

Before the Independent Hearings Panel
Kāpiti Coast District Council

under: the Resource Management Act 1991

in the matter of: Submissions and further submissions in relation to
Proposed Plan Change 2 to the Kāpiti Coast District Plan

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

Submitter 196

and: **Ryman Healthcare Limited**

Submitter 197

Supplementary evidence of **Nicola Marie Williams** on behalf of
the Retirement Villages Association of New Zealand Incorporated
and Ryman Healthcare Limited

Dated: 6 April 2023

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INTRODUCTION

- 1 My name is Nicola Marie Williams and I am an Associate with Mitchell Daysh Limited.
- 2 I have previously provided planning evidence and I confirm my qualifications and experience as set out in paragraphs 2 – 6 of that evidence.
- 3 I also confirm that I have read and agree to comply with those parts of the Environment Court Practice Note that bear on my role as an expert witness, in accordance with paragraph 9 of that evidence.
- 4 This supplementary evidence responds to matters arising (the 'homework') from the questions from the Independent Hearing Panel, during the hearing held on 29 March 2023 as follows:
 - 4.1 I provide further explanation on how the Retirement Villages Association of New Zealand Incorporated's (*RVA*) proposed planning regime manages the external effects of retirement villages in the general residential zone using an 'overall evaluation' of all relevant objectives and policies;
 - 4.2 I address a potential alternative to that approach where those externalities are all addressed in a 'standalone' retirement village specific policy (to address the potential for unintended consequences of the policy suite being interpreted as overly enabling); and
 - 4.3 I provide further analysis and commentary on how the policy and rule framework for retirement villages would work in terms of centres. This is provided in light of the concerns raised by the reporting officer in the section 42A report about necessary commercial land being taken up by retirement villages.

THE 'OVERALL EVALUATION' APPROACH

- 5 As outlined in the evidence of Dr Phil Mitchell (dated 10 March 2023 and adopted by me at the hearing), the intent of the submissions of the RVA and Ryman was for the RVA planning provisions to fit into, and work together with, the wider policy context proposed in Plan Change 2 to the Kāpiti Coast District Plan (*PC2*).
- 6 The overall framework has the aim of ensuring greater consistency and better provision for retirement villages as a bespoke subset of the four or more residential unit typology of the National Policy Statement on Urban Development 2020 (*NPS-UD*) and medium density residential standards (*MDRS*) provisions across the country. The general purpose, as Chair Maassen and the Hearing Panel appeared to acknowledge, is to clearly highlight the need to provide

for the changing demographic of our population and ensure that appropriate housing is sufficiently enabled.

- 7 Given that context, the policy framework has been designed at a high level to reflect the national policy direction and to fit into the plan change process rather than provide a fully bespoke 'standalone' planning framework for retirement villages.
- 8 For PC2, four new policies were proposed to be introduced into the General Residential zone. These relate to the 'provision of housing for an ageing population', 'larger sites', 'role of density standards', and 'changing communities' policies.¹ The retirement village specific policy in particular is as follows:

Provision of housing for an ageing population

- 1. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in the General Residential zone, such as retirement villages.*
 - 2. 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.*
- 9 The overall proposal did not envisage exempting retirement village developments from other relevant objectives and policies of the General Residential Zone.
 - 10 In terms of managing potential adverse effects, the regime applies a restricted discretionary activity status for retirement village developments. The relevant matters of discretion are proportionate to the reduced expectation of controlling urban design effects prescribed in the NPS-UD and MDRS. Other matters of discretion would also require consideration of the need to provide for efficient use of larger sites, the functional and operational needs of retirement villages and their positive effects.
 - 11 It was intended that these matters of discretion would be considered against the broader policy framework in the General Residential zone. To illustrate, the following table shows the main objective and policy links between the matters of discretion and the retirement village policies and other relevant policies:

¹ Statement of evidence of Dr Phil Mitchell (dated 10 March 2023) paragraph 17.

Matter of discretion for retirement villages	Objective/policy (underlined terms emphasised) supporting these matters as well as my comments
<p>1. The effects arising from exceeding any of the following standards:...</p> <ul style="list-style-type: none"> - no more than 3 residential units or retirement units per site; -maximum height; -height in relation to boundary; -building coverage; -outdoor living space . -outlook space - ; -windows to street; <p>and</p> <ul style="list-style-type: none"> -landscaped areas (subject to relief sought to these standards). 	<p>Various – including the new policies at paragraph 17 statement of evidence of Dr Phil Mitchell, dated 10 March 2023. Policies GRZ Px1–Px6, and P10, P11, P13 and P16, subject to relief sought by the RVA being accepted, would also apply. The Plan regulates the effects of development standard breaches in various ways. Subject to the other relief sought by the RVA being accepted, the approach to such effects assessments was not intended to be materially different to that used for other multi-unit developments.</p>
<p>2. The effects of the retirement village on the safety of adjacent streets or public open spaces.</p>	<p>GRZ-Px3 - Encourage development to achieve <u>attractive and safe streets and public open spaces, including by providing for passive surveillance.</u></p>
<p>3. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length.</p> <p>4. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces.</p>	<p>GRZ-Px3 - Encourage development to achieve <u>attractive and safe streets and public open spaces, including by providing for passive surveillance.</u></p> <p>GRZ-Px5 - provide for developments not meeting permitted activity status, while <u>encouraging high-quality developments.</u></p> <p>Subject to the relief sought by the RVA being accepted, policies GRZ-P9; GRZ-P10; GRZ-P12; DO-O11; UFD-P3; UFD-P4; UFD-P11 would also apply as relevant.</p>

<p>5. When assessing the matters in 1 – 4, consider:</p> <p>a. The need to provide for efficient use of larger sites; and</p> <p>b. The functional and operational needs of the retirement village.</p> <p>6. The positive effects of the construction, development and use of the retirement village.</p>	<p>The new policies at paragraph 17 statement of evidence of Dr Phil Mitchell, dated 10 March 2023. And;</p> <p>GRZ-Px1 - Enable a <u>variety of housing typologies with a mix of densities</u> within the Zone, including 3-storey attached and detached dwellings, and low-rise apartments.</p> <p>GRZ-Px4 - Enable housing to be designed <u>to meet the day-to-day needs of residents.</u></p> <p>Subject to the relief sought by the RVA being accepted, policies UFD-Px; UFD-P2 would also apply as relevant.</p>
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- 12 Overall, I consider this approach to be efficient and effective in delivering on the objectives of the NPS-UD and the MDRS, as well as working together with the wider planning context. I consider it is more appropriate than the regime proposed by Council for the reasons expressed.

STAND ALONE PROVISIONS FOR RETIREMENT VILLAGES

- 13 Following the discussions at the hearing with the Hearing Panel, I have considered an alternative of providing a broader standalone policy for retirement village developments. This policy would be designed to address all external effects and link up with the retirement village matters of discretion.
- 14 In my view, such a policy would be potentially more desirable in addressing matters raised by the Panel, such as:
- 14.1 Providing even greater clarity regarding the considerations applying to the development of retirement villages, eg, the fact that they have atypical elements compared to conventional housing, such as hospital level care and resident amenities such as hair salons. But, externalities arising from building form are appropriately managed to fit into their neighbourhoods; and
- 14.2 The unintended consequence of the current RVA policies being interpreted as too enabling and confusion arising.
- 15 I agree with those comments from the Hearing Panel Chair Mr Maassen and consider that introducing a 'standalone' policy provides a clearer link between the provisions for retirement villages as a restricted discretionary activity and the relevant matters of discretion.

- 16 Set out below is a new objective and policy, an associated restricted discretionary rule and matters of discretion providing a complete package for retirement villages within the General Residential Zone:

DO-Ox3a 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 the General Residential zone, such as retirement villages.

GRZ-P16b Retirement Villages:

Retirement villages will be enabled in the Residential Zones, through a range of housing and living care options that are suitable for the needs and characteristics of older persons by:

- *Providing for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services;*
- *Providing for good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age;*
- *Encouraging the scale and design of the retirement village to:*
 - o *be of a high-quality and aligned with the planned urban character*
 - o *achieve attractive and safe streets and public open spaces, including by providing for passive surveillance;*
- *Provide an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;*

New Restricted Discretionary Activity Rule:

GRZ-RX *Construction or alteration of or addition to any building or other structure for a retirement village involving 4 or more retirement units per site.²*

Matters of Discretion:

1. *The matters of discretion of any infringed GRZ-Rx1 Standards;*
2. *The effects of the retirement village on the safety of adjacent streets or public open spaces;*

² Using the 'retirement unit' definition proposed at paragraph 17.1 of Dr Mitchell's evidence.

3. *The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;*
4. *The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;*
5. *When assessing the matters in 1 – 4, consider:*
 - a. *The need to provide for efficient use of larger sites; and*
 - b. *The functional and operational needs of the retirement village.*
6. *The positive effects of the construction, development and use of the retirement village.*
7. *The matters in GRZ-P16a*

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

- 17 For completeness, I note as an alternative to this approach, GRZ-P16 Supported Living and Older Persons Accommodation could be amended. However, as explained during the hearing I support the RVA and Ryman’s approach. In my opinion, it is not appropriate for retirement villages to be bundled with various forms of ‘supported living accommodation’. The inclusion of a separate retirement village policy is more appropriate to clearly provide for retirement villages as a residential activity enabled in the General Residential Zone.

COMMERCIAL ZONES

- 18 As discussed at the hearing, the NPS-UD is not limited to just residential zones. Policy 3 of the NPS-UD seeks to enable residential intensification in centre zones and walkable catchments within all Tier 1 urban environments including Kāpiti Coast District. As also outlined at the hearing, it is anticipated that the form and layout of retirement villages would vary substantially to fit the requirements of their location /context of centres and mixed-use zones. This form and layout may be different from the more traditional large format typology of retirement villages commonly developed in residential environments.
- 19 The submissions of the RVA and Ryman supported the policies of the Local Centre, Mixed Use, Town Centre and Metropolitan Centre Zones and requested amendments to the existing policies to better align with the NPS-UD. The submissions also requested three new policies within each of the commercial zones including ‘provision for housing for an ageing population’ ‘large sites’, and ‘changing communities’ policies, the same as proposed for the General Residential Zone.

- 20 In terms of the rule framework, the submission envisaged provision for retirement village uses as a permitted activity.³ The construction of a retirement village would be considered as a restricted discretionary activity where the permitted standards are not met in the Local Centre, Town Centre and Metropolitan Centre Rules⁴ in the same way as for the construction of “*a new building and structure, and additions and alterations to existing buildings and structures*” within these zones. As with the residential context, it was anticipated that the matters of discretion would be assessed against the suite of policies of each zone rather than a bespoke standalone retirement village policy.
- 21 Having reflected further on the Commissioner’s comments at the hearing, I see that confusion could arise in providing for retirement village uses as a permitted activity in these zones without the standard included in the residential activities rule limiting non-commercial activity at ground floor area. I consider the same limitation used for residential activities, either they are above ground floor level or separated from all street frontages by retail activities, should apply to retirement villages in the Local Centre, Mixed Use, Town Centre and Metropolitan Centre Zone. Failure to meet this rule also requires assessment as a restricted discretionary activity⁵ with matters of discretion including “*consistency with the objectives and policies*” of the zone.
- 22 Overall, as outlined above I consider this approach to be efficient and effective in delivering on the objectives of the NPS-UD and the MDRS, as well as working together with the wider planning context of the commercial zones to ensure that residential activities such as retirement villages may be located in the commercial zones where appropriate. I consider it is more appropriate than the regime proposed by Council for the reasons expressed.
- 23 As outlined at the hearing by Mr Matthew Brown, retirement villages do need a site that is of a reasonable scale. While it is envisaged that the form of retirement villages will change over time as they look to develop closer to or within commercial centres, it is not envisaged that they would develop in small centres at the expense of effectiveness of the commercial area.
- 24 That said, in addition to the policies proposed to be included within the commercial zones in the RVA and Ryman’s submissions, having further considered the policies within the centre zones it is

³ Submission points 197.52.58 and 64.

⁴ Rules LCZ-R12, TCZ-R11 and R14, MCZ-R7, R11, R13, and R17.

⁵ LCZ-R11, MCZ-R10, TCZ-R9 and MCZ-R12 – “Any activity which is listed as a permitted or controlled activity and does not comply with one or more of the associated standards, unless otherwise specifically stated” – is to be assessed as a restricted discretionary activity.

considered that it is appropriate for the Metropolitan Centre Zone to more clearly enable residential activities. Policy MCZ-P7 states:

Mixed use development, including residential activities, will be enabled in centres to enhance the viability and vitality of the centre where a high level of amenity for residents, businesses and visitors is achieved in accordance with the Centres Design Guide in Appendix 2.

- 25 I consider that Policy MCZ-P7 needs to more clearly enable medium and high-density residential development (including retirement villages) and I recommend that this policy be reworded to include this clear policy direction:

New Policy MRC-P7 – Housing in Centres

Medium and high-density residential development will be enabled in centres where this:

- a. Contributes towards accommodating anticipated growth in the District; and*
- b. Offers a range of housing types, price, size and tenure that is accessible to people of all ages including the aging population and a range of 'lifestyles', cultures and abilities.*

CONCLUSION

- 26 As discussed at the hearing, the submissions by the RVA and Ryman on PC2 are seeking to ensure that the District Plan provides an enabling framework for the establishment of retirement villages in the General Residential Zone and the Centres and Mixed Use areas of Kāpiti Coast District.
- 27 The further suggested policies and matters of discretion follow the discussions of the hearing and are intended to assist in ensuring the amendments provided through PC2 appropriately respond to the retirement housing and care shortage and are consistent with the NPS-UD.

Nicola Marie Williams

6 April 2023