

Before the Christchurch Replacement District Plan
Independent Hearings Panel

under: the Resource Management Act 1991

in the matter of: submissions lodged on the Christchurch Replacement
District Plan

regarding: Chapter 14 Residential (part)

Outline of Legal Submissions on behalf of Ryman Healthcare Limited and the
Retirement Villages Association of New Zealand Incorporated

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REFERENCE: Luke Hinchey (Luke.Hinchey@chapmantripp.com)

Chapman Tripp
T: +64 9 357 9000
F: +64 9 357 9099

23 Albert Street
PO Box 2206, Auckland 1140
New Zealand

www.chapmantripp.com
Auckland, Wellington,
Christchurch



OUTLINE OF LEGAL SUBMISSIONS ON BEHALF OF RYMAN HEALTHCARE LTD AND THE RETIREMENT VILLAGES ASSOCIATION OF NEW ZEALAND INC

INTRODUCTION

- 1 These submissions are presented on behalf of Ryman Healthcare Limited (*Ryman*) and the Retirement Villages Association of New Zealand Incorporated (*RVA*) in respect of their submissions on Chapter 14 Residential (part) of the Christchurch Replacement District Plan (*Proposed Plan*).¹
- 2 Providing for sufficient residential housing is a fundamental priority for the earthquake recovery.² The ageing population is growing. The aged sector is one of society's most vulnerable demographics. Good quality sites for retirement villages are rare. Rebuilding Christchurch has brought about new labour and building supply pressures. Retirement villages have unique operational demands and features when compared to typical residential accommodation. These factors are creating a housing crisis for aged people.
- 3 Ryman and the RVA seek that the Proposed Plan recognise this crisis and enable the efficient and effective development of aged accommodation and care in Christchurch. They seek specific and consistent retirement village provisions within all residential zones.³ These provisions focus on getting new accommodation built quickly, while managing the effects villages can potentially have on neighbours and the wider environment.
- 4 Ryman and the RVA, who represent an industry wide view, have mediated with Christchurch City Council (*Council*) and exchanged evidence on these matters. They have now achieved substantial alignment. No other parties appear to have provided evidence which fundamentally opposes the agreed position.
- 5 There remain some very limited points of difference relating to:
 - 5.1 Mr Kyle's view that the residential objectives and policies require clearer recognition of aged accommodation and care needs and the Plan's desired outcomes to address those needs (which Mr Blair has not specifically commented on);

¹ Not including Ryman's further submissions relating to Christchurch International Airport Limited's proposed 50 dB L_{dn} Contour, which Chapman Tripp is not instructed on.

² Decision 1, strategic directions, Section 3.1.2(e), page 83.

³ They also seek provision in other zones which will be dealt with in later hearings.

- 5.2 Mr Blair's view that retirement accommodation should be managed differently in the Residential Medium Density Zone to the management for all other residential zones;
 - 5.3 Mr Blair's view that "Sustainability Principles" should be included as a matter of discretion when assessing retirement proposals;
 - 5.4 Other modifications and clarifications relating to assessment criteria and building standards.
- 6 These matters are addressed in these submissions and/or Mr Kyle's presentation to follow.⁴
- 7 In Ryman's and the RVA's submission, the agreed changes to the Proposed Plan and the further amendments recommended by Mr Kyle are the most appropriate to:
- 7.1 Address a significant resource management issue for Christchurch;
 - 7.2 Give effect to key strategic and higher order planning objectives and the Statement of Expectations and the Strategic Directions decision;
 - 7.3 Streamline resource consenting processes;
 - 7.4 Ultimately, provide for the social, economic and cultural wellbeing of people and communities in Christchurch, as required by section 5 of the Resource Management Act 1991 (*RMA*).

ACCOMMODATING AND CARING FOR AN AGEING POPULATION

- 8 The wellbeing of individuals and communities requires a range of appropriate accommodation options, including options that fit the needs of elderly people.
- 9 The aged community of Christchurch is a significant and growing proportion of the wider population.⁵ This fact is recognised by Dr Fairgray's evidence for the Council, which states that the 65+ population in Christchurch will increase from 30,600 in 2013 to 50,500 by 2031.⁶ Section 3.2.4 of the Introduction to the

⁴ Paragraph 25.3, rebuttal statement.

⁵ See in particular, paragraph 19 of Mr Collyn's statement of evidence and paragraph 21 of Mr Mitchell's statement of evidence. Also recognised in

⁶ Mr Kyle, paragraph 18.

Residential Chapter, also notes the ageing population and the need to provide for it.⁷

- 10 The demand for appropriate accommodation and care for the elderly in Christchurch is currently outstripping supply. The elderly are facing a significant shortage in appropriate accommodation and care options.⁸ This trend will continue to increase as Christchurch's ageing population grows.⁹
- 11 These factors present a serious social issue, which must be managed for the wellbeing of all Christchurch residents.
- 12 It is of significant importance that older people, who are among the most vulnerable members of society, are properly cared for and are able to stay close to their families, communities and social services as they grow older.
- 13 The movement of older people to retirement villages has wider community benefits, including assisting in alleviating housing shortages and affordability¹⁰ freeing up hospital beds and relieving pressure on community services (such as the Salvation Army, Meals on Wheels and the Red Cross).

CHALLENGES FACED IN RETIREMENT VILLAGE DEVELOPMENT

- 14 Elderly people want to stay in the communities where they have lived for many years. This means that retirement villages need to be located in established residential communities. Sites of an appropriate size in these areas are extremely rare.¹¹
- 15 The development of such sites can be hampered by inappropriate planning provisions and a general disconnect between community expectations and retirement accommodation needs.
- 16 As explained by Mr Kyle, communities (and particularly neighbouring landowners) often have an expectation as to how large, vacant sites are going to be used. This expectation often does not include medium or higher density retirement accommodation.
- 17 Retirement villages are often poorly provided for in district plans. For example, bulk and location requirements often seek to uphold the existing character of neighbourhoods which can limit specialised land uses such as retirement villages. Residential urban design

⁷ As amended by the Strategic Directions decision (page 86).

⁸ Mr Mitchell, paragraph 22.

⁹ Mr Collyns, paragraph 7-8.

¹⁰ Mr Mitchell, paragraph 26.

¹¹ Mr Mitchell, paragraph 37-38.

principles also often impede the development of retirement villages. Such principles are typically directed at standard residential development. They do not take account of the unique operational requirements of retirement village development.¹²

- 18 This poor provision leads to uncertain or inappropriate activity status, information requirements, and methods to manage effects.¹³ It can also result in consenting processes which are unnecessarily complex and time consuming.
- 19 It is therefore crucial that the Proposed Plan specifically and appropriately provide for retirement villages.

RYMAN AND THE RVA'S PROPOSED FRAMEWORK

- 20 Ryman's submission sought a specific objective, policy and rule framework providing for retirement villages within residential zones.¹⁴
- 21 The framework provides for the land use of a retirement village and ancillary activities as a permitted activity in all residential zones, subject to compliance with standards controlling external effects (such as shading and privacy). Where compliance with those standards is not achieved, the proposal becomes a restricted discretionary activity with assessment matters focused on managing external effects.

RESPONSE TO COUNCIL OFFICER'S POSITION

- 22 As noted and discussed by Mr Kyle,¹⁵ Ryman and the RVA's proposed framework was discussed through the Chapter 14 mediation. A high level of agreement was reached.
- 23 Following mediation, Mr Blair for the Council has largely agreed to a permitted activity status for retirement villages in residential zones. He also largely accepts the principle of having specific and consistent retirement village provisions in the residential zones.
- 24 His one exception is for the Residential Medium Density Zone where he proposes a different approach. His reasons are that the Residential Medium Density Zone has a recognised approach to urban design assessment. He recommends that retirement villages be treated in the same way as residential complexes.¹⁶

¹² Mr Mitchell, paragraph 38.

¹³ Mr Mitchell, paragraph 43.

¹⁴ As set out in the evidence of Mr Collyns, the RVA has amended its position since its submission was lodged. Its position is now the same as Ryman's.

¹⁵ Mr Kyle, paragraph 11.

¹⁶ Mr Blair, Rebuttal, paragraph 25.3.

- 25 With respect, the logic for this one exception is difficult to understand. Mr Blair essentially seeks a higher degree of control and additional consent requirements for retirement villages in a higher density zone than other lower density zones. He also proposes applying a planning regime and urban design controls which have not been designed for retirement village activities, (having accepted that retirement villages need to be treated differently than typical residential activities everywhere else).
- 26 The purpose of the retirement village framework proposed by Mr Kyle is to recognise that retirement villages are a residential use and appropriate in all residential zones. The framework adopts a specific and consistent set of provisions, which are clear for the Council, communities and village operators to apply. The framework appropriately manages the potential effects on neighbours which may result from the "higher intensity" nature of retirement villages.
- 27 In Ryman's submission, Mr Kyle's approach for the Residential Medium Density Zone should be preferred to Mr Blair's as the best approach to achieve the RMA and relevant objectives.

RELIEF SOUGHT BY RYMAN AND THE RVA

- 28 Ryman and the RVA support most of the Council's suggested amendments to the Proposed Plan, but continue to request the further changes proposed by Mr Kyle.
- 29 In Ryman and the RVA's submission, these amendments will ensure that the Proposed Plan meets the requirements of the RMA. In particular, the amendments sought will:
- 29.1 Give effect to Objective 5.2.1 and Policy 5.3.1 of the Canterbury Regional Policy Statement, in providing housing choice to meet the region's housing needs, in a way that supports urban consolidation;¹⁷
- 29.2 Best achieve Objectives 3.3.1, 3.3.2 and 3.3.4 of the Proposed Plan by expediting the rebuild of appropriate housing for the growing aged population, minimising reliance on resource consent processes and prescriptiveness of controls and providing clarity on the Proposed Plan's intended outcomes for aged accommodation and care¹⁸
- 29.3 Achieve the integrated management of the effects of the use and development of land. The provisions will ensure that the housing needs of the ageing population are properly provided for. They will also ensure that adverse effects on the environment are avoided, remedied or mitigated in

¹⁷ RMA, Section 75(3).

¹⁸ Chapter 3 Strategic Directions, Objective 3.3.2.

accordance with the Council's statutory functions under the RMA;¹⁹ and

- 29.4 Ensure the aged demographic of the Christchurch community can provide for their social wellbeing and health and safety in accordance with the purpose of the RMA.²⁰

EVIDENCE TO BE PRESENTED

- 30 Three witnesses are appearing in support of the Ryman and RVA submissions on the proposed Plan:
- 30.1 **Mr Andrew Mitchell** is the Development Manager for Ryman. His evidence provides an overview of Ryman and its operations, the demand for Ryman's facilities, and key challenges faced in retirement village development in Christchurch.
- 30.2 **Mr John Collyns** is the Executive Director of the RVA. His evidence provides an overview of the RVA, the Christchurch retirement village industry, and relevant population demographics, and addresses the need to provide appropriate accommodation and care options for Christchurch's ageing population.
- 30.3 **Mr John Kyle** of Mitchell Partnerships has prepared independent planning evidence addressing the Ryman and RVA submissions on the Proposed Plan. He assesses the Proposed Plan provisions against the relevant RMA tests.

CONCLUSION

- 31 Ryman and the RVA consider that amendments are required to Chapter 14 Residential to provide appropriate recognition of the importance of, and need for, aged accommodation and care, and to enable the efficient development of retirement villages in Christchurch.
- 32 Ryman and the RVA seek the specific amendments outlined in **Appendix A** to the summary of **Mr John Kyle**.

Luke Hinchey

Counsel for Ryman Healthcare and the Retirement Villages Association

¹⁹ RMA, Section 31.

²⁰ RMA, Part 2.