

Before the Independent Hearings Panel
Porirua

under: the Resource Management Act 1991 (*RMA*)

in the matter of: Submissions and further submissions in relation to
Variation 1 and Plan Change 19 to the Proposed and
Operative Porirua City District Plan

and: Hearing Stream 7

and: **Ryman Healthcare Limited**

and: **Retirement Villages Association of New Zealand
Incorporated**

Legal submissions on behalf of **Ryman Healthcare Limited** and
the **Retirement Villages Association of New Zealand
Incorporated**

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LEGAL SUBMISSIONS ON BEHALF OF RYMAN HEALTHCARE LIMITED AND THE RETIREMENT VILLAGES ASSOCIATION OF NEW ZEALAND INCORPORATED

INTRODUCTION

- 1 These legal submissions are provided on behalf of the Retirement Villages Association of New Zealand (*RVA*)¹ and Ryman Healthcare Limited (*Ryman*)² in relation to Variation 1 to the Proposed Porirua District Plan (*Variation 1*) and Plan Change 19 to the Operative Porirua District Plan (*PC19*) (together, *Plan Changes*).
- 2 Between now and 2050, the population aged 75 and over in Porirua is forecasted to more than triple. However, the shortfall of appropriate retirement housing and care capacity to cater for that population is already at a crisis point. Delays and uncertainty caused by RMA processes are a major contributor.
- 3 The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*) represents a significant opportunity to address consenting challenges faced by the retirement sector. Addressing these challenges will ultimately accelerate housing intensification for the ageing population, in line with the expectations of both the Enabling Housing Act and the National Policy Statement on Urban Development 2020 (*NPSUD*).
- 4 The importance of the present intensification streamlined planning process (*ISPP*) led to the *RVA*'s members working together to adopt a combined approach. They have put their collective experience together to seek greater national consistency across all Tier 1 planning frameworks, to address the housing needs of the older members of our communities.³ The relief sought adopts the key features of the Medium Density Residential Standards (*MDRS*), as appropriately modified to address the unique features of retirement villages.
- 5 At present, the Proposed and Operative District Plans do not adequately provide for retirement village development in Porirua. The Plan Changes go some way to recognise retirement villages as a separate activity category, but the regime is not fit for purpose. Other aspects of the plan go beyond the legislative and policy directives and accordingly 'over-regulate' development.

¹ Submitter 118.

² Submitter 67.

³ See also statement of evidence of Dr Mitchell (dated 24 February 2023), paragraph 15.

- 6 Overall, it is submitted that the Plan Changes, as they relate to the RVA's and Ryman's submissions, do not appropriately give effect to the NPSUD by failing to provide for the specific housing needs of the ageing population. And, for the same reason, the Plan Changes are inconsistent with the direction set out by the Enabling Housing Act. Specifically, the Plan Changes fail to acknowledge:
 - 6.1 retirement villages as a residential activity;
 - 6.2 the unique internal amenity needs of retirement villages, their functional and operational requirements and the significant social and economic benefits they generate for Porirua's society and economy; and
 - 6.3 the need for greater choice of retirement living options in appropriate locations to meet the needs of Porirua's rapidly ageing population.
- 7 The RVA's and Ryman's evidence address these matters in further detail:
 - 7.1 **Mr John Collyns** provides corporate evidence for the RVA and addresses retirement village industry characteristics, demographic information, health and wellbeing needs of older people and the important role that retirement villages play in providing appropriate housing and care options;
 - 7.2 **Mr Matthew Brown** provides corporate evidence for Ryman, highlighting his experience with planning and building retirement villages and the desperate need for more of them; and
 - 7.3 **Dr Philip Mitchell** addresses planning matters and comments on the section 42A Officer's report (*Officer's Report*).
- 8 The particular provisions of the Plan Changes that the RVA's and Ryman's submissions relate to are:
 - 8.1 Part 1 (Introduction and General Provisions) in relation to Definitions;
 - 8.2 Part 2 (District Wide Matters) in relation to Strategic Objectives; and
 - 8.3 Part 3 (Area Specific Matters) in relation to:
 - (a) Residential Zones; and
 - (b) Commercial and Mixed Use Zones.

SCOPE OF SUBMISSIONS

- 9 These submissions:
- 9.1 provide a summary of the legal framework relevant to the intensification planning instrument (*IPI*), including the Enabling Housing Act and the NPSUD;
 - 9.2 comment on the key themes of the Plan Changes at issue; and
 - 9.3 set out Ryman's and the RVA's overall position and requested relief.

LEGAL FRAMEWORK

Enabling Housing Act

- 10 At the outset, it is important to acknowledge that the primary purpose of the ISPP is to address New Zealand's housing crisis. As stated by the Government:⁴

New Zealand is facing a housing crisis and increasing the housing supply is one of the key actions the Government can take to improve housing affordability.

- 11 As noted above, and expanded on in the evidence of Dr Mitchell, Mr Brown and Mr Collyns, retirement housing is having its own unique crisis. Demand for retirement village accommodation is outstripping supply as more of our ageing population wish to live in retirement villages that provide purpose-built accommodation and care.
- 12 The ISPP has a narrow focus. It seeks to expedite the implementation of the NPSUD. As Cabinet notes, the NPSUD "*is a powerful tool for improving housing supply in our highest growth areas*", and "*the intensification enabled by the NPS-UD needs to be brought forward and strengthened given the seriousness of the housing crisis.*"⁵
- 13 A key outcome of the ISPP is to enable housing acceleration by, "*removing restrictive planning rules*".⁶ These restrictions are to be removed via mandatory requirements to:

⁴ Cabinet Legislation Committee LEG-21-MIN-0154 (*Cabinet Minute*), at paragraph 1.

⁵ Cabinet Minute, at paragraphs 2-3.

⁶ Cabinet Minute, paragraph 4.

- 13.1 incorporate the MDRS in every relevant residential zone; and⁷
- 13.2 in this case, “*give effect to*” Policy 3 of the NPSUD.
- 14 The force of these mandatory requirements is framed at the highest level, as a “duty” placed on specified territorial authorities.⁸
- 15 In addition to these ‘mandatory’ elements, there are a range of other ‘discretionary’ elements that can be included in IPIs to enable housing acceleration, including:
- 15.1 establishing new, or amending existing, residential zones;⁹
- 15.2 providing additional objectives and policies, to provide for matters of discretion to support the MDRS;¹⁰
- 15.3 providing related provisions that support or are consequential on the MDRS and Policy 3;¹¹ and
- 15.4 providing more lenient density provisions.¹²
- 16 Councils can also impose restrictions that are less enabling of development - “qualifying matters” - but only where they meet strict tests.¹³
- 17 Housing acceleration is intended to be enabled by the ‘non-standard’ and streamlined process that the IPI is required to follow. This process materially alters the usual Schedule 1, RMA process, particularly in terms of:
- 17.1 substantially reduced timeframes;¹⁴
- 17.2 no appeal rights on the merits;¹⁵ and

⁷ Section 77G(1), RMA.

⁸ Section 77G.

⁹ Section 77G(4).

¹⁰ Section 77G(5)(b).

¹¹ Section 80E(iii).

¹² Section 77H.

¹³ Sections 77I-77L.

¹⁴ Under section 80F, tier 1 councils were required to notify IPIs by 20 August 2022. Under the ISPP the usual timeframes for plan changes are compressed and the decision making process is altered.

17.3 wider legal scope for decision-making.¹⁶

18 Importantly, this process is not about providing the 'bare minimum' to respond to the statutory requirements. The task ahead is a very important one. The IPIs and the ISPP are a means to solve an important and national housing issue.

19 We respectfully submit that the above overarching legislative and policy purposes - addressing New Zealand's housing crisis, accelerating housing supply, and removing planning restrictions - should therefore resonate heavily in all of your considerations through the ISPP.

20 Careful consideration will of course also need to be given to the wording used in the various RMA sections and in the MDRS provisions themselves. The Panel will need to operate within those terms. But, applying the usual "purposive approach", the overriding purpose of IPIs and the ISPP needs to remain a clear and separate focus.¹⁷

Preparing and changing district plans under the RMA

21 To the extent not modified by the ISPP, many of the usual Schedule 1 requirements for preparing and changing district plans under the RMA apply, and a section 32 report must be prepared.¹⁸

22 In that context, as part of the usual legal framework, caselaw has established a presumption that where the purpose of the RMA and objectives and policies "*can be met by a less restrictive regime that regime should be adopted*".¹⁹ The Environment Court also confirmed that the RMA is "*not drafted on the basis that activities are only allowed where they are justified: rather, the Act proceeds*

¹⁵ There are no appeals against IPIs that go through the ISPP, aside from judicial review (section 107 and 108). The new process will allow for submissions, further submissions, a hearing and then recommendations by an Independent Panel of experts to Council (section 99). If the Council disagrees with any of the recommendations of the Independent Panel, the Minister for the Environment will make a determination (section 105).

¹⁶ Clause 99 of Schedule 1, Enabling Housing Act.

¹⁷ See *Auckland Council v Teddy and Friends Limited* [2022] NZEnvC 128, at [27], when considering the dicta of the Supreme Court *Commerce Commission v Fonterra Co-operative Group Ltd* [2007] NZSC 36 at [22].

¹⁸ Eg, section 80B, clause 95 of the First Schedule, RMA.

¹⁹ *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* C153/2004 at [56]; followed by *Long Bay – Okura Great Park Society Incorporated v North Shore City Council* [2010] NZEnvC 319 at [79]. In 2017 the Environment Court confirmed that this remains the correct approach following amendments to section 32 of the Act in *Royal Forest and Bird Protection Society of New Zealand Inc v Whakatane District Council* [2017] NZEnvC 51 at [59].

on the basis that land use activities are only restricted where that is necessary".²⁰

23 Caselaw on the RMA plan change process has also established there is no legal presumption that proposals advanced by the Council are to be preferred to the alternatives being promoted by other participants in the process.²¹ If other means are raised by reasonably cogent evidence then the decision-maker should look at the further possibilities.²²

24 These concepts remain valid. This is particularly the case in view of the statutory and policy intent to enable intensification and reduce planning restrictions, as well as the broad discretions and wider scope available to the Panel in making recommendations.²³

NPSUD

25 The Plan Changes must "give effect" to Policy 3 of the NPSUD. The Supreme Court has established that the requirement to "give effect to" means to "implement"; "it is a strong directive, creating a firm obligation on the part of those subject to it".²⁴

26 As noted, the clear intention of the Enabling Housing Act is to bring forward the intensification enabled by the NPSUD. The MDRS themselves reflect the wider NPSUD policy direction. It is submitted therefore that the Plan Changes must take guidance and be read in light of the NPSUD as a whole, beyond just Policy 3. It is also perhaps trite to observe that any provisions that do not give effect to the NPSUD would most likely also be inconsistent with the Enabling Housing Act requirements. It is submitted that the wider NPSUD context thus provides a useful 'check and balance' to the specific mandatory requirements under that Act and the implementation of any discretionary aspects.

27 Particularly relevant objectives and policies of the NPSUD are outlined in Dr Mitchell's evidence. In addition, Ryman and the RVA submit that the Plan Changes should be guided by the following key themes:

²⁰ *Royal Forest and Bird Protection Society of New Zealand Inc v Whakatane District Council* [2017] NZEnvC 51 at [78].

²¹ *Federated Farmers of New Zealand Inc v Bay of Plenty Regional Council* [2019] NZEnvC 136 at [41].

²² *Colonial Vineyard Limited v Marlborough District Council* [2014] NZEnvC 55 at [64].

²³ Clause 96, First Schedule, RMA.

²⁴ *Environmental Defence Society Inc v The New Zealand King Salmon Company Ltd* at [77].

- 27.1 the NPSUD is enabling of development;
 - 27.2 the NPSUD enables well-functioning environments for *all* communities; and
 - 27.3 urban environments are expected to change over time and planning regimes should be responsive to that change.
- 28 These themes are addressed in more detail below.

The NPSUD is intended to be enabling of development

- 29 The enabling nature of the NPSUD is set out by the Ministry for the Environment (*MfE*) and the Ministry of Housing and Urban Development (*HUD*) in their final decisions report on the NPSUD.²⁵ In their report, MfE and HUD state that:²⁶

The NPS-UD will enable growth by requiring councils to provide development capacity to meet the diverse demands of communities, address overly restrictive rules and encourage well-functioning urban environments.

- 30 The final decisions report also states that the NPSUD "*is intended to help improve housing affordability by removing unnecessary restrictions to development and improving responsiveness to growth in the planning system*" (emphasis added).²⁷
- 31 The Environment Court, in relation to the NPSUD's predecessor, the National Policy Statement on Urban Development Capacity 2016 (*NPSUDC*), held that the intention of that NPS is to be primarily enabling. That NPS was designed, "*to provide opportunities, choices, variety and flexibility in relation to the supply of land for housing and business*".²⁸
- 32 The objectives of the NPSUDC that the Court was referring to in making that statement (Objectives QA1 to QA3) contain similar terminology and concepts to the NPSUD (eg, Objectives 1, 3 and 4 and Policies 1 and 3). Therefore the Court's guidance continues to have relevance.

²⁵ The report includes the Ministers' final decisions on the NPSUD, and was published in accordance with s 52(3)(b) of the RMA.

²⁶ MfE and HUD, "Recommendations and decisions report on the National Policy Statement on Urban Development" (Wellington, 2020), page 17.

²⁷ Ibid, page 85.

²⁸ *Bunnings Limited v Queenstown Lakes District Council* [2019] NZEnvC 59 at [39].

33 However, the NPSUD goes further. It is intended to be more enabling of development than its predecessor. It "*builds on many of the existing requirements for greater development capacity ...has a wider focus and adds significant new and directive content*".²⁹

34 The enabling intent of the NPSUD has been addressed in the likes of the *Middle Hill Ltd v Auckland Council*³⁰ case, where the Environment Court stated that:

[33] ... The NPS-UD has the broad objective of ensuring that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of New Zealand's diverse communities. Its emphasis is to direct local authorities to enable greater land supply and ensure that planning is responsive to changes in demand, while seeking to ensure that new development capacity enabled by councils is of a form and in locations that meet the diverse needs of communities and encourage well-functioning, liveable urban environments. It also requires councils to remove overly restrictive rules that affect urban development outcomes in New Zealand cities...

Well-functioning urban environments

35 The NPSUD seeks to provide for well-functioning urban environments that:

35.1 enable all people and communities to provide for their wellbeing, health and safety.³¹ To the RVA and Ryman, achieving this wellbeing objective in relation to older persons within our community means providing for the specific housing and care needs of those people;

35.2 enable a "*variety of homes*" to meet the "*needs ... of different households*",³² which it is submitted cannot be achieved in our centres without enabling significant intensification of our urban environments; and

35.3 enable "*more people*" to live in areas that are in or near a centre zone, well-served by public transport, and where there is high demand for housing.³³

²⁹ MfE and HUD, "Recommendations and decisions report on the National Policy Statement on Urban Development" (Wellington, 2020), page 16.

³⁰ *Middle Hill Ltd v Auckland Council* [2022] NZEnvC 162.

³¹ National Policy Statement on Urban Development 2020, Objective 1.

³² Policy 3.

³³ Objective 3.

Urban environments are expected to change over time. Plans need to be responsive

- 36 Urban environments, including their amenity values are recognised as, *"developing and changing over time in response to the diverse and changing needs of people, communities, and future generations"*.³⁴
- 37 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, noting that changes are not, of themselves, an adverse effect.³⁵ Plans may provide for change that alters the present amenity of some and improves the amenity of other people and communities.
- 38 To address the above, the NPSUD, introduces "responsive" planning provisions (among other provisions). Objective 6(c) requires local authority decisions on urban development to be "responsive, particularly in relation to proposals that would supply significant development capacity".
- 39 In addition, Policy 8 of the NPSUD requires local authority decisions affecting urban environments to be "responsive" to changes to plans that add significantly to development capacity, even if they are out of sequence or are unanticipated by the relevant planning documents.
- 40 These provisions send a clear signal that councils need to be sufficiently agile and responsive, and to take account of unanticipated opportunities. Adopting a restrictive and unresponsive approach does not align with the NPSUD's direction.

Relevance to RVA and Ryman submission

- 41 The extent to which the NPSUD provisions are given effect through the Plan Changes are addressed in detail by Dr Mitchell. We address particular aspects later in these submissions.

VARIATION 1 AND PC19

- 42 In their submissions, Ryman and the RVA seek a more enabling and responsive planning framework for retirement villages in the relevant zones included in the Plan Changes. In that respect, Ryman and the RVA are supportive of some aspects of the Reporting Officer's position. For example, the Officer acknowledges that the

³⁴ Objective 4.

³⁵ Policy 6.

Plan's policies should provide for benefits of retirement villages,³⁶ that residential design guides are not appropriate for retirement villages,³⁷ and that internal amenity controls for typical residential units should not apply.³⁸

43 These submissions do not comment on each individual submission point made by Ryman and the RVA, as this analysis is covered in more detail in Dr Mitchell's evidence. Instead, they address key misunderstandings that, with respect, mean the Reporting Officer's approach with regard to retirement villages is misguided and should be given little weight.³⁹

44 In particular, the Officer fails to appreciate that:

44.1 retirement villages are a residential activity;

44.2 they have unique functional, operational and other needs, that must be addressed to ensure clear and efficient consenting requirements; and

44.3 the proposals are supported by robust s32AA evidence.

Retirement villages are a residential activity

45 The Reporting Officer comments that retirement villages are not a residential activity.⁴⁰ This view appears to be based on the Proposed Plan's definition of retirement village, which encompasses a 'range of activities' including residential, leisure, medical and recreational. The Officer does not highlight any specific experience of working with retirement villages in making these statements.

46 It is submitted, supported by the RVA's and Ryman's evidence, that retirement villages providing services and recreational facilities for their residents does not change the fact that retirement villages are residential activities. As Mr Brown and Mr Collyns highlight,

³⁶ Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, Appendix F, page 1, point OS118.7. See also paragraph 354 of the Officer's Report: Part B.

³⁷ Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, Appendix A: Recommended Amendments to RESZ, MRZ and HRZ, page 115, point OS118.127.

³⁸ Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, Appendix F, page 1, point OS118.22. See also paragraph 354 of the Officer's Report: Part B.

³⁹ As also outlined in Mr Brown's and Mr Collyns' evidence.

⁴⁰ Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, Appendix F, page 1, point OS118.13.

retirement villages are the permanent home of the residents, and should therefore be considered a 'residential' activity.

47 The activity classification of retirement villages that provide additional services or facilities to their residents has been considered by the higher courts.⁴¹ Two High Court cases have found that aspects of a retirement village that are incidental and ancillary to the residential activity (e.g. a hair salon), do not alter the overall picture of the village as a resident's home.⁴²

48 In the most recent case, the High Court stated:⁴³

Importantly, services and facilities are limited to "the care and benefit of residents" only, but "activities pavilions and/or other recreational facilities or meeting places" can be used by residents and their visitors. By linking these activities to residents, the purpose of the activities is, in my view, inextricably linked to the definition of "dwellinghouse" and thereby to the definition of "residential activity" in s 95A(b).

49 The Court also stated that the ancillary services provided by the retirement villages in that case were for residents only, and complemented the residential function of retirement villages by meeting the particular needs of older residents.⁴⁴

50 The same situation applies here by virtue of the retirement village definition. The residential nature of retirement villages is set out in the definition under the National Planning Standards. The definition recognises the key function of villages as a "residential complex or facilities" for the provision of "residential accommodation for people who are retired".⁴⁵ Any associated/ancillary facilities must be "for the residents". Dr Mitchell addresses this matter in further detail.

Clear and efficient consenting requirements

51 In their submissions, Ryman and the RVA seek a more enabling and responsive planning framework in the relevant residential and commercial/mixed use zones. It is noted that this regime was developed by industry experts to reflect the overall experience with

⁴¹ *Hawkesbury Avenue, Somme Street and Browns Road Residents Association Inc v Merivale Retirement Village Ltd*, AP 139/98 (Christchurch), 3 July 1998, Chisholm J, at pages 21-22. See also *Te Rūnanga o Ngāti Awa v Whakatāne District Council* [2022] NZHC 819.

⁴² *Hawkesbury*, at pages 21-22.

⁴³ *Te Rūnanga o Ngāti Awa*, at [63].

⁴⁴ *Ibid.*

⁴⁵ National Planning Standard, page 62.

consenting, building and operating retirement villages across New Zealand. The specific functional and operational needs of retirement villages are set out in the RVA and Ryman's evidence.

- 52 While this regime captures, as the Reporting Officer notes, the unique functional and operational needs of retirement villages, it does not reduce the ability to manage effects of concern.⁴⁶
- 53 This reality means the concerns of the Reporting Officer with the proposed regime are unfounded. They consider, due to the unique characteristics of retirement villages, that there are a range of unique adverse effects that need managing.⁴⁷ The section 32 analysis referred to by the Reporting Officer, notes that retirement villages can "*give rise to adverse effects on the amenity of an area due to nuisance, hours of operation and their form of development*".⁴⁸ The Reporting Officer does therefore not consider the retirement village policy proposed by Ryman and the RVA appropriate, in that it fails to provide 'meaningful direction' on how adverse effects are to be assessed or managed.⁴⁹
- 54 Quite aside from the fact that there is no substantive evidence to support these assertions, the Officer misunderstands the RVA's and Ryman's proposed approach. As explained by Dr Mitchell, the regime proposed by the RVA and Ryman is largely aligned with the planning approach for other residential developments involving four or more dwellings. It has some necessary nuances for internal amenity controls which better reflect onsite needs (which the Officer appears to agree are necessary, albeit for different reasons). All MDRS density controls that apply to manage external effects would also apply to retirement villages. The regime also does not seek to exclude any other plan controls that manage the likes of noise and hours of operation.
- 55 And, contrary to what the Officers' report suggests, the regime proposed by Ryman and the RVA is not intended to create a situation where there is no policy direction for the assessment of consents that breach relevant density standards.⁵⁰ The policy and

⁴⁶ Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, Appendix F, page 1, point OS118.13.

⁴⁷ See, for example, Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, paragraph 504.

⁴⁸ Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, paragraph 573.

⁴⁹ Paragraph 504.

⁵⁰ Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, paragraph 463.

rule framework proposed by Ryman and the RVA ensures appropriate and proportionate assessment and management of effects of the buildings and structures associated with retirement villages.

- 56 Overall, the framework is tailored to:
- 56.1 recognise the positive benefits of retirement villages;
 - 56.2 focus effects assessments on exceedances of relevant standards, effects on the safety of adjacent streets or public open spaces, and effects arising from the quality of the interface between the village and adjacent streets or public open spaces to reflect the policy framework within the Enabling Housing Act. A degree of control over longer buildings is also acknowledged as appropriate; and
 - 56.3 enable the efficient use of larger sites and the functional and operational needs of retirement villages to be taken into account when assessing effects.
- 57 By way of comparison, at a rule level, Ryman and the RVA submit that the extensive restrictions set out under RESZ-P7 and P8 for developments 'overregulate'. They conflict with Policy 5 of the MDRS, by failing to provide for developments not meeting permitted activity status while 'encouraging' high-quality developments.
- Section 32AA of the RMA**
- 58 The Reporting Officer, in several places, asserts Ryman and the RVA have failed to provide any meaningful evidence, planning evaluation or section 32AA evaluation to support their submissions.⁵¹ Ryman and the RVA disagree.
- 59 Although not labelled 's32AA', the primary submission of the RVA was drafted by industry experts based on extensive experience. It also contains substantial research-based evidence on industry characteristics and needs. The submission is also supported by the RVA and Ryman's evidence in this hearing.
- 60 Ryman and the RVA therefore submit that their position is robust and evidence-based.

⁵¹ See, for example, Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, paragraph 574.

CONCLUSION

- 61 The RVA and Ryman submit that the Plan Changes must ensure that the Porirua District Plan specifically and appropriately provides for, and enables retirement villages in all relevant residential and commercial/mixed use zones. Appropriate provision for retirement villages will meet Enabling Housing Act requirements, give effect to the NPSUD, and respond to the significant health and wellbeing issues created by the current retirement housing and care crisis.
- 62 When compared to the Council’s proposed provisions, Ryman’s and the RVA’s approach involves reasonably practicable options to achieve the objectives of the Plan Changes that are:
- 62.1 more effective and efficient;
 - 62.2 less restrictive, but with appropriate controls as necessary to manage adverse effects; and
 - 62.3 the most appropriate way to achieve the purpose of the RMA (which in this context is informed by the NPSUD and the Wellington Regional Policy Statement, which must be given effect to).
- 63 Accordingly, Ryman and the RVA respectfully seek that the Panel recommends, and the Council accepts, the proposals put forward by Dr Mitchell on behalf of Ryman and the RVA.

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9 March 2023