

Before the Independent Hearings Panel  
Porirua

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

*in the matter of:* Internal amenity controls 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**

Memorandum of counsel on behalf of Ryman Healthcare Limited  
and the Retirement Villages Association of New Zealand  
Incorporated

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Dated: 17 March 2023

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**MEMORANDUM OF COUNSEL ON BEHALF OF RYMAN  
HEALTHCARE LIMITED AND THE RETIREMENT VILLAGES  
ASSOCIATION OF NEW ZEALAND INCORPORATED**

**MAY IT PLEASE THE HEARINGS PANEL**

**INTRODUCTION**

- 1 This memorandum is filed on behalf of Ryman Healthcare Limited (*Ryman*) and the Retirement Villages Association of New Zealand Incorporated (*RVA*) in response to the discussion at the hearing on 13 March 2023 regarding the industry's preferred internal amenity controls.
- 2 The Panel directed that Ryman and the RVA confirm their position in the context of the Reporting Officer accepting that retirement villages should be excluded from internal amenity controls.<sup>1</sup> Ryman and the RVA's response is set out below.
- 3 Ryman and the RVA consider that the internal amenity controls proposed in the RVA's original submission on Variation 1 and Plan Change 19 (*Plan Changes*) are more appropriate. These controls fit together as part of the package of measures in a comprehensive regime for retirement village consenting, and align better with the medium density residential standards (*MDRS*). As briefly outlined at the hearing, the retirement sector regime includes:
  - 3.1 Policies that recognise the needs of the ageing population and the differences of retirement villages compared to other residential uses;<sup>2</sup>
  - 3.2 A 'retirement unit' definition, which accurately defines different unit types in retirement villages (given the range of units, resident needs and access to shared village amenities);<sup>3</sup>
  - 3.3 MDRS development standards that regulate external effects;<sup>4</sup>
  - 3.4 Modified development standards which regulate internal amenity controls for retirement units;<sup>5</sup> and

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<sup>1</sup> Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, paragraph 552.

<sup>2</sup> RVA Submission (dated 12 September 2022), pages 27 and 30-31.

<sup>3</sup> Page 23.

<sup>4</sup> Page 38.

<sup>5</sup> Pages 39-42.

- 3.5 Matters of discretion, which address the potential effects arising from retirement villages being considered as a form of multi-unit development.<sup>6</sup>
- 4 Dr Phil Mitchell has also reviewed the notified provisions in the Plan Changes regarding internal amenity. Proposed Policy 13 does in fact provide wide discretion in relation to internal amenity controls, contrary to the Reporting Officer's statement that the Policy will not provide any barriers that weigh against the functional and operational needs of retirement villages.<sup>7</sup>
- 5 The sector is thus concerned that this discretion will create unnecessary debates and delays in consenting processes. They would therefore prefer to have the option of meeting permitted internal amenity standards (similar to those proposed for other residential uses), which will be more efficient.
- 6 Ryman and the RVA respectfully request that the Panel adopt the proposed relief as set out in Ryman and the RVA's original submissions, and in the statement of evidence of Dr Mitchell.<sup>8</sup>

Dated: 17 March 2023

Luke Hinchey / Alice Hall  
Counsel for Ryman and the RVA

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<sup>6</sup> Pages 33-35. The same matters of discretion are sought for the MRZ, NCZ, LCZ, MUZ and MCZ.

<sup>7</sup> Officer's Report: Part B – Residential Zones, Planning Maps and General Topics, paragraph 388.

<sup>8</sup> Statement of evidence of Dr Phil Mitchell (dated 24 February 2023).