

Before the Independent Hearings Panel
Christchurch

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

in the matter of: submissions and further submissions in relation to
Proposed Plan Change 14 to the Christchurch District
Plan

and: **Ryman Healthcare Limited**
(*Submitter 749*)

and: **Retirement Villages Association of New Zealand
Incorporated**
(*Submitter 811*)

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

Dated: 1 August 2023

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

- 1 This memorandum of counsel is provided on behalf of Ryman Healthcare Limited (*Ryman*) and the Retirement Villages Association of New Zealand (*RVA*) who are submitters on Proposed Plan Change 14 to the Christchurch District Plan (*PC14*). It responds to Minute 3 of the Independent Hearing Panel (*Panel*) relating to matters to be considered in advance of the pre-hearing meeting.¹

Preliminary legal issues including scope

- 2 Ryman and the RVA support Council's proposed approach that the Panel should not consider scope on a preliminary basis and should consider it as part of the substantive hearing on submissions.²

Feedback on draft hearing schedule and procedures

- 3 Ryman and the RVA support the Panel's desire to enable submitters to attend once to present to the Panel, either on issues most relevant to them, or at the commencement of the hearing (where submitters have broad submissions).³ Ryman and the RVA also support the ability for submitters to elect to present at the hearing topic most relevant to their submission points.⁴
- 4 Minute 3 directs that submitters and/or representatives presenting on behalf of a resident's association or community of interest group provide a written statement detailing group approval or delegation for representation at the hearings.⁵ It is unclear to the RVA as to whether this request applies to them. The RVA is an incorporated voluntary industry organisation that represents the interests of the owners, developers and managers of registered retirement villages throughout New Zealand. The RVA's Executive Director, Mr John Collins, will be appearing at the PC14 hearing on behalf of the RVA. The RVA is happy to provide a more detailed written statement as to delegation, beyond what has been provided above, if this would assist the Panel.
- 5 Ryman and the RVA note that Council has requested an exemption to the 10 page limit for opening legal submissions.⁶ It is submitted

¹ Minute 3 of the Independent Hearing Panel for PC14 (dated 10 July 2023).

² Memorandum of counsel for Christchurch City Council (dated 28 July 2023), at [12] and [26].

³ Minute 3 of the Independent Hearing Panel for PC14, at [17].

⁴ Minute 3 of the Independent Hearing Panel for PC14, Draft Hearing Procedures, at [49].

⁵ Minute 3 of the Independent Hearing Panel for PC14, at [78].

⁶ Memorandum of counsel for Christchurch City Council, at [65].

that a 10 page limit for Ryman and the RVA's opening legal submissions will be insufficient to provide an adequate opening and overview of its case. It is noted that a number of the legal points to be raised for PC14 will be similar to those raised in other Tier 1 Council's intensification planning instrument (*IPI*) hearings. Legal submissions provided on behalf of Ryman and the RVA in these IPI processes have been in the order of 20 pages or more. Counsel will endeavour to be as efficient and concise as possible in providing its legal submissions on PC14. Nevertheless, Counsel respectfully requests an exemption to the 10 page limit for opening legal submissions.

- 6 Council has requested that the draft indicative timeline makes specific provision for rebuttal evidence.⁷ Ryman and the RVA take no issue with the indicative timeline providing for rebuttal. That said, Counsel respectfully requests that any Council rebuttal be provided in advance of the due date for submitter legal submissions, with sufficient time to respond to any relevant legal matters raised.

Site visit

- 7 Ryman and the RVA understand that the Panel will conduct further site visits during hearings as they relate to issues raised in submissions.⁸ Ryman and the RVA would be happy to facilitate a site visit at a selection of RVA's member villages in Christchurch for the PC14 Panel and Council Officers. A formal memorandum offering a site visit will be lodged in due course.

Specific matters in response to Panel requests

- 8 Minute 3 requests certain information from submitters in relation representation at the hearing.⁹ The RVA and Ryman respond as follows (noting submitter numbers are provided on the intituling).
- 9 Mr Luke Hinchey and Ms Alice Hall will represent the RVA and Ryman at the PC14 hearing.
- 10 At present, Ryman and the RVA intend to call the following witnesses at the hearing for PC14:
- 10.1 Mr Collyns (Executive Director of the RVA). Mr Collyns represents the retirement village industry in forums such as council plan changes, in developing policy initiatives, responding to central or local government policies on behalf of the RVA's members, and commissioning research to support those positions;

⁷ At [68].

⁸ At [23].

⁹ At [29].

- 10.2 Mr Matthew Brown (General Manager – Development NZ, Ryman). Mr Brown manages and oversees the development of Ryman’s retirement villages across New Zealand. He is responsible for general management of Ryman’s NZ development team and consultant inputs into Ryman’s resource consent applications and plan submissions. Mr Brown also leads Ryman’s stakeholder and council engagement, as well as community consultation;
 - 10.3 Professor Ngaire Kerse (gerontology); and
 - 10.4 Mr Richard Turner (Planning).
- 11 Ryman and the RVA may also call the following witnesses at hearing for PC14:
- 11.1 Mr Greg Akehurst (economics); and
 - 11.2 Mr Leo Hills (transport).

Luke Hinchey / Alice Hall
Counsel for Ryman and the RVA
1 August 2023