

# Statutory Assessment

## SELWYN DISTRICT PLAN

### 1. LIVING ZONE RULES – STATUS OF ACTIVITIES

#### 1.1 STATUS OF ACTIVITIES

##### Discretionary Activities — Status of Activities

1.1.2 The following activities shall be discretionary activities in Living zones:

1.1.2.1 Any activity which is specified in Rules 2 to 11 as a discretionary activity.

1.1.2.2 Any of the activities listed in (a) to (h) below, irrespective of whether they comply with the conditions for permitted activities in Rules 2 to 11.

(c) Hospitals, hospices and other facilities providing 24-hour medical care.

### 2 LIVING ZONE RULES — EARTHWORKS

#### Permitted Activities — Earthworks

2.1.1 Any earthworks shall be a permitted activity if the following conditions are met:

2.1.1.1 Any disturbed or stockpiled material is kept moist until it has consolidated, and

2.1.1.2 Any stockpiled material is kept consolidated or covered to avoid sediment run-off from rainfall, and

2.1.1.3 Any site subject to earthworks is either:

(a) built upon,

(b) sealed,

(c) landscaped, or

(d) the land recontoured and replanted,

no more than 12 months after the earthworks commencing, except in the case of landscaping and planting which shall be undertaken during the first planting season following the completion of the earthworks.

2.1.1.7 Any earthworks undertaken on any site to be used to erect a building complies with NZS 4431 Code of Practice for Earth Fill for Residential Development.

2.1.1.8 The earthworks are not part of mining or mineral exploration.

#### Discretionary Activities — Earthworks

2.1.8 The following shall be discretionary activities:

2.1.8.2 Any activity which does not comply with any of Rules 2.1.1.1 to 2.1.1.4 and 2.1.1.6 to 2.1.1.8.

#### Assessment

Any disturbed or stockpiled material will be kept moist until it has consolidated, and

Any stockpiled material will be kept consolidated or covered to avoid sediment run-off during rainfall events, and

No exposed earthworks will remain as the Village is developed, being covered by buildings, landscaping, roads and impermeable surfacing within 12 months of earthworks commencing or for landscaping and planting during the first planting season following the completion of the earthworks.

The earthworks will comply with NZS 4431 Code of Practice for Earth Fill for Residential Development.

The earthworks will not be part of mining or mineral exploration.

The earthworks are therefore deemed to be a **Permitted Activity**.

## 4.2 BUILDINGS AND LANDSCAPING

### Permitted Activities — Buildings and Landscaping

4.2.1 Except for the Living 3 Zone at Rolleston identified in the Outline Development Plan in Appendix 39 and 40, any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and

- Planted in lawn, and/or
- Paved or sealed, and/or
- Dressed with bark chips or similar material.

### Discretionary Activities — Buildings and Landscaping

4.2.4 Any activity which does not comply with Rule 4.2.1 or Rule 4.2.2 (i)-(vii) and (ix) shall be a discretionary activity.

### Assessment

The village will be setback 10 metres from the road boundary with Springs Road. This area will be grassed and will be planted with trees/shrubs. There will also be rain gardens either side of the entrance way. The landscaping along the boundary with Springs Road is deemed to be a **Permitted Activity**.

### Permitted Activities — Buildings and Water Supply

4.4.1 In all Living zones the erection of any dwelling or principal building connected to a reticulated water supply shall be a permitted activity, provided that it complies with the current New Zealand Drinking Water Standards.

### Non-Complying Activities — Buildings and Water Supply

4.4.4 Any activity which does not comply with Rule 4.4.1 shall be a non-complying activity.

### Assessment

The village will be serviced by the local reticulated water supply and is therefore deemed to be a **Permitted Activity** under this rule.

## 4.5 BUILDINGS AND SEWAGE TREATMENT AND DISPOSAL

### Permitted Activities — Buildings and Sewage Treatment and Disposal

4.5.1 In the Living zones at Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, and West Melton, the erection of any dwelling or principal building shall be a permitted activity provided that it is connected to a reticulated sewage treatment and disposal system.

**Non-Complying Activities — Buildings and Sewage Treatment and Disposal**

4.5.3 Any activity which does not comply with Rule 4.5.1, Rule 4.5.1A or Rule 4.5.2 shall be a non-complying activity

**Assessment**

The village will be serviced by the local reticulated wastewater system and is therefore deemed to be a **Permitted Activity** under this rule.

**4.6 BUILDINGS AND BUILDING DENSITY**

**Permitted Activities — Buildings and Building Density**

4.6.1 The erection on an allotment (other than a site at Castle Hill) of not more than either:

- One dwelling and one family flat up to 70m<sup>2</sup> in floor area; or
- One principal building (other than a dwelling) and one dwelling, shall be a permitted activity, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in)

**Restricted Discretionary Activities — Buildings and Building Density**

4.6.3 Except as provided in Rule 4.6.6 the erection of not more than two dwellings on an allotment in a Living 1 zone shall be a restricted discretionary activity.

**Discretionary Activities — Buildings and Building Density**

4.6.5 Except as provided in Rule 4.6.6, the erection on any allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1, 4.6.2.1 or Rule 4.6.3 shall be a discretionary activity in Living 1 zones and the Living WM Zone.

**Non-Complying Activities — Buildings and Building Density**

4.6.6 The erection on an allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1 shall be a non-complying activity in the Living Z, 1A, 1A2, 1A3, 1A4 and Living 1A6 Deferred zones at Prebbleton and all Living Z, 2, 2A and Living 3 zones.

**Assessment**

It is proposed to erect one principal building and 224 dwellings on the site. However, the rule does not refer to the Living X zone.

Consequently, the activity is Discretionary as prescribed under s87B(1)(b) of the RMA. *An application for a resource consent for an activity must, with the necessary modifications, be treated as an application for a resource consent for a discretionary activity if—a plan or proposed plan requires a resource consent to be obtained for the activity, but does not classify the activity as controlled, restricted discretionary, discretionary, or non-complying under section 77A.*

Therefore, erecting one principal building and 224 dwellings on the site is deemed to be a **Discretionary Activity** under this rule.

#### 4.7 BUILDINGS AND SITE COVERAGE

##### Permitted Activities — Buildings and Site Coverage

4.7.1 Except as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.

##### **Assessment**

The site coverage rule does not apply to the Living X zone.

#### 4.8 BUILDINGS AND BUILDING HEIGHT

##### Permitted Activities — Buildings and Building Height

4.8.1 The erection of any building which has a height of not more than 8 metres shall be a permitted activity

##### Discretionary Activities — Buildings and Building Height

4.8.4 Any activity which does not comply with Rule 4.8.1 or Rule, 4.8.2 shall be a discretionary activity.

##### **Assessment**

The villas will be 4.8 metres in height and therefore meet the permitted height standard. The main building will be 14.7 metres in height and exceed the permitted height limit by 6.7 metres.

Therefore, the height of the main building is deemed to be a **Discretionary Activity** under this rule.

#### 4.9 BUILDINGS AND BUILDING POSITION

##### Permitted Activities — Buildings and Building Position

The following shall be permitted activities

##### Recession Planes

4.9.1 Except in Rule 4.9.1.1 and Rule 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11

##### Setbacks from Boundaries

4.9.2 Except as provided in Rules 4.9.3 to Rules 4.9.33, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.

Table C4.2 - Minimum Setbacks for Buildings

Building type	Metres from boundary	
	Internal	Road (or shared access where specified)
Dwelling or principal building	2m	4m

Garage: Wall length 7m or less and vehicle door faces road or shared access	1m	5.5m
Garage: Wall length 7m or less and vehicle door faces internal boundary	1m	2m
Garage: Wall length greater than 7m and Vehicle door faces road or shared access	2m	5.5m
Garage: Wall length greater than 7m and Vehicle door faces internal boundary	2m	4m
Accessory Building with wall length not more than 7m	1m	2m
Accessory Building with wall length greater than 7m	2m	4m
Utility Structures	0m	0m
Common Wall		
4.9.7 Buildings may be sited along an internal boundary of the site if the building shares a common wall with another building.		
4.9.11 Any building shall be setback not less than 6 metres from the north east or north west zone boundaries of the Living 1A2 Zone at Prebbleton.		
4.9.16 Any dwelling shall be set back not less than 48.2m from the north eastern zone boundary of the Living 2A Zone in Prebbleton, as identified in Appendix 19.		
<b>Assessment</b>		
Buildings will be setback a minimum of 3 metres from internal boundaries, 4m from shared roads and 10 metres from Springs Road. Garages will be setback 5.5m from internal roads. The proposal is therefore deemed to be a <b>Permitted Activity</b> under this rule.		

#### 4.12 COMPREHENSIVE RESIDENTIAL DEVELOPMENT IN MEDIUM DENSITY AREAS COVERED BY AN OUTLINE DEVELOPMENT PLAN

4.12.2. Any comprehensive residential development which comply with Rule 4.12.1 shall not be notified and shall not require the written approval of affected parties. Under Rule 4.12.2 the Council shall restrict the exercise of its discretion to consideration of:

##### 4.12.2.1 Context and Spaciousness

The extent to which medium density development responds to the existing context through:

- (a) Providing compatibility in scale between the new development and any neighbouring buildings;
- (b) Being oriented towards adjoining public spaces such as roads, parks, or reserves and presents a front façade with a good level of glazing. Visible pedestrian front entrances and low front fencing;
- (c) Providing dwellings which relate to each other and surroundings in terms of regularity of features such as window height and detailing and a consistency in roof slope and form.
- (d) Provide visual breaks by varying the alignment of dwellings and variation in dwelling type and form. In general the same design should not be used for more than 6 adjacent dwellings where they are an attached terrace, or more than 4 dwellings where they are detached or semi-detached townhouses.
- (e) Avoid long terraces or rows of dwellings in order to provide both visual separation and to facilitate if appropriate mid-block pedestrian access and/or vehicle access to rear service lanes.

#### 4.12.2.2 Attractive street scene, Public Interface and External Appearance

The extent to which the street scene, public interface and external appearance of buildings in medium density developments:

- (a) Provides dwellings with visual interest when viewed from any public spaces through articulation, roof form, openings and window location. In particular there should be regular steps-in-plan in the front façade along road frontages to support the individualisation and differentiation between dwellings;
- (b) Provides visible entry to the dwelling when viewed from the road or the main public access to the development;
- (c) Provides a good level of glazing and overlooking from habitable rooms towards the road and any adjacent public open spaces.

Type of Occupancy/activity	Recommended Internal Design Sound Level (dBa Leq (24hr))
Dwelling/Family Flat/accessory buildings – bedroom  Within Bedrooms	35
all other habitable spaces	40
Noise Sensitive activities	35

- (d) Building design provides a balance of consistency and variety in the street scene;
- (e) Provides open frontages which will not be enclosed by fences over 1m in height.

#### 4.12.2.3 Dwelling design, position and orientation

The extent to which the dwelling design, position and orientation of buildings in medium density developments

- (a) Locates and orientates dwellings to define external spaces, to allow adequate sunlight and daylight into main living rooms and private outdoor spaces;
- (b) Positions dwellings to ensure that dwellings front on to, and are accessed from, the road, private Right of Way, or shared accessways;
- (c) Positions dwellings to capitalise on any views or natural features;
- (d) Minimises the visual dominance of garaging and vehicle parking areas, especially as viewed from the street or public open spaces. The use of rear courtyards for parking is encouraged;
- (e) Incorporates attractive detailed design including provision of mailboxes and space for bin storage and collection;
- (f) Provides attractive and efficient shared parking where required.
- (g) Windows of Living rooms and kitchens should be set back a minimum of 2m from internal boundaries.

#### 4.12.2.4 Visual and acoustic privacy

The extent to which buildings in comprehensive developments achieve visual and acoustic privacy through:

- (a) Avoiding or minimising direct views from the windows of one dwelling into another at distances less than 20m through the use of the following design devices:
  - The shape and position of the buildings
  - The location of windows e.g. offset windows and high sill windows
  - Intervening screening e.g. 1.8 metre high fences (not on road boundary or frontage with accessways), hedges, trees

- Screening devices on balconies to ensure that they do not overlook windows or private spaces

- (b) The provision of acoustic treatment between dwellings through enhancing separation between openings, effective solid acoustic screening and by locating noise sensitive spaces from noisy activities (e.g. separation of bedrooms from service areas and garages).

#### 4.12.2.5 Private outdoor living spaces

The extent to which comprehensive developments provide private outdoor living spaces that:

- (a) Have the primary outdoor living space directly accessible from an internal living room;
- (b) Have any secondary outdoor living spaces such as balconies directly accessible from living rooms or bedrooms;
- (c) Are located so that the principal private outdoor living space will receive sunshine for a reasonable portion of the day in winter;
- (d) Are located so that the principal outdoor living space is not directly overlooked by windows or balconies of neighbouring dwellings;

The extent to which communal outdoor living space is provided within a comprehensively designed development and the functionality of that space for meeting the likely needs of future occupants;

Are located to the side or rear of the dwelling and not adjacent to the road boundary.

#### 4.12.2.6 Safety and security

The extent to which comprehensive developments are designed to reduce the fear and incidence of crime through.

- (a) The avoidance of narrow alleyways and places of entrapment;
- (b) A clear definition between public and private spaces;
- (c) The ability to provide casual surveillance of public space from private property and vice versa.

#### 4.12.2.7 Accessibility and connectivity

The extent to which comprehensive developments are designed for accessibility and connectivity through:

- (a) Providing for the safe and efficient movement of pedestrians, cyclists and motorised vehicles within and through the development and to surrounding residential areas and commercial and community facilities;
- (b) Providing direct pedestrian and cycle linkages from developments to and between any adjoining reserves and open spaces.

### Assessment

Refer to Landscape, Visual and Urban Design report and the AEE.

## 5.2 VEHICLE ACCESSWAYS

### Permitted Activities — Vehicle Accessways

5.2.1 The forming of any vehicle accessway shall be a permitted activity if the following conditions are met:

5.2.1.1 The site has legal access to a formed, legal road; and

5.2.1.2 Any site with more than one road frontage to a road that is formed and maintained by Council, shall have access to the formed and maintained (and legal) road with the lowest classification, except that where a site has frontage to a collector and a local road frontage may be obtained to either road.

Note: For example, where a state highway and arterial road intersect the access shall be to the arterial road or in the case of an arterial road and collector road access shall be to the collector road.

5.2.1.3 The vehicle accessway is formed on land which has an average slope of less than 20°; and

5.2.1.4 The vehicle accessway does not have a gradient greater than:

(a) 1:6 vertical; or

(b) 1:20 horizontal; and

5.2.1.5 The vehicle accessway is not located closer than:

(a) 20m to any waterbody listed in Appendix 12; or

(b) 20m to a site listed in Appendices 3 or 4; and

5.2.1.6 The vehicle accessway is formed to the relevant standards in Appendix E13.2.1 and in addition for the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39 and 40, private vehicular accessways serving less than three sites shall have a maximum formed width of 3.5m at the road boundary and within 10m of the road boundary; and

5.2.1.7 Shared access to more than six dwellings or sites shall be by formed and vested legal road and not by a private accessway.

#### Discretionary Activities — Vehicle Accessways

5.2.2 In the Living Z Zone, any activity served by a shared vehicle access that does not comply with Rule 5.2.1.7 shall be a discretionary activity if the following condition is met:

5.2.2.1 The shared vehicle access provides only secondary access and there is an alternative unshared vehicle access to a formed and vested road.

5.2.3 Any activity which does not comply with any of Rules 5.2.1.2 to 5.2.1.6 inclusive shall be a discretionary activity.

#### Non-Complying Activities — Vehicle Accessways

5.2.4 Except as provided in Rule 5.2.2, any activity which does not comply with Rule 5.2.1.1 or Rule 5.2.1.7 or Rule 5.2.1.8 shall be a non-complying activity.

#### Assessment

The site will have legal access to a formed, legal road. The activity is deemed to be **Permitted Activity** under this part of the rule.

The site has access to Springs Road (an arterial road) and a cul de sac on the western boundary. The main access will be to Springs Road as currently occurs. The activity is deemed to be a **Discretionary Activity** under this part of the rule.

The vehicle accessway will be formed on land that has an average slope of less than 20° and it will not have a gradient greater than 1:6 vertical; or 1:20 horizontal. The activity is therefore deemed to be a **Permitted Activity** under this part of the rule.



The vehicle accessway will not be located near a waterbody listed in Appendix 12; or within 20m to a site listed in Appendices 3 or 4. The activity is therefore deemed to be a **Permitted Activity** under this part of the rule.

The vehicle accessway will exceed the maximum formed width of 3.5m (E13.2.1.5). The activity is deemed to be a **Discretionary Activity** under this part of the rule.

The shared access to more than six dwellings will be by a private accessway and not vested legal road. The activity is therefore deemed to be a **Non-Complying Activity** under this part of the rule.

Overall, the activity is deemed to be a **Non-Complying Activity** under this rule.

### 5.3 VEHICLE CROSSINGS

#### Permitted Activities — Vehicle Crossings

5.3.1 The forming of any vehicle crossing shall be a permitted activity if the following conditions are met:

5.3.1.1 The vehicle crossing is formed and sited to comply with the relevant requirements in Appendix E13.2.2, E13.2.4, E13.2.5; and

5.3.1.2 The vehicle crossing is to be sealed if the adjoining road is sealed; the crossing shall be sealed for the full length between the site boundary and the sealed carriageway; and

5.3.1.3 The vehicle crossing complies with the relevant standards in Appendix E13.2.3

5.3.1.4 The site does not have access directly on to a State Highway or arterial road listed in Appendix 7; unless:

- (a) The speed limit on that part of the road to which access is gained is 70 km/hr or less; or
- (b) The site is used solely to house a utility structure; and
- (c) The site generates less than 100 equivalent car movements per day.

#### Restricted Discretionary Activities — Vehicle Crossings

5.3.2 Any activity which does not comply with Rule 5.3.1.1 and Rule 5.3.1.2 shall be a restricted discretionary activity.

5.3.3 Under Rule 5.3.2 the Council shall restrict its discretion to consideration of:

5.3.3.1 Any adverse effects on the ease and safety of vehicle manoeuvres, and on the visibility and safety of pedestrians, cyclists and motorists.

5.3.3.2 Any potential increase in the cost or difficulty of maintaining the road and vehicle crossings, including transporting of mud and chip on to any sealed road, if the vehicle crossing or vehicle accessway is not sealed.

5.3.3.3 Any visual effects on street design and residential amenity values from not forming the vehicle crossing or vehicle accessway to the specified standards.

5.3.4 Any activity which does not comply with Rule 5.3.1.4 shall be a restricted discretionary activity.

5.3.5 Under Rule 5.3.4 the Council shall restrict its discretion to consideration of:

5.3.5.1 Whether the site can have access from another road which is not a State Highway or arterial road listed in Appendix 7.

5.3.5.2 The design and location of the vehicle crossing.

5.3.5.3 The number and type of vehicles or pedestrians, and using the access.

5.3.5.4 Any adverse effects, including cumulative effects, on traffic safety or flow on the State Highway or arterial road.

#### Discretionary Activities – Vehicle Crossings

5.3.6 Any activity which does not comply with 5.3.1.3 shall be a discretionary activity.

#### Assessment

The vehicle crossing will be 125 metres from the intersection with Birches Road. The Glenary Drive vehicle crossing will be 50m for Lindsay Drive, which meets the requirements under E13.2.2. The activity is therefore deemed to be a **Permitted Activity** under these parts of the rule.

The vehicle access will be constructed at the owner's expense, and there will be one, two-way, vehicle crossing to Springs Road. However, there will be one (exit only) vehicle crossing to the cul de sac adjoining the western boundary. The activity is therefore deemed to be a **Restricted Discretionary Activity** under this part of the rule.

The vehicle crossing on Springs Road will be more than 7m from a shared or other type of accessway but will be 11.6m in width, being 4.6m wider than the maximum 7m set out in Table E13.7. The activity is therefore deemed to be a **Restricted Discretionary Activity** under this part of the rule.

The vehicle crossing will be a heavy-duty vehicle crossing and will be sealed for the full length between the site boundary and the sealed carriageway. Sight distances from the vehicle crossing will be 113m as required in Table E13.6. The activity is therefore deemed to be a **Permitted Activity** under these parts of the rule.

The site will have direct access to an arterial road but the speed limit on that part of the road to which access is gained is 70 km/hr or less. However, the site will generate more than 100 equivalent car movements per day. The activity is therefore deemed to be a **Restricted Discretionary Activity** under this part of the rule.

Overall, the activity is deemed to be a **Restricted Discretionary Activity** for non-compliance with:

- Rule 5.3.1.1: distance between the vehicle crossing and the intersection with Birches Road, and that there will be two vehicle crossings with the one onto/from Springs Road being two-way,
- E13.2.4.5 as the Springs Road vehicle crossing will exceed the maximum 7m in width and
- The site will have direct access to an arterial road and will generate more than 100 equivalent car movements per day.

## 5.5 VEHICLE PARKING AND CYCLE PARKING

### Permitted Activities — Vehicle Parking and Cycle Parking

5.5.1 Any activity which provides for car parking, cycle parking, vehicle loading and parking access in accordance with the following conditions shall be a permitted activity if:

#### Car Park Spaces

5.5.1.1 The number of car parks provided complies with the relevant requirements for the activity as listed in Appendix E13.1.1, E13.1.2, E13.1.3 and E13.1.12; and

5.5.1.2 All car parking spaces and vehicle manoeuvring areas are designed to meet the criteria set out in Appendix E13.1.5.2, E13.1.6, E13.1.7, E13.1.8, E13.1.9, E13.1.10 and Appendix E13.1.11; and

#### Loading Space

5.5.1.3 Each site that is used for an activity which is not a residential activity and which generates more than 4 heavy vehicle movements per day has one on-site loading space which complies with the requirements set out in Appendix E13.1.5. The loading space does not count as a car parking space for the purpose of complying with Rule 5.5.1.1; and

Note: Rule 5.5.1.3 does not apply to emergency services facilities.

#### State Highways and Arterial Roads

5.5.1.4 Each site which is accessed from a road listed as a State Highway or Arterial road in Appendix 7 is designed so that a motor vehicle does not have to reverse on, or off, the State Highway or Arterial road

Note: Refer to the Council's Code of Practice for the design standards required for the manoeuvring of vehicles.

#### Disabled Car Parking

5.5.1.5 Each site that is used for an activity other than a residential activity has one car park space for mobility impaired persons for up to 10 car parking spaces provided, and one additional car park space for a mobility impaired person for every additional 50 car parking spaces provided or part thereof; and

5.5.1.6 Car parking spaces for mobility impaired persons are:

- (a) Sited as close to the entrance to the building or to the site of the activity as practical; and
- (b) Sited on a level surface; and
- (c) Clearly marked for exclusive use by mobility impaired persons; and

#### Cycle Parking

5.5.1.7 Cycle parking spaces are provided in accordance with the standards in Appendix E13.1.4.

#### Discretionary Activities — Vehicle Parking and Cycle Parking

5.5.2 Any activity which does not comply with Rule 5.5.1 shall be a discretionary activity

#### Assessment

The Village is required to provide 488 car parks (2 per residential unit and 1 per 3 clients (carehome)). It is proposed to provide 501 car parks that will meet the required minimum dimensions, maximum gradients, on-site manoeuvring and lighting standards in Appendix 13. The activity is therefore deemed to be a **Permitted Activity** under these parts of the rule.

The gate at the main entrance is setback approximately 14.6m from Springs Road and the first intersection is a further 16.4m into the site. The gate at the Glenary Drive access is not setback from the road and therefore there is no queuing distance. The internal queuing distance to the gate is 20m. Assuming that more than 150 of the car parks will be accessed from Springs Road, the queuing length will be 30m and comply with the required 25.5m in Appendix E13.1.10. If 51-100 spaces are accessed via Glenary Drive, a queue length of 15.5m is required. This can be provided during the day when the gate is open but not at night when the gate is closed. This requires consent as a **Discretionary Activity**.

A loading space will be provided adjacent to the main building. All loading and unloading will be carried out within the site and a medium rigid truck will be able to manoeuvre to and from the loading area. The activity is therefore deemed to be a **Permitted Activity** under these parts of the rule.

No vehicle will have to reverse manoeuvre either on or off Springs Road. The activity is therefore deemed to be a **Permitted Activity** under this part of the rule.

The main building is considered to be a non-residential activity and will contain 63 beds in the rest home, hospital and memory care suites. This means that 21 car parks are required for that activity and 2 car parks for disabled person (1 for the first 10 car parks and one for every additional 50 car parks thereafter). It is proposed to provide 4 car parks for disabled persons, close to the entrance to the main building, on a level surface; and clearly marked for exclusive use by mobility impaired persons. The activity is therefore deemed to be a **Permitted Activity** under these parts of the rule.

Any activity, other than activities permitted under Part C, Living Zone Rules - Activities 10.9.1 (The employment of staff who are not resident on the site; and visits by customers, patrons, clients or other people to the site, who are not resident on the site shall only occur between the hours of 7:00am and 10:00pm on any day) is to provide cycle parking at a minimum of 2 spaces and then at a rate of 1 cycle space for every 5 car parking spaces required, to a maximum of 10 cycle spaces. It is noted that the activity is permitted under Rule 10.9.1. However, it is proposed to provide 12 cycle parks near the proposed main building entrance. The stands will comply with the Code of Practice standards. The activity is therefore deemed to be a **Permitted Activity** under this part of the rule.

The activity is deemed to be a **Discretionary Activity** due to the length of the queuing space at the Glenary Drive entrance.

## 7 LIVING ZONE RULES — OUTDOOR SIGNS AND NOTICEBOARDS

### 7.1 Outdoor Signs — General

#### Permitted Activities — Outdoor Signs – General

7.1.1 Where any sign is not covered by Rules 7.2, Rule, 7.3 and Rule 7.4 it shall be a permitted activity if the following conditions are met:

7.1.1.1 The sign relates to products or services sold on the site or includes information about the site on which it is located.

7.1.1.2 The total number of signs on any site does not exceed 2, inclusive of any freestanding sign located on a footpath or grass berm outside the site but adjoining the site. This rule does not apply to signs associated with service stations or shops; and

7.1.1.3 The sign does not have flashing or revolving lights, sound effects, balloons or blimps, and

7.1.1.4 The sign does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner, and

7.1.1.5 The sign does not exceed the height of:

(a) The building to which it is attached, or

(b) 2 metres if the sign is not attached to a building, and

7.1.1.6 The sign does not exceed 1m<sup>2</sup> in size, and

7.1.1.7 The sign is not of a colour or design which resembles a traffic sign or signal.

7.1.1.8 The sign is not less than 2.5m above the ground, if it is an overhanging attached sign.

7.1.1.9 The sign complies with the relevant rules for building size, design or siting if it is attached to a building.
<p>Discretionary Activities — Outdoor Signs – General</p> <p>7.1.2 Any activity which does not comply with Rule 7.1.1 shall be a discretionary activity.</p> <p><b>Assessment</b></p> <p>The sign will relate to products or services provided on the Site, displaying the name of the owner and the village.</p> <p>The total number of signs on any site will not exceed 2, inclusive of any freestanding sign located on a footpath or grass berm outside the site but adjoining the site.</p> <p>The signs will not have flashing or revolving lights, sound effects, balloons or blimps.</p> <p>The signs will obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner, being located on entrance feature walls that are setback from the road frontage.</p> <p>The signs will not exceed a height of 2 metres but will be greater than 1m<sup>2</sup> in area. The total area of signage proposed is 13.44m<sup>2</sup>.</p> <p>The signs will not be of a colour or design which resembles a traffic sign or signal and will not be attached to a building or be an overhanging sign.</p> <p>The signs are deemed to be a <b>Discretionary Activity</b> under Rule 7.1.2 as they exceed 1m<sup>2</sup>.</p>
<p>7.3 OUTDOOR SIGNS — HEALTH AND SAFETY</p> <p>Permitted Activities — Outdoor Signs – Health and Safety</p> <p>7.3.1 Any sign required for operational, warning, health or safety reasons shall be a permitted activity if the following conditions are met:</p> <p>7.3.1.1 The sign advertises only the name of the organisation carrying out any construction work or activity and any relevant safety information; and</p> <p>7.3.1.2 The sign is located on the site to which it relates; and</p> <p>7.3.1.3 The sign is removed from the site when it is no longer required.</p>
<p>Discretionary Activities — Outdoor Signs – Health and Safety</p> <p>7.3.2 Any activity which does not comply with Rule 7.3.1 shall be a discretionary activity.</p> <p><b>Assessment</b></p> <p>Any health and safety signs required during construction of the Village will only advertise the name of the organisation carrying out any construction work or activity and any relevant safety information; and will be located on the site to which it relates; and will be removed from the site when it is no longer required.</p> <p>Health and Safety signs are deemed to be a <b>Permitted Activity</b> under this rule.</p>
<p>7.4 OUTDOOR SIGNS — PROPERTY SALES</p> <p>Permitted Activities — Outdoor Signs – Property Sales</p> <p>7.4.1 Any sign advertising the sale of property shall be a permitted activity if all of the following conditions are met:</p>

- 7.4.1.1 The sign is erected on the site that is for sale.
- 7.4.1.2 No more than three signs are erected on the site, inclusive of both attached signs and free-standing signs.
- 7.4.1.3 The maximum size of each sign is 3m<sup>2</sup>.
- 7.4.1.4 The sign does not have any of the following features:
- (a) Illumination;
  - (b) Sound effects;
  - (c) Balloons or blimps;
  - (d) Moving parts; or
  - (e) Resemblance to a traffic sign or signal.
- 7.4.1.5 The sign does not obscure traffic movements onto, or out of, the site.
- 7.4.1.6 The sign does not protrude beyond the edge of the building if it is attached to a building.
- 7.4.1.7 The sign is removed from the site within one month of the property being sold.

#### Discretionary Activities — Outdoor Signs – Property Sales

7.4.2 Any activity which does not comply with Rule 7.4.1 shall be a discretionary activity

#### **Assessment**

Summerset have signs advertising villas and apartments for sale, which will be displayed along the road frontage. 51 signs are proposed, creating a total area of 198m<sup>2</sup> of signage.

There will be one v shaped freestanding sign, being a maximum of 6m in width and 3m in height. In addition, it is proposed to have 2 ACM panels per 'bay' along Springs Road that will be displayed together, essentially appearing as one sign. There are 25 bays and each sign will be 2.4m in width and 1.5m in height, reflecting the height of the fencing and 3.6m<sup>2</sup> in area.

The signs will not be illuminated, have sound effects, be a balloon or blimp, have moving parts or resemble a traffic sign or signal. The signs will not obscure traffic movements onto, or out of, the site given they will be parallel to the road boundary.

The signs will be removed as the villas and apartments are sold, with the last one being removed within one month of the last unit/apartment being sold.

The signs are deemed to be a **Discretionary Activity** under this rule.

## 9 LIVING ZONE RULES — WASTE

### 9.1 WASTE GENERATION

#### Permitted Activities — Waste Generation

9.1.1 Any activity, which is not a residential activity, which generates not more than 1 cubic metre of solid waste on average per week over a year, other than inert landfill, shall be a permitted activity.

#### Restricted Discretionary Activities — Waste Generation

9.1.2 Any activity which does not comply with Rule 9.1.1 shall be a restricted discretionary activity.

9.1.3 Under Rule 9.1.2 the Council shall restrict its discretion to the approval of a management plan to:

9.1.3.1 Minimise waste from the activity; and

9.1.3.2 Dispose of the waste in a way that mitigates adverse effects on the environment.

### 9.2 WASTE STORAGE

Permitted Activities — Waste Storage

9.2.1 The storage of solid waste shall be a permitted activity if the following conditions are met:

9.2.1.1 Only solid waste generated as part of activities on a site is stored on the site; and

9.2.1.2 Any solid waste stored on a site is stored in a closed, waterproof container; and

9.2.1.3 Solid waste is only stored on-site until it is able to be collected or removed for treatment or disposal elsewhere.

Discretionary Activities — Waste Storage

9.2.2 Any facilities for the temporary storage of solid or liquid waste delivered or conveyed onto the site shall be a discretionary activity.

**Assessment**

The non-residential activities on the site will not generate more than 1 cubic metre of solid waste on average per week over a year, other than inert landfill, and any waste will be stored in a closed, waterproof container.

Therefore, the activity is deemed to be a **Permitted Activity** under Rules 9.1 and 9.2.

10 LIVING ZONE RULES — ACTIVITIES

10.1 ACTIVITIES AND CONTAMINATED LAND

Permitted Activities — Activities and Contaminated Land

10.1.1 Any activity shall be a permitted activity on any site which contains contaminated land or where past activities on that site include those listed in Appendix 10 except for the following:

10.1.1.1 Erecting any dwelling;

10.1.1.2 Educational facilities;

10.1.1.3 Outdoor recreation activities; and

10.1.1.4 Growing commercial food crops or rearing animals.

Restricted Discretionary Activities — Activities and Contaminated Land

10.1.2 Any dwellings, educational facilities, outdoor recreation activities, and growing commercial food crops or rearing animals on any site which contains contaminated land, or when past activities on that site include those listed in Appendix 10, shall be a restricted discretionary activity.

10.1.3 Under Rule 10.1.2 the Council shall restrict the exercise of its discretion to:

10.1.3.1 The adequacy of any methods proposed to reduce any potential adverse effects on people or animals.

10.1.3.2 If the soil is to be removed from the site, where it is to be disposed to, the level of risk to human health and the environment and how it is to be disposed of.

10.1.3.3 Where the site is not confirmed as contaminated but has been used for one or more of the activities listed in Appendix 10, further investigation to determine whether the site is contaminated and the extent of that contamination.

**Assessment**

It is proposed to build dwellings on contaminated land, which is deemed to be a **Restricted Discretionary Activity**.

10.6 Activities and Noise

Permitted Activities — Activities and Noise

10.6.1 Any activity which is not a residential activity, spiritual activity or educational activity, shall be a permitted activity if the following noise limits are not exceeded within the time-frames stated.

7.30am – 8.00pm 50 dBA L10

8.00pm – 7.30am 35 dBA L10

7.30am – 8.00pm 85 dBA Lmax

8.00pm – 7.30am 70 dBA Lmax

10.6.2 Rule 10.6.1 does not apply to the use of sirens or warning devices associated with emergency service facilities.

Discretionary Activities — Activities and Noise

10.6.3 Any activity which is not residential, spiritual or educational which does not comply with Rule 10.6.1 shall be a discretionary activity

**Assessment**

The Village is essentially a residential activity in character and as such is anticipated to comply with the above noise standards. The activity is therefore deemed to be a **Permitted Activity** under this rule.

10.7 ACTIVITIES AND LIGHT SPILL

Permitted Activities — Activities and Light Spill

10.7.1 The following activities shall be permitted activities

10.7.1.1 Any fixed, exterior lighting if it is directed away from adjacent properties and roads.

10.7.1.2 Any lighting if it does not have a lux spill (horizontal or vertical) of more than 3 on to any part of any adjoining properties.

Discretionary Activities — Activities and Light Spill

10.7.2 Any activity which does not comply with Rules 10.7.1 shall be a discretionary activity.

**Assessment**

All lighting will be directed into the subject site and any light spill onto adjoining properties will have a lux spill of 3 or less. Lighting is therefore deemed to be a **Permitted Activity** in terms of this rule.



## 10.8 ACTIVITIES AND SCALE OF ACTIVITIES

### Permitted Activities — Activities and Scale of Activities

10.8.1 Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met:

10.8.1.1 No more than two full time equivalent staff employed on the site live off site, and

10.8.1.2 The gross floor area of any building(s) other than a dwelling does not exceed 300m<sup>2</sup>, or in the case of any building used for spiritual activities does not exceed 500m<sup>2</sup>, and

10.8.1.3 Vehicle movements do not exceed:

- State Highways, Arterial Roads and Collector Roads: 40 per day plus 4 heavy vehicle movements per day
- Local Roads: 20 per day plus 2 heavy vehicle movements per day. (PC42)
- Except that a public Parking Area is a permitted activity in Precinct 6 (Rolleston Reserve) of the Rolleston Key Activity Centre.

### Discretionary Activities — Activities and Scale of Activities

10.8.3 Any activity which is not a residential activity, and which does not comply with Rules 10.8.1 or 10.8.2 shall be a discretionary activity.

#### Assessment

The memory care suites, rest home and hospital are deemed to be non-residential activities and will be staffed by more than two persons who will live off-site. Furthermore, the gross floor area of the memory care suites and hospital will exceed 300m<sup>2</sup> and associated vehicle movements will likely exceed 40 per day. The non-residential activities are deemed to be a **Discretionary Activity** under Rule 10.8.3.

## 10.9 ACTIVITIES AND HOURS OF OPERATION

### Permitted Activities — Activities and Hours of Operation

10.9.1 Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met:

10.9.1.1 The employment of staff who are not resident on the site; and

10.9.1.2 Visits by customers, patrons, clients or other people to the site, who are not resident on the site shall only occur between the hours of 7:00am and 10:00pm on any day.

Note: Rule 10.9.1 does not apply to spiritual and educational activities, or a public car park in Precinct 6 of the Rolleston Key Activity Centre.

### Discretionary Activities — Activities and Hours of Operation

10.9.2 Any activity which is not a residential activity, and which does not comply with Rule 10.9.1 shall be a discretionary activity.

#### Assessment

The hospital, rest home and memory care suits will employ staff who are not resident on the site; and visits by customers, patrons, clients or other people to the site, who are not resident on the site will only occur between the hours of 7:00am and 10:00pm on any day. The activity is therefore deemed to be a **Permitted Activity** in terms of Rule 10.9.

## NES CONTAMINATED LAND

### 10 Restricted discretionary activities

- (1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity or a controlled activity.
- (2) The activity is a restricted discretionary activity while the following requirements are met:
  - (a) a detailed site investigation of the piece of land must exist:
  - (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7:
  - (c) the consent authority must have the report:
  - (d) conditions arising from the application of subclause (3), if there are any, must be complied with.

## ASSESSMENT

A DSI has been prepared for the site. It concludes that in hard sealed areas of the site, no relevant NES-CS soil contaminant exceedances were identified in soils. In undeveloped and unsealed areas, the 2019 investigation identified arsenic in surface soil at HA11 (as identified on the plan on page 151 of Riley Consultant's report in **Appendix X**) at a concentration of 201mg/kg, over four times the NES-CS soil contaminant standard for high-density residential land use (45mg/kg) and nearly three times over the soil contaminant standard for protection of outdoor workers (unpaved) (70mg/kg). This area requires further delineation prior to earthworks occurring. The 2020 investigation identified an additional two hotspots (S1 and S3) in the southern corner along the residential dwelling boundary. One contaminant of concern (arsenic: 69mg/kg and 67mg/kg) exceeded NES-CS soil contaminant standard for intended site end-use (high density residential). Asbestos fibres (chrysolite, 0.0016%) were identified in one soil sample (S3) from the southern corner alongside the residential property and, is above relevant human health criteria <0.001%.

Various heavy metals (mainly arsenic, zinc, chromium, lead, nickel and copper) exceeded published regional background levels. The demolition of buildings containing asbestos in the northern hardstand area will require approval from Worksafe NZ. Post demolition, soil validation testing for potential residual asbestos will be required.

As such, the proposed development requires consent as a **Restricted Discretionary Activity** under the NES-CS.