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Sent: Thursday, 4 March 2021 05:44 p.m.
To: District Plan Submissions
Cc: Natalie Amos; Luke Hinchey
Subject: Variation 2 - Retirement Villages Association of New Zealand Inc.
Attachments: RVA_submission_on_Variation_2_-_Dunedin_City_Council.pdf

Follow Up Flag: Follow up
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Good afternoon

Please find **attached** a submission from the Retirement Villages Association of New Zealand Incorporated on Dunedin City Council's proposed Variation 2.

Regards

Andrea

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**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: Retirement Villages Association of New Zealand Incorporated (*RVA*)

- 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 RVA could not gain an advantage in trade competition through this submission.

Summary

- 3 RVA 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, RVA 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. RVA 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 RVA is generally supportive of enabling more housing types and choices for the Dunedin population, but opposes the current approach taken by Variation 2.
- 7 RVA 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; and
- 7.7 Change F3-2 – Wastewater detention in selected large greenfield areas.

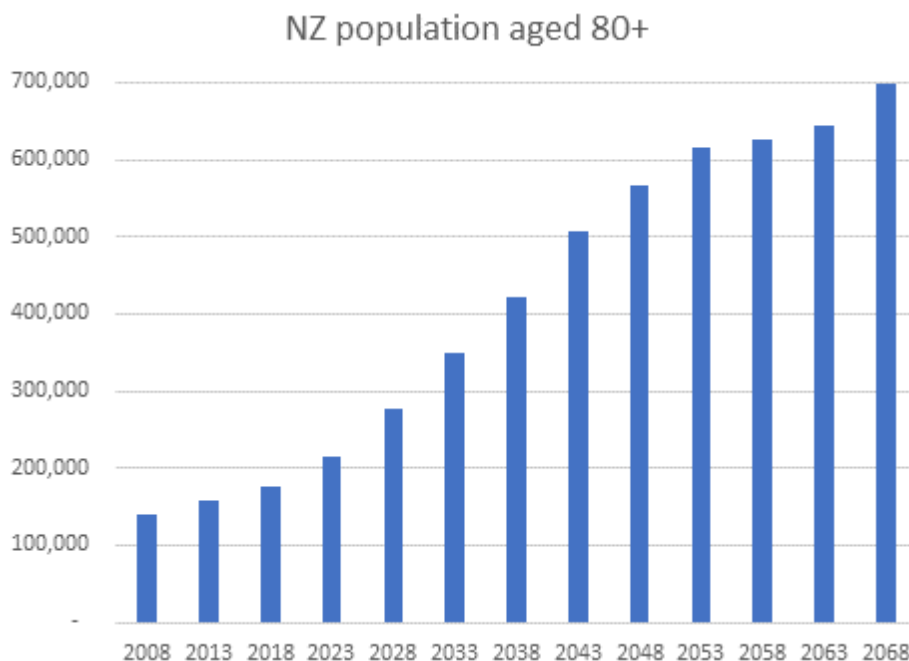
BACKGROUND

Retirement Villages Association

- 8 The RVA is a voluntary industry organisation that represents the interests of the owners, developers and managers of registered retirement villages throughout New Zealand. The RVA has 385 member villages throughout New Zealand, with approximately 34,200 units that are home to approximately 45,000 older New Zealanders, roughly equivalent to the population of Timaru. This figure is 96% of the registered retirement village units in New Zealand.
- 9 The RVA's members include all four publicly-listed companies (Ryman Healthcare, Summerset Group, Arvida Group and Oceania Healthcare), other corporate groups such as Metlifecare, Bupa Healthcare, Arena Living, independent operators, and not-for-profit operators such as community trusts, religious and welfare organisations.

Ageing population and the retirement living crisis

- 10 It is estimated that 325,000 people in New Zealand were aged over 75 in 2019. The number has been growing at the rate of 5,000 per annum for the past 15 years. By 2043, the population aged 75+ is forecasted to more than double up to 784,000 people nationally.¹
- 11 The growth in the 80+ bracket is similar, as illustrated in the following graph:



¹ Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, June 2020, page 7.

- 12 Retirement villages already play a significant part in housing and caring for elderly people in New Zealand. Currently, 13.9% of the 75+ age group population live in retirement villages, a penetration rate that has risen from around 9.0% of the 75+ age population at the end of 2012.² It is likely that the participation rate will continue to increase over time.
- 13 Information about the nature of retirement villages and their residents is contained in **Appendix 1**.

Shortage of retirement villages

- 14 New Zealand's demographic changes are resulting in major new pressures on social and health services. Housing is a key issue. Many of New Zealand's older residents are living in unsuitable accommodation. This may be due to physical constraints such as living in a large house that is expensive, difficult to maintain and heat properly and/or has barriers to mobility such as stairs or having to travel too far to reach amenities and health services.
- 15 Mental wellbeing issues are also growing, including isolation, loneliness, and related depression due to many older people living alone, separated from family and friends due to their increasing mobility restrictions.
- 16 These factors have led to demand for retirement village accommodation outstripping supply. The ageing population and longer life expectancy, coupled with a trend towards people wishing to live in retirement villages that provide purpose-built accommodation, means that demand is continuing to grow. It is anticipated that at least 10 new large scale villages each year are going to be required across New Zealand, just to keep up with demand over the next 20 years.

Benefits of retirement villages

- 17 Retirement villages provide appropriate accommodation and care for one of the most vulnerable sectors of our community. They allow older people to continue living in their established community, while down-sizing to a more manageable property (i.e. without stairs or large gardens). Retirement village living provides security, companionship and peace of mind for residents.³ Residents will also, in most cases, have easy access to care and other support services.
- 18 The retirement village sector also contributes significantly to the development of New Zealand's urban areas, and the particular challenges urban areas face.
- 19 Retirement villages help to ease demand on the residential housing market and assist with the housing supply shortage in New Zealand. That is because growth in retirement village units is faster than growth in the general housing stock. And, the majority of new villages are located in major urban centres.

² Jones Lang LaSalle, NZ Retirement Village Database White Paper, April 2018. Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, June 2020, page 15.

³ PWC 'Retirement village contribution to housing, employment, and GDP in New Zealand' (March 2018). Brown, N.J., "Does Living Environment Affect Older Adults Physical Activity Levels?". Grant, Bevan C. (2007) 'Retirement Villages', *Activities, Adaptation and Aging*, 31:2, 37-55.

- 20 New build data from Statistics NZ shows that retirement village developments provided between 5% and 8% of all new residential developments between July 2014 and July 2019.⁴
- 21 The retirement village sector allows older New Zealanders to free up their often large and age-inappropriate family homes and move to comfortable and secure homes in a retirement village. The RVA estimates that around 4,700 family homes are released back into the housing market annually through new retirement village builds (approximately 1,700 units). A large scale village releases approximately 300 houses back onto the market to be more efficiently used by families desperate for homes. To illustrate, 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.
- 22 The retirement village sector also produces other broader benefits:
- 22.1 The sector employs approximately 19,000 people to support day-to-day operations. Over the next 7-8 years, approximately 9,500 new jobs will be created from construction of new villages. The sector contributes around \$1.1 billion to New Zealand's GDP from day-to-day operations.⁵
- 22.2 The contribution of retirement village construction is also substantial. For example, a large scale new village will cost in the order of \$100-\$200 million to construct. Retirement village construction is also expected to employ approximately 5,700 FTEs each year.⁶

National Policy Statement on Urban Development 2020

- 23 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.
- 24 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.⁷
- 25 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

⁴ See *Over 35,000 homes consented in July year – Stats NZ Media and Information Release: Building consents issued: July 2019*.

⁵ Ibid.

⁶ Ibid.

⁷ Introductory guide to the National Policy Statement 2020, Ministry for the Environment, July 2020, page 6.

with these criteria – given that Dunedin has high demand for residential development.

- 26 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).
- 27 As concluded by the Environment Court⁸ 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.
- 28 The Council has identified in its section 32 report the need to enable a “variety of homes to meet the needs of different households”.⁹ 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, RVA considers Variation 2 fails to give effect to the NPSUD as well as to 2GP’s strategic directions.

SUBMISSION

Introduction

- 29 RVA acknowledges that Variation 2 is not a “full review” of 2GP. However, RVA 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.
- 30 Variation 2 provides some enabling provisions for retirement villages, which RVA 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:
- 30.1 Takes an overly narrow focus on improving the planning regime for one and two-person households, without addressing retirement villages;

⁸ *Bunnings Limited v Queenstown Lakes District Council* [2019] NZEnvC 59.

⁹ Section 32 Report, page 20.

- 30.2 Does not appropriately recognise the strategic importance of providing for the ageing population;
 - 30.3 Fails to recognise the unique characteristics and needs of retirement villages, compared to other residential typologies;
 - 30.4 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
 - 30.5 Fails to address the need for large scale comprehensive retirement villages to be located in all residential zones.
- 31 The specific changes of Variation 2 that RVA's submission relates to are:
- 31.1 Change B5 – Management of density for character and amenity;
 - 31.2 Change D1 – Broad changes linked to new development mapped area (NDMA) provisions;
 - 31.3 Change E1 – Residential Zone descriptions;
 - 31.4 Change E2 – Clarify the RTZ, HETZ and IndTZ provisions;
 - 31.5 Change F1-2 – Review of 3 waters Policy 9.2.1.1, Policy 9.2.1.4 and Policy 9.2.1.6;
 - 31.6 Change F2-3 – Rules for residential stormwater management; and
 - 31.7 Change F3-2 – Wastewater detention in selected large greenfield areas.
- 32 For the avoidance of doubt, RVA's submission relates to Variation 2 in its entirety to the extent that any provisions relate to retirement villages and ancillary activities.
- 33 In order to meet the sustainable management purpose of the Resource Management Plan 1991 (RMA) and the relevant higher order policy documents, RVA 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, RVA considers retirement villages should be subject to appropriate development controls that encourage and expedite the consenting process while managing appropriate impacts on adjoining neighbours.
- 34 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.

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OOS**

**Pt 1
OOS**

- 35 At a more general level, RVA 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”.¹⁰ RVA agrees with MfE that alignment between district plans will result in a better more efficient plan making system in the long term.¹¹ General consistency, where appropriate, is particularly important for RVA 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, RVA seeks improvements to these other planning regimes based on recent experience of some implementation challenges.

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Submissions in support

- 36 RVA generally supports specific provisions in Variation 2 that:
- 36.1 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;
 - 36.2 Recognise the need to enable and provide a range of housing types across the district;
 - 36.3 Reduce pressure on urban expansion by enabling more intensification to deliver a more compact city; and
 - 36.4 Provide mechanisms to enable the well-planned and intensive development of a variety of accommodation opportunities for the elderly within the district.

**Pt 3
general
support**

Submissions in opposition

- 37 RVA considers that overall (and in particular in respect of the provisions that it is opposed to), Variation 2:
- 37.1 Will not promote the sustainable management of natural and physical resources;
 - 37.2 Will not promote the efficient use and development of natural and physical resources;
 - 37.3 Is contrary to good resource management practice;
 - 37.4 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;

¹⁰ Ministry for the Environment, National Planning Standards – District Plan Structure, Discussion Paper B, May 2017, page 6.

¹¹ *ibid*, page 7.

37.5 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

37.6 Is otherwise inconsistent with the relevant provisions of the RMA, including the purposes and principles of the RMA under Part 2.

38 Without limiting the generality of the above, other more specific reasons for RVA's opposition have been provided throughout this submission.

Retirement Village Specific Framework

39 RVA considers that the operative 2GP does not adequately provide for retirement villages. Variation 2 fails to address this major flaw. RVA 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.

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

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Definitions and Strategic Directions

41 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. RVA therefore considers that the definition of 'retirement villages' must be amended accordingly.

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42 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. RVA therefore considers that Policy 2.6.1.2 must be amended accordingly.

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Relief sought:

43 RVA seeks the following:

43.1 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;

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- iii. nursing, medical care, welfare, accessory non-residential and/or recreation facilities and/or services. **Pt 1 OOS**
- 43.2 Amend Policy 2.6.1.2 to encourage more residential housing suitable for Dunedin's ageing population by specifically enabling retirement villages; and **Pt 1 OOS**
- 43.3 Any consequential relief to ensure that the need to enable retirement villages and the specific features of retirement villages are recognised throughout the 2GP. **Pt 1 OOS**
- Residential Zones objectives and policies**
- 44 RVA 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). RVA considers a new objective and policy is required in order to give effect to the NPSUD. **Pt 4 OOS**
- 45 RVA 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. RVA 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. **Pt 1 OOS**
- 46 RVA 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. **Pt 4 OOS**
- 47 RVA also opposes controls over the internal layout of its members' sites. RVA's members have significant years of experience of building villages and know intimately the amenity and care provision needs of its residents. RVA's members frequently come across issues during consenting processes where councils attempt to influence retirement villages' 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, RVA opposes Objective 15.2.2 and its associated Policy 15.2.2.1. **Pt 4 OOS**
- Relief sought:*
- 48 RVA seeks the following:
- 48.1 Amend Section 15.1 to recognise:
- (a) the important role of retirement villages in providing for the ageing population; **Pt 4 & 11 OOS**
- (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 **Pt 4 & 11 OOS**
- 48.2 Amend the descriptions of Residential Zones to make it clear that retirement villages are anticipated in these zones as sought in paragraphs 62.1 to 62.4; **Pt 8,9,10**
- 48.3 Delete Objective 15.2.2 and its associated Policy 15.2.2.1; or alternatively amend these provisions to exempt retirement villages; **Pt 4 OOS**
- 48.4 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 **Pt 7 OOS**
 - develop and change over time in response to the diverse and changing needs of people, communities and future generations.
- 48.5 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.* **Pt 1 OOS**
- 48.6 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.* **Pt 4 OOS**
- 48.7 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.* **Pt 7 OOS**
- 48.8 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. **Pt 1 OOS**
- 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.*

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48.9 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:

49 For the reasons set out earlier, RVA seeks that:

49.1 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.*

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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.*

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

Residential Zones specific rules

50 RVA 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:

51 RVA considers an appropriate specific rule framework for retirement villages should provide for and seeks for the following key elements:

51.1 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. RVA's members often receive public submissions opposing 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;

51.2 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;

51.3 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;

51.4 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;

51.5 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;

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- 51.6 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 **Pt 1 OOS**
- 51.7 Any consequential relief to further enable retirement villages within Residential Zones.
- 52 Taking into account, and in addition to, the retirement village specific regime outlined above, RVA seeks the following relief in relation to specific changes sought by Variation 2.
- Change B5 – Management of density for character and amenity** **Pt 2, B5**
- 53 RVA supports the changes proposed by Change B5 to the extent they remove the link between density and effects on character and amenity. However, RVA 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, RVA considers the 2GP also needs to provide appropriate and clear guidance on what that change might look like in the future. **Pt 4 OOS** **Pt 8,9,10**
- Relief sought:*
- 54 RVA seeks the following:
- 54.1 Retain proposed amendments to Policy 2.2.4.4; **Pt 2, B5**
- 54.2 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’.
- 54.3 Support the proposed deletion of Policy 15.2.4.2; **Pt 2, B5**
- 54.4 Support the proposed deletion of Rule 15.13.5.1.b;
- 54.5 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; **Pt 4 OOS**
 - (c) Objective 15.2.3;
 - (d) Policy 15.2.3.4;
 - (e) Objective 15.2.4 and its associated policies; and

Pt 27 for 15.2.4.3 only, A1

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

- 55 Change D1 includes proposed amendments to the 2GP to better reflect the NPSUD. RVA supports such changes in so far they give effect to the requirements imposed by the NPSUD. However, RVA 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, RVA considers the objectives and policies for the existing residential zones need to better reflect the NPSUD. **Pt 5**
- Pt 28**
D1-
Alt2

Relief sought:

- 56 RVA seeks the following:

56.1 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 **Pt 4 OOS**

56.2 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: [...]" **Pt 6**

56.3 Include a new objective and policy in Section 15.2 to give effect to the NPSUD as sought in paragraphs 48.4 and 48.7. **Pt 7 OOS**

Change E1 – Residential Zone descriptions

- 57 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.
- 58 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"*.¹²
- 59 RVA 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, RVA 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. **Pt 8,9,10**
- 60 RVA 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 **Pt 1 OOS**

¹² Section 32 Report, page 77.

therefore fails to consider the growing ageing population and the desire of residents to "age in place".

Pt 1 OOS

- 61 More generally, RVA 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:

- 62 RVA seeks the following:

62.1 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". RVA considers this omission to be a drafting error that needs to be corrected;

Pt 8

62.2 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;

Pt 9

62.3 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;

Pt 9

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

Pt 10

62.5 Amend Section 15.1 as sought in paragraph 48.1; and

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

**Pt 4 & 11
OOS**

Change E2 – Clarify the RTZ, HETZ and IndTZ provisions

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

- 64 RVA 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.

Pt 12

Relief sought:

- 65 RVA seeks the following:

65.1 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.

Pt 12

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

- 66 RVA generally supports the need to better manage 3 waters' considerations in relation to residential land use. However, RVA is concerned that excessive demands on retirement villages may limit their provision throughout the region. RVA'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

- 67 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. RVA 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.

**Pt
13-26**

Relief sought:

- 68 RVA seeks the following:

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

Pt 13

68.2 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;

Pt 14

68.3 Retain the proposed amendments to Policy 9.2.1.4 in its entirety;

Pt 15

68.4 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;

Pt 16

68.5 Retain the deletion of Policy 9.2.1.6;

Pt 17

68.6 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

Pt 18

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

**All
above**

Change F2-3 – Rules for residential stormwater management

- 69 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:

- 70 RVA seeks the following:

70.1 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";

Pt 19

70.2 Amend Rule 9.6.2.2(a) to read:

Pt 20

- Pt 20**
- "Effects on ~~efficiency and affordability~~ *capacity* of infrastructure (stormwater)"
- 70.3 Amend Rule 9.6.2.X(1)(2) to read:
- Pt 21**
- "any adverse effects from an increase in discharge on the stormwater public infrastructure are ~~no more than minor~~ *suitably attenuated*";
- Pt 22**
- 70.4 Retain new Rule 9.9X;
- Pt 23**
- 70.5 Amend Rule 15.11.2.5(a) to read:
- Pt 20**
- "Effects on ~~efficiency and affordability~~ *capacity* of infrastructure (stormwater)"
- 70.6 Any consequential relief as is appropriate or desirable in order to take account of the relief sought.
- All above**
- Change F3-2 – Wastewater detention in selected large greenfield areas**
- 71 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:*
- 72 RVA seeks the following:
- 72.1 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.
- Pt 24**
- 72.2 Retain new Rule 9.9Y;
- Pt 25**
- 72.3 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.
- Pt 26**
- 72.4 Any consequential relief as is appropriate or desirable in order to take account of the relief sought.
- All above**
- DECISION SOUGHT**
- 73 RVA seeks:
- 73.1 The relief set out above throughout this submission;
- 73.2 Any consequential relief as a result of any submission points raised; and
- 73.3 Any alternative or consequential relief to address RVA's concerns, including amendments or deletion of any objectives, policies and rules to better enable retirement villages in the 2GP.
- 74 RVA wishes to be heard in support of the submission.
- 75 If others make a similar submission, RVA will consider presenting a joint case with them at a hearing.

Signed for and on behalf of Retirement Villages Association of New Zealand Incorporated
by John Collyns



John Collyns, Executive Director
4 March 2021

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APPENDIX 1 – RETIREMENT VILLAGES

Retirement villages

- 1 'Retirement village' is an umbrella term given to all types of retirement living. There are two main types of retirement villages - 'comprehensive care villages' and 'lifestyle villages':
 - 1.1 Comprehensive care retirement villages provide a full range of living and care options to residents from independent living, through to serviced care, rest home, hospital and dementia level care.
 - 1.2 Lifestyle retirement villages focus mostly on independent living units with a small amount of serviced care provided on a largely temporary basis.
- 2 Approximately 66% of registered retirement villages have some level of aged residential care within the village. Approximately 18,570 aged care beds are part of a retirement village, which is 49% of all age care beds in the country.¹³
- 3 'Retirement village' is defined in section 6 of the Retirement Villages Act 2003 (*RV Act*) as:

... the part of any property, building, or other premises that contains 2 or more residential units that provide, or are intended to provide, residential accommodation together with services or facilities, or both, predominantly for persons in their retirement, or persons in their retirement and their spouses or partners, or both, and for which the residents pay, or agree to pay, a capital sum as consideration and regardless of [various factors relating to the type of right of occupation, consideration, etc]...
- 4 The retirement village industry is regulated by the RV Act, associated regulations, and code of practice.
- 5 The RV Act in particular is an important safeguard for retirement village residents. It was enacted to protect the interests of retirement village residents and intending residents, including their financial and occupancy interests. The RV Act is also intended to provide an environment of security and protection of rights for retirement village residents.¹⁴
- 6 Restricting the application of any retirement village-specific policies in the NPSUD to "*registered retirement villages pursuant to the RV Act*" will ensure that only registered villages are covered, and there is no policy creep to conventional residential developments that might promote themselves as 'retirement villages' without the RVA Act protections.
- 7 One method contained in the RV Act to protect the financial and occupancy interests of residents, is a requirement for a memorial to be registered on the relevant certificates of title. The memorial means that the holder of a security interest cannot dispose of a retirement village, disclaim any occupation right agreement, or evict any resident unless all residents of the retirement village have received independent legal advice and at least 90% of those residents have consented in writing.

¹³ Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, June 2020, page 26.

¹⁴ Retirement Villages Act 2003, section 3.

- 8 The memorial requirement reflects the importance of ensuring retirement village residents have an absolute right to live in their units and access the village amenities, and are not forced to relocate at such a vulnerable stage of their life.

Retirement village residents

- 9 Residents choose to move into retirement villages as they provide purpose built, comfortable and secure dwellings, with a range of tailored on-site recreational amenities and care services. Residents often elect to move into a village because of a particular need, such as an existing or anticipated medical condition.