Proposed National Policy Statement on Urban Development

Submission to
Ministry for the Environment

Retirement Villages Association of New Zealand

10 October 2019
INTRODUCTION

1 This submission is made by the Retirement Villages Association of New Zealand Incorporated (RVA) in relation to Planning for successful cities: A discussion document on a proposed National Policy Statement on Urban Development (Discussion Document).

2 The RVA is a voluntary industry organisation that represents the interests of the owners, developers and managers of registered retirement villages through New Zealand. The RVA has 380 member villages throughout New Zealand, with approximately 32,200 units that are home to approximately 42,000 older New Zealanders, roughly equivalent to the population of Timaru. This figure is 97% of the registered retirement village units in New Zealand.

3 The RVA’s members include all five publicly-listed companies (Ryman, Metlifecare, Summerset, Arvida and Oceania), other corporate groups such as Bupa Healthcare, Arena, independent operators, and not-for-profit operators such as community trusts, religious and welfare organisations.

4 The contact details for the RVA in relation to this submission are:

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5 Please note, that in the interests of keeping this submission brief, we have not included all academic research that supports the facts presented. We are happy to share more information with you as desired.

EXECUTIVE SUMMARY

6 Housing and caring for the ageing population in New Zealand is an urban matter of national significance. New Zealand’s population is ageing at a rapid rate. The provision of appropriate housing for this demographic group is not meeting demand by a considerable margin. The gap is widening.

7 The consequence of this increasing trend is highly compromised wellbeing of New Zealand’s most vulnerable demographic. Many older people are being deprived of appropriate care and companionship at a stage of their lives when they are most in need. People are literally dying on waiting lists to get into retirement village, whilst living in substandard conditions.

8 Poor resource management processes and practices contribute considerably to the issue. Plans take too long to make. They are overly complex. They don’t provide for retirement living options properly. They place too much emphasis on protecting existing property interests, rather than current and future community needs.

1 Retirement villages include aged care facilities where they form part of a comprehensive care retirement village.
Similarly, resource consents take too long to process. They get held up by unnecessary information requests. Processing practices and timeframes vary hugely across New Zealand. Council urban designers attempt to impose subjective views on architectural design and internal amenity features rather than focussing on actual effects. ‘NIMBYism’ is rife. Self-interested neighbours create huge delays and disputes for no benefit.

Despite the current National Policy Statement on Urban Development Capacity 2016 (NPSUDC), there is a no clear national direction on the retirement living crisis. The government has been overly focussed on the general housing crisis. It hasn’t appreciated or acknowledged the very different problems and needs of the ageing population. The current NPSUDC is therefore ineffective for retirement living.

The proposed National Policy Statement on Urban Development (pNPSUD) will not help in its current form. It is vague and open to wide interpretation. As with its predecessor, it focusses on the needs of traditional housing, but fails to address the different needs of older people. It won’t stop the delays or the disputes. Major and urgent change to the current version is needed.

The RVA seeks strong and specific recognition of the retirement living crisis in the pNPSUD. This issue is a matter of national significance. Every urban community is affected regardless of general population growth patterns.

The pNPSUD needs to be clear in its purpose and intent. Local authorities must be directed to enable retirement living options rather than opposing them. They should be directed to process consents efficiently and consistently and to focus on the issues that matter.

THE AGEING POPULATION, AND THE RETIREMENT LIVING CRISIS

Ageing population

It is estimated that 323,000 people in New Zealand were aged over 75 in 2019. The number has been growing at the rate of 5,000 per annum for the past 15 years. Now, that growth rate has lifted to 11,000 per annum. With the advent of the baby boomers, that growth rate will lift again to 18,000 per annum. By 2043, the population aged 75+ will have more than doubled to over 783,600 people nationally.

The growth in the 80+ bracket is similar, as illustrated in the following graph:
Retirement villages already play a significant part in housing and caring for elderly people in New Zealand. Currently, 13.0% of the 75+ age group population live in retirement villages, a penetration rate that has risen from around 9.0% of the 75+ age population at the end of 2012. Just to maintain a market share of 13% of the 75+ population, between now and 2043, the retirement village industry will need to build 47,000 units.

Information about the nature of retirement villages and their residents is contained in Appendix 1.

**Shortage of retirement villages**

New Zealand’s demographic changes are resulting in major new pressures on social and health services. Housing is a key issue. Many of New Zealand’s older residents are living in unsuitable accommodation. This may be due to physical constraints such as living in a large house that is expensive, difficult to maintain and heat properly and/or has barriers to mobility such as stairs or having to travel too far to reach amenities and health services.

Mental wellbeing issues are also growing, including isolation, loneliness, and related depression due to many older people living alone, separated from family and friends due to their increasing mobility restrictions.

These factors have led to demand for retirement village accommodation outstripping supply. The ageing population and longer life expectancy, coupled with a trend towards people wishing to live in retirement villages that provide purpose-built accommodation, means that demand is continuing to grow. It is anticipated that at least 10 new large scale villages each year are going to be required across New Zealand, just to keep up with demand over the next 20 years.

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2 Jones Lang LaSalle, NZ Retirement Village Database White Paper, April 2018.
3 Increase in +75 population 2018-2043 = 469,170 people. 13% = 60,992 people, x 1.3 people/unit = 47,000 units.
**Benefits of retirement villages**

21 Retirement villages provide appropriate accommodation and care for one of the most vulnerable sectors of our community. They allow older people to continue living in their established community, while down-sizing to a more manageable property (i.e. without stairs or large gardens). Residents also have easy access to care and other support services. Retirement village living also provides security, companionship and peace of mind for residents.4

22 The retirement village sector also contributes significantly to the development of New Zealand’s urban areas, and the particular challenges urban areas face.

23 Retirement villages help to ease demand on the residential housing market and assist with the housing supply shortage in New Zealand. That is because growth in retirement village units is faster than growth in the general housing stock. And, the majority of new villages are located in major urban centres.

24 New build data from Statistics NZ shows that retirement village developments provided between 5% and 8% of all new residential developments between July 2014 and July 2019.5

25 The retirement village sector allows older New Zealanders to free up their often large and age-inappropriate family homes and move to comfortable and secure homes in a retirement village. The RVA estimates that around 4,700 family homes are released back into the housing market annually through new retirement village builds (approximately 1,700 units). A large scale village releases approximately 300 houses back onto the market to be more efficiently used by families desperate for homes. To illustrate, retirement units are generally occupied by an average of 1.3 people per unit, compared to an average of 2.6 people per standard dwelling.

26 The retirement village sector also produces other broader benefits:

26.1 The sector employs approximately 19,000 people to support day-to-day operations. Over the next 7-8 years, approximately 9,500 new jobs will be created from construction of new villages. The sector contributes around $1.1 billion to New Zealand’s GDP from day-to-day operations.6

26.2 The contribution of retirement village construction is also substantial. For example, a large scale new village will cost in the order of $100-$200 million to construct. Retirement village construction is also expected to employ approximately 5,700 FTEs each year.7

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5 See Over 35,000 homes consented in July year – Stats NZ Media and Information Release: Building consents issued: July 2019

6 Ibid.

7 Ibid.
There are a number of unique challenges in planning for and constructing new retirement villages, which are contributing to the retirement living crisis. Some of those challenges arise from the following:

27.1 People want to “age in place” within their existing communities. It is often a big decision to move away from the family home. People considering moving into retirement villages to access healthcare needs and other amenities naturally want to stay close to their friends, families and familiar amenities and health services. This means that retirement villages need to be located in existing residential areas. However, large sites within existing residential areas, with compatible zoning and access to council services are in very short supply, particularly in the main urban centres.

27.2 Retirement villages may look different to typical residential developments. The range of accommodation, care and amenities that need to be provided on one site can result in a different format compared to traditional housing developments. Local residents near where new retirement villages need to be located, often do not support medium or high density retirement accommodation (i.e. ‘nimbyism’).

27.3 For similar reasons, Council officers often request large amounts of further information from applicants, which would not be required for a standard residential development. Because of the desire to avoid the delays associated with notification, retirement village operators are often forced to comply with these unreasonably extensive requests at considerable cost.

27.4 Retirement village operators often face opposition due to common misunderstandings. Public submissions on RMA processes often allege that a village is a commercial or hospital activity and not appropriate in a certain residential setting.

27.5 Council financial and development contribution requirements are often excessive. Retirement villages generally have much lower demand on council services than typical housing due to lower occupancy rates and lower demands on local services (either due to resident mobility constraints or access to services on site). However, contribution policies are often based on demand from typical residential households and not the actual infrastructure demand generated by retirement villages. Councils are not always independent in assessing a fair and reasonable demand on infrastructure given the revenue implications.

27.6 District plans often poorly provide for retirement villages. They are also not well understood by council officers. For example, bulk and location requirements often seek to uphold the existing character of neighbourhoods (protecting private property interests) to the detriment of specialised land uses such as retirement villages. Urban design principles are often directed at standard residential development, and do not take account of the unique operational requirements of retirement villages.

27.7 Zoning tools can be overly restrictive in directing housing typologies, rather than managing actual effects on the environment. For example, ‘Single house’ zones essentially limit development to large format, single dwellings. They often discourage retirement living options due to the different density and
format required. Housing options for the elderly in these zone areas are necessary, given the desire to age in place noted earlier.

27.8 Council officers are increasingly seeking to manage or control internal design considerations of proposed retirement villages through consenting processes (i.e. the width of hallways, internal lighting, the use of outdoor areas and the design of internal landscaping) under the guise of provisions seeking the maintenance of amenity values or quality urban design. This approach is inconsistent with the effects-based nature of the RMA. It also fails to recognise that retirement village operators have a long and positive track record. Over many years they have provided high quality environments for their residents – significantly better than typical housing typologies have delivered.

28 The RVA’s members have interests across New Zealand, and the RVA seeks to represent those interests in planning processes to address the challenges above. However, the RVA does not have the resources to engage in all planning processes. It therefore generally focuses on engaging in high priority districts with large populations.

29 The pNPSUD provides a good opportunity (along with broader RMA reform) to ensure that the RMA planning needs of the ageing population are universally captured in different districts, through directive national level policies. However, it is also critical that the NPSUD does not further exacerbate any of these challenges.

RMA REFORMS

30 Although subject to separate consultation processes, the RVA notes its interest in the legislative reforms, including the Resource Management Bill recently introduced. In particular, the Bill addresses the approach to notification and appeals under the RMA, which have a considerable impact on urban development. The facts and examples in this submission apply equally to those other processes.

NATIONAL PLANNING STANDARDS

31 The RVA also notes its interest in the National Planning Standards. These standards provide an opportunity to provide a more detailed, nationally consistent framework for retirement villages. These standards also provide an opportunity to address common urban development standards, such as height, height in relation to boundary, and yards.

NPS URBAN DEVELOPMENT CAPACITY

32 The NPSUDC has been a first step towards better urban planning. It contains some generally helpful national direction regarding providing sufficient development capacity, providing for the needs of people and housing choices, and promoting the

8 “Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity…” (Policy PA1).

9 “Urban environments ... provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations…” (Objective OA2). “Urban environments ... develop and change in response to the changing needs of people and communities and future generations” (Objective OA3). “When making planning decisions ... Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations…” (Policy PA3(a)).
efficient use of urban land. These NPSUDC objectives and policies have provided limited additional support for retirement village proposals requiring resource consents.

However, the policies did not go nearly far enough, particularly for consenting processes. They are unlikely to have ‘tipped the balance’ on any consenting decisions, given their general nature. Council officers (and decision-makers) typically focus on the more directive planning provisions for the specific zone in question.

The NPSUDC has not suitably ‘directed’ decision-makers to provide sufficient resources for further urban development. It has not negated the ongoing issues associated with providing for appropriate intensification within existing urban areas. There are limits to what the NPSUDC could achieve within the existing RMA framework, particularly the notification requirements.

The NPSUDC is also unclear in places and open to interpretation. The interpretation and application of the NPSUDC by councils has been somewhat piecemeal to date. It is being used perversely in some cases to restrict, rather than enable necessary urban development.

The RVA therefore agrees that a stronger national policy statement, as envisaged by the Discussion Document, is critical.

AUCKLAND AND CHRISTCHURCH PLANNING PROCESSES

Auckland and Christchurch have both recently been through major planning reforms. It was important for the RVA to engage in these processes given the substantial ageing populations affected and the retirement village industry’s intent to continue to cater for those people. The RVA also saw benefit in establishing and testing some generic planning provisions in those forums, which could then be rolled out in other areas. The RVA took comfort in these processes being presided over by high calibre, independent decision-making panels. The RVA and its members therefore invested significantly in these very costly and time-intensive, fast-tracked RMA processes.

The RVA considers the AUP and CDP provisions contain a number of policy directions that address generic national issues, which should be reflected in the pNPSUD. Some of the more relevant provisions are:

38.1 Christchurch District Plan (CDP):

Objective 14.2.1 Housing supply

An increased supply of housing that will: enable a wide range of housing types, sizes, and densities... meet the diverse needs of the community ...

Policy 14.2.1.8 Provision of housing for an aging population

(a) Provide for a diverse range of independent housing options that are suitable for the particular needs and characteristics of older persons throughout residential areas.

10 "When making planning decisions ... Promoting the efficient use of urban land and development infrastructure and other infrastructure" (Policy PA3(b)).
(b) Provide for comprehensively designed and managed, well-located, higher density accommodation options and accessory services for older persons and those requiring care or assisted living, throughout all residential zones.

(c) Recognise that housing for older persons can require higher densities than typical residential development, in order to be affordable and, where required, to enable efficient provision of assisted living and care services.

38.2 Auckland Unitary Plan (AUP):

Policy H.4.3.1: Enable a variety of housing types including integrated residential development such as retirement villages.

Policy H.4.3.10: Recognise the functional and operational requirements of activities and development.

Policy H.4.3.8: Enable more efficient use of larger sites by providing for integrated residential development.

DRAFTING OF THE pNPSUD

39 National policy statements are located at the top of the planning hierarchy and have considerable influence (including by creating a legal ground for challenge to decisions). It is therefore critical that the pNPSUD is well-drafted and will not lead to unintended outcomes, or generate uncertainty and unnecessary debate. As set out below, the RVA considers a number of the pNPSUD provisions require amendment to ensure they achieve their intent of enabling urban development.

40 In addition, the matters addressed by the pNPSUD overlap and interlink. There may be opportunities to restructure the pNPSUD to provide a clear and more integrated framework for decision-making. For example, the sections addressing Enabling opportunities for development and Providing for intensification and Providing for further greenfield development could be combined together. Similarly, the sections addressing Describing quality urban environments and Amenity values in urban environments need to work together.

41 Finally, there are a number of technical drafting issues with the pNPSUD drafting. For example, it is generally unclear whether the lists in the draft provisions are conjunctive or not (because of no or inconsistent use of ’and’ and/or ’or’). These drafting issues are likely to lead to interpretation issues at a later point in time.

SUBMISSION ON THE pNPSUD

Addressing the retirement housing crisis

42 For the reasons set out above, the RVA submits that housing and caring for the ageing population in New Zealand is an urban matter of national significance. Resource Management reform will be critical to successfully addressing this matter, including through the pNPSUD. Planning processes have a major influence on investing in and building retirement living options, as shown by the challenges described above.

43 However, as for the previous NPSUDC, the pNPSUD does not adequately address this very important subset of the current housing crisis – retirement living. The consultation document does not acknowledge this important demographic group and the very different needs they have compared to typical residential housing
occupants. The pNPSUD needs to explicitly address the critical need for appropriate housing typologies for older people (including retirement villages).

**Specific provisions for retirement living**

44 The pNPSUD is not fit for purpose in terms of enabling the development of retirement villages in urban areas. It does not recognise the specific functional and operational requirements of retirement villages, nor the particular nature of retirement village operators.

45 Further, as noted above, the NPSUDC has had limited impact on resource consenting decisions. It is critical that the pNPSUD contains provisions that have immediate impact on consenting processes. Specific direction is required.

46 The RVA considers the AUP and CDP provisions set out at paragraph 38 above provide a useful starting point.

**Quality urban environment**

47 The RVA acknowledges the policy intent to enable quality urban environments, particularly in relation to intensification. However, it is concerned that the provisions as drafted will not achieve the policy objectives, and may exacerbate resource management challenges already facing retirement village operators (particularly as outlined at paragraph 18.8 above).

48 The RVA considers the pNPSUD needs to recognise that retirement villages provide a high level of on-site amenity, and contribute significantly to the urban environment. It must not lead to an increase in the level of scrutiny of amenity-related considerations.

**CONCLUSION**

49 The RVA considers the pNPSUD may not adequately achieve its objectives. It may in some cases hinder the achievement of those objectives. Further, the concepts from the current NPSUDC can be expanded much further and better articulated in the next version to focus on specific outcomes that help address the retirement living crisis.

50 Without limiting the generality of the submission points above, the RVA has provided some specific comments on the pNPSUD (including draft relief) in Appendix 2. Given the early nature of the drafting in the Discussion Document, the RVA considers the draft relief will need to be developed through further consultation between the RVA and officials.

51 The RVA looks forward to engaging constructively with the Ministry for the Environment to ensure the pNPSUD is fit for purpose for retirement villages (along with other urban land uses). The RVA requests an opportunity to meet with officials to discuss this submission.
APPENDIX 1 – RETIREMENT VILLAGES

Retirement villages

1 'Retirement village' is an umbrella term given to all types of retirement living. There are two main types of retirement villages - 'comprehensive care villages' and 'lifestyle villages':

1.1 Comprehensive care retirement villages provide a full range of living and care options to residents from independent living, through to serviced care, rest home, hospital and dementia level care.

1.2 Lifestyle retirement villages focus mostly on independent living units with a small amount of serviced care provided on a largely temporary basis.

2 Approximately 66% of registered retirement villages have some level of aged residential care within the village. Approximately 20,128 aged care beds are part of a retirement village, which is 51% of all age care beds in the country.\(^{11}\)

3 'Retirement village' is defined in section 6 of the Retirement Villages Act 2003 (RV Act) as:

> ... the part of any property, building, or other premises that contains 2 or more residential units that provide, or are intended to provide, residential accommodation together with services or facilities, or both, predominantly for persons in their retirement, or persons in their retirement and their spouses or partners, or both, and for which the residents pay, or agree to pay, a capital sum as consideration and regardless of [various factors relating to the type of right of occupation, consideration, etc]...

RV Act

4 The retirement village industry is regulated by the RV Act, associated regulations, and codes of practice.

5 The RV Act in particular is an important safeguard for retirement village residents. It was enacted to protect the interests of retirement village residents and intending residents, including their financial and occupancy interests. The RV Act is also intended to provide an environment of security and protection of rights for retirement village residents.\(^{12}\)

6 Retirement villages that meet the definition in section 6 of the RV Act are required to be registered with the Registrar of Retirement Villages, which brings the village under the ambit of the RV Act, associated Regulations, Code of Resident Rights and Code of Practice.

7 Restricting the application of any retirement village-specific policies in the pNPSUD to "registered retirement villages pursuant to the RV Act" will ensure that only registered villages are covered, and there is no policy creep to conventional residential developments that might promote themselves as 'retirement villages' without the RVA Act protections.

8 One method contained in the RV Act to protect the financial and occupancy interests of residents, is a requirement for a memorial to be registered on the relevant

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\(^{11}\) Jones Lang LaSalle, *NZ Retirement Village Database, November 2018*, p 23

\(^{12}\) Retirement Villages Act 2003, section 3.
certificates of title. The memorial means that the holder of a security interest cannot dispose of a retirement village, disclaim any occupation right agreement, or evict any resident unless all residents of the retirement village have received independent legal advice and at least 90% of those residents have consented in writing.

9 The memorial requirement reflects the importance of ensuring retirement village residents have an absolute right to live in their units and access the village amenities, and are not forced to relocate at such a vulnerable stage of their life.

Retirement village residents

10 Retirement village residents, particularly those in comprehensive care retirement villages, are much more vulnerable than other parts of the population.

11 Residents choose to move into retirement villages as they provide purpose built, comfortable and secure dwellings, with a range of tailored on-site recreational amenities and care services. Residents often elect to move into a village because of a particular need, such as an existing or anticipated medical condition.
## APPENDIX 2 - DETAILED SUBMISSION POINTS

<table>
<thead>
<tr>
<th></th>
<th>Submission</th>
<th>Relief sought (preliminary drafting, to be discussed with officials)</th>
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<tbody>
<tr>
<td><strong>Preamble</strong></td>
<td>Ensure the preamble addresses the ageing population issue that is affecting all parts of New Zealand (including as an example of a changing condition that results in changing land use and housing needs), and the retirement housing crisis, being the urgent need for appropriate housing typologies for older people (including retirement villages).</td>
<td>Drafting to be discussed with officials.</td>
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<tr>
<td><strong>Targeting the cities that would benefit most</strong></td>
<td>The pNPSUD shifts the focus to larger urban centres, compared to the NPSUDC. A number of high or medium growth urban areas under the NPSUDC are not proposed to be considered major urban centres under the NPSUD. That approach does not recognise that growth can have a demographic profile. The ageing population is a national issue affecting every community in some form. Many of the urban areas proposed for exclusion have a fast growing elderly population, and high demand for retirement accommodation. The RVA considers the pNPSUD must also recognise that demand may vary across different housing types. Planning and consenting decisions need to address that specific demand. For example, an urban centre may be experiencing low-medium overall growth in demand for residential accommodation, but very high growth in demand for retirement accommodation, for smaller homes, or other particular residential typologies.</td>
<td>Drafting to be discussed with officials.</td>
</tr>
<tr>
<td><strong>Future Development Strategy</strong></td>
<td>The pNPSUD carries over and extends the Future Development Strategy (FDS) requirement in the NPSUDC. It is proposed that a FDS will identify the infrastructure needed to support growth (P1D(d)), estimate local authority contributions to infrastructure funding and financing gaps (P1D(h)(i) and (ii)), and inform long term plans prepared under the Local Government Act 2002 (P11).</td>
<td>See submission points below re “quality urban environments”. Refer to other engagement with officials regarding the development contributions challenges facing retirement village operators. Amend the provisions as follows:</td>
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The pNPSUD encourages using FDSs to influence development contributions policies set in long term plans (P1H). It is therefore critical that local authorities are required to undertake a consultation process (as set out in P1F) when preparing a FDS. However, Councils also need to undertake independent, evidence based assessments when assessing the distribution of infrastructure growth costs. As noted earlier, retirement villages generally have a much lower impact on the need for infrastructure and community services, and are often faced with unreasonable development contribution charges.

**P1A:** Local authorities must, every three years, prepare or update a Future Development Strategy (FDS). An FDS is to demonstrate, for the medium and long term, how the local authority will:

(a) achieve quality urban environments in its existing and future urban areas; and

(b) provide a range of housing types and locations that are suitable for different demographics; and

(c) meet residential development capacity bottom lines; and

(d) allocate development capacity across existing and future urban areas.

**P1B:** ...

**P1C:** Every FDS must be informed by:

(a) ... 

(b) independent expert analysis of costs and benefits of different spatial scenarios for accommodating growth

(c) independent expert scenario testing of different growth rates to ensure strategy is robust

(d) ...

(e) ...
Every FDS must consider other national direction. [Consider interpretation issues associated with this direction]

P1D: Every FDS must identify:

(c) broad locations for long-term feasible residential and business development capacity, while recognising the need for short term flexibility to respond to changing market drivers

[gi] how the urban development needs of different demographics will be taken into account, including recognising and providing for the particular needs and characteristics of older persons

(h) how the strategy will be implemented. This must include:

(i) ...

(ii) ...

(iii) ...

(iv) processes to ensure any decisions on the distribution of infrastructure growth costs are based on independent, credible evidence

P1E: ...

P1F: When developing or updating an FDS, local authorities:
| Describing quality urban environments | (a) must undertake a consultation process that complies with either Part 6 of the Local Government Act 2002 or Schedule 1 of the Act [Retain].
(b) may combine that process with any other consultation process occurring on another related matter, such as the documents referred to in [P2H].

P1G: ...
P1H: ...
P1I: ...

| The RVA agrees that many RMA decisions focus on the adverse effects of development (particularly on a small group of existing landowners ("nimbyism")), without adequately weighing or addressing the broader benefits for people and communities. This issue is often faced by retirement village operators, as discussed earlier.

The RVA therefore generally supports the proposed Objective 2, subject to improvements in the drafting to achieve that outcome. It also supports the proposed (a), (c) and (d) which recognise the benefits of "choice of homes", "using land... efficiently" and "responding to changing needs and conditions". This objective retains much of existing OA1 and PA3.

In relation to the proposed O2(a), the word "homes" is preferred to the word "dwellings" used in the existing PA3. Retirement units provide homes for elderly people, but are not typical dwellings as per the definitions normally encapsulated in planning documents. The word "housing" would encompass an even broader range of residential typologies, and better reflect the intention to provide for choice of housing options.

Add a retirement housing living specific policy that addresses how retirement villages enable quality urban environments - drafting to be discussed with officials.

Add new policies:

P2x: Recognise the different functional and operational requirements of different types of urban development.

P2x: Recognise that housing for elder persons can require higher densities than typical residential development, and must be located in all residential areas and other areas compatible with residential uses.

Amend the provisions as follows: |
In relation to the proposed O2(d), the ageing population is an example of a changing condition that is leading to changing needs, and creating demand for a housing typology that meets the needs of elderly people. The RVA considers the preamble should refer to the ageing population example as it is a changing condition that is ubiquitous across New Zealand. As drafted O2(d) is very vague, and vulnerable to misinterpretation. Amendments are necessary to address that risk.

However, the RVA is concerned that proposed Objective 2 is limited to “quality urban environments”. That phrase is undefined, and likely to cause considerable debate. The Discussion Document says the purpose of Objective 2 is to set out a non-exhaustive list of the features of a quality urban environment. But rather, the proposed objective sets out the benefits of a quality urban environment. The RVA considers that defining “quality urban environments” would be problematic, given that is likely to vary by context and will inevitably lead to council officers continuing to focus on internal design considerations within proposed retirement villages (as opposed to the interface of the village with the surrounding external environment). It considers the phrase “that make it possible for all people, whanau, communities and future generations to provide for their well-being” sufficiently addresses the policy intent.

Proposed Objective O3 is unlikely to be workable in a consenting context. It will not be possible for a single application to demonstrate that it has completely maximised its positive contribution (and vice versa) to quality urban environments. It is therefore likely to act as a significant constraint on development. Furthermore, the objective repeats elements of Objective O2, and is not needed to support P2B, such that its inclusion is considered unnecessary in the pNPSUD.

Proposed Policy P2A addresses planning decisions and consent decisions. The matters in (a)-(d) reflect the existing PA3. However, the proposed policy

O2: To enable quality urban environments that enable make it possible for all people, whanau, communities and future generations to provide for their well-being, including by:

(a) offering ensuring people can access to a choice of homes that meet their demands physical and social needs, jobs, opportunities for social interaction, high-quality diverse services and open space

(b) providing businesses with economies of scale, with access to many consumers, suppliers, skilled people and sources of innovation

(c) using land, energy and infrastructure efficiently

(d) responding to changing conditions (eg demographics), that lead to changing needs and conditions needs for housing and business land.

O3: To enable development in locations and in ways that maximise its positive contribution to, and minimise its negative impact on, quality urban environments.

P2A: (1) When making planning decisions that affect urban development, and the way and rate at which development capacity is provided, local authorities must have particular regard to:

(a) enabling a range of housing dwelling types and locations, working environments and business locations, including suitable accommodation and care for older people
does not address the efficient use of land and infrastructure (existing PA3(b)). The RVA considers that is a critical gap in the proposed policy.

The proposed policy directs local authorities to “have particular regard to” and “have regard to” the matters set out in the policy for planning and consenting decisions respectively. The RVA considers the difference between the directiveness of this policy as it relates to planning decisions and consent decisions is likely to lead to unnecessary debate. Further, the directiveness is already inbuilt into the RMA which requires plans to “give effect to”, and resource consent decision makers to “have regard to”, national policy statements.

The RVA supports in principle Policy 2A(a) (and (c)) to enable (or provide) a “range of dwelling types and locations”. However, the use of the different terms “enable” and “provide” in this policy, and the use of “homes” in Objective 2(a) and “dwellings” in this policy, is likely to lead to unnecessary debate.

The RVA generally supports proposed Policy 2B. This policy will help to ensure the positive effects of urban development are given due weight, and to ensure broader scale effects are given due weight (rather than decisions more heavily weighting local effects, which are often more strongly expressed through “nimby” public submissions).

(b) limiting as much as possible adverse impacts on the competitive operation of land and development markets.

c) promote the efficient use of urban land and development infrastructure and other infrastructure.

(2) When making decisions on consent applications that affect urban development, and the way and rate at which development capacity is taken up, decision makers should have regard to the need, consistent with this NPS, to:

4 (a) provide a range of dwelling types and locations, working environments and business locations, including suitable accommodation and care for older people.

4 (b) limit as much as possible the adverse impacts on the competitive operation of land and development markets.

c) consider the efficient use of urban land and development infrastructure and other infrastructure.

P2B: When making or updating policies, plans and strategies, local authorities must have particular regard to:

(a) the positive impacts contribution of urban development to the benefits quality urban environments as described in 02

(b) the benefits and costs of urban development at national, inter-regional, regional and district scale, as well as locally.
| **Amenity values in urban environments** | The RVA supports the policy intent of the pNPSUD to recognise that urban development does not only have adverse amenity effects on select individuals, but has broader positive amenity benefits for (current and future) communities.

Retirement villages are often impacted by a perception of negative amenity effects on surrounding neighbours, in preference to the benefits they will provide for future residents, as discussed above. Retirement village operators know that moving into a village gives a resident a new lease on life, where they can appreciate and engage in their environment once again. The RVA considers the heavier weighting that is often given to the ‘present state’ in RMA decision-making does not recognise the changing demographics and needs of communities. While some individuals may oppose the development of a retirement village in their neighbourhood, they often report that a retirement village is a ‘good neighbour’ once established.

The RVA supports proposed **Objective 4 and Policy 3A**. In particular, it supports recognition that amenity values vary among individuals and communities, and change over time.

However, the RVA considers the proposed objective and policy are not sufficiently directive to correct the current bias towards the status quo. To achieve that outcome, district plan objectives and policies must anticipate change and be more flexible (ie not simply carrying over ‘Single House’ type zones that focus on protecting existing property owner expectations).

| Amendment | Amend the provisions as follows:

**O4:** Urban environments provide for the diverse and changing amenity values of individuals and communities.

**P3A:** (1) In making planning and consent decisions, decision-makers must recognise that amenity values:

- vary among individuals and communities;
- vary among housing typologies;
- change over time;

and identify the anticipated amenity values in each residential zone in accordance with PA(5).

(2) In making consent decisions, decision-makers must recognise the current and future amenity values of individuals and communities, acknowledging that existing amenity values may need to change over time to accommodate growth.

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| **Enabling opportunities for development** | The NPSUDC contains the concept of "sufficient, feasible development capacity". It recognises that development capacity must be commercially feasible to develop, and that not all feasible development opportunities will be taken up (Policies PA1, PC1, PC5, PC9, PC12). The RVA supports the retention of these matters within the pNPSUD, albeit using different terminology.

| Amendment | Amend the provisions as follows:

**O5:** ...

**P4A:** Local authorities must ensure at all times their plans enable at least enough development capacity that is feasible and likely to be taken up to meet the demand for housing dwellings (in terms of location, typology and...
The RVA generally supports proposed **Objective O5**, including the reference to the “diverse demands” for housing land. It is important that this objective and related policies are integrated with proposed Objective O2 and related policies, which are closely interlinked. As discussed above, this could be addressed by combining sections of the pNPSUD.

The RVA generally supports proposed **Policies 4A and 4D**. However, for the reasons set out above, the reference to “dwellings” is opposed. The RVA considers “housing” is a more appropriate term, and aligns with proposed Objective O5.

**Ensuring plan content provides for expected levels of development**

The RVA agrees in principle with the proposal that District Plans be required to describe the expected nature and type of development within each zone. However, it does not support the proposal that that outcome be achieved through zone descriptions that also detail the expected levels of amenity as set out in proposed **policies P5A – P5C**.

That approach will simply add another planning layer, not recognised by the RMA framework. The RMA framework already provides for objectives to identify the outcomes to be achieved, and policies and rules to implement those objectives. Section 32 also directs a cost benefit analysis that is framed by the objectives.

Amenity for neighbours to a site is generally achieved by a variety of planning controls – including height, setbacks, coverage, outlook space, etc.

Amend the provisions as follows:

**O6:** To ensure local authorities, *in planning processes*:

(a) make decisions on urban development based on the best available evidence

(b) respond promptly to evidence about changing demands for housing and business land

(c) identify the evidence on which decisions about urban development are made.

Price) and business land *(in terms of location, floor area and extent of land)* over the short, medium and long term. A local authority meets these obligations by ensuring:...

**P4B:** ...

**P4C:** ...

**P4D:** Every local authority must set bottom lines for the total amount of development capacity it must provide to meet the demand *(as determined under the most recent HBA)* for **dwellings/housing**. Bottom lines must:...

**P4E:** ...

**P4F:** ...

**P4G:** ...
These planning controls are often utilised as triggers for a proposed development to change activity status (i.e., from permitted to restricted discretionary), such that a more fulsome assessment of the potential effects of the development on amenity can be considered. As such, it is problematic to then try and describe in words what the expected level of amenity is for a zone when the planning process anticipates that developments outside of the permitted controls may be appropriate.

**P5A:** District plans must include, for each zone in an urban area, provisions that provide guidance on the generally expected types of development, and expectations for the management of anticipated neighbourhood amenity values. A zone description that describes the expected types and nature of development, (expected levels of amenity), consistent with growth identified in the FDS.

**P5B:** Territorial authorities must:

(a) make an assessment to ensure the objectives, policies, rules, and assessment criteria set out in district plans are individually and collectively consistent with the expected development for each zone as described in the zone description.

(b) enable the development of the zone to occur as described in the plan.

(c) monitor and report on whether development is occurring as described in the plan as a component of section 35 efficiency and effectiveness monitoring.

**P5C:** ...

**P5D:** When making planning decisions that affect the development of urban environments, local authorities must demonstrate analysis that includes:

(a) a clear articulation of the resource management matters issues being managed

(b) an independent expert assessment of the costs and benefits of different options for urban development and
### Providing for intensification

The RVA generally supports the policy intention for the pNPSUD to enable higher-density residential development in areas where the benefits of that density could be maximised. However, the RVA is concerned that the proposed policies fail to recognise the benefits of higher-density retirement village development. The proposed policies could unintentionally create hurdles for (rather than enabling) higher-density development.

The Discussion Document recognises access to jobs, to public and active transport, and to town centres as benefits of higher-density development. However, as explained above, retirement villages provide a range of on-site services and amenities for residents that cannot easily be provided at lower-density. Retirement village must locate in existing residential neighbourhoods because of the need for elderly people to ‘age in place’. They therefore do not necessarily fit a ‘centres and transport linkages’ density model. Further, an emphasis on public and active transport is often not appropriate for retirement villages, as many elderly people cannot access those transport options. The low availability of appropriate sites available means that following a ‘centres and transport linkages’ density model is often not possible.

The RVA is concerned that proposed **Objective O7 and Policies P6A-P6C** may create hurdles for higher-density development by promoting arguments as to whether those tests are met, and therefore whether residential intensification can be allowed. As discussed above, the pNPSUD will have a material influence on planning and consenting decisions. It is critical that the language is carefully chosen.

The Discussion Document sets out two options for a **Policy P6C** to direct intensification. Both options are based on a ‘centres and transport linkages’ density model, which does not fit all development types as set out above. The

<table>
<thead>
<tr>
<th>Add new policies:</th>
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<tbody>
<tr>
<td>P6x: Recognise the functional and operational requirements of different types of urban development.</td>
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<tr>
<td>P6x: Recognise that housing for older persons can require higher densities than typical residential development, and must be located in all residential areas and other areas compatible with residential uses.</td>
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</tbody>
</table>

Amend the provisions as follows:

**O7: To Recognise and provide for the benefits of urban intensification by allowing for increased density in areas where those benefits are best realised, including providing for housing choice, housing affordability, proximity to employment, proximity to amenities and services, minimising environmental impacts, [list others]**.

**P6A: Enable higher-density development, in circumstances where it will achieve the benefits identified in Objective O7, including especially in areas where there are one or more of the following**

(a) proximity to many employment opportunities  
(b) urban amenities and services are easily accessible by existing or planned active transport and public transport networks  
(c) high demand for housing
The RVA considers Option 1, with amendments, is more likely to enable higher-density residential activities. Option 2 sets out very specific requirements, which are arbitrary. It is likely to create hurdles for intensification, as discussed above.

The RVA supports in principle the proposal to require district plans to include Policy 6D that will have immediate impact on consent decisions. However, the proposed policy refers to "an area required under the NPS-UD to enable intensification". As set out above, the RVA considers a 'centres and transport linkages' density model does not provide for retirement villages.

(d) best use can be made of existing or planned infrastructure, services and facilities

(e) demand for housing that responds to the particular needs and characteristics of older persons.

P6B: Regional councils must include the following objective into their regional policy statements: To enable residential intensification that ensures the efficient use of existing urban land, infrastructure, services and facilities by providing for residential intensification.

P6C Option 1: descriptive approach

District plans must zone for higher-density residential activities within a suitable catchment area (ie, accessible by active transport modes) around frequent public transport stops and centres.

Higher-density residential activities are those with a concentrated bulk of buildings such as terraced housing and apartments.

P6C Option 2: prescriptive approach

District plans must:

(a) zone for high-density residential activities within an 800m walkable catchment of centres and frequent public transport stops, except where evidence demonstrates intensification should not be enabled; and

(b) zone all residential and mixed use areas within 1.5 km of city centres for high-density development.
High density is where there is a minimum overall density of 60 residential units per hectare.

P6D: Territorial authorities must include the following policy in their district plans:

When considering an application for a higher-density residential activity than is currently provided under this plan, the consent authority must have particular regard to whether:

(a) the site is in an area that is required under the NPS-UD to enable intensification would provide for the benefits in NPS-UD objective 7

(b) the development will provide more choice of housing.

<table>
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<tr>
<th>Providing for further greenfield development</th>
<th>The RVA supports in principle the proposed policy to require urban development to be provided for through a plan change where certain criteria are met. The criteria set out in the example policy cover a wide range of relevant considerations – from wellbeing benefits, impacts on natural areas, natural hazards, reverse sensitivity, to infrastructure. It is unclear how this policy would fit with the proposed National Policy Statement for Highly Productive Land given urban development “must” be provided for if the five criteria listed are met, and none of those criteria refer to highly productive land. It is also unclear how “protected areas or areas identified for restoration” in (b) would be interpreted. A narrow interpretation might be areas mapped in plans for protection, whereas a wider interpretation might be areas that are referred to in section 6 RMA. That lack of clarity could lead to unnecessary debate.</th>
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<tr>
<td>Amend the example policy to ensure that it is clear how it interacts with other statutory and policy directions.</td>
<td></td>
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<tr>
<td><strong>Removing minimum car parking requirements</strong></td>
<td>The RVA is relatively neutral on the proposal to remove minimum car parking requirements. Retirement village operators will likely continue to provide the number of car parks necessary to meet the needs of their residents regardless of district plan standards. Retirement villages have lower parking needs than standard residential development (because of lower car ownership rates), but parking is necessary component of villages (including because of mobility issues and to make it easy to visit retirement village residents). Operators generally rely on industry guidelines and their own experience, rather than district plan standards, to determine car parking requirements. However, the RVA notes that, while the pNPSUD proposes to remove minimum car parking requirements, consent authorities would still be required to assess the parking effects of proposals (where consent is required, and discretion extends to such effects). The removal of minimum parking requirements will mean that such assessments will be guided by industry guidelines alone, and not district plan standards. Consideration of parking more generally is needed to achieve the policy intent.</td>
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<tr>
<td><strong>More directive intervention to enable quality urban development</strong></td>
<td>The Discussion Document seeks feedback on the removal of certain rules from district plans (eg height, height in relation to boundary, site coverage) (Standards). The RVA considers the proposal to prohibit the use of Standards needs to be considered in the context of both permitted activities, and activities requiring consent. The Standards are helpful where they allow district plans to provide for permitted activities. Where activities require consent (as is the case for most retirement villages), the Standards are not necessary as matters of discretion can ensure the relevant effects are considered. Nevertheless, the Standards can be useful for both applicants and council officers assessing the relevant effects. For example, a development that complies with height and height in relation to boundary requirements is likely to be assessed as having less than minor effects and be processed without notification. Ensure that district plans specifically preclude consideration of parking effects for any restricted discretionary, discretionary or non-complying activity. Add retirement housing specific policies to the pNPSUD as set out above to acknowledge their distinctive characteristics and requirements. Do not set baseline development expectations in the pNPSUD, the National Planning Standards are a more appropriate mechanism for addressing specific rules.</td>
</tr>
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</table>
The RVA considers a more useful approach would be to provide policy direction for activities that require consent to direct that comprehensively designed residential development may depart from bulk and location Standards. The Discussion Document seeks feedback on setting baseline development expectations for urban areas or zones. The RVA considers there are real risks in prescribing a baseline level of development, which may not be appropriate for all types of development and may inhibit variation in typologies. For example, a retirement village is often made up of a number of components – a main building, apartment buildings, townhouses – which can vary considerably in nature and function. That variation is an important element of ensuring quality amenity for residents and neighbours. The RVA considers it is appropriate for plan objectives to address this matter as set out above.

The RVA also considers any baseline level of development would need to be carefully drafted. For example, the proposed baseline of "buildings up to three of four storeys high, across an urban area or in a particular zone" could be read as a maximum. It is also similar to an AUP policy (H5.4(2) and H5.3(2)), which has created interpretation issues when applied to a single site. The phrase "planned suburban built character of predominately two storey buildings" (and "urban built character of predominantly three storeys") has been interpreted as restricting the height of development on one site, even though the AUP appears to envisage variation in typologies across the zone resulting in an overall character.

<table>
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<tr>
<th>Evidence for good decision-making</th>
<th>As discussed above, the RVA considers the pNPSUD should not use the term &quot;dwellings&quot; which may restrict the housing typologies considered.</th>
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<tr>
<td>Amend the provisions as follows:</td>
<td>O8: ...</td>
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<td></td>
<td>P8A: Local authorities must use independent expert evidence and information about the land and development markets for</td>
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</table>
**P8B:** Local authorities must monitor a range of indicators, including the following, on a quarterly basis, to ensure they are well-informed about their markets for housing and business development capacity, and urban development activity and outcomes:

(a) prices and rents for housing, residential land, and business land by location and type, and changes in these over time

(b) the number of housing units receiving resource or building consents relative to the growth in households

(c) the type and location of housing units receiving resource or building consents

(d) the housing price to cost ratio

(e) indicators of housing affordability

(f) available data on business land.

Local authorities must publish the results of their monitoring of indicators at least annually.

**P8C:** ...

**P8D:** ...
<table>
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<tr>
<th>Engagement on urban planning</th>
<th>No submission.</th>
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<tr>
<td>Coordinated planning</td>
<td>No submission.</td>
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<tr>
<td>Timing</td>
<td>As discussed above, the RVA was closely involved in the recent AUP and CDP processes. Those processes gave careful consideration to intensification. The RVA therefore considers it is unnecessary to require Auckland Council and Christchurch City Council to notify intensification plan changes within 18 months of the gazettal of the pNPSUD.</td>
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