

UNDER

the Resource Management Act 1991
("RMA")

IN THE MATTER

of Private Plan Change 13 – Rezoning of the
Te Rapa Racecourse

STATEMENT OF EVIDENCE OF FRASER MCNUTT ON BEHALF OF METLIFE CARE

[PLANNING]

1. INTRODUCTION

- 1.1 My full name is Fraser Guy McNutt. I am a planning consultant and hold the position of Partner at Barker & Associates Limited (**B&A**), an independent planning consultancy operating throughout New Zealand. As part of my role, I am Manager of B&A's Hamilton office; a position which I have held since June 2019. My qualifications and relevant experience are set out below.
- 1.2 I am a Full Member of the New Zealand Planning Institute. I have a Bachelor in Social Sciences (Resources and Environmental Planning), (REP) from the University of Waikato. I have 15 years of experience in Resource Management and Local Government. My experience is broad and covers a range of both public and private development and strategic planning processes.
- 1.3 I have been commissioned by Metlife Care (**MC**) to prepare this statement of evidence to address matters raised in their submission in relation to Private Plan Change 13 (**PPC13**). PPC13 seeks:
- (a) to change part of the Te Rapa Racecourse site to Medium Density Residential Zone (**MDRZ**) and a small part of it to an Industrial Zone.
 - (b) to apply a new precinct, known as the Te Rapa Racecourse Medium Density Precinct to the land within the PPC13 area.

Expert Witness Code of Conduct

- 1.4 I confirm that I have read the Code of Conduct for Expert Witnesses (Environment Court Consolidated Practice Note 2023). I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence

is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Purpose and Scope of Evidence

- 1.5 The scope of my evidence is limited to the extent MC submission makes comment on PPC13 and the subsequent environmental impacts it may have on my client's land depicted in the **Figure 1** below.

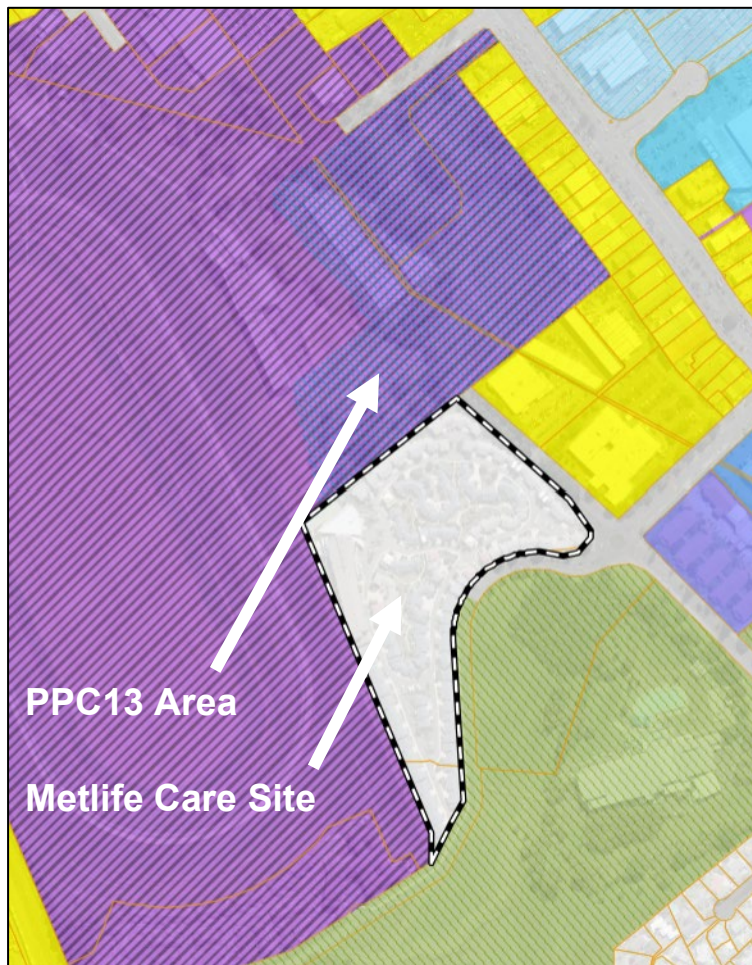


Figure 1



Figure 2

1.6 As shown in **Figure 2** above, the MC site (outlined and in white) is the only adjoining GRZ site to the PPC13 area (shown in blue cross-hatched area). MC develop rest homes and retirement villages, like the MC site to provide an environment where residents are accommodated in various building typologies around a “street network” to reflect a typical urban environment.

1.7 The sequence of my evidence that responds to Private Plan Change 13 (**PPC13**) is set out below:

- (a) Executive summary;
- (b) Summary of Strategic Documents;
- (c) Planning Analysis.

2. SUMMARY OF MY EVIDENCE

2.1 MC submission is generally supportive of the Private Plan Change (PPC13) with some amendments requested that focus on the three key topics below:

- (a) Providing specific recognition in Objectives and Policies for rest homes and retirement villages in the Precinct, and removing development standards from Objectives and Policies (submission points 4.2.15-16).
 - (b) Ensuring the proposed rules along the shared boundary between the MC site and the PPC13 area are sympathetic to the existing built environment. Specifically in relation to boundary setback and height in relation to boundary rules to be consistent with GRZ (submission points 4.6.3 & 4.8.2).
 - (c) Exclusions for retirement villages to have separate service areas and outdoor living spaces per unit (submission points 4.8.5-6).
 - (d) Ensuring the Precinct plan is able to accommodate rest homes and retirement villages and associated private infrastructure.
- 2.1 I have read and **support** the facts and findings presented in Council's 42a report with exception to the matters raised in this evidence. I conclude that the proposed rezoning is suitable for the area, provided that special recognition and provisions are made for adjoining MC land to the south.
- 2.2 I agree with Ms O'Dwyer and her comments on the suitability of PPC13 and the subject site. I support the inclusion of rest homes and retirement villages within the zone and being a Restricted Discretionary activity status.
- 2.3 It's my view that the proposed rezoning is suitable for the area, provided that specified boundary provisions accommodate appropriately for the adjoining MC land to the south.
- 2.4 I do not agree with the rejection of changes requested through the MC submission, summarised in Section 1.5 of this evidence. As such, this evidence will present arguments on the following points, in relation to the changes requested that are unchanged:
- (a) Context for rest homes & retirement villages
 - (b) Objectives 4.2.15-16 and subsequent Policies
 - (c) Boundary Standards
 - (d) Precinct Plan suitability for rest homes and retirement villages

3. SUMMARY OF STRATEGIC DOCUMENTS

3.1 Council's 42a report has provided a thorough analysis of the following high-level planning documents, in particular the assessment made against the National Policy Statement for Urban Development (NPS-US). Specifically, Ms O'Dwyer's comments on:

- (a) The objectives of the NPS-UD seek well-functioning environments (Objective 1);
- (b) to improve housing affordability by supporting competitive land and development markets (Objective 2);
- (c) encouraging people to live in areas near a centre or place of many employment opportunities and/or an area well-served by public transport (Objective 3);
- (d) an expectation that urban environments will change over time in response to changing needs (Objective 4);
- (e) and urban development decisions are integrated with infrastructure planning (Objective 6).

3.2 I concur with the facts and findings of the Council's 42a report that the rezoning of the Site accords with the NPS-US and other strategic documents.

4. PLANNING ANALYSIS

4.1 The preceding section of my evidence will focus on discussion points of the MC submission that were rejected in the 42a report.

Context for Rest Homes & Retirement Villages

4.2 The 42a report states that retirement villages and rest homes, as they are part of the General Residential Zone (**GRZ**) and are residential developments, are not generally subject to reverse sensitivity. I disagree with this statement, as the use, structure and overall populous of rest homes and retirement villages are considerably more sensitive than typical general residential developments.

4.3 The land which adjoins almost the entire southern boundary of the site is comprised of retirement villages and rest homes, the MC site will directly adjoin the proposed rezoning area. I disagree with the summary of the 42a report that as rest homes and

retirement villages are contained in the GRZ that there are no additional sensitivities to rest homes and retirement villages.

- 4.4 A number of our submission points originate from a clarification between residential use, effects and operation of permitted activities and the equivalent of retirement villages and rest homes. The relief that we seek in the form of amendments to the policy and associated rule framework is in direct relation to this point.
- 4.5 The PPC13 needs to consider the existing environment, which includes the built environment to determine its suitability. We contest that the built environment, through resource consent has enabled a different form of residential land use that is subject to a level of expected amenity as provided for in the adjoining Major Facility Zone (which provides for only 25% Site Coverage, 5m setback, 3m 45 degrees HIRB).
- 4.6 I provide the following points of difference that I rely upon to enable me to conclude that, in fact, the use of residential land for retirement villages and rest homes is different to that of what you would commonly expect to find in the GRZ:
- 4.7 **Ownership and tenure** – Retirement villages and rest homes are typically held in common ownership where services and amenities are provided and maintained at scale, generating a sense of bespoke community and character.
- 4.8 **Demographics** – Retirement villages and rest homes provide for an older age bracket of the community that require on average more care and supervision collectively. Socially, the environment that is created within retirement villages and rest homes is different to the general residential zone (detached dwelling use). The villages are developed specifically for people with additional needs, including MC which provides what is referred to as a ‘continuum of care’. As the needs of elderly residents change over time the variety of units and unit typologies available together with aged care support services provided by MC allows residents to age-in-place rather than move away from a familiar community and environment.
- 4.9 **Built form** - Retirement villages and rest homes are generally consistent with single-level, easily accessible spaces and living quarters. This differs to the expectations and character that is anticipated under the MDRS which allows for up to 11m/3-storey buildings, or what is provided for in PPC13 with 15m/4-storey buildings.
- 4.10 As seen at the MC site, and many other retirement villages around New Zealand, these types of facilities are somewhat exclusive (typically gated and fenced off) from the rest

of the GRZ, due to the additional sensitivities and requirements of the developments. A typical GRZ includes a large range of populous, of all ages, uses of buildings (family dwellings, single apartments, studio units, etc.) which enables varying development with ranges of characteristics. The community nature of rest homes and retirement villages, including MC sites, typically requiring large sections of land that are developed comprehensively.

Objectives & Policies

- 4.11 The 42a report adopts that Policy 4.2.15(b) submission that 4-storey development would respond to the neighbourhood's planned urban built environment. I do not consider setting specific built height expectations within Objectives and Policies appropriate and that reliance on a broader (insert the wording from the amended policy less the 4m). The development standards should be specified in the District Plans development standards and managed through the consent process, not set out in the Objectives and Policies.
- 4.12 Given the density of development expectations proposed for the site, objectives and policies should provide for existing or proposed retirement developments with regard to ownership, infrastructure, and overall effects and sensitivity.
- 4.13 Therefore, as per the MC submission, the reference to 4-storey buildings should be removed completely and managed in rules and standards.

Boundary Standards

- 4.14 I concur that the rezoning should be consistent with PC12 and the Medium Density Residential Standards (which fall into the MDRZ), but given the plan change site is a significant departure from the current zone and is relatively site-specific with an existing built environment, it is, in my view, appropriate to recognise and be sympathetic to the adjoining MC land to the south.
- 4.15 With these additional needs comes additional sensitivities and requirements that require considerate boundary rules, such as boundary setback and height in relation to boundary. Given the direct proximity of the site to the MC retirement village, and being the only GRZ area that will adjoin the proposed rezoning, it is appropriate in my view to include boundary rules consistent with a GRZ to maintain the amenity of the residents.

- 4.16 The standard MDRZ exclude HIRB for sites adjoining a GRZ, however, in PPC13 this rule is excluded by way of a 'Note' (4.6.3 Note 2) that this does not apply to the PPC13 area. This exclusion could only relate to the MC site boundary as this is the only adjoining GRZ site. This is an inappropriate exclusion for the sensitivity reasons discussed in previous paragraphs. Single-unit, low-rise and high-amenity private retirement village has considerably more sensitivity to MDRZ standards than a standard 'varied use' residential development. I reiterate MC submission point that Rule 4.6.3 Note 2 excludes GRZ HIRB standards against MDRZ/GRZ boundaries and enables a 4m x 60-degree HIRB against the MC boundary, being the only GRZ boundary relating to PPC13.
- 4.17 The MC submission asked for rest homes and retirement villages to be excluded from provisions for service areas (Rule 4.8.6.2) and outdoor living spaces (Rule 4.8.10), which was rejected due to the activity retaining a Restricted Discretionary Activity status regardless of compliance with the standards. These standards exclude rest homes and retirement villages in the GRZ (Rule 4.4.10(a) and Rule 4.4.11(a)), and therefore an exclusion should be applicable in the MDRZ and PPC13 or have specific standards for these activities in my view, given the differences described in 4.6-4.10 above.
- 4.18 In summary, I conclude that the proposed PPC provisions have not appropriately considered the sensitivities of the adjoining MC land and the use of the receiving environment and that the development standards discussed in this evidence be amended as such to ensure a suitable level of amenity is maintained along the shared boundary.

Precinct Plan

- 4.19 The proposed Precinct Plan provides a broad indicative direction for future development. It provides direction through the visual aid and associated key. It also shows connectivity through to Sir Tristram Avenue, Ken Browne Drive and west into the existing Waikato Race Track land.
- 4.20 The Precinct Plan in my view does not anticipate Unit Title development or large common ownership structures like that of MC where infrastructure and roads are built but not vested. This limits the ability to provide for rational public connectivity inclusive of multi-modal movements.

- 4.21 The MC retirement village is not subdivided nor is fee simple ownership provided to residents. Instead, MC remains the owner of the village with the interests of all the residents recorded on the title. Residents have an occupational right to reside within the village which is secured in agreement with MC and regulated by the Retirement Villages Act 2003.
- 4.22 Rest homes and Retirement Villages are provided for in the MDRZ as RD activities, thus are an expected landuse. As discussed, the ownership structure of MC villages, like the one existing do not provide for vested infrastructure i.e., roads (“local roads”). The proposed Precinct Plan and associated rule framework requiring general accordance in 4.8.12 “Development layout and transport upgrades in the Te Rapa Racecourse Medium-Density Residential Precinct” presents a risk to the opportunity and viability of providers such as MC to develop and operate Rest homes and Retirement Villages.
- 4.23 It is my view that 4.8.12 should provide for an alternative general accordance provision if developed for Rest home or Retirement Village use specifically in relation to ‘local road provision’.

5. CONCLUSION

- 5.1 Overall, I consider that with the appropriate amendments suggested in this evidence, the PPC13 will better respond to the surrounding environment, and provide opportunity for a range of housing types, tenure and densities. It is my view that PPC13 for the site at the Te Rapa Racecourse appropriately achieves the purpose of the RMA and the higher-order objectives of the WRPS.

Fraser McNutt



10th August 2023