

Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

The Retirement Villages Association of New Zealand Incorporated

[State full name]

This is a submission on the following proposed plan or on a change proposed to the following plan or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing plan) (the 'proposal'):

Proposed District Plan

[State the name of proposed or existing plan and (where applicable) change or variation].

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

[*Select one.]

~~I am/am not directly affected by an effect of the subject matter of the submission that
(a) adversely affects the environment, and
(b) does not relate to trade competition or the effects of trade competition.~~

[*Delete or strike through entire paragraph if you could not gain an advantage in trade competition through this submission.]

[†Select one.]

The specific provisions of the proposal that my submission relates to are: [Give details]

Please see attached submission

My submission is: [Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]

[If your submission relates to a proposed plan prepared or changed using the collaborative planning process, you must indicate the following:

- Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or
- In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should be modified.]

Please see attached submission

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I seek the following decision from the local authority: *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

Please see attached submission

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I wish or do not wish) † to be heard in support of my submission.

*[*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.]*

[†Select one.]

***If others make a similar submission, I will consider presenting a joint case with them at a hearing.**

*[*Delete if you would not consider presenting a joint case.]*

Signature of submitter (or person authorised to sign on behalf of submitter)

[A signature is not required if you make your submission by electronic means]

Date 15/12/2022

Electronic address for service of submitter: alice.hall@chapmantripp.com / luke.hinchey@chapmantripp.com

Telephone: +64 9 357 2709

Postal address (or alternative method of service under s352 of the Act):

c/o Chapman Tripp, Level 34, 15 Customs Street West, PO Box 2206, Auckland 1024

Contact person: *[name and designation, if applicable]* Luke Hinchey, on behalf of the RVA

Note to person making submission

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - It is frivolous or vexatious:
 - It discloses no reasonable or relevant case:
 - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - It contains offensive language:
 - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialist knowledge or skill to give expert advice on the matter.



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

Clause 6 of Schedule 1, Resource Management Act 1991

To Timaru District Council

Name of submitter: Retirement Villages Association of New Zealand Incorporated (RVA)

- 1 This is a submission on Timaru District Council's (*Council*) Proposed District Plan (*PDP*).
- 2 The RVA has a significant interest in how the PDP provides for and regulates retirement village and aged care provision in the Timaru District (*District*), given the existing and predicted demand for such accommodation. The RVA wishes to ensure that the PDP appropriately provides for retirement villages and all related activities so that the District Plan enables proportionate, flexible, efficient and effective consenting processes.
- 3 The RVA could not gain an advantage in trade competition through this submission.

BACKGROUND

Retirement Villages Association

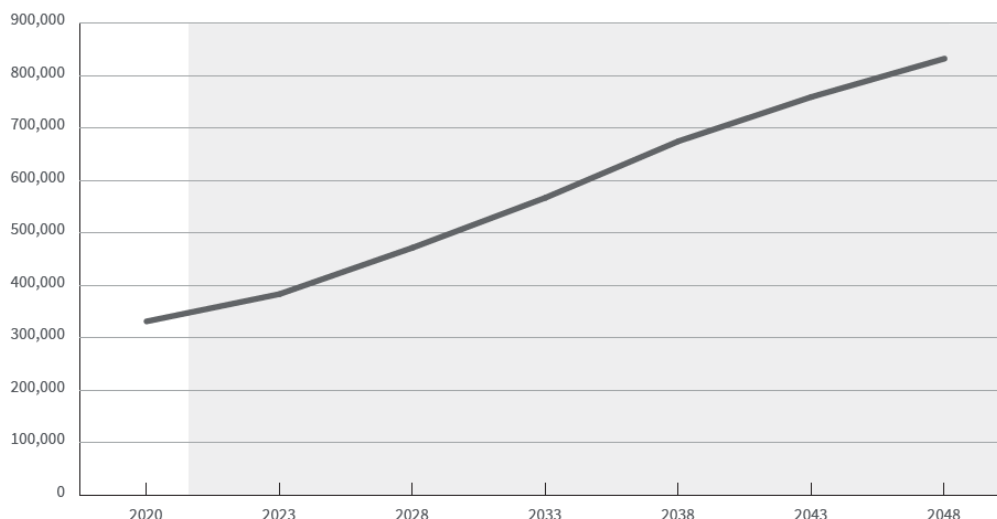
- 4 The RVA is a voluntary industry organisation that represents the interests of the owners, developers and managers of registered retirement villages throughout New Zealand. The RVA has 407 member villages throughout New Zealand, with approximately 38,520 units that are home to approximately 50,000 older New Zealanders, roughly equivalent to the population of Timaru. This figure is 96% of the registered retirement village units in New Zealand.
 - 5 The RVA's members include all five publicly-listed companies (Ryman Healthcare, Summerset Group, Arvida Group, Oceania Healthcare and Radius Residential Care Ltd), other corporate groups (such as Metlifecare and Bupa Healthcare) independent operators, and not-for-profit operators such as community trusts, religious and welfare organisations.
- Ageing population and the retirement living crisis**
- 6 The proportion of older people in our communities compared to the rest of the population is increasing. Soon, there will be more people aged 65+ than children aged under 14 years.¹ By 2034, it is expected that New Zealand will be home to around 1.2 million people aged 65 and over, just over a fifth of the total population.²
 - 7 The growth in the 75+ age bracket is also increasing exponentially (as illustrated by the graph below). It is estimated that 332,000 people in New Zealand were aged

¹ Better Later Life – He Oranga Kaumatua 2019 to 2034, page 6.

² Ibid.

over 75 in 2020. By 2048, the population aged 75+ is forecasted to more than double to 833,000 people nationally.³ In Timaru, the growth in the 75+ age bracket is similar. The 2018 census estimated 4,600 people were aged over 75. By 2048, this number is forecasted to almost increase to 9,050.⁴

Figure 1 75+ years population 2020 - 2048



Source: JLL Research and Consultancy; Statistics New Zealand (medium forecast scenario)

8 Retirement villages already play a significant part in housing and caring for elderly people in New Zealand. Currently, 14.3% 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 2012.⁵ In Timaru, 12% of the 75+ age group population live in a retirement village, with seven villages within the District. This demonstrates a significant lack of retirement village housing supply in Timaru.

9 Information about the nature of retirement villages and their residents is contained in **Appendix 1**.

Shortage of retirement villages

10 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.

11 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.

12 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

³ Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, June 2021, page 7.

⁴ Statistics New Zealand, Subnational population projections, by age and sex, 2018(base)-2048.

⁵ Jones Lang LaSalle, NZ Retirement Village Database White Paper, June 2021, page 15.

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

- 13 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.⁶ Residents will also, in most cases, have easy access to care and other support services.
- 14 The retirement village sector also contributes significantly to the development of New Zealand's urban areas, and the particular challenges urban areas face.
- 15 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. New build data from Statistics NZ shows that retirement village units constituted between 5% and 8% of all new dwellings between June 2016 and June 2021.
- 16 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 5,500 family homes are released back into the housing market annually through new retirement village builds. This represents a significant contribution to easing the chronic housing shortage. A large scale village, for example, 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.
- 17 The retirement village sector also produces other broader benefits:
 - 17.1 The sector employs approximately 19,000 people to support day-to-day operations. Between 2018 and 2026, approximately 9,500 new jobs will have been created from construction of new villages. The sector contributes around \$1.1 billion to New Zealand's GDP from day-to-day operations.⁷
 - 17.2 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.⁸

⁶ 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.

⁷ PWC 'Retirement village contribution to housing, employment, and GDP in New Zealand' (March 2018) page 4.

⁸ PWC 'Retirement village contribution to housing, employment, and GDP in New Zealand' (March 2018) page 4.

17.3 Retirement villages also support district health boards/public hospitals by providing health care support for residents that would otherwise be using the public healthcare system. Villages thereby reduce “bed blocking” in hospitals.

17.4 Due to the lower demand for transport (including because of on-site amenities), retirement villages contribute proportionately less to transport emissions than standard residential developments. Operators also invest in a range of other methods to reduce carbon emissions from the construction and operation of villages.

National Policy Statement on Urban Development 2020

18 The National Policy Statement on Urban Development 2020 (*NPSUD*) applies to all local authorities that have all or part of an urban environment within their district or region, and planning decisions that affect an urban environment. Timaru District Council is a Tier 3 Territorial Authority under the Resource Management Act 1991 (*RMA*). The NPSUD ‘strongly encourages’ Tier 3 local authorities to ‘do the same things’ that Tier 1 or Tier 2 local authorities are obliged to do under Parts 2 and 3 of the NPSUD.

19 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.⁹

20 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). This is consistent with the Council’s s 32 report which refers to Policy 3.35 directing Council to ensure that the objectives for urban zones “describe the development outcomes intended for the zone over the life of the plan and beyond”.¹⁰ Further, the NPSUD recognises that amenity values can differ among people and communities and also recognises that changes can be made via increased and varied housing densities and types (Policy 6).

21 As concluded by the Environment Court¹¹ 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.

22 The RVA considers the PDP can better align with the NPSUD by providing for a range of housing types, in particular retirement villages and the specific needs of older persons.

⁹ Introductory guide to the National Policy Statement 2020, Ministry for the Environment, July 2020, page 6.

¹⁰ Section 32 report – residential zones, page 7.

¹¹ *Bunnings Limited v Queenstown Lakes District Council* [2019] NZEnvC 59.

Canterbury Regional Policy Statement 2021

- 23 The PDP must have regard to the Canterbury Regional Policy Statement 2021 (CRPS). The provisions in the *Land-use and infrastructure* chapter are relevant, including Objective 5.2.1, which requires that sufficient housing choice is provided to meet the region's housing needs, and Policy 5.3.1 which provides for housing choice.
- 24 The RVA considers the PDP does not align with the CRPS as it does not adequately provide for housing choice by not sufficiently providing for the specific housing needs of older persons.

SUBMISSION ON THE PDP

Introduction

- 25 While the RVA supports the PDP changes that encourage residential development, it is concerned that the PDP, in its current form, fails to adequately address the critical need for retirement accommodation and care in Timaru. Its provisions will not ensure the construction, operation and maintenance of retirement villages can occur efficiently and effectively. Key issues are that the PDP:
- 25.1 Does not recognise the strategic importance of providing for the ageing population;
 - 25.2 Fails to recognise the unique characteristics and needs of retirement villages, compared to other residential typologies;
 - 25.3 Misunderstands the effects that retirement villages have on residential character and amenity; and as a result;
 - 25.4 Sets up a regime of provisions that will be complex and contentious to implement.
- 26 The RVA's submission relates to the PDP in its entirety to the extent that any provisions relate to or regulate retirement villages and ancillary activities. The specific provisions of the PDP that the RVA's submission relates to are:
- 26.1 Definitions;
 - 26.2 Transport;
 - 26.3 General Residential Zone and Medium Density Residential Zone; and
 - 26.4 Commercial Mixed Use Zones and Development Areas.
- 27 In order to meet the sustainable management purpose of the RMA and the relevant higher order policy documents, as well as to respond to the housing and care needs of the District's older persons, the RVA considers it essential that the PDP appropriately enables and encourages retirement villages within these chapters.
- 28 Providing for retirement villages will encourage a range of diverse accommodation options, which will play a significant part in addressing housing and care shortages and affordability issues. It will enable more housing and care 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.
- 29 Acknowledging the existing low population density in the District, the RVA notes that generally sites in existing residential areas that are appropriate for retirement

villages are extremely rare, due to the need for sites to be large enough to accommodate all parts of a village and be located in close proximity to community services and amenity.

- 30 Timaru's Growth Management Strategy 2045 notes that providing for an ageing population results in increased opportunities for smaller houses on smaller sites; minor residential units to provide for family members; and retirement complexes which all contribute to improving the quality and resilience of the District's housing supply.¹² The Strategy recognises the District's ageing population and the need to provide sufficient residential development capacity to meet demand and household choice as it arises.¹³ It also comments on the need to meet demand for retirement villages and care facilities in residential areas, recognising that the greatest proportion of demand for future housing will be generated from accommodating the ageing population and retirement housing facilities.¹⁴
- 31 Given Timaru is experiencing a prolonged period of population growth, large sites will become an increasingly rare resource. The PDP provides an opportunity to ensure sites are developed efficiently to maximise benefits. This approach is consistent with the enabling intensification approach of the NPSUD and Timaru's Growth Management Strategy. More flexible and tailor-made provisions for retirement villages will ensure that the District's housing supply crisis is addressed more efficiently and effectively.

Submissions in support

- 32 The RVA generally supports specific provisions in the PDP that:
- 32.1 Ensure a more consistent, targeted approach to planning for retirement villages and their unique attributes;
 - 32.2 Recognise that aspects of retirement village activities differ from typical residential activities; and
 - 32.3 Provide mechanisms to enable the well-planned and intensive development of a variety of accommodation opportunities for the elderly within the District.

Submissions in opposition

- 33 The RVA considers the PDP, as it relates to retirement villages:
- 33.1 Will not promote the sustainable management of natural and physical resources;
 - 33.2 Will not promote the efficient use and development of natural and physical resources;
 - 33.3 Is contrary to good resource management practice;
 - 33.4 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

¹² Timaru District 2045 Growth Management Strategy page 21.

¹³ Timaru District 2045 Growth Management Strategy pages 8 and 10.

¹⁴ Timaru District 2045 Growth Management Strategy pages 62, 63, and 65.

relevant plan objectives having regard to their efficiency and effectiveness and taking into account benefits, costs and risks;

- 33.5 Does not provide a planning framework that adequately provides for retirement villages taking into account their functional and operational needs and effects; and
- 33.6 Is otherwise inconsistent with the relevant provisions of the RMA, including the purposes and principles of the RMA under Part 2.
- 34 Without limiting the generality of the above, other more specific reasons for the RVA's opposition have been provided throughout this submission, with a proposed retirement village planning framework to be inserted into the Plan as provided in **Appendix 2**.
- 35 The RVA has submitted on all Tier 1 territorial authority plan changes to comply with the (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*) and several Tier 2 and 3 territorial authority's intensification plan changes. It is therefore well placed in terms of proposing an efficient and comprehensive retirement village planning framework that ensures a nationally consistent approach.

Submissions on specific provisions

General Residential Zone and Medium Density Residential Zone

Objectives and Policies

- 36 The RVA supports the inclusion of specific policies to "recognise the benefits of, and provide for, retirement villages..." in the PDP (GRZ-P3, and MRZ-P5). However, the RVA opposes the proposed drafting of GRZ-P3 and MRZ-P5, and in particular:
- 36.1 The RVA opposes a policy requirement for retirement living options to 'maintain' the character and amenity values of the surrounding area for the reasons set out above. This approach does not recognise the functional and operational needs of retirement villages, which result in building formats that tend to be higher intensity than surrounding residential neighbourhoods. For example, retirement villages often locate all care rooms and common amenities in a central building.
- 36.2 Further, the PDP needs to recognise that amenity values evolve over time in response to changes in society, and that expectations for existing amenity must also evolve in order to enable necessary housing. Changes to amenity values are not of themselves an adverse effect.
- 37 The RVA also opposes the drafting of objectives GRZ-O2 and MRZ-O2 (Character and qualities) and policies GRZ-P1 and MRZ-P1 (Residential activities) in their application to retirement villages within the zones insofar as they result in the same issues as set out above.
- 38 The RVA specifically objects to proposed objectives and policies that seek to guide and direct the future character of the GRZ and MRZ by limiting development forms. For example, MRZ-O2 and GRZ-O2 provide strong direction that an urban form of only two to three storeys is required in the MRZ and one to two storeys in the GRZ. This strong direction does not align with the intended outcomes of the NPSUD,¹⁵ or

¹⁵ Policy 3 of the NPS-UD provides policy direction for *at least* six storeys within walkable catchments in tier 1 urban environments.

the policy framework within the Enabling Housing Act which provides for more flexibility, including three storey buildings as one type of housing, not a maximum height limit. The limiting language in these provisions also cuts directly across the previous GRZ-O1 and MRZ-O2 Purpose objectives which are to provide for 'a range of housing types'. Accordingly, the RVA seeks amendments to the policy framework so these provisions are framed more flexibly.

- 39 The RVA considers additional, specific objectives and policies are needed to address the NPSUD and better enable the provision of a diverse range of retirement housing and care options in the District. The RVA considers that this can be most appropriately achieved by a retirement-village specific objective, policy and rule framework. This framework is front-ended by an objective to recognise and enable the housing and care needs of the ageing population. This objective is supported by policies and rules (including notification rules and standards), as set out in Appendix 2. The RVA seeks that these provisions apply in all areas and zones that are to be used for residential activities in the PDP.
- 40 The additional objectives and policies sought by the RVA recognise (a) the need for change over time to the existing character and amenity of neighbourhoods to provide for the diverse and changing needs of the community; along with (b) recognising the need to provide for a range of housing and care options for older people; and (c) the unique functional and operational needs of retirement villages.
- 41 The RVA also seeks the medium density residential standards set in Schedule 3A of the RMA for the MRZ. Although the Timaru District Plan is not required to implement these standards, the RVA considers these are appropriate for the Timaru MRZ.

Rules

- 42 The RVA supports in principle the inclusion of retirement village specific rules with a controlled/restricted discretionary activity status in GRZ-R11 and MRZ-R12. However the RVA considers the matters of control/discretion set out under GRZ-R11 and MRZ-R12, ignore the specific features of retirement villages.
- 43 Provision should be made for retirement villages with matters of discretion that are clear and focused on the effects of retirement villages that matter in residential zones. The RVA also considers the policy framework within the Enabling Housing Act should inform the matters of discretion. Matters of discretion should provide for efficient use of larger sites and for the functional and operational needs of retirement villages to be taken into account when assessing effects. They should also recognise the positive effects of retirement villages, as outlined earlier in this submission.
- 44 Finally, the RVA notes that a key issue for its members is the overly cautious approach most councils take when making notification decisions. Although public participation has an important role in the RM system, it must be proportional to the issues at hand. It is only beneficial, and should only be required, where notification is likely to uncover information that will assist the decision-making process. The costs of public notification are too high for it to be required simply for persons to 'be heard'.
- 45 Applications for residential activities that are anticipated in the relevant zone (i.e. through restricted discretionary activity status) should not be publicly notified, as is the convention in the Enabling Housing Act for medium density zones. Rather, the time for public participation is at the plan making stage where residential zones and appropriate/inappropriate activities can be clearly identified. Limited notification

should remain available but only where it will benefit the decision-making process, i.e. where an application is in breach of the relevant standards and there are minor or more than minor effects.

46 In this respect the RVA considers the PDP should align with the Enabling Housing Act, which precludes both public notification for residential proposals and limited notification for residential proposals that comply with the relevant standards.¹⁶

47 The RVA seeks the relief in the form of additions and amendments to the PDP to address the submission points above, as set out in Appendix 2 and above.

CMUZ and Development areas

48 The RVA opposes the lack of provision for retirement villages in the Commercial and Mixed Use Zones (Neighbourhood Centre, Local Centre, Mixed Use and Town Centre zones). These zones may contain sites which are suitable for retirement villages, for example on the fringe of nearby residential zones.

49 There is a general lack of suitable sites in the Canterbury region for medium to large retirement villages. Many areas will also evolve over the next 5 to 10 years and may become more suitable for retirement village activities.

50 The RVA therefore considers it important that these other zones also provide for retirement village activities. RVA considers that the stand-alone retirement village-specific rule framework described above for retirement villages in residential zones should also apply in the Commercial and Mixed Use Zones. The objectives and policies of these should also recognise the potential need to locate retirement villages in these zones.

Transport provisions

51 The RVA is concerned that the Transport Chapter includes provisions with overly restrictive barriers to necessary retirement village development. Car-parking and traffic management are key components of retirement villages, given the number of residents, staff and guests involved. The RVA is concerned that the PDP, as currently drafted, fails to recognise the unique features of retirement villages. The provisions do not acknowledge that retirement villages have a different demand profile to other activities.

52 Retirement villages do not generate large volumes of traffic and traffic movements generally occur outside peak commuting periods. The requirements will exacerbate the consenting challenges already experienced by retirement village proposals, resulting in increased costs and delays. The Transport Chapter in relation to retirement villages needs to be workable and provide for the low demand and unique requirements of retirement villages, as outlined above.

DECISION SOUGHT

53 The RVA seeks:

53.1 The relief set out above throughout this submission and in Appendix 2; and

¹⁶ RMA, Schedule 3A, clause 5.

53.2 Any alternative or consequential relief to address the RVA's concerns, including amendments or deletion of any objectives, policies and rules to better enable retirement villages in the Timaru Proposed District Plan.

54 The RVA wishes to be heard in support of the submission.

55 If others make a similar submission, the RVA will consider presenting a joint case with them at a hearing.

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

John Collyns
Executive Director

Contact details:
Retirement Villages Association
P O Box 25-022, Featherston St, Wellington 6142
Telephone: 04 499 0449 | Email: john@retirementvillages.org.nz

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.¹⁷
- 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 **RV Act**
- 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.¹⁸
- 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

¹⁷ Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, June 2020, page 26.

¹⁸ Retirement Villages Act 2003, section 3.

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.

- 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.

APPENDIX 2 – PROPOSED RETIREMENT VILLAGE PLANNING FRAMEWORK

OBJECTIVES

In the General Residential Zone, Medium Density Residential Zone, and all other zones that provide for residential activity, including the Neighbourhood Centre Zone, Local Centre Zone, Mixed Use Zone and Town Centre Zone, add:

Ox	<p>Ageing population</p> <p>Recognise and enable the housing and care needs of the ageing population.</p>
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POLICIES

In the General Residential Zone, Medium Density Residential Zone, and all other zones that provide for residential activity, including the Neighbourhood Centre Zone, Local Centre Zone, Mixed Use Zone and Town Centre Zone, add:

Px	<p>Changing communities</p> <p>To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the zone will change over time to enable a variety of housing types with a mix of densities.</p>
Px	<p>Larger sites</p> <p>Recognise the intensification opportunities provided by larger sites within the medium density residential zone by providing for more efficient use of those sites.</p>
Px	<p>Provision of housing for an ageing population</p> <ol style="list-style-type: none"> 1. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in the medium density residential zone, such as retirement villages. 2. Recognise the functional and operational needs of retirement villages, including that they: <ol style="list-style-type: none"> a. May require greater density than the planned urban built character to enable efficient provision of services. b. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.
Px	<p>Role of density standards</p> <p>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</p>

RULES

In the General Residential Zone and Medium Density Residential Zone, replace GRZ-R11 and MRZ-R12, respectively, with:

In all other zones that provide for residential activity, including the Neighbourhood Centre Zone, Local Centre Zone, Mixed Use Zone and Town Centre Zone, add:

R1	Retirement Villages, excluding the construction of buildings
Activity status: Permitted.	
R2	Construction of buildings for a Retirement Village
<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. The effects arising from exceeding any of the following standards: S1 –S4 and excluding a non-compliance that does not trigger limited notification. 2. The effects arising from exceeding any of the following standards: S4 –S8. 3. The effects of the retirement village on the safety of adjacent streets or public open spaces. 4. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces. 5. When assessing the matters in (1), (2) and (3), consider: <ol style="list-style-type: none"> a. The need to provide for efficient use of larger sites. b. The functional and operational needs of the retirement village. 6. The positive effects of the construction, development and use of the Retirement Village. <p>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a Retirement Village.</p> <p>Notification status:</p> <p>An application for resource consent made in respect of rule GRZ-R2 is precluded from being publicly notified.</p> <p>An application for resource consent made in respect of rule GRZ-R2 that complies with S1–S4 is precluded from being limited notified.</p>	

In the Medium Density Residential Zone, add:

S1	Building height
[Standard to match RMA, Schedule 3A, clause 11]	
S2	Height in relation to boundary
[Standard to match RMA, Schedule 3A, clause 12]	
Add the below to 12(2):	
(d) boundaries adjoining open space and recreation zones, rural zones, commercial and mixed use zones, industrial zones and [add other zones as relevant to each plan, eg special purpose zones].	
S3	Setbacks
[Standard to match RMA, Schedule 3A, clause 13]	
S4	Building coverage
[Standard to match RMA, Schedule 3A, clause 14]	
S5	Outdoor living space
[Standard to match RMA, Schedule 3A, clause 15]	
Add the below:	
(3) For retirement units, clause 15(1) and (2) apply with the following modifications:	
(a) The outdoor living space may be in whole or in part grouped cumulatively in 1 or more communally accessible location(s) and/or located directly adjacent to each retirement unit; and	
(b) A retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living space.	
Otherwise amend standard so that it applies to "retirement units".	
S6	Outlook space
[Standard to match RMA, Schedule 3A, clause 16]	
Add:	
(10) For retirement units, clause 16(1) - (9) apply with the following modification: The minimum dimensions for a required outlook space are 1 metre in depth and 1 metre in width for a principal living room and all other habitable rooms.	
S7	Windows to street
[Standard to match RMA, Schedule 3A, clause 17]	

Amend as follows:

Any retirement unit facing a public street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.

S8	Landscaped area
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[Standard to match RMA, Schedule 3A, clause 18 with amendments so that it applies to "retirement units"]	
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DEFINITIONS

Retirement Unit means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.

Retirement Village means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.