

## Roxanne Davies

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**From:** Andrea Curcio Lamas <Andrea.CurcioLamas@chapmantripp.com>  
**Sent:** Thursday, 4 March 2021 04:42 p.m.  
**To:** District Plan Submissions  
**Cc:** Natalie Amos; Luke Hinchey  
**Subject:** Variation 2 - Ryman Healthcare Ltd  
**Attachments:** Ryman\_submission\_on\_Variation\_2\_-\_Dunedin\_City\_Council.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon

Please find **attached** a submission from Ryman Healthcare Limited on Dunedin City Council's proposed Variation 2.  
Regards

Andrea

Andrea Curcio Lamas (she/her)  
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**Form 5**

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR  
PLAN, CHANGE OR VARIATION**

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Dunedin City Council (*Council*)

**Name of submitter:** Ryman Healthcare Limited (*Ryman*)

- 1 This is a submission on the Council's proposed amendments to the Second Generation Dunedin City District Plan (2GP): Variation 2 – Additional Housing Capacity (*Variation 2*).
- 2 Ryman could not gain an advantage in trade competition through this submission.

**Summary**

- 3 Ryman has a significant interest in how Variation 2 will alter the provision and regulation of retirement villages and aged care in Dunedin.
- 4 In summary, Ryman wishes to ensure that the 2GP positively enables retirement village development and related activities in all appropriate locations. Consent requirements should be applied with the minimum regulation necessary to manage potential effects. The significant benefits of retirement villages for social and economic wellbeing should also be recognised.
- 5 The existing planning regime for retirement villages in the 2GP is inadequate for large comprehensive retirement villages and to cater for growing demand. Ryman is concerned that the amendments proposed in Variation 2 do not specifically seek to improve that situation. Variation 2 does not acknowledge the expected growth of the ageing population in Dunedin and the related retirement living crisis. As a result, it is weak in terms of enabling flexibility and improving the consenting processes for retirement villages.
- 6 Ryman is generally supportive of enabling more housing types and choices for the Dunedin population, but opposes the current approach taken by Variation 2.
- 7 Ryman is interested in the following changes proposed by Variation 2:
  - 7.1 Change B5 – Management of density for character and amenity;

- 7.2 Change D1 – Broad changes linked to new development mapped area provisions;
- 7.3 Change E1 – Residential Zone descriptions;
- 7.4 Change E2 – Clarify the RTZ, HETZ and IndTZ provisions;
- 7.5 Change F1-2 – Review of 3 waters Policy 9.2.1.1, Policy 9.2.1.4 and Policy 9.2.1.6;
- 7.6 Change F2-3 – Rules for residential stormwater management;
- 7.7 Change F3-2 – Wastewater detention in selected large greenfield areas; and
- 7.8 Change IN08 – Rezoning land in Roslyn (north).

### **Ryman and its villages**

- 8 Ryman has been operating retirement villages in New Zealand since 1984. Ryman currently has 35 operational retirement villages providing homes for more than 11,000 elderly residents across New Zealand.
- 9 Ryman is the main provider of comprehensive care villages in New Zealand. It provides approximately 50% care units and 50% independent units across all of its villages. Comprehensive care villages allow residents to access a 'continuum of care' from independent townhouses and apartments to 24-hour nursing care within the same village.
- 10 Due to the frailty and mobility limitations of some residents, Ryman provides extensive on-site community amenities, including entertainment activities, recreational facilities, small shops, bar and restaurant facilities, communal sitting areas, and large, attractively landscaped areas. Ryman provides these on-site indoor and outdoor purpose built amenities, as well as its activities programmes, to meet the very specific needs of its elderly residents.
- 11 Because of the comprehensive care nature of Ryman's villages, all of the communal amenities and care rooms need to be located centrally within a site in order to allow for safe and convenient access for all residents. This operational requirement results in a density and layout that differs from a typical residential development. However, our retirement villages are integrated developments, which often creates opportunities to achieve higher quality residential outcomes compared to typical development.

### **Dunedin villages**

- 12 Ryman owns and operates two retirement villages in Dunedin: the Frances Hodgkins Retirement Village at 40 Fenton Crescent Road, St Clair, and the Yvette Williams Retirement Village at 383 Highgate, Roslyn. These village provide housing and care for approximately 230 residents. Given the expected population growth and needs of the elderly population in the region, Ryman plans to continue to provide additional retirement accommodation in Dunedin in the future.

### **Ageing population and the retirement living crisis**

- 13 It is estimated that 768,800 people in New Zealand were aged 65+ years in 2019. This number is expected to rise to approximately 1.3 - 1.4 million people by 2043. In effect, the number of people aged 65+ years will roughly double over the next 25 years.

- 14 With respect to the Otago Region, Table 1 details the projected growth in the population over 75+ years through to 2043. The population aged 75+ years is expected to grow much more rapidly than the general population, doubling as a proportion of the general population.

**Table 1: 75+ years population distribution 2019 and population projection 2019-2043 in the Otago Region**

Area	75+ years population (as at June)						2019-2043	
	2019	2023	2028	2033	2038	2043	Change	%Change
Otago Region	16,840	19,930	24,470	29,470	34,640	37,990	21,150	126%
New Zealand	323,770	393,600	485,800	586,300	698,000	783,600	459,830	142%

- 15 These demographic changes, coupled with a trend towards people wishing to live in retirement villages that provide purpose-built accommodation, are resulting in large increases in demand for retirement living options. The provision of appropriate housing for this demographic group is not meeting demand by a considerable margin. The gap is widening. The consequence of this increasing trend is highly compromised wellbeing of New Zealand's most vulnerable demographic. Many older people are being deprived of appropriate care and companionship at a stage of their lives when they are most in need.
- 16 As well as providing appropriate accommodation and care for one of the most vulnerable sectors of our community, retirement villages help to ease demand on the general residential housing market. This is because growth in retirement village units is faster than growth in the general housing stock, and older New Zealanders free up their often large and age-inappropriate family homes to the general market when they move to a retirement village. To illustrate, a large scale village releases at least 300 houses back onto the market to be more efficiently used by families desperate for homes. This contribution is because retirement units are generally occupied by an average of 1.3 people per unit, compared to an average of 2.6 people per standard dwelling.
- 17 Ryman has identified that good quality housing and sophisticated care for the elderly is significantly undersupplied in many parts of the country. New Zealand's ageing population is facing a significant shortage in appropriate accommodation and care options which allow them to "age in place" as their health and lifestyle requirements change over time.
- 18 Providing for more retirement accommodation and aged care will provide opportunities to meet the demands presented by an ageing population. It will also serve to release some of the existing housing stock to assist with the housing recovery across the country. If the 2GP fails to provide for changing needs of Dunedin's ageing and diversifying population, the social wellbeing of Dunedin's residents will be seriously affected.

#### **Lack of suitable sites**

- 19 Retirement villages and related aged care facilities are a residential use, and are generally located in residential areas where there is demand generated by the residents living in those areas. Ryman's experience is that, in their retirement, elderly people want to stay in or close to the communities where they currently live

and where they have already significantly contributed to existing infrastructure throughout their lives as part of the local community. They want to remain close to their families, familiar amenities and other support networks and want to “age in place”.

- 20 However, other sites outside of residential zones that provide good amenity and access to services will also be considered. Sites that are appropriate for retirement villages are extremely rare due to size and locational requirements. It is therefore important that development of retirement villages on appropriate sites is encouraged and enabled.

### **National Policy Statement on Urban Development 2020**

- 21 Council’s section 32 report records that Variation 2 is being proposed primarily to give effect to the National Policy Statement on Urban Development 2020 (*NPSUD*). The NPSUD replaced the National Policy Statement on Urban Development Capacity 2016 (*NPSUDC*), but maintains and builds on some of its policies.
- 22 The NPSUD is designed to improve the responsiveness and competitiveness of land and development markets. In particular, it requires local authorities to open up more development capacity, so more homes can be built in response to demand. The NPSUD provides direction to make sure capacity is provided in accessible places, helping New Zealanders build homes in the places they want, close to jobs, community services, public transport and other amenities.<sup>1</sup>
- 23 The NPSUD identifies Dunedin as a ‘Tier 2 urban environment’, reflecting the city’s population size and growth rate. Objective 3 of the NPSUD seeks to enable more people to live in, and more businesses and services to be located in, areas that are near centres, near employment, well-served by public transport, and where there is high demand. The residential areas of Dunedin are considered to be consistent with these criteria – given that Dunedin has high demand for residential development.
- 24 The NPSUD recognises that well-functioning urban environments require a “variety of homes” to meet the needs of different households (Policy 1). It also requires that “New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations” (Objective 4). Further, the NPSUD recognises that amenity values can differ among people and communities. It also recognises that changes can be made via increased and varied housing densities and types (Policy 6).
- 25 As concluded by the Environment Court<sup>2</sup> in relation to the NPSUD predecessor, the NPSUDC, the intention of these NPS documents is to be primarily enabling. The documents are designed to provide opportunities, choices, variety and flexibility in relation to the supply of land for housing and business. The NPSUD framework is effectively designed to encourage development of land for business and housing, not to close off opportunity.

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<sup>1</sup> Introductory guide to the National Policy Statement 2020, Ministry for the Environment, July 2020, page 6.

<sup>2</sup> *Bunnings Limited v Queenstown Lakes District Council* [2019] NZEnvC 59.

- 26 The Council has identified in its section 32 report the need to enable a “variety of homes to meet the needs of different households”.<sup>3</sup> This is also reflected in the 2GP which seeks that “there is a range of housing choices in Dunedin that provides for the community’s needs and supports social well-being” (Objective 2.6.1) and encourages “more residential housing suitable for our ageing population” (Policy 2.6.1.2). However, Variation 2 fails to provide for residential intensification of “all” housing types meeting the needs of the existing and future demographic profile of Dunedin’s population. In this regard, Ryman considers Variation 2 fails to give effect to the NPSUD as well as to 2GP’s strategic directions.

## **SUBMISSION**

### **Introduction**

- 27 Ryman acknowledges that Variation 2 is not a “full review” of 2GP. However, Ryman is concerned that Variation 2, in its current form, fails to recognise the urgent need to address Dunedin’s ageing population and the retirement living crisis which requires an immediate response. Variation 2 takes an overly narrow focus on enabling certain types of housing for the elderly while completely disregarding the needs of the most vulnerable demographic that wish to live in retirement villages.
- 28 Variation 2 provides some enabling provisions for retirement villages, which Ryman supports. However, it fails to provide appropriate provisions to ensure the construction, operation and maintenance of retirement villages can occur efficiently and effectively within the area. Key issues include that Variation 2:
- 28.1 Takes an overly narrow focus on improving the planning regime for one and two-person households, without addressing retirement villages;
  - 28.2 Does not appropriately recognise the strategic importance of providing for the ageing population;
  - 28.3 Fails to recognise the unique characteristics and needs of retirement villages, compared to other residential typologies;
  - 28.4 Lacks clarity as to the expected future character of the changing city and how the existing amenity will change over time, in particular with increased density living; and
  - 28.5 Fails to address the need for large scale comprehensive retirement villages to be located in all residential zones.
- 29 The specific changes of Variation 2 that Ryman’s submission relates to are:
- 29.1 Change B5 – Management of density for character and amenity;
  - 29.2 Change D1 – Broad changes linked to new development mapped area (NDMA) provisions;
  - 29.3 Change E1 – Residential Zone descriptions;

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<sup>3</sup> Section 32 Report, page 20.

- 29.4 Change E2 – Clarify the RTZ, HETZ and IndTZ provisions;
- 29.5 Change F1-2 – Review of 3 waters Policy 9.2.1.1, Policy 9.2.1.4 and Policy 9.2.1.6;
- 29.6 Change F2-3 – Rules for residential stormwater management;
- 29.7 Change F3-2 – Wastewater detention in selected large greenfield areas; and
- 29.8 Change IN08 – Rezoning land in Roslyn (north).
- 30 For the avoidance of doubt, Ryman’s submission relates to Variation 2 in its entirety to the extent that any provisions relate to retirement villages and ancillary activities.
- 31 In order to meet the sustainable management purpose of the Resource Management Plan 1991 (*RMA*) and the relevant higher order policy documents, Ryman considers it essential that Variation 2 appropriately enables and encourages retirement villages within all Residential Zones. While Variation 2 mainly focuses on enabling one and two-person households, it fails to recognise that retirement villages have distinct design requirements and are also key to addressing Dunedin’s expected growth due largely to an increasing ageing population. As such, retirement villages should have similar enabled provisions to assist with meeting the changing needs of Dunedin’s population. Further, Ryman considers retirement villages should be subject to appropriate development controls that encourage and expedite the consenting process while managing appropriate impacts on adjoining neighbours.
- 32 Suitably providing for retirement villages in all existing residential areas will encourage a range of diverse accommodation options, which will play a significant part in addressing housing shortages and affordability issues. It will enable more housing options in areas where there is high demand. Such provision will enable elderly residents to remain in their local area, living in accommodation and receiving care appropriate to their needs. More flexible and tailor-made provisions for retirement villages will ensure that the region’s housing supply crisis is addressed more efficiently and effectively.
- 33 At a more general level, Ryman considers that the 2GP should generally align with other recent plans which provide a more appropriate planning framework for retirement villages such as the Christchurch District Plan. It is important to aim for consistency between planning regimes across regions. As identified by the Ministry for the Environment (*MfE*), district plans are highly variable across the country and unnecessary variation between plans has resulted in an “overly complex” resource management system, which is “difficult for plan users to navigate”.<sup>4</sup> Ryman agrees with MfE that alignment between district plans will result in a better more efficient plan making system in the long term.<sup>5</sup> General consistency, where appropriate, is particularly important for Ryman given the many districts it currently operates in and the very similar issues it faces across the country due to planning regimes that are not fit for purpose. In saying that, Ryman seeks improvements to these other planning regimes based on recent experience of some implementation challenges.

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<sup>4</sup> Ministry for the Environment, National Planning Standards – District Plan Structure, Discussion Paper B, May 2017, page 6.

<sup>5</sup> *ibid*, page 7.

### **Submissions in support**

- 34 Ryman generally supports specific provisions in Variation 2 that:
- 34.1 Address residential development capacity constraints and contribute towards achieving the targets for housing development capacity in the 2019 Housing Capacity Assessment for Dunedin and other relevant strategies;
  - 34.2 Recognise the need to enable and provide a range of housing types across the district;
  - 34.3 Reduce pressure on urban expansion by enabling more intensification to deliver a more compact city;
  - 34.4 Provide mechanisms to enable the well-planned and intensive development of a variety of accommodation opportunities for the elderly within the district; and
  - 34.5 Suitably rezones areas that apply to Ryman's existing sites in order to provide for a reasonable increase in feasible development capacity.

### **Submissions in opposition**

- 35 Ryman considers that overall (and in particular in respect of the provisions that it is opposed to), Variation 2:
- 35.1 Will not promote the sustainable management of natural and physical resources;
  - 35.2 Will not promote the efficient use and development of natural and physical resources;
  - 35.3 Is contrary to good resource management practice;
  - 35.4 Does not comply with the requirements of section 32 of the RMA, particularly in that the provisions are not the most appropriate means of achieving the relevant plan objectives having regard to their efficiency and effectiveness and taking into account benefits, costs and risks;
  - 35.5 Fails to give effect to the NPSUD and does not provide a planning framework that adequately provides for retirement villages and the level of density they typically require; and
  - 35.6 Is otherwise inconsistent with the relevant provisions of the RMA, including the purposes and principles of the RMA under Part 2.
- 36 Without limiting the generality of the above, other more specific reasons for Ryman's opposition have been provided throughout this submission.

### **Retirement Village Specific Framework**

- 37 Ryman considers that the operative 2GP does not adequately provide for retirement villages. Variation 2 fails to address this major flaw. Ryman considers the 2GP must be amended to include a retirement village specific framework. The framework should clarify the consenting process for retirement villages while enabling construction, operation and maintenance to provide for the specific needs of the ageing population in an efficient and effective manner.



- 38 As previously noted, Ryman considers that the 2GP should generally align with other recent plans which provide a more appropriate planning framework for retirement villages. Ryman therefore seeks that 2GP include a specific retirement village regime, as outlined below. Taking this proposed framework into account, Ryman also seeks relief in relation to specific proposed changes put forward by Variation 2, outlined further below in this submission.

### **Definitions and Strategic Directions**

- 39 The 2GP defines 'retirement villages' as being a sub-activity of 'supported living facilities'. This approach fails to recognise the specific and unique features of retirement villages. Ryman therefore considers that the definition of 'retirement villages' must be amended accordingly.
- 40 The 2GP's strategic directions acknowledge the need to ensure there is appropriate housing for the ageing population, as reflected in Policy 2.6.1.2. However, this policy and the proposed amendments put forward by Variation 2 do not go far enough in addressing all the needs of the ageing population and forgets those who are the most vulnerable and need the adequate care and living style provided by retirement villages. Ryman therefore considers that Policy 2.6.1.2 must be amended accordingly.

### **Relief sought:**

- 41 Ryman seeks the following:

#### **41.1 Replace the definition of "retirement village" to read as follows:**

'Retirement Village' means any land, building or site that:

- a) is used for accommodation predominantly for persons in their retirement, or persons in their retirement and their spouses or partners; and
- b) satisfies either of the following:
  - i. it is registered as a retirement village under the Retirement Villages Act 2003 or will be so registered prior to it being occupied by any resident; or
  - ii. it is a rest home within the meaning of s58(4) of the Health and Disability Services (Safety) Act 2001; and
- c) includes not less than two residential units; and
- d) may include any or all of the following facilities or services for residents on the site:
  - i. a care home within a retirement village;
  - ii. a hospital within a retirement village;
  - iii. nursing, medical care, welfare, accessory non-residential and/or recreation facilities and/or services.

#### **41.2 Amend Policy 2.6.1.2 to encourage more residential housing suitable for Dunedin's ageing population by specifically enabling retirement villages; and**

#### **41.3 Any consequential relief to ensure that the need to enable retirement villages and the specific features of retirement villages are recognised throughout the 2GP.**

### **Residential Zones objectives and policies**

- 42 Ryman considers the objectives and policies for the Residential Zones need to better reflect the NPSUD, including the expectation that urban environments will develop and change over time in response to the needs of the community (see NPSUD, Objectives 1 and 4). Ryman considers a new objective and policy is required in order to give effect to the NPSUD.
- 43 Ryman opposes how the 2GP categorises "retirement villages", "rest homes", and "student hostels" under the same umbrella category of "supported living facilities". Using the same objectives and policies throughout 2GP to address all of these activities ignores the specific features of retirement villages. These activities are

different and should be treated as such to ensure there is no confusion. Ryman considers it necessary that the 2GP includes a specific retirement village objective and a policy that specifically enables retirement villages across the residential zones, recognising the specific features of retirement villages.

44 Ryman opposes the need for retirement villages to 'maintain' the amenity of the locality. This approach does not align with retirement village formats which tend to be higher intensity uses than surrounding residential neighbourhoods. The residents of these villages are typically made up of former home owners and occupiers from the immediately surrounding community. It is important that the 2GP does not limit retirement village options in a way that would lead to people needing to move away from their existing communities, loved ones and families at a critical time in their lives when they need more comprehensive care.

45 Ryman also opposes controls over the internal layout of its sites. Ryman has over 36 years of experience of building villages and knows intimately the amenity and care provision needs of its residents. Ryman frequently comes across issues during consenting processes where councils attempt to influence Ryman's internal layouts based on their understanding of design principles which only apply to traditional housing types. This is akin to controlling the layout of a private dwelling. With respect, those councils do not understand how retirement villages function and operate. For this reason, Ryman opposes Objective 15.2.2 and its associated Policy 15.2.2.1.

*Relief sought:*

46 Ryman seeks the following:

46.1 Amend Section 15.1 to recognise:

- (a) the important role of retirement villages in providing for the ageing population;
- (b) that the nature and effects of retirement villages are different to other higher density residential activities; and
- (c) that retirement villages can require higher density of development than other residential activities; and

46.2 Amend the descriptions of the Residential Zones to make it clear that retirement villages are anticipated in these zones as sought in paragraphs 60.1 to 60.4;

46.3 Delete Objective 15.2.2 and its associated Policy 15.2.2.1; or alternatively amend these provisions to exempt retirement villages;

46.4 Include a new objective in Section 15.2 to read:

*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
- develop and change over time in response to the diverse and changing needs of people, communities and future generations.

46.5 Include a new objective in Section 15.2 to read:

*Provide for retirement villages that increase the supply of, and diversify the range of, accommodation options and accessory services available to older people, including those older people requiring care or assisted living.*

46.6 Include a new policy in Section 15.2 to read:

*Enable a range of housing types and densities to achieve the planned urban built form for each zone.*

46.7 Include a new policy in Section 15.2 to reflect the NPSUD Policy 6(b), to read:

*Recognise that changes to amenity values are not of themselves an adverse effect.*

46.8 Include a new policy for retirement villages in Section 15.2 to read:

**Policy XX – Retirement Villages**

A *Provide for a diverse range of housing options that are suitable for the particular needs and characteristics of older persons throughout residential areas.*

B *Provide for comprehensively designed and managed, well-located, higher density accommodation options and accessory services for older persons and those requiring care or assisted living, throughout all residential zones.*

C *Recognise that retirement villages can require higher densities than typical residential development, in order to be affordable and, to enable efficient provision of assisted living and care services and accessory services.*

D *Recognise the functional and operational needs of retirement villages.*

E *Recognise that larger sites can accommodate higher density activities such as retirement villages without affecting planned amenity and character and provide for the more efficient use of larger sites.*

46.9 Any consequential relief that will further enable and encourage retirement villages within the Residential Zones, and to ensure that assessment is commensurate to potential effects.

**Residential Zones restricted discretionary activity criteria**

*Relief sought:*

47 For the reasons set out earlier, Ryman seeks that:

47.1 A new matter of discretion for retirement villages is included, as follows:

1. *Whether the retirement village buildings bring appropriate change to existing environments, taking into account:*

- a. provision of density and built form that reflects the planned urban character of the zoning;
  - b. creation of visual quality and interest when viewed from the street or other public spaces through the separation of buildings, variety in building form, and in the use of architectural detailing, glazing, materials, and colour;
  - c. integration of vehicle access, parking areas and garages that do not visually dominate the development when viewed from the street or other public spaces;
  - d. engagement with adjacent public streets and public open spaces, with regard to: fencing and boundary treatments, sightlines, building orientation and setback, distribution of windows and balconies, and landscaping;
  - e. where relevant built form standards are breached, the effect of the specific breach on residential amenity for neighbours, in respect of visual dominance, privacy, and shading;
  - f. where relevant construction standards are breached, the effect of the specific breach on residential amenity for neighbours, in respect of noise and vibration;
  - g. any response to scheduled heritage buildings or protected landscape features on the site, including protected trees;
  - h. incorporation of Crime Prevention Through Environmental Design (CPTED) principles;
  - i. in relation to (a) to (h), the functional and operational needs of retirement villages and their residents.
2. For the avoidance of doubt, (1) does not allow consideration of on-site amenity.
  3. For the avoidance of doubt, this is the only matter of discretion that applies to retirement villages.

47.2 Any consequential amendments to the 2GP provisions to ensure that retirement villages are exempt from other matters of discretion.

### **Residential Zones specific rules**

- 48 Ryman considers that retirement villages in the 2GP must be provided for by a stand-alone retirement village-specific rules framework to ensure the specific needs and requirements of retirement villages are adequately addressed.

#### **Relief sought:**

- 49 Ryman considers an appropriate specific rule framework for retirement villages should provide for and seeks for the following key elements:

49.1 The land use of a retirement village be recognised as a permitted activity. This approach will make it clear to the surrounding community that such uses are part of the fabric of the residential zones and not challengeable in consenting processes. Ryman often receives public submissions opposing its

villages on the basis that such villages are a commercial use or a hospital use which is not appropriate in a residential zone. It wishes to avoid such misguided submissions in the future;

49.2 The construction and operation of a retirement village be a restricted discretionary activity in the Residential Zones (using the above-noted assessment criteria). This restricted discretionary regime should extend to include all typical ancillary activities such as service connections, stormwater, the use of generators as a back-up power source, traffic generation and access, signage, construction and operational noise, construction traffic and earthworks. It is non-sensical and hugely inefficient to have a carefully designed and bespoke planning regime for retirement villages using a restricted discretionary activity status, where the application of another rule for an ancillary activity, makes the overall status discretionary or non-complying;

49.3 Built form controls be limited to those that manage external effects on the wider environment and neighbours, including height, height in relation to boundary, setbacks and traffic access to the site. Internal built form controls should not be applied to retirement villages, as these are designed for typical dwellings and are not an appropriate or necessary tool for retirement villages;

49.4 A breach of any built form controls should only trigger restricted discretionary activity status. The focus of assessment should be on the effect of that breach. For example, for a height or height in relation to boundary breach, the assessment should focus on the additional shading or privacy impacts that would occur on a neighbouring site above the effects that would otherwise occur from a development complying with the built form standard;

49.5 There should be a presumption of non-notification for a retirement village that meets all relevant building controls and a presumption of no more than limited notification to affected neighbours in cases of breach of any development control that *directly* affects the relevant neighbours;

49.6 Activities ancillary to retirement villages, such as alterations, additions and demolition, be permitted provided they comply with the relevant building controls. If they do not comply, they should be restricted discretionary activities subject to the same rules as for a new village; and

49.7 Any consequential relief to further enable retirement villages within Residential Zones.

50 Taking into account, and in addition to, the retirement village specific regime outlined above, Ryman seeks the following relief in relation to specific changes sought by Variation 2.

**Change B5 – Management of density for character and amenity**

51 Ryman supports the changes proposed by Change B5 to the extent they remove the link between density and effects on character and amenity. However, Ryman considers that these changes should be mirrored throughout the 2GP to better reflect the NPSUD, including recognition that amenity differs among people and throughout time, as recognised in the NPSUD. Since intensification means a change in amenity, Ryman considers the 2GP also needs to provide appropriate and clear guidance on what that change might look like in the future.

*Relief sought:*

52 Ryman seeks the following:

52.1 Retain proposed amendments to Policy 2.2.4.4;

52.2 Retain proposed amendments to Policy 2.4.1.5 but further amend the policy to remove the focus on "residential amenity" to better reflect that:

- (a) intensification means a change in amenity;
  - (b) changes to amenity values are not of themselves an adverse effect; and
  - (c) amenity differs among people and changes throughout time;
- and therefore, it is not appropriate to require amenity to be 'maintained'.

52.3 Support the proposed deletion of Policy 15.2.4.2;

52.4 Support the proposed deletion of Rule 15.13.5.1.b;

52.5 Amend other relevant provisions throughout the Residential chapter of the 2GP, including (but not limited to) the following, to remove the focus on 'maintaining' the character and amenity of the area and better reflect that 'amenity' is a dynamic concept that will change over time:

- (a) Introduction of 15.1;
- (b) Policy 15.2.1.6;
- (c) Objective 15.2.3;
- (d) Policy 15.2.3.4;
- (e) Objective 15.2.4 and its associated policies; and
- (f) Rule 15.11.2.5(b).

**Change D1 – Broad changes linked to new development mapped area (NDMA) provisions**

53 Change D1 includes proposed amendments to the 2GP to better reflect the NPSUD. Ryman supports such changes in so far they give effect to the requirements imposed by the NPSUD. However, Ryman is concerned that Change D1 is mainly focused on new development mapped areas and future urban growth areas, and Variation 2 does not propose equivalent changes to existing residential areas. As previously mentioned, Ryman considers the objectives and policies for the existing residential zones need to better reflect the NPSUD.

*Relief sought:*

54 Ryman seeks the following:

54.1 Retain proposed amendments to Section 12.1 Introduction but further amend Section 12.1 to include recognition that "urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations" (as provided by Objective 4 in the NPSUD); and

54.2 Amend Policy 12.2.X to read as follows:

“Future residential growth areas are developed ~~in a way that achieves~~  
*in general accordance with* the Plan’s strategic directions for: [...]”

54.3 Include a new objective and policy in Section 15.2 to give effect to the NPSUD as sought in paragraphs 46.4 and 46.7.

**Change E1 – Residential Zone descriptions**

- 55 The 2GP identifies the following residential zones: General Residential 1, General Residential 2, Inner City Residential, Low Density Residential, Low Density Residential, Large Lot Residential 1, Large Lot Residential 2, and Township and Settlement.
- 56 Variation 2 proposes changes to the residential zone descriptions in the Introduction to Section 15. The purpose is to ensure “*the descriptions of development that is enabled by the Plan and the anticipated future residential character reflects the Plan rules for each residential zone*”.<sup>6</sup>
- 57 Ryman supports the proposed changes to the Residential Zone descriptions to the extent that the changes highlight an anticipated change in residential character over time, anticipate larger developments that will house supported living facilities, such as retirement villages, and a range of housing choices over time. However, Ryman is concerned that the zone descriptions do not adequately support higher density residential development; acknowledge the need for greater diversity and housing choice; and recognise that amenity values can develop and change over time in response to the diverse and changing needs of the population.
- 58 Ryman considers that Variation 2 also fails to address the need for large scale comprehensive care retirement villages to be located in all residential zones and therefore fails to consider the growing ageing population and the desire of residents to “age in place”.
- 59 More generally, Ryman considers that the 2GP, and in particular the Residential Zones chapter, fails to recognise the specific features associated with retirement villages. A key example is how the 2GP defines ‘retirement villages’ as falling under the definition of ‘supported living facilities’ and is treated as such throughout the plan.

*Relief sought:*

- 60 Ryman seeks the following:
- 60.1 Retain the proposed amendments to 15.1.1.1 (introduction to ‘General Residential 1’) to the extent the amendments anticipate larger developments that will house ‘supported living facilities’ and that change in residential character is anticipated over time, but further amend the introduction to specifically mention “retirement villages”. As drafted, the proposed zone description specifically anticipates “rest homes” and “student hostels” but does not mention “retirement villages”. Ryman considers this omission to be a drafting error that needs to be corrected;

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<sup>6</sup> Section 32 Report, page 77.



60.2 Retain the proposed amendments to 15.1.1.2 (introduction to 'General Residential 2') to the extent the amendments recognise the need to provide a range of housing choices over time, but further amend the introduction to specifically mention the need to enable retirement villages;

60.3 Retain the proposed amendments to 15.1.1.3 (introduction to 'Inner City Residential') to the extent the changes anticipate "an increasing range of housing choices", but further amend the introduction to specifically mention the need to enable retirement villages;

60.4 Amend 15.1.1.4 (introduction to 'Low Density Residential') to specifically mention the need to enable retirement villages;

60.5 Amend Section 15.1 as sought in paragraph 46.1; and

60.6 Any consequential relief that will further enable and encourage retirement villages within the Residential Zones.

**Change E2 – Clarify the RTZ, HETZ and IndTZ provisions**

61 Change E2 seeks to clarify the Residential Transition Overlay Zone (RTZ), Industrial Transition Overlay Zone (IndTZ) and Harbourside Edge Transition Overlay Zone (HETZ) provisions.

62 Ryman supports the intent of Change E2 but considers that further clarification is needed as to the objectives, policies and rules that are applicable for the areas subject to transition overlay zones and how resource consent applications will be processed by Council in such circumstances.

*Relief sought:*

63 Ryman seeks the following:

63.1 Include a new provision in Section 12 specifying which zone's objectives, policies and rules must be considered for a proposal in an area subject to the transition zone overlays.

**Changes to 3 waters provisions (public water supply, wastewater and stormwater)**

64 Ryman generally supports the need to better manage 3 waters' considerations in relation to residential land use. However, Ryman is concerned that excessive demands on retirement villages may limit their provision throughout the region. Ryman's position in relation to specific proposed changes is outlined below.

**Change F1-2 – Review of 3 waters Policy 9.2.1.1, Policy 9.2.1.4 and Policy 9.2.1.6**

65 The purpose of this change is to clarify the 3 waters policy framework in Policy 9.2.1.1, Policy 9.2.1.4 and Policy 9.2.1.6. Ryman agrees with the Council that these policies as drafted do not provide enough guidance on acceptable options to manage the effects on 3 waters infrastructure. As such, the policies can limit the provision of housing choices throughout the region by discouraging development where public infrastructure is insufficient or not yet available but where alternative solutions may be possible.

*Relief sought:*

66 Ryman seeks the following:

66.1 Retain the proposed amendments to Policy 9.2.1.1 in its entirety;



- 66.2 Retain the addition of Policy 9.2.1.1A in its entirety but clarify that agreement from the Council (in 9.2.1.1A(c)) shall not be unreasonably withheld;
- 66.3 Retain the proposed amendments to Policy 9.2.1.4 in its entirety;
- 66.4 Retain the addition of Policy 9.2.1.4A in its entirety but clarify that agreement from the Council (in 9.2.1.4A(b)) shall not be unreasonably withheld;
- 66.5 Retain the deletion of Policy 9.2.1.6;
- 66.6 Amend the new assessment rule 9.6.2.Z to replace the text "effects on efficiency and affordability of infrastructure" with "effects on the capacity of infrastructure"; and
- 66.7 Any consequential relief as is appropriate or desirable in order to take account of the relief sought.

***Change F2-3 – Rules for residential stormwater management***

- 67 Change F2-3 aims to review the methods used to manage stormwater effects within existing residential areas to ensure these provisions are clear. Specifically, Change F2-3 incorporates provisions requiring applications for consent for 'supported living facilities' (which include retirement villages) to provide details of how stormwater will be managed and may be required to provide a proposed stormwater management plan.

***Relief sought:***

- 68 Ryman seeks the following:

- 68.1 Retain new policy 9.2.1.Z but amend 9.2.1.Z(a)(ii) to read:

"any adverse effects from an increase in discharge on the stormwater public infrastructure are ~~no more than minor~~ *suitably attenuated*";

- 68.2 Amend Rule 9.6.2.2(a) to read:

"Effects on ~~efficiency and affordability~~ *capacity* of infrastructure (stormwater)"

- 68.3 Amend Rule 9.6.2.X(1)(2) to read:

"any adverse effects from an increase in discharge on the stormwater public infrastructure are ~~no more than minor~~ *suitably attenuated*";

- 68.4 Retain new Rule 9.9X;

- 68.5 Amend Rule 15.11.2.5(a) to read:

"Effects on ~~efficiency and affordability~~ *capacity* of infrastructure (stormwater)"

- 68.6 Any consequential relief as is appropriate or desirable in order to take account of the relief sought.

***Change F3-2 – Wastewater detention in selected large greenfield areas***

- 69 Change F3-2 intends to review the approach taken in regards to wastewater management. Relevantly, Change F3-2 requires the submission of a wastewater management plan when applying for consent for 'supported living facilities'.

*Relief sought:*

70 Ryman seeks the following:

70.1 Amend new Rule 9.6.2.Y to remove the focus on “efficiency”, which will create interpretation issues, and clarify that the focus should be on the capacity of infrastructure and the ability to suitable attenuate any adverse effects.

70.2 Retain new Rule 9.9Y;

70.3 Amend new Rule 15.11.5.Z to remove the focus on “efficiency” and clarify that the focus should be on the capacity of infrastructure and the ability to suitable attenuate any adverse effects.

70.4 Any consequential relief as is appropriate or desirable in order to take account of the relief sought.

### **Change IN08 – Rezoning land in Roslyn (north)**

71 The zoning amendments of Change IN08 concern land in Roslyn North. The area proposed for rezoning extends along both sides of Highgate from the existing Roslyn General Residential 2 zoned area and Roslyn Suburban Centre to Mercy Hospital down to the town belt (recreation zoned). This is shown in Figure 1 below.

72 Ryman owns the site at 383 Highgate (*Site*) which is located within the Change IN08 area of proposed rezoning. This Site is occupied by the Yvette Williams Retirement Village.

**Change IN08: Rezoning from General Residential 1 to General Residential 2– Roslyn (north)**



**Figure 1 – Change IN08 rezoning, outlined in pink.**



**Figure 2 – 383 Highgate outlined in pink (Yvette Williams Retirement Village). Red line indicates border of IN08 rezoning.**

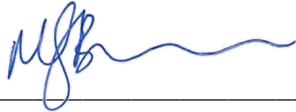
- 73 The proposed rezoning of the Site to the General Residential 2 Zone will result in changes to some rules that apply to the Site, including:
- 73.1 A proposed minimum lot size of 300m<sup>2</sup> ;
  - 73.2 The permitted road setback reducing from 4.5m to 3m (other setbacks remain the same); and
  - 73.3 The permitted building coverage increasing from 40% to 60%, and the impermeable site coverage provided for increasing from 70% to 80%.
- 74 Ryman does not oppose the outcomes anticipated by the rezoning at the Site.
- Relief sought:*
- 75 Ryman seeks the following:
- 75.1 Retain proposed rezoning of 383 Highgate to General Residential 2 Zone, without amendment;
  - 75.2 Retain the notified amended provisions that relate to 383 Highgate; and
  - 75.3 Any consequential relief as is appropriate or desirable in order to take account of the relief sought.

## **DECISION SOUGHT**

- 76 Ryman seeks:
- 76.1 The relief set out above throughout this submission;
  - 76.2 Any consequential relief as a result of any submission points raised; and
  - 76.3 Any alternative or consequential relief to address Ryman's concerns, including amendments or deletion of any objectives, policies and rules to better enable retirement villages in the 2GP.

- 77 Ryman wishes to be heard in support of the submission.
- 78 If others make a similar submission, Ryman will consider presenting a joint case with them at a hearing.

**Signed** for and on behalf of Ryman Healthcare Limited by:



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Matthew Brown  
NZ Development Manager  
4 March 2021

Address for service of submitter:

Ryman Healthcare Limited  
c/- Natalie Amos  
Chapman Tripp  
Level 34  
15 Customs Street West  
PO Box 2206  
Auckland 1140  
Email address: [natalie.amos@chapmantripp.com](mailto:natalie.amos@chapmantripp.com)

## Roxanne Davies

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**From:** Jenny Lapham  
**Sent:** Tuesday, 4 May 2021 09:30 a.m.  
**To:** 'Gary Rae'; Anna Johnson; Emily McEwan; Paul Freeland  
**Subject:** FW: Memorandum Re Retirement Villages Assoc  
**Attachments:** RE: Variation 2 - Ryman Healthcare Ltd; Variation 2 - Ryman Healthcare Ltd

Please advise how you wish me to proceed.

Thanks

Jenny

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**From:** Natalie Amos <Natalie.Amos@chapmantripp.com>  
**Sent:** Monday, 3 May 2021 5:33 p.m.  
**To:** Jenny Lapham <Jenny.Lapham@dcc.govt.nz>  
**Cc:** Luke Hinchey <Luke.Hinchey@chapmantripp.com>; Andrea Curcio Lamas <Andrea.CurcioLamas@chapmantripp.com>  
**Subject:** RE: Memorandum Re Retirement Villages Assoc

Hi Jennifer

Thank you for your email.

### **Ryman's submission on Variation 2**

As you correctly identified, it appears three submissions were lodged with the Council on behalf of Ryman on Variation 2. Ryman apologises for the confusion, which appears to have resulted from an internal administrative error. The Ryman submission lodged by Chapman Tripp at 4:42pm on 4 March 2021 is the 'live' Ryman submission. We have **attached** a copy of our email lodging the submission, together with a copy of that submission for reference. We received confirmation of receipt of our email lodging the Ryman submission on Friday 5 March at 12.26pm (see confirmation email from Paul Freeman **attached**).

For the avoidance of doubt, the first Ryman submission lodged by Sharon Aitchison from Mitchell Daysh on 3 March 2021 at 4:28pm was withdrawn by Ms Aitchison's withdrawal email request sent on 12:15pm on 4 March 2021. The third Ryman submission (which was a copy of the first Ryman submissions) was lodged by Tayla Beck from Ryman at 3:56pm on 5 March 2021. That submission should also be considered as withdrawn.

Given that Ryman's submission raises similar relief to that sought by RVA, could you now please clarify whether Ryman has 10 working days from today's date to respond to Council's initial assessment of the out-of-scope submissions?

### **RVA's memorandum in response to Minute 1**

In your email below, you note a 24h extension for the RVA to respond to the Council's out of scope submissions report. It is assumed at this point that the Commissioners have refused the other directions sought in the memorandum. Please clarify if that is not the case.

Regards

Nat

NATALIE AMOS

SENIOR ASSOCIATE

**Chapman Tripp**

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**From:** Jenny Lapham <[Jenny.Lapham@dcc.govt.nz](mailto:Jenny.Lapham@dcc.govt.nz)>

**Sent:** Monday, 3 May 2021 12:47 PM

**To:** Natalie Amos <[Natalie.Amos@chapmantripp.com](mailto:Natalie.Amos@chapmantripp.com)>

**Subject:** FW: Memorandum Re Retirement Vilalges Assoc

Dear Natalie

Ryman Healthcare Ltd does not have any submission points included in the Out-of-Scope Submissions Report and has therefore not received any notification of the current process. This is because, to date, we have been of the understanding that their submission was withdrawn, as we had received an email to that effect (see attached).

However, we have now gone back through the submission correspondence and it appears that two submissions lodged on behalf of Ryman Healthcare Ltd were received after the withdrawal email (one from Chapman Tripp and one from Ryman Healthcare Ltd staff, each being different – see attached). It may be that these later two submissions were intended to replace the withdrawn one, rather than there being an intention to withdraw all submissions. We would appreciate confirmation as to which of the submissions we have received should be considered 'live'.

We note that where we receive multiple submissions on behalf of the same person, we combine these under a single submission number for ease of handling. This may be why all the submissions have been withdrawn.

Should the two later submissions received be reinstated, they would be filed under the same submission number and will require a single point of contact, e.g. not two different consultants.

As any scope issues in such submissions are not contained in the report on scope, such matters would need to be addressed separately from the current scope process, noting that the Hearing Panel can make decisions on the scope of submissions before, at, or after the hearing.

We apologise for any misunderstanding that has occurred.

I advised that I have spoken to the Chairperson and he has advised that he will allow a 24 hour extension to respond to the Out of Scope Report.

Regards

**Jennifer Lapham**

**On behalf of the 2GP Variation 2 Hearings Panel**

**Civic**

**P** 03 477 4000 | **E** [Jenny.Lapham@dcc.govt.nz](mailto:Jenny.Lapham@dcc.govt.nz)

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**From:** Jenny Lapham <[Jenny.Lapham@dcc.govt.nz](mailto:Jenny.Lapham@dcc.govt.nz)>

**Sent:** Monday, 3 May 2021 11:26 a.m.

**To:** Paul Freeland <[Paul.Freeland@dcc.govt.nz](mailto:Paul.Freeland@dcc.govt.nz)>; Emily McEwan <[Emily.McEwan@dcc.govt.nz](mailto:Emily.McEwan@dcc.govt.nz)>

**Subject:** Memorandum Re Retirement Vilalges Assoc

**Importance:** High

Hi – In the Minutes from Natalie Amos she refers to Ryman Healthcare Ltd's submission – she wants to know if they received notice re Out of Scope submission, I can't see them on the spreadsheet. Gary is seeking confirmation.

Jenny

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