelling capacity is likely to outweigh the anticipated economic and social costs of the development.

Contributing to well-functioning urban environments:

The integrated residential development activity (retirement village) is an appropriate use of the land, and represents an efficient use of a large site in a manner which will contribute to an increase in the provision of housing capacity, intensity, variety and choice for the elderly, as well as the wider neighbourhood. Such an activity and intensity of development will enhance and support the social and economic well-being of the community.

The scale of the Project, while being a change to the prevailing built characteristic, has been carefully designed in respect of its relationship with neighbours, and the interface of the Site to adjoining properties and the wider context.

In particular, the Project will fully comply with the Height in Relation to Boundary standards, with taller elements well set back from any adjoining neighbours, and buffered by intervening lower scaled development and mature vegetation.

Set within the context of a spacious site, while of a greater scale than the prevailing one-two storey residential development in the locality, the proposed retirement village will integrate well with (and contribute to) the established urban neighbourhood, particularly when compared to the scale of development which could occur on site within the scope of the underlying zoning, utilising a 20 metre height limit, and no maximum site coverage provisions. Additionally, the subject site is the only COM25 zoned piece of land on the eastern side of Fairy Springs Road in this area.

The Project is considered to achieve a positive interface with the surrounding residential environment, maintaining the amenity of surrounding properties, and ensuring a private and secure environment for future village residents. Summerset build and maintain their own infrastructure, being drains, roads, gutters and other capital requirements within the village. At the same time, Summerset pays substantial development contributions to local councils (in excess of \$9(2)(b)(ii) over the next five years), for the construction of public infrastructure external to Summerset's villages.

The Project will generate less daily traffic movements than the level of traffic generated by a 'standard' residential development, with such movements occurring outside of the peak commuter periods. The arrangement of access, parking and servicing have been assessed as being appropriately designed and will meet the relevant standards of the district plan, and industry recognised best practice standards, with traffic outcomes that match the needs of the

retirement village, and which can be readily sustained by the local transportation and roading environment, with access and connectivity for a range of travel modes, from cars to mobility scooters.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

The proposed retirement village would contribute to improving housing infrastructure in the Rotorua area, and through both construction and ongoing operations would increase employment outcomes and productivity. On average, for every dollar spent on construction, around 88% is retained in the region and the remaining 12% is spent within the wider New Zealand economy.

Summerset will also contribute a significant amount in financial and development contributions for local councils (and Council controlled organisations) as part of the development which will support local public growth infrastructure, public community reserves (including environmental initiatives) and employment from infrastructure and reserve projects. This amounts to an excess of **s 9(2)(b)(ii)** over the next 5 years across the country, and approximately **s 9(2)(b)(ii)** the Project.

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

The site is intersected by the Waiowhoro Stream which is a significant trout spawning stream, and one of a number of streams which flow into Lake Rotorua. The current condition of the Waiowhoro Stream leads to a significant opportunity to enhance the instream aquatic habitat through better riparian vegetation and reduced farm related inflow of nutrients and sediment. Summerset is committed to a restoration approach which will focus on appropriate indigenous riparian vegetation and consideration of instream bed enhancement through the removal of any rubbish and introduction of boulder and log material. On this basis, the habitat value could be substantially increased.

Minimising waste:

In 2018 Summerset became the first retirement village operator in New Zealand to achieve Certified Emissions Measurement and Reduction Scheme ("CEMARS") certification. This provides third party certification to ensure accurate and consistent carbon measurement, reduction and neutrality claims.

Summerset also achieved carboNZero certification in 2019, which means that all carbon emissions produced are offset and there are initiatives implemented to further reduce its carbon footprint, including by minimising waste to landfill. Summerset is one of the few companies in New Zealand to set public waste diversion targets for construction waste and implements onsite or offsite separation of waste material that has enabled the diversion of 25-75% of waste to landfill across construction sites. This contributes to reductions of emissions to landfill and the costs associated with landfill disposal. To further improve waste minimisation, Summerset continues to collaborate with waste contractors, including a new national supplier for waste and recycling removal, with a supplier code of conduct for sustainable procurement.

There are also further efficiencies through the Project due to the intensified and self-contained nature of the development that provides amenities onsite and reduces the need for residents to travel.

The Project would use land and construction resources efficiently given the increased density of the development and would enable the full use of existing housing released into the market as residents move into the village, that is typically large enough to accommodate multiple people and families and / or enabling further intensification of those properties, instead of necessitating further lower density large dwellings to be constructed.

Through the provision of extensive on-site amenities, services and recreation opportunities, communal transport for residents and provision for cycle parking and end of trip facilities, the village will reduce the need for vehicle use (and the associated carbon emissions) compared with more standard residential development.

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

Refer back to Part VII: Adverse Effects in the application for referral **attached**.

Promoting the protection of historic heritage:

As described above, there are no recorded or unrecorded archaeological sites located within the boundaries of the property, and the nearest sites are located west of the Site over the State Highway towards the Ngongotahā Valley, and east of the Site at Kawaha Point. Summerset have engaged an archaeologist (Ken Phillips) and will undertake an archaeological assessment to inform the AEE along with possible recommendations around accidental discovery and seeking an Authority from Heritage New Zealand. Refer back to the archaeological effects discussed in Part VII: Adverse Effects.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

The Project would help to increase the social resilience of its residents in the event of a natural disaster by looking after the residents that are likely to otherwise be vulnerable if living on their own. For example, in relation to stormwater management and flooding risks, freeboard is provided in accordance with the NZ Building Code, owing to accessibility requirements for older residents. Further, if the home of a resident is destroyed by a disaster and it cannot be rebuilt on the original site or in reasonable vicinity, they will receive the full market value of their home. Summerset also provide emergency water and power generation on site to ensure resilience for its residents through natural hazard events.

Other public benefit:

The proportion of New Zealand's population over 75 is anticipated to grow rapidly over the next 48 years, with an anticipated increase of more than 1 million (or 17% of the population). In addition, people over 75 are living longer which requires further housing and creates a greater need for age-specific services such as dementia and palliative care. In Rotorua, approximately 14.2% of people are over the age of 65 years or older. Traditionally, the Government has subsidised a large portion of the aged care sector cost and with the increasing population this results in a fiscal burden. The Project would be part of an alternative solution to reduce this fiscal burden by meeting the needs of older people.

There is growing demand for Comprehensive Care Retirement Villages and the Rotorua area lacks supply for these types of villages, and aged care living more generally. Comprehensive care retirement villages provide for a range of retirement living and care options, and a variety of independent unit typologies. They also provide the full range of aged care, including services or assisted living, rest-home, hospital and dementia level care.

By 2023, the Rotorua area will only have aged care living to support 16.4% of the population over 75. None of the support will come from comprehensive care retirement villages. The Project would lift supply to 22.6%, and 6.4% comprehensive care retirement villages.

As COVID-19 continues to pose a risk to communities, Summerset has procedures in place in its villages (which would include the Project) to ensure its residents are safe given their vulnerability to complications from the virus.

The Project would contribute to increasing the safety of its residents and reducing the wider crime rate by reducing the real and perceived risk of crime to its residents, using "Safety in Design" principles and reducing the risk of road accidents involving the elderly.

Whether there is potential for the project to have significant adverse environmental effects:

The Project will not result in the generation of significant adverse environmental effects. For the reasons detailed in Part VII above, any anticipated or actual adverse effects are considered to be no more than minor, readily avoided, remedied or mitigated, and appropriate in the context of the planned future environment.

Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

Appropriate consideration has been given to the management of the potential risks from natural hazards (i.e. flooding) within the design and construction methodologies for the Project. As part of further assessments to support the AEE application, a detailed assessment of natural hazards will be undertaken by the Aurecon Geotechnical specialists.


The Project responds to the effects of climate change in that the site is sufficiently distant from the sea to be low risk. The effects of climate change have been considered in the concept design of the stormwater management system, through specifically designed stormwater swales and a basin which protects the development and also properties downstream.

Buildings and roads, (while privately owned and not vested infrastructure), will be designed for future climate conditions, based on the most current data and analysis and building standards.

Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

s 9(2)(b)(ii)



Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Oliver Boyd, for and on behalf of Summerset Villages (Rotorua) Limited

25/11/2022

Signature of person or entity making the request

Date

Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.

- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at www.ombudsman.parliament.nz.

Checklist

Where relevant to your application, please provide a copy of the following information.

No	Correspondence from the registered legal land owner(s)
No	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.