

Appendix 3: Section 32 for the Provisions of the Proposed Retirement Village (requested by the Reporting Officer).

1. The Reporting Officer has asked the Applicant to provide a Section 32 Assessment (at Para 180 of her Report) because 'the proposal does not include a s32 analysis of the proposal to amend the SDP to include specific provision for a retirement village'. The Reporting Officer had identified what she considers to be a problem with the proposed rule that provides for the proposed retirement village as a Restricted Discretionary Activity. She states:

'The proposed amendment would not achieve the outcome sought by the proponent of a retirement village in this location being a restricted discretionary activity without consideration of other rules. Hospitals, hospices and other facilities providing 24 hour medical care are a discretionary activity (Rule 1.2.2.c) The erection of more than 2 dwellings on a site in a Living 1 zone is a discretionary activity (Rule 4.6.5) Comprehensive Residential Development (which includes retirement villages) in Medium Density areas covered by an Outline Development Plan is a restricted discretionary activity (Rule 4.12). I consider that the amendments that would be required to these other rules in order to achieve the outcome sought by the proponent are beyond the scope of this plan change'.

Section 32 Requirements

2. Section 32 of the Act includes the following requirements:
 - 1.(b)examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - (i) identifying other reasonably practicable options for achieving the objectives; and
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - (iii) summarising the reasons for deciding on the provisions; and
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
3. For the purpose of this evaluation the level of detail required is considered to be basic and an addendum to the main Section 32 accompanying the application. There are no new objectives in the proposal therefore the focus of this assessment is on Clause 2, having regard to the relevant existing Policies.

The issue

4. The Operative District Plan does not specifically provide for retirement villages (RVs). There is no definition and consequently the activity does not appear in the policies or rules, either for the District, or Darfield, and of course that means there is no activity status for these developments.
5. It could be considered that the Plan makes provision through one or more of the following:

As a Residential Activity which is defined as : means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

- a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site
 - b) Emergency and/or refuge accommodation
 - c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site
6. Retirement Village residents are unlikely be described as 'supervised living accommodation', other than where there could be security problems such as dementia

care units, but they are not 'detained'. Ms Carruthers has recommended adding Retirement Village to the definition of Residential Activity. In principal, I agree with this. The Operative District Plan definition of Residential Activity does not comply with the National Planning Standard, but a change to achieve compliance would be outside the scope of PC69. A RV would come within the NPS definition of Residential Activity which is:

'means the use of land and building(s) for people's living accommodation'

7. However, the relevant Living Zone rules refer to 'dwelling' and 'principal building' not 'residential activity'. A RV is not a 'dwelling' (except potentially the independent units). It could be a 'principal building'. It does not fit easily into the existing Living Zone rules structure. Under this option RVs would be a permitted activity subject to meeting the required standards. However, this provision has been rejected because it is inconsistent with the definition of residential activity in the National Planning Standard.

As a Comprehensive Residential Development:

8. These only apply to the Living L1A5 zone in Prebbleton.

As a Comprehensive Medium Density Development

9. This is described as 'four or more semi-detached or attached dwellings that are designed, clustered, and built in an integrated manner and built on a block of land identified for medium density housing on a *Living Z* Outline Development Plan or zoned Business 1.' Since the proposed Plan Change is promoting a Living 1 Zone this definition cannot apply. In any case, this typology does not cover the other elements typically included in a RV, and intended for the PC63 RV.

As a Small-lot Medium Density area

10. Small –lot Medium Density dwellings means smaller, individually designed houses built on small sections that are a minimum of 400m². Small-lot Medium Density typologies include standalone units, semi-detached and/or duplex units. Small-lot Medium Density housing provides for small houses on small lots. The anticipated typologies for small-lot Medium Density housing in the Selwyn District include detached and semi-detached. These lots can be developed individually by separate house builders using a variety of designs. RVs do not typically, if at all conform to these typologies.

Reasonably Practical Options

Option proposed by the Applicant in Plan Change

11. The proposed provisions are in essence an overlay on the ODP. This is a common technique for new greenfield developments where there are mixed densities for example where new Greenfield Priority Areas are being zoned in District/City Plans. For Christchurch this is the Residential New Neighbourhood Zone. The ODPs usually have a series of layers setting out bespoke standards and layouts for movement, greenspace, waterways/drainage and land use.
12. For Selwyn it appears to be the Living Z Zone (see Table A4.4 in the Operative Plan). The key difference is that the Christchurch ODPs have a narrative within the Subdivision Chapter Appendices containing the ODP while Selwyn's are contained within the body of the Towns Section. These zones (LZ) make provision for Medium Density areas shown on an Outline Development Plan and are subject to the Medium Density rules. The plan distinguishes between 'Small-lot' Medium Density housing and 'Comprehensive Medium Density Housing'. The LZ ODP at Prebbleton is an example. ODPs are not confined to LZ Zones in Selwyn, there are others in the Living 1 Zones but these seem to be more basic.
13. The proposal includes a new definition for Retirement Villages, which has been accepted by the Reporting Officer with a minor amendment to align it with the National Planning Standards. The definition is ringfenced to the proposed ODP so doesn't apply to anywhere else. (It is worth noting that the Proposed Selwyn Plan includes provision for the same (amended) definition).
14. The proposed standards are referenced back to the Definition so the term 'hospital' only applies to that Site. In other words what is proposed is a different activity to a 'hospital' as described elsewhere in the Plan. It is a hospital that is part of an integrated village and it not the sole purpose of the village. Similarly for the residential units.
15. The Retirement Village will create local employment opportunities for Darfield and surrounding area and will add value to the local economy. It is not practical to quantify these benefits.

Options to be evaluated – Objectives and Policies.

16. There are no proposed changes to the objectives and policies, apart from one bespoke policy relating to wastewater disposal (which has been rejected).

Options to be evaluated – Rules.

- a) rely on existing ODP provisions and don't show on ODP
- b) show on ODP DA
- c) Show on ODP RDA

Option 1 rely on existing ODP provisions and don't show on ODP

17. As there is no definition in the Plan for either 'Hospital' or 'Retirement Village' this option would involve relying on, and potentially amending, other parts of the Plan to establish the Retirement Village. It would seem a very complex approach. Showing the retirement village on ODP provides greater clarity and certainty for affected parties regarding the intended use of the PC63. It also means effects of the retirement village have been assessed as part of the PC63 application (excluding urban design matters relating to the building design and site layout, not yet determined) e.g. traffic effects.

Option 2 – show on ODP but require a consent for a Discretionary Activity

18. Hospitals and hospices are a Discretionary Activity under Part C 1.1.2.2(c). This is in my opinion an appropriate Activity Status for a purpose built hospital in a residential zone given the bulk, traffic and other effects associated with these institutions. The proposed Site however will mainly be occupied by residential uses and will be ancillary to the operation of the Site as a Retirement Village.
19. Discretionary Activity has been discounted as being overly restrictive given that a retirement village is residential in character and appropriately located in a residential environment and potential effects do not need an evaluation against the broader suite of criteria or conditions offered by a discretionary consent application. Given the site specific location on the ODP, effects other than those relating to the built form and site layout, have been assessed at the PC change stage. If the standards are not met then there may be an assessment against the standard not met (in most cases requiring a restricted discretionary activity).

Option 3 – show on ODP but require a consent for a Restricted Discretionary Activity.

20. Retirement Villages have become an accepted part of residential environments. With effective design controls they can comfortably fit into most urban residential settings with appropriate activity and built form standards. It is more efficient to use this method because it reduces transaction costs and increases certainty for developers. The matters of discretion is limited to those matters not assessed at the plan change stage i.e. urban design aspects.

Conclusion.

21. The Retirement Village is a bespoke Overlay (there is also a Medium Density Overlay), within a wider L1 environment. The activities are provided for through the definition and there is no need for any of the bespoke standards to create the need for consequential amendments. Option 3 is the preferred route because it is the most effective and efficient means of achieving the relevant Objectives and Policies in the Plan particularly Objective and Policy B4.1.1 i.e.

Objective B4.1.1

A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within Medium Density areas identified in an Outline Development Plan **and the Retirement Village shown on Appendix E41B Outline Development Plan,** where a high quality, medium density of development is anticipated.

Policy B4.1.1

- (a) Provide for a variety of allotment sizes for erecting dwellings in Living 1 Zones, while maintaining average section size similar to that for existing residential areas in townships, except within the Living Z Zone, including any Medium Density area identified in an Outline Development Plan **or the Retirement Village shown on Appendix E41B Outline Development Plan,** where a higher density of development is anticipated.