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## Resource Management Act 1991

### Submission on Notified Proposed Plan Change to Central Otago District Plan

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

#### (FORM 5)

To: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340

#### Details of submitter

Name: Retirement Villages Association of New Zealand Incorporated \_\_\_\_\_

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(Or alternative method of service under [section 352](#) of the Act)

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Contact person: \_\_\_ Nicola de Wit, Chapman Tripp \_\_\_\_\_  
(Name & designation, if applicable)

**This is a submission on proposed Plan Change 19 to the Central Otago District Plan (the proposal).**

**I am / am not\* a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (\*select one)**

**The specific provisions of the proposal that my submission relates to are:**

*(Give details, attach on separate page if necessary)*

See attached submission. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**This submission is:**

*(Attach on separate page if necessary) Include:*

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

See attached submission. \_\_\_\_\_

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**I / We seek the following decision from the consent authority:**

*(Give precise details, including the general nature of any conditions sought)*

See attached submission. \_\_\_\_\_

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- **I support / oppose the application OR neither support nor oppose** *(select one)*
- **I wish / do not wish to be heard in support of this submission** *(select one)*
- **\*I / We will consider presenting a joint case if others make a similar submission**  
*\*Delete this paragraph if not applicable.*

**In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.**



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**Signature**

**2 September 2022**

**Date**

## **Submissions close at 4pm on Friday 2 September 2022**

Submissions can be emailed to [districtplan@codc.govt.nz](mailto:districtplan@codc.govt.nz)

### **Note to person making submission:**

*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.*

*Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that a 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 specialised 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** Central Otago District Council

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

- 1 This is a submission on Central Otago District Council's (*Council*) proposed amendments to the Central Otago District Plan (*District Plan*): Proposed Plan Change 19 – Residential Chapter Provisions (*PC19*).
- 2 The RVA has a significant interest in how PC19 provides for and regulates retirement village and aged care provision in the Central Otago District (*District*), given the existing and predicted demand for such accommodation in the District. The RVA wishes to ensure that PC19 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.<sup>1</sup> 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.<sup>2</sup>

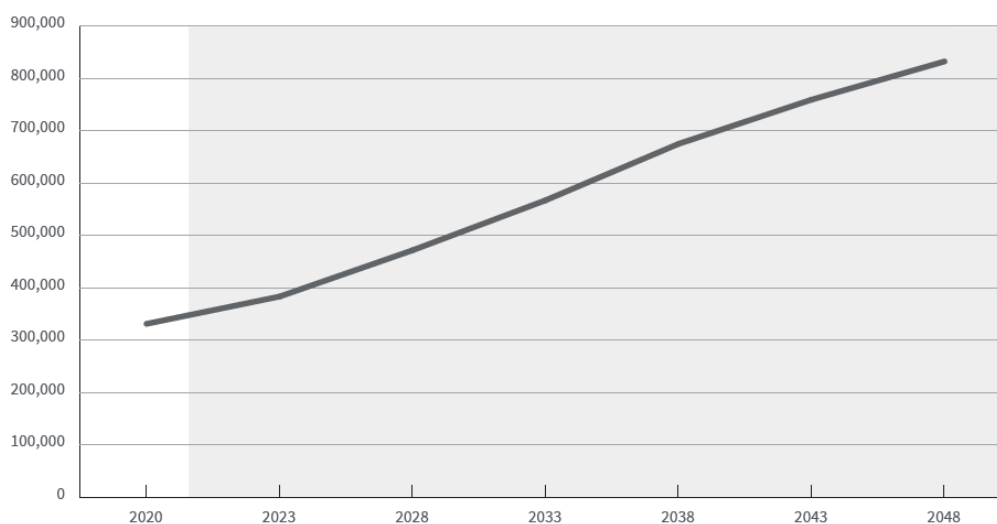
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<sup>1</sup> Better Later Life – He Oranga Kaumatua 2019 to 2034, page 6.

<sup>2</sup> Ibid.

- 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 over 75 in 2020. By 2048, the population aged 75+ is forecasted to more than double to 833,000 people nationally.<sup>3</sup> In Central Otago, the growth in the 75+ age bracket is even greater. The 2018 census estimated 1,890 people were aged over 75. By 2048, this number is forecasted to more than triple to 5,960.<sup>4</sup> This reflects the overall growth trend in the District, which had a 2.4% growth rate in the June 2021 year, compared to the national average of 0.6%.<sup>5</sup>

**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.<sup>6</sup> In Central Otago, 7.4% of the 75+ age group population live in a retirement village,<sup>7</sup> which, combined with the District's overall projected 75+ population growth, suggests there will be a significant increase in demand for retirement villages in the District. It is also likely that the New Zealand participation rate will continue to increase over time.

- 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

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

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

<sup>5</sup> Statistics New Zealand, Subnational Population Estimates at 30 June 2021 (provisional).

<sup>6</sup> Jones Lang LaSalle, NZ Retirement Village Database White Paper, June 2021, page 15.

<sup>7</sup> Statistics New Zealand, 2018 Census.

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 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.<sup>8</sup> 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.<sup>9</sup>

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<sup>8</sup> 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.

<sup>9</sup> PWC 'Retirement village contribution to housing, employment, and GDP in New Zealand' (March 2018) page 4.

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.<sup>10</sup>

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

- 18 The Council's section 32 report says that PC19 is not required to give effect to the National Policy Statement on Urban Development 2020 (*NPSUD*) as, in Council's view, the NPSUD definition of Urban Environment does not apply within the Central Otago District.
- 19 The NPSUD defines an Urban Environment.<sup>11</sup> The Central Otago Long-Term Plan refers to Cromwell and Clyde as being urban centres,<sup>12</sup> and notes the total urban 2020 Usual Resident Population as 17,765 and 2020 Peak Population as 23,152.<sup>13</sup> The RVA considers this demonstrates areas of land in Central Otago are both intended to be predominantly urban in character and are part of a housing market of at least 10,000 people. The RVA therefore submits the Central Otago District does include Urban Environments.
- 20 The 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.<sup>14</sup> 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.<sup>15</sup>
- 21 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>16</sup>
- 22 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 and also recognises that changes can be made via increased and varied housing densities and types (Policy 6).

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<sup>10</sup> PWC 'Retirement village contribution to housing, employment, and GDP in New Zealand' (March 2018) page 4.

<sup>11</sup> NPSUD, cl 1.4.

<sup>12</sup> Ka Aka Whakamua Framing Our Future Long-Term Plan 2021-2031, Central Otago District Council, pages 77 and 107.

<sup>13</sup> At page 81.

<sup>14</sup> NPSUD, cl 1.3.

<sup>15</sup> NPSUD, cl 1.5.

<sup>16</sup> Introductory guide to the National Policy Statement 2020, Ministry for the Environment, July 2020, page 6.

- 23 As concluded by the Environment Court<sup>17</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.
- 24 The RVA considers PC19 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.

### **Proposed Otago Regional Policy Statement 2021**

- 25 PC19 must have regard to the Proposed Otago Regional Policy Statement 2021 (*PORPS*). The provisions in the *Urban form and development* chapter are relevant, including Objective UFD-01, which requires the form and functioning of Otago's urban areas to reflect the diverse and changing needs and preferences of Otago's people and communities now and in the future.
- 26 The RVA considers PC19 fails to align with the *PORPS* as it does not adequately provide for the specific needs of older persons.

### **SUBMISSION ON PC19**

#### **Introduction**

- 27 The RVA is concerned that PC19, in its current form, fails to adequately address the critical need for retirement accommodation and care in Central Otago. Its provisions will not ensure the construction, operation and maintenance of retirement villages can occur efficiently and effectively. Key issues include that PC19:
- 27.1 Does not appropriately recognise the strategic importance of providing for the ageing population;
  - 27.2 Fails to recognise the unique characteristics and needs of retirement villages, compared to other residential typologies;
  - 27.3 Misunderstands the effects that retirement villages have on residential character and amenity; and as a result;
  - 27.4 Sets up a regime of provisions that will be complex and contentious to implement.
- 28 The RVA's submission relates to PC19 in its entirety to the extent that any provisions relate to or regulate retirement villages and ancillary activities. The specific provisions of PC19 that the RVA's submission relates to are:
- 28.1 Low Density Residential Zone; and
  - 28.2 Medium Density Residential Zone.
- 29 In order to meet the sustainable management purpose of the Resource Management Plan 1991 (*RMA*) and the relevant higher order policy documents, as well as to

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<sup>17</sup> *Bunnings Limited v Queenstown Lakes District Council* [2019] NZEnvC 59.

respond to the housing and care needs of the District's older persons, the RVA considers it essential that PC19 appropriately enables and encourages retirement villages within these two Residential Zones.

- 30 Providing for retirement villages in these residential areas 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. 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. Given Central Otago is experiencing a prolonged period of population growth, large sites will become an increasingly rare resource, and PC19 provides an opportunity to ensure they are developed efficiently to maximise benefits from their development. This approach is consistent with the enabling intensification approach of the NPSUD. 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**

- 31 The RVA generally supports specific provisions in PC19 that:
- 31.1 Ensure a more consistent, targeted approach to planning for retirement villages and their unique attributes;
  - 31.2 Recognise that aspects of retirement village activities differ from typical residential activities; and
  - 31.3 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**

- 32 The RVA considers PC19, as it relates to retirement villages:
- 32.1 Will not promote the sustainable management of natural and physical resources;
  - 32.2 Will not promote the efficient use and development of natural and physical resources;
  - 32.3 Is contrary to good resource management practice;
  - 32.4 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;
  - 32.5 Does not provide a planning framework that adequately provides for retirement villages taking into account their functional and operational needs and effects; and
  - 32.6 Is otherwise inconsistent with the relevant provisions of the RMA, including the purposes and principles of the RMA under Part 2.



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

**Submissions on specific provisions**

***Residential Zones objectives and policies***

- 34 The RVA supports the inclusion of specific policies to provide for "a range of retirement living options, including retirement villages" in PC19 (Policies LRZ-P4, and MRZ-P5).

- 35 However, the RVA opposes the proposed drafting of LRZ-P4, and MRZ-P5, and in particular:

*LRZ-P4(1) and MRZ-P5(1) "any adverse effects on the residential amenity values of adjoining residential properties and the surrounding area are avoided or mitigated"*

- 35.1 The RVA opposes a general policy requirement for retirement villages to avoid or mitigate any adverse effects on the residential amenity values of adjoining properties/the surrounding area.

- 35.2 This policy is too vague and will result in interpretation disputes. Further, it is not possible or necessary for new retirement development to avoid or mitigate all effects on amenity values (for example, development of a vacant site will result in shading effects on neighbouring properties). The proper question is whether the adverse effects on amenity values are appropriate in the context of an environment that is expected to change. The degree of change should be informed by clear policies and with reference to the density standards.

- 35.3 Further, PC19 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.<sup>18</sup> Changes to amenity values are not of themselves an adverse effect.

*LRZ-P4(2) and MRZ-P5(2) "the scale, form, composition and design of the village maintains the character and amenity values of the surrounding area"*

- 35.4 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.

- 35.5 In addition, 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.

- 35.6 The residents of retirement villages are typically made up of former home owners and occupiers from the immediately surrounding community. It is important that PC19 does not limit retirement living 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.

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<sup>18</sup> NPSUD, Objective 4.

*LRZ-P4(3) and MRZ-P5(3) "they are designed to provide safe, secure, attractive, convenient, and comfortable living conditions for residents, with good on-site amenity and facilities"*

- 35.7 The RVA also opposes a policy requirement relating to the internal layout of retirement villages. The RVA's members have significant experience of building villages and know intimately the amenity and care provision needs of its residents. The RVA's members frequently come across issues during consenting processes where council officers attempt to influence retirement villages' internal layouts based on their understanding of design principles which only apply to traditional housing types.
- 36 The RVA also opposes the drafting of objectives LRZ-O2 and MRZ-O2 (Character and amenity values) and policies LRZ-P1 and MRZ-P1 (Built form) insofar as they result in the same issues as set out above.
- 37 The RVA also considers additional objectives and policies are needed to address to the NPSUD and better enable the provision of a diverse range of retirement housing and care options in the District. The RVA considers that can be achieved by providing 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 the relief sought by the RVA below.
- 38 The additional objectives and policies sought by the RVA recognise 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 recognising the need to provide for a range of housing and care options for older people, and the unique functional and operational needs of retirement villages.

*Relief sought:*

- 39 The RVA seeks amendments to PC19 to address the submission points above, including the following:
- 39.1 An addition be made to the introduction for the Low Density Residential Zone to recognise retirement villages are provided for and anticipated in this Zone as follows;
- This zone provides for traditional suburban housing, comprised predominately of detached houses on sections with ample on-site open space, and generous setbacks from the road and neighbouring boundaries-, and also provides for retirement villages. Buildings are generally expected to maintain these existing low density characteristics (recognising that retirement villages may have higher density characteristics), minimise the effects of development on adjoining sites and integrate with the surrounding area.*
- 39.2 Amendments be made to the objectives for the Low Density Residential and Medium Density Residential Zones to recognise the importance of retirement villages in providing for the ageing population, and to recognise that the nature and effects of retirement villages are different to other higher density residential activities;

- 39.3 Specific amendments to LRZ-O2 and MRZ-O2 as follows (changes shown on LRZ-O2, with additions underlined):

**Character and amenity values of the Low Density Residential Zone**

*The Low Density Residential Zone is a pleasant, low-density suburban living environment, which:*

- 1. Contains predominantly low-rise and detached residential units and retirement villages;*
- 2. Maintains a good level of openness around buildings;*
- 3. Provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites; and*
- 4. Is well-designed and well-connected into surrounding area.*

- 39.4 Specific amendments to LRZ-P1 and MRZ-P1 as follows (changes shown on LRZ-P1, with additions underlined):

**Built form**

*Ensure that development within the Large Lot Residential Zone:*

- 1. provides reasonable levels of privacy, outlook and adequate access to sunlight as informed by the density standards;*
- 2. provides safe and appropriate access and on-site parking;*
- 3. maintains a high level of spaciousness around buildings and a modest scale and intensity*
- 4. of built form that does not unreasonably dominate adjoining sites;*
- 5. is managed so that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe;*
- 6. provides generous usable outdoor living space for residents and for tree and garden planting;*
- 7. maintains the safe and efficient operation of road;*
- 8. mitigates visual effects through screening of storage areas and provision of landscaping; and*
- 9. encourages water efficiency measures.*

- 39.5 A new objective to be included in both the Low Density Residential Zone and the Medium Density Residential Zone as follows:

**Ageing population**

*Recognise and enable the housing and care needs of the ageing population.*

- 39.6 A new objective to be included in the Low Density Residential Zone and Medium Density Residential Zone as follows:

**Changing communities**

*To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the [add] zone will change over time to enable a variety of housing types with a mix of densities.*

- 39.7 A new policy to be included in the Low Density Residential Zone and Medium Density Residential Zone as follows:

### **Larger sites**

*Recognise the intensification opportunities provided by larger sites within the [add] zone by providing for more efficient use of those sites.*

39.8 LRZ-P4 and MRZ-P5 be deleted and replaced with the following policy:

#### **Provision of housing for an ageing population**

*Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.*

*Recognise the functional and operational needs of retirement villages, including that they:*

- 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.*

#### **Retirement Villages restricted discretionary activity status and matters of discretion**

40 The RVA supports the inclusion of a retirement village specific rule with a restricted discretionary activity status under LRZ-R12 and MRZ-R13.

41 The RVA opposes the matters of discretion set out under LRZ-R12 and MRZ-R13, which ignore the specific features of retirement villages. In particular, the RVA opposes, for the reasons outlined below, the following matters of discretion:

*Integration of vehicle, cycle and pedestrian access with the adjoining road network*

41.1 The RVA considers this matter is adequately covered by matters (d) and (e) under both LRZ-R12 and MRZ-R13.

*"onsite amenity" and "design and layout of pedestrian circulation"*

41.2 These matters amount to controls over the internal layout of retirement villages. As set out above, this approach fails to recognise the unique functional and operation needs of retirement villages, and the long and positive track record retirement village operators have in understanding what works for their residents to provide high quality environments that are significantly better than what typical housing typologies deliver.

41.3 These points were accepted by the Christchurch Replacement District Plan Independent Hearings Panel (chaired by a former High Court judge, with members including another former High Court judge, an Environment Court judge and experienced independent commissioners), who accepted the position of the RVA that these matters are not a problem that require council intervention, and decided against imposing internal amenity controls on

retirement villages.<sup>19</sup> The RVA considers the same approach should be taken for PC19.

*Impact on the wider transport network*

- 41.4 This requires consideration of matters beyond the scope of an individual consent application. Further, retirement villages generate significantly lower “per person” traffic volumes compared to standard residential activities for a number of reasons, including low occupancy levels, reduced activity levels of residents, and the tendency for residents to travel at off-peak times. To the extent that the wider network has capacity constraints, this is better managed through the Council’s capital works programme, where the costs can be more fairly shared through other mechanisms such as rates or development contributions.
- 42 The RVA considers that the matters of discretion for retirement village should be clear and focused on the effects of retirement villages that matter. The RVA also considers the policy framework within the Enabling Housing Act should inform the matters of discretion.
- 43 The RVA also considers the matters of discretion should provide for efficient use of larger sites and the functional and operational needs of retirement villages to be taken into account when assessing effects. The matters of discretion 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 residential zones (i.e. through restricted discretionary activity status) should not be publicly notified. 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.
- 46 In this respect the RVA considers PC19 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.<sup>20</sup>

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<sup>19</sup> Decision 10 – Residential (part) (and relevant definitions and associated planning maps) (10 December 2015).

<sup>20</sup> RMA, Schedule 3A, clause 5.

*Relief sought:*

- 47 The RVA seeks amendments to PC19 address the submission points above, through amendments to LRZ-R12 and MRZ-R13 as follows (changes shown on LRZ-R12, with additions underlined and deletions ~~struck through~~):

***Matters of discretion are restricted to:***

~~a. Integration of vehicle, cycle and pedestrian access with the adjoining road network.~~

~~b. Provision of landscaping to integrate the proposal into the surrounding street network, open space, on-site amenity for residents, recreational facilities and stormwater and wastewater capacity for the intended use systems.~~

~~c. Design and layout of pedestrian circulation.~~

~~d. Parking and access.~~

~~e. Traffic generation, including impact on the wider transport network.~~

~~f. Residential amenity for neighbours in respect of outlook and privacy.~~

~~g. Visual quality and interest in the form and layout of the retirement village, including buildings, fencing, location and scale of utility areas, parking areas and external storage areas.~~

~~h. the effects of any breach of LRZ-S2-LRZ-S6.~~

~~i. When assessing the matters in (b)-(h), consider:~~

- ~~1. The need to provide for efficient use of larger sites.~~
- ~~2. The functional and operational needs of the retirement village.~~
- ~~3. The positive effects of the construction, development and use of the Retirement Village.~~

~~For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a Retirement Village.~~

***Notification status***

~~An application for resource consent made in respect of LRZ-R12 is precluded from being publicly notified.~~

~~An application for resource consent made in respect of LRZ-R12 that complies with LRZ-S2-LRZ-S6 is precluded from being limited notified.~~

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

**Residential Zones specific standards**

- 49 The RVA opposes the proposed standards for the Medium Density Residential Zone where they do not align with the density standards set out Schedule 3A of the RMA.

*Relief sought:*

- 50 The RVA seeks amendments to the MRZ standards to align with the density standards in Schedule 3A of the RMA, including:
- 50.1 Delete MRZ-S1 and replace with the appropriate standard to match Clause 11 Schedule 3A of the RMA;
  - 50.2 Delete MRZ-S3 and replace with the appropriate standard to match Clause 12(1) Schedule 3A of the RMA, along with the following addition to 12(2):  
  

*(d) boundaries adjoining the Rural Resource Area, Business Resource Area, Industrial Resource Area, Rural Settlements Resource Area and Water Surface and Margin Resource Area.*
  - 50.3 Delete MRZ-S4 and replace with the appropriate standard to match Clause 14, Schedule 3A RMA.

**DECISION SOUGHT**

- 51 The RVA seeks:
- 51.1 The relief set out above throughout this submission; and
  - 51.2 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 Central Otago District Plan.
- 52 The RVA wishes to be heard in support of the submission.
- 53 If others make a similar submission, the 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

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John Collyns, Executive Director  
2 September 2022

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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.<sup>21</sup>
- 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**

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.<sup>22</sup>
- 6 Restricting the application of any retirement village-specific policies in the pNPSUD 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.

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<sup>21</sup> Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, June 2020, page 26.

<sup>22</sup> 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.