

5 July 2024

Independent Hearings Panel  
Timaru PDP Review 2024



By email to: [pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)

### **TIMARU'S PROPOSED DISTRICT PLAN REVIEW RENOTIFIED 2024**

- 1 I am writing on behalf of the Retirement Villages Association of New Zealand (RVA) in relation to our submission on the Timaru District Council's (*Council*) Proposed District Plan (*PDP*).
- 2 The RVA lodged a written submission on the PDP dated 15 December 2022 (*2022 Submission*).<sup>1</sup> The 2022 Submission introduces the RVA. It provides an overview of the benefits of retirement villages and the retirement village supply crisis. It also addresses the National Policy Statement on Urban Development 2020 (*NPSUD*) and Canterbury Regional Policy Statement. That information is not repeated in this letter.<sup>2</sup> This letter focuses on the aspects of the 2022 Submission that have and have not been accepted in the Section 42A Report: Residential; and Commercial and Mixed Use Zones (*Section 42A Report*).

### **Submission points that have been materially accepted in the Section 42A Report**

- 3 The RVA supports the following recommendations contained in the Section 42A Report:
  - 3.1 Addition of express recognition of the functional and operational needs of retirement villages in GRZ-P3 and MRZ-P5 and the matters of discretion applying to GRZ-R11 and MRZ-R12.<sup>3</sup>
  - 3.2 Amendments to GRZ-P3 and MRZ-P5 and the matters of discretion applying to GRZ-R11 and MRZ-R12 to focus resource consent assessments on the impacts on the "anticipated" character, qualities and amenity values of the surrounding area, not the "current" environment.<sup>4</sup>
  - 3.3 Amendments to MRZ-O2 to acknowledge the zone comprises "a predominance of medium density housing, in a range of housing typologies".<sup>5</sup>
- 4 The RVA requests that the Panel accept these recommendations.
- 5 Further, the RVA notes that the Section 42A Report recommends restricted discretionary activity status for retirement villages in the General Residential Zone (*GRZ*) as well as the Medium Density Residential Zone (*MRZ*).<sup>6</sup> The RVA supported controlled activity status in the GRZ in the 2022 Submission. However, it does not

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<sup>1</sup> Submitter number 230.

<sup>2</sup> RVA, 2022 Submission, paragraphs 4-24.

<sup>3</sup> Liz White, Section 42A report, pages 30 and 32; GRZ-P3.1, GRZ-R11.6, MRZ-P5.1 and MRZ-R12.6.

<sup>4</sup> Ibid; GRZ-P3.1, GRZ-R11.2 MRZ-P5.1 and MRZ-R12.2.

<sup>5</sup> Liz White, Section 42A report, pages 44 and 53; MRZ-O2.

<sup>6</sup> Liz White, Section 42A report, pages 31 and 32; GRZ-R11 (note, it was controlled) and MRZ-R12 (note, this rule was not changed).

oppose restricted discretionary activity status, provided the other assessment matters sought in the 2022 Submission are accepted.

**Submission points that remain outstanding**

- 6 The Section 42A Report contains some recommendations that reject the request for a retirement village specific framework set out in the 2022 Submission (see **Appendix 2** of its **attached** 2022 Submission). The RVA considers the specific framework remains a more efficient and effective means of enabling retirement villages and therefore managing the housing supply crisis. A specific framework would send a strong message that development of retirement villages is encouraged in Timaru. Accordingly, the RVA continues to request all of the relief set on its 2022 Submission.
- 7 This letter focuses on the three key RVA requests that remain outstanding:
  - 7.1 Notification rules for retirement villages;
  - 7.2 The retirement village policy; and
  - 7.3 A matter of discretion that allows decision-makers to consider the benefits of retirement villages.

**Public and limited notification rules**

- 8 The 2022 Submission requests that:<sup>7</sup>
  - 8.1 Public notification is precluded for all resource consent applications for retirement villages in residential zones; and
  - 8.2 Limited notification is also precluded where the retirement village complies with the relevant built form standards.
- 9 As set out in the 2022 Submission, the delays, costs and uncertainties associated with notification processes is a key consenting issue faced by retirement village operators across the country.
- 10 The Section 42A Report does not accept this submission point and says it would be *"inequitable for notification to be precluded for breaches of standards where they apply to a particular activity only"*.<sup>8</sup>
- 11 The RVA considers the Council Officer's reasoning to be flawed. Inequity is not a relevant consideration in plan change processes: it is the merits of the proposed amendment which have relevance. Further, the Council Officer incorrectly assumed the RVA sought notification preclusions where there has been a breach of standards. The RVA sought limited notification to be applied to retirement villages for breaches of standards.
- 12 The convention of requiring limited notification for breaches of standards was adopted from the notification rules for other residential activities in the Enabling Housing Act.<sup>9</sup> The RVA acknowledges that the Council is not required to implement the Enabling Housing Act. However, the Council Officer has recommended adopting some MDRS provisions in other areas of the PDP, where it is appropriate in the

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<sup>7</sup> RVA, 2022 Submission, paragraphs 44-46 and Appendix 2.

<sup>8</sup> Liz White, Section 42A Report, page 31.

<sup>9</sup> RMA, Schedule 3A, clause 5.

Timaru context.<sup>10</sup> The changes sought by the RVA in relation to notification are supported within the Timaru context. Proportionate notification will support Timaru's growth and will benefit housing supply. The RVA considers its proposed amendments will provide a more equitable regime and is supported on its merits.

- 13 As explained in the 2022 Submission, the time for public participation is at the plan making stage where residential zones and appropriate/inappropriate activities for those zones can be clearly identified. Applications for residential activities that are anticipated in the relevant zone (i.e. through restricted discretionary activity status) should not be publicly notified.
- 14 Similarly, the RVA considers limited notification is only beneficial, and should only be allowed, where an application is in breach of the relevant standards and those breaches may have impacts on persons such as neighbours. Where standards are complied with, the effects are within the envelope anticipated under the plan, and notification should not be required.

***The retirement village policy***

- 15 The 2022 Submission supported the policies to "*recognise the benefits of, and provide for, retirement villages...*" in the PDP (GRZ-P3 and MRZ-P5), subject to some comments on the remainder of those policies. The Section 42A Report recommends amending those policies to read: "*Recognise the benefits of, ~~and provide for~~ retirement villages in providing a diverse range of housing and care options for older persons, and provide for them, where...*".
- 16 The RVA consider the amendment proposed by the Council Officer to the introductory text of GRZ-P3 and MRZ-P5 is out of scope. The proposed text is more restrictive than the policy provided in the plan as notified or the wording proposed by the RVA in our 2022 Submission. The RVA's proposed suite of policies sought to clarify some benefits related to retirement villages. It did not propose to restrict which benefits could be recognised. However, the Council Officer's recommendation narrows the field of benefits available for consideration.
- 17 While a key benefit of retirement villages is the housing and care options they provide for older persons, there are a range of other benefits that retirement villages provide. As set out in the 2022 Submission, retirement villages provide a number of positive effects, such as providing fit-for-purpose housing and care for a vulnerable sector of the population, providing security, companionship and peace of mind for residents, enabling older people to remain in familiar community environments for longer, freeing up dwellings located in surrounding suburbs and providing employment opportunities.<sup>11</sup> The RVA does not support the amendment to the introductory text of these policies commenting on one benefit only. It considers recognition of this benefit can be addressed through the matters of discretion addressed later in this letter.

***Matter of discretion - the benefits of retirement villages***

- 18 As the Panel will be aware, a decision-maker considering an application for a restricted discretionary activity is confined by the scope of the matters of discretion. Other district plans that have not listed the positive benefits of retirement villages within matters of discretion have resulted in unnecessary consenting challenges for operators due to positive effects not being within the scope of the matters of discretion. The RVA therefore considers it is important that

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<sup>10</sup> For example, see Liz White, Section 42A Report, pages 29 and 52.

<sup>11</sup> More specifically, see RVA, 2022 Submission, paragraphs 13-17.4.

the matters of discretion explicitly allow for consideration of the benefits of retirement villages. It should allow for consideration of all benefits.

**Next steps**

- 19 The RVA is happy to address any specific questions the Panel may have in response to this letter. The RVA looks forward to hearing your response to our letter.

Yours faithfully

**John Collyns**  
Executive Director

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