

BEFORE THE HEARINGS PANEL

IN THE MATTER OF

the Resource Management Act
1991

AND

IN THE MATTER OF

the Proposed Housing and
Business Choice Plan Change to
the Christchurch District Plan
(PC14)

**EVIDENCE OF STEPHANIE STYLES (PLANNING) ON BEHALF
OF SUMMERSET GROUP HOLDINGS LIMITED**

(Submitter 443)

Dated: 19 September 2023

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1 EXECUTIVE SUMMARY

- 1.1 Summerset Group Holdings Limited (*Summerset*) is a national retirement village operator. It owns and operates three existing retirement villages within Christchurch District. These are located in Wigram, Avonhead and Casebrook. These villages combined provide a living environment for more than 1,000 residents, with varying levels of independence and care. The villages typically contain a number of independent living units, serviced apartments, a central care building/s providing rest home, hospital and memory care levels; with associated carparking, landscape, recreational and servicing areas.
- 1.2 Summerset's interests within Christchurch City are primarily with ensuring the continued provision for the operation and maintenance of existing retirement villages, and the provision of clear and appropriate consenting pathways for the expansion of these villages and development of new villages on additional sites.
- 1.3 My evidence focusses on the provisions of Proposed Plan Change 14 to the Christchurch District Plan (*PC14*) relevant to the operations of Summerset.
- 1.4 The primary points raised in the submission by Summerset focus on the existing retirement villages owned and operated by Summerset. These relate to the zoning of the land associated with these three villages as notified in PC14, the activity status of retirement villages at these sites, and other provisions included in PC14 (as notified) which would apply to these villages. Further commentary is provided in the submission, in the context of Summerset continuing to investigate opportunities for future development in and around Christchurch.

2 **QUALIFICATIONS AND EXPERTISE**

- 2.1 My name is Stephanie Styles. I hold the position of Senior Resource Management Planner with the environmental consultancy firm Boffa Miskell Limited, based in the firm's Christchurch office. I have been employed by Boffa Miskell since 2004.
- 2.2 I hold a Bachelor of Planning (Hons) from Auckland University. I am also a full member of the New Zealand Planning Institute. I have over 25 years' experience in planning and resource management. I am an accredited commissioner and hold an IAP2 International Certificate in Public Participation.
- 2.3 I have been a planning consultant based in Christchurch for over 25 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, central government, land developers, and the infrastructure and power sectors. Prior to that I worked in local government.
- 2.4 My experience includes preparing and processing resource consent applications, statutory planning and policy preparation, and public consultation processes. I have provided advice on a broad range of developments and resource management issues to councils and a variety of clients, a number involving presenting evidence before councils, and the Environment Court. I also have extensive experience in assisting with, and advising on, plan preparation under the RMA.
- 2.5 I have been providing planning advice (both policy and consents based) to Summerset for a number of years and across most of the South Island and am therefore familiar with its operations and the planning context that relates to its business. I assisted Summerset with reviewing PC14 and was involved in preparing its submissions and further submissions on such. I have read the relevant plan change material including s32 and s42A reports.

3 **CODE OF CONDUCT**

3.1 I confirm that I have read the Code of Conduct for Expert Witnesses set out in the of the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

4 **SCOPE OF EVIDENCE**

4.1 My evidence is structured in the following manner:

- (a) A general discussion regarding the operation of retirement villages in New Zealand, and the importance of consideration of such when addressing the National Policy Statement on Urban Development 2020 (*NPS UD*) from a planning perspective.
- (b) Matters where submissions points from Summerset have been accepted by reporting officers, and I consider that no further evidence or conferencing is required.
- (c) Matters where it appears, but is not clear, that the submission points from Summerset have been accepted by reporting officers. This can be confirmed through conferencing.
- (d) Matters where there appears to be gaps in submission analysis by reporting officers or where the relief sought has been misunderstood or rejected. I expect that these matters can also be resolved through conferencing.

4.2 I have chosen to distinguish between points two and three above as, in some cases, the recommendations made by the reporting

officer are either not clear, are inconsistent (where the various submission points are addressed in more than one report and by different officers), or the recommended changes in the s42A reports differ to those contained in the track change version of PC14 available on the Independent Hearing Panel (*IHP*) website. I understand that the track change version of PC14 combines the recommendations of all reporting officers. I note that this was not initially available at the time the s42A reports were released.

- 4.3 A summary of the submission points, the relevant s42A report in which they have been addressed, and the associated officer recommendation/s is contained as **Appendix One** of my evidence.

5 **POLICY CONTEXT**

- 5.1 The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Amendment Act*) requires the Council to include Medium Density Residential Standards (*MDRS*) and to give effect to the NPS UD in its District Plan. The NPS UD sets the national direction for urban development across New Zealand and provides a framework for growth and expectations for development especially in the larger cities.
- 5.2 The Proposed Housing and Business Choice Plan Change (PC14) has been undertaken to give effect to the Amendment Act and to provide for increased housing density across large areas of Christchurch City. This plan change focuses on new zonings (aligned with the National Planning Standards), changes to rules to enable residential development and a series of Qualifying Matters (*QMs*) that restrict development for a variety of reasons e.g. to protect special values.
- 5.3 It is clear from the way that the notified version of PC14 has been framed that the intent of the plan change has been very much focussed on typical residential development – houses through to apartments. However, by virtue of the definition contained in the

National Planning Standards¹, retirement villages are residential in nature providing permanent residential accommodation for those living on the site. Therefore, the nature of residential activity is wider than typical residential development and includes other housing choices such as retirement villages. Indeed policy 1 of the NPS UD specifically addresses this point stating:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

(a) have or enable a variety of homes that:

(i) meet the needs, in terms of type, price, and location, of different households; and ...²

5.4 While retirement villages provide other amenities for residents, their primary function is residential in nature. These villages contribute to the residential housing stock within the City and meet the specific needs of the older population. I acknowledge that the Christchurch District Plan (*District Plan*) provides definitions of each of the terms 'residential activity' and 'retirement village'. I have included these in **Appendix Two** for reference and will discuss these in more detail later in my evidence.

5.5 In considering residential housing density, choice and growth, I consider that it is important to include consideration of retirement villages as part of the overall picture and the role those villages play. The way that PC14 (as notified) is framed does not provide this consideration and in addition, some of the wording used in the plan change is ambiguous in its application to retirement village activities.

¹ National Planning Standards (2019). 14. Definitions Standard. Retirement village: "means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities."

² National Policy Statement on Urban Development 2020, policy 1, page 10.

6 **SUBMISSION POINT ACCEPTED**

Summerset Cavendish Village – Zoning (submission points 443.10 and 443.11)

- 6.1 The submission by Summerset noted that in PC14 as notified, the Cavendish retirement village site was zoned partly Medium Density Residential and partly Future Urban zone (see snip of planning map in **Appendix Three**). The submission sought that the entire village have a consistent Medium Density Residential zoning to recognise the existing use of the land (see aerial photo in **Appendix Three**)³.
- 6.2 This matter has been dealt with in the s42A reports of Ike Kleynbos (report number 5) and Ian Bayliss (report number 12). Both report authors recommend that the submission point be accepted. Mr Kleynbos states *'that Council accept that extending the MRZ meets the rationale used for MRZ over the operative RNN areas as development has been granted and is underway'*.
- 6.3 I acknowledge the acceptance of this submission point and do not consider that any further evidence is necessary to address it. I note that the updated PC14 provisions reflecting s42A author recommendations do not include proposed amendments to the maps. On this basis I am relying on Christchurch City Council (CCC) to ensure that the correct mapping of the village, and corresponding delineation of zone boundaries, is undertaken in accordance with Summerset's submission.

³ Note the aerial shown in that appendix is out of date and the site is now fully constructed.

7 SUBMISSION POINTS POSSIBLY ACCEPTED

Application of Tree Canopy QM to Retirement Villages (submission points 443.1-443.8 and 443.14)

- 7.1 Summerset has opposed the tree canopy rule/QM to the extent that this applies to retirement villages. Whilst I acknowledge the intent of this QM is to balance the effects of intensification, I do not consider that the implications of this QM have been fully considered for activities such as retirement villages.
- 7.2 The District Plan includes specific provisions and a definition for retirement villages as a separate activity from residential activities. I have included the definitions of 'residential activity', 'residential unit' and 'retirement village' in **Appendix Two** of my evidence for reference. These specific provisions require the effects of retirement villages to be considered comprehensively. The design of a village requires the integration of residential and care components, common amenities (such as a café), internal roading, servicing and landscape treatment. This comprehensive design ensures that adequate landscaping and tree planting is incorporated into retirement village design. Further, the Villages are structured such that the entire village site is owned by Summerset, and individual residential units are not held in separate titles (i.e a Village is contained in a 'bulk lot' rather than a number of individual titles). The nature of retirement villages is that they will incorporate large areas of landscaping and considerable tree planting in order to create a pleasant environment for residents.
- 7.3 This submission point has been dealt with in the s42A report of Anita Hansbury. Ms Hansbury recommends that the submission be accepted in part. Ms Hansbury's reasoning is quite complex and appears to also cross reference to the evidence of Mr Kleynbos. The conclusion of the evidence appears to be that the

tree canopy rule should not apply to retirement villages. Ms Hansbury states:

Accordingly, I recommend that submission 443.1-.8 by Summerset Group Holdings Limited and 811.53 by Retirement Villages Association of New Zealand Inc., seeking deletion of the tree canopy rules or exemptions from these rules, be accepted in part to the extent that the tree canopy provisions are retained in Chapter 6.10A, the related tree canopy cover/FC rules in Chapter 14 landscaping rules are replaced with an advice note which provides for existing exemptions/bespoke landscaping rules in Rules to apply to retirement villages in MRZ and HRZ zone as they do in the operative Plan rules.⁴

7.4 Ms Hansbury has recommended that rules 14.5.2.2 and 14.6.2.7 be amended to add an advice note that states:

14.5.2.2 ~~Tree and garden planting~~ Landscaped area and tree canopy cover ...

Advice note:

1. In addition to these rules, the tree canopy cover and financial contributions requirements in Chapter 6.10A apply to residential development in residential zones resulting in one or more residential units, except where (c) or (d) applies.⁵

14.6.2.7 ~~14.6.2.6 Tree and garden planting~~ Landscaped area and tree canopy cover ...

Advice note:

1. In addition to these rules, the tree canopy cover and financial contributions requirements in Chapter 6.10A apply to residential development in residential zones resulting in one or more residential units, except where (d) applies.⁶

7.5 I note that despite the conclusion referencing only these two rules, Ms Hansbury has also added the advice note to the amendments for the tree and garden planting rules relating to the Residential Suburban Zone and Residential Suburban Density Transition Zone rule (14.4.2.2), Residential Hills Zone

⁴ Report 11, A Hansbury, paragraph 6.8.23, page 86.

⁵ Report 11, A Hansbury, paragraph 6.8.18, page 83, and Appendix 2 Part A, page 138.

⁶ Report 11, A Hansbury, paragraph 6.8.19, page 84, and Appendix 2 Part A, page 139.

(14.7.2.13), Residential Large Lot Zone (14.9.2.13), and Future Urban Zone (14.12.2.7)⁷.

- 7.6 Confusingly, Ms Hansbury has also recommended in her s42A report that there be an explicit clause added to rule 14.5.2.2 (but not 14.6.2.7) stating:

*d. Retirement villages are exempt from this rule.*⁸

This clause however has been re-worded in the s42A track change version of the MRZ chapter provided on the IHP website, now stating:

*d. Retirement villages are exempt from this rule, except in accordance with 14.12.2, in accordance with the advice note under 14.5.2 and associated controls.*⁹

- 7.7 In addition, another new clause has been added (that was not recommended in the s42A report) at the beginning of 14.5.2 Built form standards stating:

*3. Any retirement village activity shall instead be considered under 14.4.2 or 14.12.2 as they would apply under operative controls as at 16 March 2023.*¹⁰

- 7.8 Despite the advice note appearing in a number of chapters, the explicit clause only appears in one, and the inconsistency of this approach concerns me. I do not consider that it is appropriate to address this issue in two different ways. This differing approach has the potential to lead to confusion in interpretation of the Plan. I also note that this approach requires readers to then cross reference back to other chapters, further increasing the confusion.

⁷ I note that it appears that a range of changes have been made to residential zone chapters that do not appear to directly relate to residential intensification.

⁸ Report 11, A Hansbury, paragraph 6.8.19, page 84, and Appendix 2 Part A, page 139.

⁹ District Plan Text Amendments, 14.5 Rules – ~~Residential~~ Medium Density Residential Zone, 14.5.2.3, page 25, via IHP webpage filed 18 August 2023.

¹⁰ District Plan Text Amendments, 14.5 Rules – ~~Residential~~ Medium Density Residential Zone, Advice Notes, page 23, via IHP webpage filed 18 August 2023.

- 7.9 Of greater concern is that the advice note approach also appears to be premised on an assumption that retirement villages are not a residential activity. As I have noted in section 5 of my evidence, retirement villages provide residential accommodation and are part of the residential options provided to the people who live in Christchurch City. I do not agree with the assumption that retirement villages are non-residential activities, but I do agree that it is necessary to view them as a specific form of residential activity that is rightly enabled through specific plan provisions.
- 7.10 The way that the advice note is currently worded does not make it clear that it is intended that the tree canopy rule will not apply to retirement villages. The advice note refers to 'residential development' and 'residential units'. Both of these terms also apply to retirement villages as is evident from the District Plan definitions contained as **Appendix Two** of my evidence. I note that 'residential development', is not a defined term in the District Plan. This term is used in the advice notes which are intended to clarify the applicability of the tree canopy and financial contributions provisions (as outlined above).
- 7.11 As can be seen from these definitions, the term 'residential unit' is used in relation to both residential activities and retirement villages. The use of the same terms in the advice note could be interpreted such that the clause continues to apply to retirement villages as they include development of residential units. It is my understanding from a brief conversation with Mr Kleynbos that this is not what was intended by Ms Hansbury.
- 7.12 I consider that this matter could be resolved by confirmation from Ms Hansbury that the intent of her recommendation was that retirement villages be exempt from the tree canopy provisions under all applicable rules which are the subject of PC14. It is my opinion that the simplest way to effect this change would be through the addition of a specific clause (not the advice notes) in each relevant rule in Chapter 14, stating that retirement villages

are exempt from all the tree canopy rules. I do not consider that cross referencing needs to be made to specific rules which apply to retirement villages in this clause as this is an unnecessary repetition of other Plan provisions. I do consider that it is important that this exemption be applied consistently across all relevant rules¹¹. This would ensure clear understanding and consistent interpretation.

Activity Status of Summerset Retirement Villages (submission point 443.6¹²)

- 7.13 The zoning for two of the three established Summerset retirement villages (Wigram and Cavendish) is proposed to be altered from Residential New Neighbourhood to Medium Density Residential through PC14¹³. However, as a result of this proposed change in zoning, the activity status for retirement villages for these sites is proposed to alter from a controlled activity (assuming all the relevant performance standards are met) to a restricted discretionary activity.
- 7.14 I appreciate it is the intention of the Council to use the PC14 process to simplify zonings and to apply the standard zonings from the National Planning Standards throughout the City. The creation of the Medium Density Residential zone is proposed to amalgamate a number of zones under the operative Plan. However in the case of retirement villages, the amalgamation has resulted in some cases in more restrictive rules applying under the new zone (the Residential Medium Density zone) compared to the less restrictive rule under the previously operative zone (the Residential New Neighbourhood zone).
- 7.15 I consider that this change in activity status is likely unintended, is unwarranted and is unnecessarily restrictive of retirement

¹¹ Rules 14.4.2.2, 14.5.2.2 and 14.6.2.7, 14.7.2.13, 14.9.2.13, and 14.12.2.7.

¹² I note that the references in the various s42A reports seem to use the same submission point number for multiple points. There does not appear to be any master list of submission point references applied.

¹³ The Avonhead village remains zoned Residential Suburban.

villages and their contribution to residential development. As a general principle I consider that Summerset should not be disadvantaged as a result of the proposed zoning change and that there should not be more restrictive provisions applied given the purpose of the plan change is to enable residential development. I consider that the effect of requiring resource consent for such activities at a more restrictive activity status than currently exists is counter-intuitive to the provision of more housing and particularly increased choice in housing options. Whilst the Wigram and Cavendish villages have been established for some time and are operational, Summerset often requires resource consent for internal changes within its sites (some of which necessitate new resource consent applications or variations to existing consents). The application of more restrictive rules to these villages would place an unreasonable burden on Summerset, and is not justified on the basis of effects.

- 7.16 I also note that volume 1 of the s42A report refers to the recent Environment Court case *Waikanae Land Company v Heritage New Zealand Pouhere Taonga* [2023] NZEnvC 056. I agree with Ms Oliver's comments regarding scope under s80E of the Amendment Act in that report. Therefore, in my opinion, retirement villages should retain the same activity status in the MDRZ as they currently do in the Residential Suburban / Suburban Transition and Residential New Neighbourhood zones. This appears to be generally consistent with the recommendation of Mr Kleynbos in his s42A report as discussed below.
- 7.17 These submission points are dealt with in the s42A report of Mr Ike Kleynbos (report 5). He recommends that the Summerset submission is rejected in part on the basis of scope. I am unsure why he considers this is the case as it appears to be within the scope of the plan change to apply appropriate rules to the activities that enable residential density increases. My recommendation is that the activity status for retirement villages

within the Medium Density Residential zone be amended to controlled, with the application of the matters over which Council reserves its control also brought across to enable due consideration of such activities, consistent with the status quo.

7.18 However, Mr Kleynbos goes on to state:

*I consider modifying such control beyond the scope of applying MDRS. However acknowledge that an error has been made in how this has been applied. I recommend that the operative 14.4 sub chapter rules for retirement villages are applied.*¹⁴

7.19 I assume that this is intended to essentially accept the relief sought by Summerset, such that the existing retirement village rules will be applied. However the way in which this conclusion is to be applied to the rule framework is unclear in the s42A report. Further I note that the operative 14.4 sub chapter rules apply only to the Residential Suburban and Residential Suburban Density Transition Zones.

7.20 The track change versions of the chapters as amended by the recommendations in the s42A reports were added to the IHP website on or about 18 August 2023. In reviewing the Medium Density Residential Zone chapter I have noted that some additional clauses have been added at the beginning of the various rules sections stating:

14.5.1.1 Permitted activities ...

*c. Any retirement village activity shall instead be considered under 14.4.1.1 or 14.12.1.1 as they would apply under operative controls as at 16 March 2023.*¹⁵

14.5.1.2 Controlled activities ...

¹⁴ Report 5, I Kleynbos, paragraph 10.2.20, page 130.

¹⁵ District Plan Text Amendments, 14.5 Rules – Residential Medium Density Residential Zone, 14.5.1.1 Permitted activities, page 1, via IHP webpage filed 18 August 2023.

d. Any retirement village activity shall instead be considered under 14.4.1.2 or 14.12.1.2 as they would apply under operative controls as at 16 March 2023.¹⁶

14.5.1.3 Restricted discretionary activities ...

c. Any retirement village activity shall instead be considered under 14.4.1.3 or 14.12.1.3 as they would apply under operative controls as at 16 March 2023.¹⁷

14.5.1.4 Discretionary activities ...

b. Any retirement village activity shall instead be considered under 14.4.1.3 or 14.12.1.3 as they would apply under operative controls as at 16 March 2023.¹⁸

7.21 In addition, the track changes record the recommendation for the removal of retirement villages as a restricted discretionary activity from the table under clause 14.5.1.3 as follows:

RD2	Retirement villages	a. Retirement villages—Rule 14.15.9
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7.22 In this regard, I consider that the cross-reference clauses that have been recommended in the s42A reports are excessive and potentially have the effect of implying different activity status outcomes than intended. The only operative provisions relevant to retirement villages in these zones are the following:

- a) a **Permitted** activity status in the Residential Suburban / Suburban Transition Zone under rule 14.4.1.1 P7, and then **Restricted Discretionary** if not meeting the activity specific standards under rule 14.4.1.3 RD10, and

¹⁶ District Plan Text Amendments, 14.5 Rules – ~~Residential~~ Medium Density Residential Zone, 14.5.1.2 Controlled activities, page 11, via IHP webpage filed 18 August 2023.

¹⁷ District Plan Text Amendments, 14.5 Rules – ~~Residential~~ Medium Density Residential Zone, 14.5.1.3 Restricted Discretionary activities, page 12, via IHP webpage filed 18 August 2023.

¹⁸ District Plan Text Amendments, 14.5 Rules – ~~Residential~~ Medium Density Residential Zone, 14.5.1.4 Discretionary activities, page 19, via IHP webpage filed 18 August 2023.

¹⁹ District Plan Text Amendments, 14.5 Rules – ~~Residential~~ Medium Density Residential Zone, 14.5.1.3 Discretionary activities, page 13, via IHP webpage filed 18 August 2023.

- b) a **Controlled** activity status in the New Neighbourhood zone under rule 14.12.1.2 C1 and then **Restricted Discretionary** if not meeting the activity specific standards under rule 14.12.1.3 RD3.

7.23 My recommendation is to simplify the references as follows:

14.5.1.1 Permitted activities ...

c. Any retirement village activity shall instead be considered under 14.4.1.1 P7 as applies under operative controls as at 16 March 2023.

14.5.1.2 Controlled activities ...

d. Any retirement village activity shall instead be considered under 14.12.1.2 C1 as it applies under operative controls as at 16 March 2023.

14.5.1.3 Restricted discretionary activities ...

c. Any retirement village activity shall instead be considered under 14.4.1.3 RD10 or 14.12.1.3 RD3 as they apply under operative controls as at 16 March 2023.

7.24 If the clauses are corrected to cross reference the correct provisions as I have noted above, this would resolve the issue of the status quo activity status for retirement villages in the MDR zone.

Summerset Cavendish Village – Waterway Setback QM (submission points 443.12 and 443.15)

7.25 The natural hazards and waterbodies QM incorrectly identifies the location of a waterway within the Summerset Cavendish Village site as shown on the snip of the planning map contained as **Appendix Three** of my evidence. This waterway was a drain which no longer exists due to the development of the retirement village (see aerial photo in **Appendix Three**). Summerset lodged a submission seeking this QM notation be removed from the planning maps.

- 7.26 Summerset also lodged a further submission in support of CCC (submission point 751.21) which seeks to remove the mapping of waterways as a number of these are incorrectly mapped.
- 7.27 This matter has been dealt with in two of the s42A reports:
- a) Report number 9 by Brittany Ratka, and
 - b) Report number 11 by Anita Hansbury.

These report authors have made conflicting recommendations:

- 7.28 The report by Ms Ratka recommends that the submission point is rejected based on advice provided by Brian Norton. It appears that Ms Ratka and Mr Norton have mistakenly considered that the submission was related to the large stormwater area and connected waterways to the west of the retirement village rather than the waterway shown as running through the site. It is noted that Ms Ratka acknowledges the recommendation of Ms Hansbury to remove the waterway QM from the site.
- 7.29 The report by Ms Hansbury has correctly understood that the submission relates to the waterway shown within the site and recommends that the submission point be accepted, on the basis that the waterbody has been removed from the site at 147 Cavendish Road (through resource consent). Ms Hansbury recommends removing the waterbody setback QM overlay from the maps in favour of relying on the existing Chapter 6 setback rules where those apply.
- 7.30 Subject to Ms Ratka and Mr Norton considering the waterway that was referenced in the Summerset submission and agreeing with Ms Hansbury that this waterway (which no longer exists) not be identified as a QM, this submission point would appear to have been resolved. Again, I note that the updated PC14 provisions reflecting s42A recommendations do not include proposed amendments to the maps. On this basis I am relying on CCC to

ensure that removal of the waterway is undertaken as sought in the Somerset submission.

8 **SUBMISSION POINT NOT FULLY ADDRESSED**

Somerset Avonhead Village – Planning map (submission point 443.13)

- 8.1 The Somerset Avonhead Village was established by way of resource consent granted in June 2018. It is located on Hawthornden Road, in the vicinity of the Avonhead Memorial Cemetery. The site is zoned Residential Suburban and the current 50dBA Ldn air noise contour, as shown in the planning maps notified as part of PC14, extends roughly through the centre of the site currently owned by Somerset. The village has been developed beyond this contour – hence the curved spatial extent of the village layout which aligns with the Residential Suburban zone.
- 8.2 As can be seen in **Appendix Four**, for many years there have been discrepancies in the position of the 50dBA Ldn noise contour on the site relative to the location of the zone boundary and this has been continued in the planning information included as part of PC14. Somerset's submission simply requested that the air noise contour was consistently applied within the site in accordance with the boundaries identified on the planning maps forming part of the operative Plan and that this be corrected going forward. Somerset's submission does not seek to uplift the air noise contour from the site and does not seek any change to the zoning of the land. The retirement village is constructed and operational and this correction is sought to avoid confusion and any unnecessary complications in future.
- 8.3 It appears that this matter was intended to have been dealt with in the s42A report of Sarah Oliver (report number 1) insofar as it is listed in Appendix D of her report, which is the list of submission points and recommendations. That appendix records Ms Oliver's

recommendation that the submission point be rejected. However, I am unable to find any specific discussion of this submission point in the material included in Ms Oliver's report.

- 8.4 I wish to emphasise that the submission was lodged to correct a mapping inaccuracy. The plan change did not seek to alter the 50dBA Ldn contour as it relates to the site, and likewise the intention of the submission was not to amend the boundary of the 50dBA Ldn noise contour. As I have outlined, the site has been developed with the retirement village activity outside the 50dBA Ldn noise contour. This inconsistency needs to be corrected in the event that any further consent applications are required in respect of the retirement village in the future.

9 **CONCLUSION**

- 9.1 It would appear that most of the issues raised by Somerset in its submission have been accepted by Council reporting officers and that there are no particular points of contention that cannot be resolved by some clarification of wording (which can be obtained through conferencing).
- 9.2 Somerset retirement villages are an important part of providing housing choice and meeting residential needs within Christchurch and will provide part of the response to residential growth. Retirement villages need to be considered in the context of residential activities as a whole and enabled in the same way that typical residential dwellings are. While the focus of PC14 may have been intended to be narrow, its implications are broader, and I consider it important to address these wider issues at this time and in the context of providing for growth.

Stephanie Styles

APPENDIX ONE: Summary of submission points and recommendations

Chapter / provision	Submission point	Support / Oppose	Summerset’s reasons for submission	Relief sought	S42A Report	Officer Recommendation
Chapter 14 - Residential						
All provisions relating to tree canopy cover	443.1 – 443.8 and 443.14	Support in Part	<p>Summerset provides an extensive amount of landscape treatment, including substantial tree planting, as part of its developments), including any specific roading corridors developed as a result of associated subdivision (which is in some cases required to establish the bulk lot upon which a retirement village is established). The Plan contains specific assessment matters for retirement villages which include consideration of matters relating to site design, visual amenity and landscape treatment. These provisions further ensure that adequate landscaping and tree planting is incorporated into retirement village design.</p> <p>To avoid confusion associated with terminology and applicability of provisions, Summerset considers that the proposed tree canopy provisions relating to retirement villages are adequately provided for by other</p>	<p><i>Amend <u>all</u> tree canopy provisions as they apply to residential zones within Christchurch City to specifically exclude retirement villages. For example...</i></p> <p><i>14.5.2.2 Tree and garden planting Landscaped area and tree canopy cover ...</i></p> <p><i>c. For single and/or multi residential unit developments, <u>excluding retirement villages</u>, a minimum tree canopy cover of 20% of the development site area must be provided in accordance with the Chapter 6.10A rules. The tree canopy cover planting area may be combined with the landscaping area in whole or in part, may be located on any part of the development site, and does not have to be associated with each residential unit</i></p> <p><i>...</i></p> <p><i>f. All other sites shall include the minimum tree and garden</i></p>	<p>A Hansbury (report 11): Paragraphs 6.8.8 - 6.8.23, pages 79 – 86.</p> <p><i>“Accordingly, I recommend that submission 443.1-.8 by Summerset Group Holdings Limited and 811.53 by Retirement Villages Association of New Zealand Inc., seeking deletion of the tree canopy rules or exemptions from these rules, be accepted in part to the extent that the tree canopy provisions are retained in Chapter 6.10A, the related tree canopy cover/FC rules in Chapter 14 landscaping rules are replaced with an advice note which provides for existing exemptions/bespoke landscaping rules in Rules 14.5.2.2 and 14.6.2.7 to apply to retirement villages in MRZ and HRZ zone as they do in the operative Plan rules.”</i></p>	<p>Despite the conclusion reached in the report, the recommendations within the tables provided in appendix 3 to the report seem to have differing recommendations as follows:</p> <p>Points 443.1 /3 /4: Accept in part</p> <p>Points 443.2 /5 /6 /7 /8 /14: Reject</p>

Chapter / provision	Submission point	Support / Oppose	Summerset's reasons for submission	Relief sought	S42A Report	Officer Recommendation
			<p>provisions in the Plan and requests that these be deleted. The requirements for non-residential activities, together with the retirement village specific assessment, would be sufficient to ensure landscape and tree provision.</p> <p>Alternatively Summerset supports the position taken in the submission lodged by the Retirement Village Association in relation to this matter.</p>	<p><i>planting as set out in the below table:</i> <i>For all non-residential activities and retirement villages, except permitted commercial activities in the Sumner Master plan Overlay</i></p> <p>...</p>		
Retirement Village Activity Status – MDRZ/ Residential Suburban	443.9	Oppose	<p>The zoning for two of the three existing retirement villages operated by Summerset within Christchurch City (Wigram and Cavendish) is proposed to be altered from Residential New Neighbourhood to Medium Density Residential through PC14. These villages are fully operational. Summerset is required to undertake works within these villages from time to time which often necessitates the requirement to obtain a resource consent.</p> <p>As a result of the proposed change of the zoning, the activity status for retirement villages (assuming the relevant performance standards are met) for these sites is proposed to</p>	<p>Amend the rules in relation to retirement villages and delete rule RD2, replacing this instead with a new controlled activity status provision (C3).</p> <p>Amend all references to matters of control for retirement village within the zone to 14.15.10.</p>	<p>I Kleybos (report number 5): Table on page 128 Paragraphs 10.1.19, page 130 Appendix A, page 25</p> <p><i>“I consider modifying such controls beyond the scope of applying MDRS. However, acknowledge that an error has been made in how this has been applied. I recommend that the operative 14.4 sub-chapter rules for retirement villages are applied.”</i></p>	Reject in part: considered out of scope

Chapter / provision	Submission point	Support / Oppose	Somerset's reasons for submission	Relief sought	S42A Report	Officer Recommendation
			<p>alter from a <u>controlled activity</u> to a <u>restricted discretionary activity</u>. The matters over which the Council proposed to exercise control are identical to those over which the Council currently exercise control (noting that there is a numbering error in the proposed provisions).</p> <p>Somerset acknowledges the intention of CCC to standardise zoning, however considers that unnecessary consent requirements and costs should be avoided. Further, this change of activity status could hinder or limit future potential development rights. There does not appear to be any clear reasoning for the activity status to become more restrictive or any analysis of the costs or benefits of this impact. The nature and location of the zones does not change and increasing the level of restriction on development of retirement villages appears to be counter intuitive to the provision of more housing and particularly increased choice in housing options.</p> <p>It is further noted that retirement villages within the Residential</p>			

Chapter / provision	Submission point	Support / Oppose	Summerset's reasons for submission	Relief sought	S42A Report	Officer Recommendation
			<p>Suburban zone are provided for as a permitted activity, and it does not appear consistent to apply a more restrictive activity status within zones that anticipate a higher density of development.</p> <p>Summerset submits that provision should be made for retirement villages as either a permitted activity or a controlled activity at a <u>maximum activity level</u> status in the Medium Density Residential Zone, with the activity reverting to Restricted Discretionary Activity if the relevant performance standards cannot be met.</p>			
Planning Maps						
Summerset on Cavendish (Casebrook)						
Planning Maps 18 and 18A	443.10 and 443.11	Support in Part	The MDRZ zoning proposed to Summerset Cavendish village does not cover the entire site approved for such purposes (RMA/2018/1769). It appears that the zoning applied to the land was aligned with the original retirement village area but that village has been the subject of substantial extension to the north by way of resource consent (under the Residential New Neighbourhood	Extend the MDRZ zoning to the entire Summerset on Cavendish village (147 Cavendish Road, Casebrook, Christchurch) as shown on the maps contained Attachment A , and legally described as Lot 1 DP 519380 (record of title 815809).	I Kleybos (report number 5): Appendix D, page 86 and Appendix F, page 34 I Bayliss report (number 12): Paragraphs 8.8.25 – 8.8.27, pages 87-88.	I Kleybos: Accept I Bayliss: Accept

Chapter / provision	Submission point	Support / Oppose	Summerset's reasons for submission	Relief sought	S42A Report	Officer Recommendation
			zone) and has been constructed and is now operational. It does not appear logical or efficient to have part of the village zoned MDRZ and part zoned Residential Suburban.			
	443.15 and 443.12	Oppose	The natural hazards and waterbodies qualifying matter incorrectly identifies the location of a water body within the Summerset Cavendish village. The maps show an area as requiring a water body setback where there is no water body.	Remove the natural hazards and waterbodies qualifying matters from the Summerset Cavendish site.	B Ratka (report number 9): Paragraph 9.4.30, page 88. A Hansbury (report number 11): Paragraphs 6.9.14-6.9.15, pages 104-105	B Ratka: reject. A Hansbury: accept
Summerset at Avonhead						
Planning Maps 23 and 23A	443.13	Support in part	The position of the 50 dBA Ldn air noise contour is inconsistently shown on the various planning maps included as part of Proposed Plan Change 14. It is requested that this is consistently applied within the site in accordance with the boundaries identified on the current planning maps forming part of the Christchurch District Plan.	Amend the air noise contour identified in relation to the Summerset on Avonhead village (120 Hawthornden Road, Avonhead, Christchurch), Avonhead, and legally described as Lot 1 DP 516385 and Lots 1 and 2 DP 486786 (records of title 804889 and 802079) on all related planning maps in accordance with that shown on existing zoning maps forming part of the Christchurch District Plan (contained as Attachment B(iii)).	S Oliver (report number 1): Appendix D	Reject

APPENDIX TWO: Relevant Definitions from the Christchurch District Plan

Retirement village:

means any land, building or site that:

- a. *is used for accommodation predominantly for persons in their retirement, or persons in their retirement and their spouses or partners; and*
- b. *satisfies either of the following:*
 - i. *it is registered as a retirement village under the Retirement Villages Act 2003 or will be so registered prior to it being occupied by any resident; or*
 - ii. *it is a rest home within the meaning of s58(4) of the Health and Disability Services (Safety) Act 2001; and*
- c. *includes not less than two residential units; and*
- d. *may include any or all of the following facilities or services for residents on the site:*
 - iii. *a care home within a retirement village;*
 - iv. *a hospital within a retirement village;*
 - v. *nursing, medical care, welfare, accessory non-residential and/or recreation facilities and/or services.*

Residential activity:

means the use of land and/or buildings for the purpose of living accommodation. It includes:

- a. *a residential unit, boarding house, student hostel or a family flat (including accessory buildings);*
- b. *emergency and refuge accommodation;*
- c. *use of a residential unit as a holiday home where a payment in money, goods or services is not exchanged;*
- d. *house-sitting and direct home exchanges where a tariff is not charged;*
- e. *rented accommodation and serviced apartments not covered by clause (g) and where individual bookings are for a minimum of 28 consecutive days (except in the Specific Purpose (Golf Resort) Zone); and*
- f. *sheltered housing; but*

excludes:

- a. ...

Residential unit:

In all zones other than the Medium Density Residential zone and High Density Residential zone means a self-contained building or unit (or group of buildings, including accessory buildings) used for a residential activity by one or more persons who form a single household.

For the purposes of this definition:

- a. *a building used for emergency or refuge accommodation shall be deemed to be used by a single household;*
- b. *where there is more than one kitchen on a site (other than a kitchen within a family flat ~~or a kitchenette provided as part of a bed and breakfast or farm stay~~) there shall be deemed to be more than one residential unit;*
- c. *a residential unit may include no more than one family flat as part of that residential unit;*
- d. ~~*a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods; and*~~
- e. ~~*a residential unit may be used as a bed and breakfast or farm stay.*~~
- f. *a residential unit may be used for hosted visitor accommodation or unhosted visitor accommodation.*

Within the Medium Density Residential Zone and the High Density Residential Zone only, means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

APPENDIX THREE: Maps of Somerset Cavendish Village Site

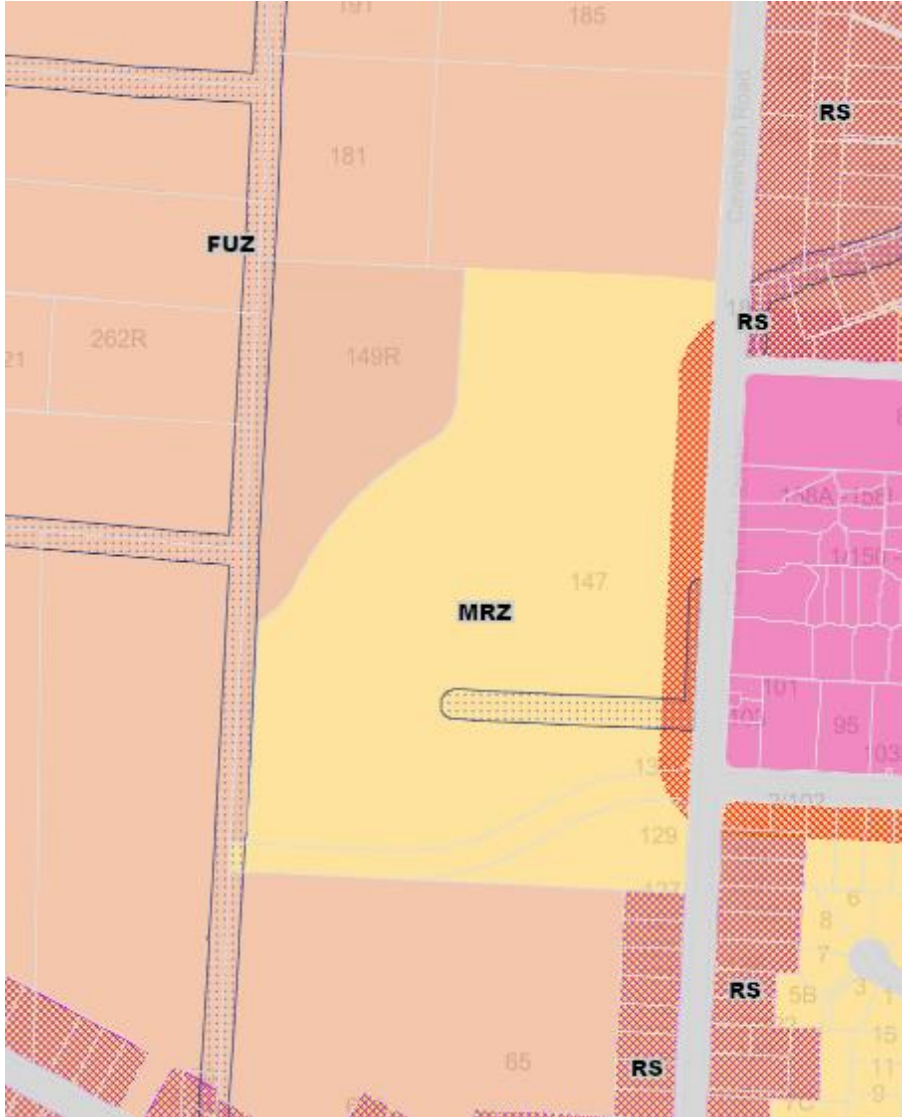


Figure 1: Snip from Planning Map 18, Plan Change 14 online interactive map version

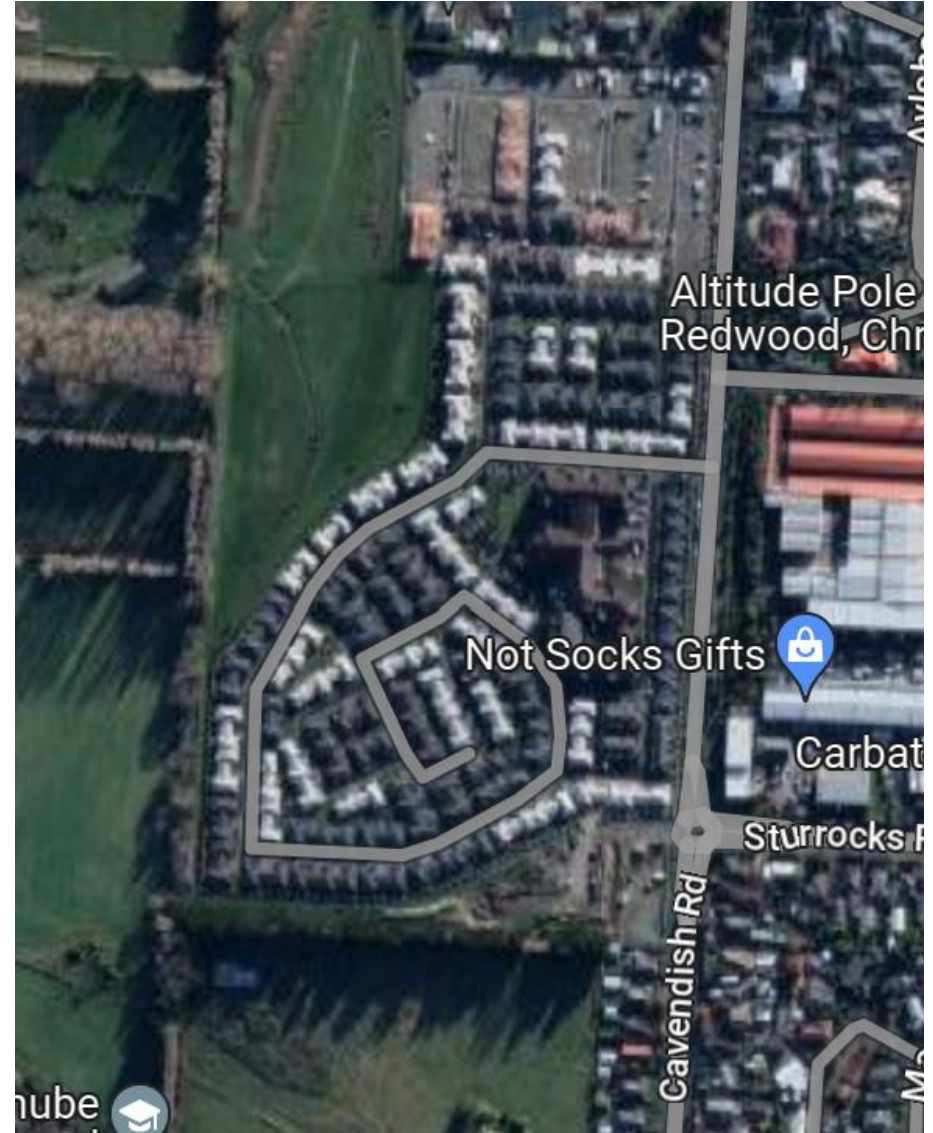


Figure 2: Snip from Google Maps

APPENDIX FOUR: Maps of Somerset Avonhead Village Site

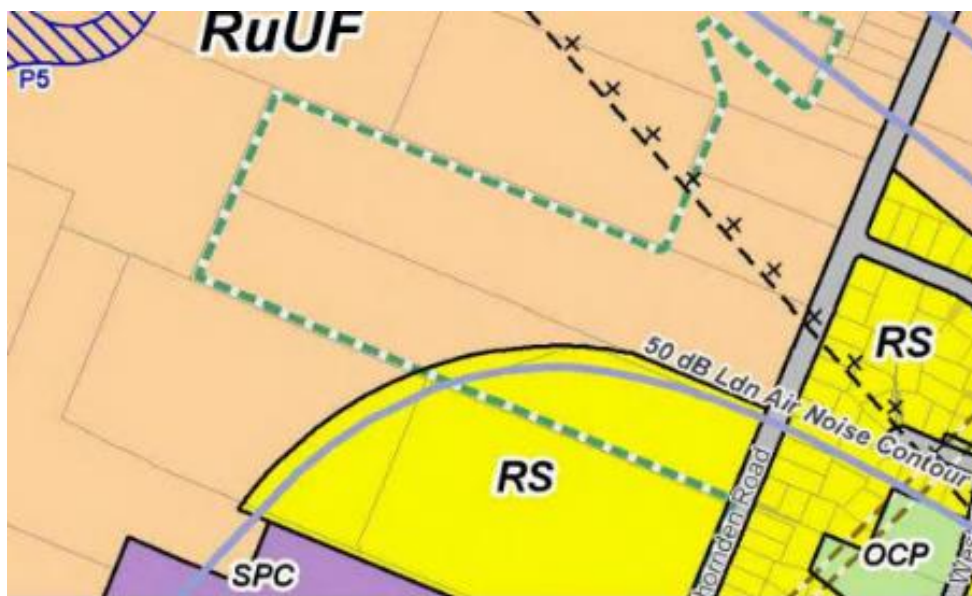


Figure 3: Snip from Planning Map 23, Operative District Plan

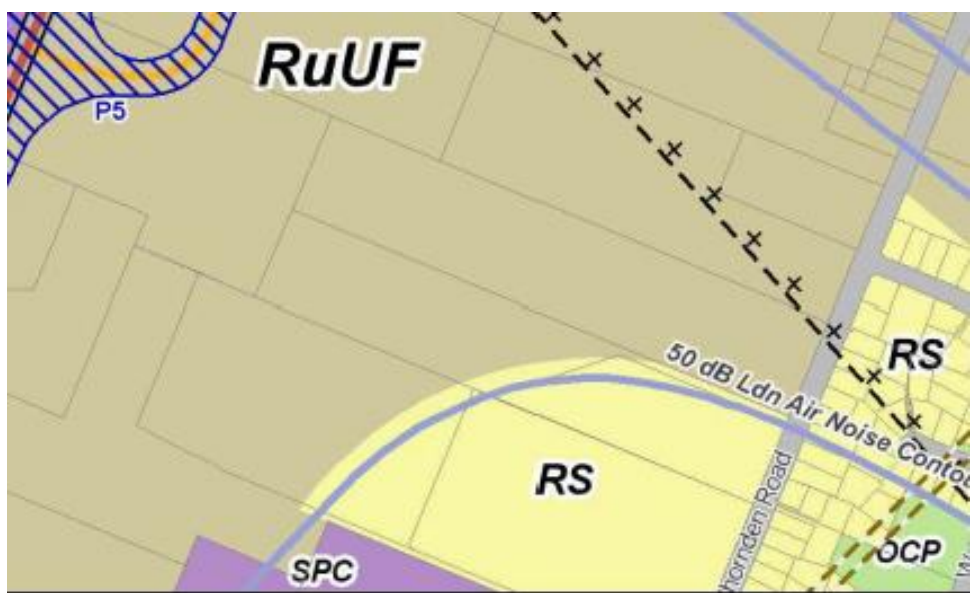


Figure 4: Snip from Planning Map 23, Plan Change 14 pdf map version

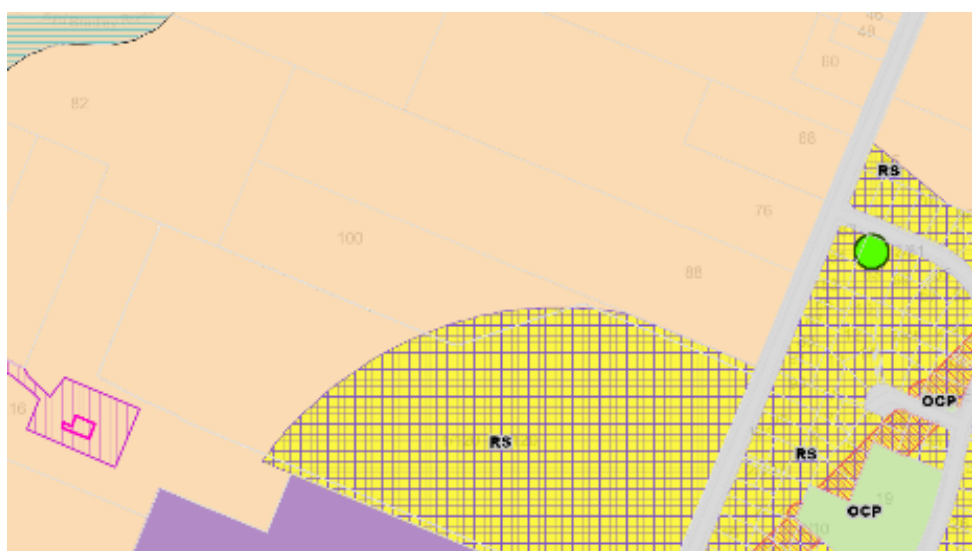


Figure 5: Snip from Planning Map 23, Plan Change 14 interactive online map version