

Before the Independent Hearings Panel  
Waikato District Council

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*under:* the Resource Management Act 1991

*in the matter of:* Submissions and further submissions in relation to  
Variation 3 to the Proposed Waikato District Plan

*and:* **Retirement Villages Association of New Zealand  
Incorporated**  
(Submitter 107)

*and:* **Ryman Healthcare Limited**  
(Submitter 108)

Legal submissions on behalf of the **Retirement Villages  
Association of New Zealand Incorporated** and **Ryman  
Healthcare Limited**

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Dated: 21 July 2023

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Reference: Luke Hinchey (luke.hinchey@chapmantripp.com)  
Nicola de Wit (nicola.dewit@chapmantripp.com)

chapmantripp.com  
T +64 9 357 9000  
F +64 9 357 9099

PO Box 2206  
Auckland 1140  
New Zealand

Auckland  
Wellington  
Christchurch



## **LEGAL SUBMISSIONS ON BEHALF OF THE RETIREMENT VILLAGES ASSOCIATION OF NEW ZEALAND INCORPORATED AND RYMAN HEALTHCARE LIMITED**

### **INTRODUCTION**

- 1 These legal submissions are provided on behalf of the Retirement Villages Association of New Zealand (*RVA*) and Ryman Healthcare Limited (*Ryman*) in relation to Variation 3 to the Proposed Waikato District Plan (*District Plan*).
- 2 This Panel has already heard legal submissions from Ryman and the RVA on the legal framework relevant to intensification planning instruments (*IPI*), including the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*) and the National Policy Statement for Urban Development 2020 (*NPSUD*), in the context of the strategic hearing and Plan Change 26 to the Waipā District Plan (*PC26*). That content is not repeated<sup>1</sup> and these legal submissions focus on Variation 3 itself and the matters outstanding in the Council s42A rebuttal reports. It is noted that these matters have been substantially narrowed through productive discussions with counsel and planners for the Council, as reflected in Council's rebuttal statements.
- 3 The Waikato District houses a high number of retired people. Between now and 2048, the population aged 75 and over in Waikato is forecasted to more than double. The wider region is experiencing similar ageing population growth patterns. The shortfall of appropriate retirement housing and care capacity to cater for that population is already at a crisis point. Delays and uncertainty caused by RMA processes are a major contributor. The shortfall will continue to worsen unless district plans are amended to better enable retirement villages.
- 4 The Enabling Housing Act represents a significant opportunity to address the consenting challenges faced by the retirement sector, and accelerate the provision of housing and care for the ageing population. In fact, that outcome is directly in line with the expectations of both the Enabling Housing Act and the NPSUD. As the Panel is aware, the RVA is seeking greater national consistency across all Tier 1 urban environments to address the housing needs of older members of our communities.<sup>2</sup>

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<sup>1</sup> Legal submissions on behalf of the RVA and Ryman (dated 10 February 2023), at [5]-[22]. Legal submissions on behalf of the RVA and Ryman (dated 21 April 2023), at [15]-[45].

<sup>2</sup> Statement of evidence of N Williams (dated 7 July 2023), at [13].

- 5 The relief sought by the RVA and Ryman adopts the key features of the Medium Density Residential Standards (*MDRS*) for multi-unit residential activities. It has some necessary nuances, noting:
- 5.1 The objectives and policies have been further particularised to address the particular housing needs of the ageing population. The Council Officer has proposed a specific policy for retirement villages in its rebuttal. Elements of this proposed policy are not fit for purpose. The policy proposed by Ms Williams is better aligned with the MDRS, gives effect to the NPSUD, and appropriately recognises the functional and operational needs of retirement villages. Ms Williams' evidence also sets out the objective and further policies sought, and the reasons why these provisions should be inserted into Variation 3.
- 5.2 The activity status for the construction of retirement villages is restricted discretionary – consistent with the approach for other multi-unit development. This activity status is provided for in the Plan.
- 5.3 The industry seeks that the “use” of retirement villages be permitted to signal the importance of enabling retirement villages in residential zones and other appropriate zones.<sup>3</sup> While the Plan does provide for retirement villages as a permitted activity, the rule proposed by Council is subject to a number of standards which are overregulate retirement villages. The Council Officer has also recommended excluding particular standards from applying to retirement villages. The approach recommended by Ms Williams is more targeted. It includes some minor adjustments to the internal amenity density standards to support the unique unit types and internal amenities of retirement villages, with a supporting new definition of “retirement unit”. Ms Williams' approach is more consistent with the Enabling Housing Act. It adds to and supports the MDRS, rather than applying a broad exclusion as recommended by the Council Officer.
- 5.4 At present, Variation 3 does not provide notification presumptions for retirement villages. Notification presumptions are proposed to be the same as for other multi-unit residential developments.
- 5.5 The matters of discretion contained in Variation 3 are currently too broad and they preclude the consideration of positive effects. The matters of discretion proposed by Ms Williams are focussed on the positive benefits and potential

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<sup>3</sup> Statement of evidence of N Williams (dated 7 July 2023), at [26]. See in particular MRZ2-R1, LCZ-R4, COMZ-R4 and TCZ-R2.

adverse effects of retirement villages that the MDRS and NPSUD signal are of importance. They contain an appropriate degree of restriction while “encouraging” high quality design and ensuring attractive and safe streets.

- 5.6 Other objectives, policies and rules in the Plan (transport, noise, earthworks etc) will continue to apply as relevant.
- 6 Turning to the commercial zones, Council has clarified, and it is accepted by Ryman and the RVA, that the Local Centre Zone (LCZ) is not within the scope of PC9.
- 7 That said, Ryman and the RVA do seek a similar, enabling framework for retirement villages within the Commercial Zone (COMZ) and Town Centre Zone (TCZ) as that for the residential zones. Areas zoned TCZ and COMZ are within the ‘urban environments’ of Tuakau, Pookeno, Huntly and Ngaaruawahia. However, Council has not proposed any substantive changes to these zones. It is submitted that Council has accordingly not given effect to Policy 3 of the NPSUD within the COMZ and TCZ, as is required by sections 77N and 80E of the RMA.
- 8 It is noted that, subsequent to the publication of the Section 42A Report, the RVA’s planner met with Council’s Reporting Officer, to discuss the relief sought by Ryman and the RVA.<sup>4</sup> As a result of that meeting, the Council’s Reporting Officer has recommended several changes to Variation 3 in her rebuttal evidence.<sup>5</sup> The amendments do move Variation 3 in the right direction, but with respect they do not go far enough to address the retirement housing crisis described in the evidence of Mr Collyns, Professor Kerse and Mr Brown.
- 9 It is submitted that the RVA and Ryman’s proposed adjustments to Variation 3 will make Variation 3 clear and certain for users and move it into line with the new statutory and policy requirements. The provisions sought by Ryman and the RVA are more appropriate in terms of meeting the objectives of the RMA, as clarified in the NPSUD and the Enabling Housing Act. They are also more efficient and effective.
- 10 The RVA’s and Ryman’s evidence addresses these matters in further detail (noting much of this content will be familiar to the Panel):
- 10.1 **Mr John Collyns** provides corporate evidence for the RVA and addresses retirement village industry characteristics, demographic information, health and wellbeing needs of older

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<sup>4</sup> On 13 July 2023.

<sup>5</sup> Dated 19 July 2023.

people and the important role that retirement villages play in providing appropriate housing and care options;

- 10.2 **Mr Matthew Brown** provides corporate evidence for Ryman, highlighting his experience with planning and building retirement villages and the desperate need for more of them;
- 10.3 **Professor Ngaire Kerse** provides gerontology evidence addressing the demography and needs of the ageing population; and
- 10.4 **Ms Nicola Williams** addresses planning matters and comments on the section 42A Officer's report (*s42A Report*).

### **SCOPE OF SUBMISSIONS**

- 11 These submissions:
  - 11.1 Address the amendments to Variation 3 that are required to enable retirement villages, and why the RVA and Ryman position should be preferred by the Panel; and
  - 11.2 Address the outstanding issues as to scope for the relief requested by the RVA and Ryman.

### **AMENDMENTS TO VARIATION 3 TO BETTER ENABLE RETIREMENT VILLAGES**

- 12 In their submissions on Variation 3, Ryman and the RVA seek a more enabling and responsive planning framework for retirement villages in the relevant zones. This regime was developed by industry experts to reflect the overall experience with consenting, building and operating retirement villages across New Zealand. The specific functional and operational needs of retirement villages are set out in the RVA and Ryman's evidence.
- 13 As explained by Ms Williams, the regime proposed by the RVA and Ryman is largely aligned with the planning approach for other multi-unit residential developments involving four or more dwellings.<sup>6</sup> It has some necessary nuances for internal amenity controls which better reflect on-site needs. All MDRS density controls that apply to manage external effects would also apply to retirement villages. The regime also does not seek to exclude any other Plan controls that manage the likes of earthworks, flood management, traffic, noise and hours of operation.
- 14 The policy and rule framework proposed by Ryman and the RVA ensures appropriate and proportionate assessment and

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<sup>6</sup> Statement of evidence of N Williams (dated 7 July 2023), at [113].

management of effects of the buildings and structures associated with retirement villages. Overall, the framework is tailored to:

- 14.1 Recognise the positive benefits of retirement villages and the need for many more of them;
  - 14.2 Focus effects assessments on exceedances of relevant standards, effects on the safety of adjacent streets or public open spaces, and effects arising from the quality of the interface between the village and adjacent streets or public open spaces to reflect the policy framework within the Enabling Housing Act. A degree of control over visual dominance effects is also acknowledged as appropriate; and
  - 14.3 Enable the efficient use of larger sites and the functional and operational needs of retirement villages to be taken into account when assessing effects.
- 15 The Council Officer initially did not address a large proportion of the submission points put forward by Ryman and the RVA in the Section 42A Report, or rejected them on the basis of a blanket statement that those submissions were out of scope, with no further explanation provided.<sup>7</sup> The Officer now accepts that amendments to the MRZ2 are within the scope of Variation 2. She has recommended some improvements to the provisions. However, Ryman and the RVA consider further amendments are necessary to the policy and rules in Variation 3 for retirement villages to better align with both the MDRS and the functional and operational needs of retirement villages.
- 16 These submissions do not comment on each individual submission point made by Ryman and the RVA. This analysis is covered in more detail in Ms Williams' evidence. We primarily address key matters.
- 17 It is encouraging that the Officer has acknowledged retirement housing is an important component of the District's communities and should be provided for in the Plan.<sup>8</sup> However, the Officer fails to appreciate that:
- 17.1 Retirement villages (including aged care rooms) as a whole are a residential activity with some notable differences to other residential activities. They should be provided for as a permitted/restricted discretionary activity in residential zones;

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<sup>7</sup> Section 42A Report, at [213].

<sup>8</sup> Section 42A Report – Addendum 1, at [30].

17.2 Retirement villages have unique functional, operational and other needs, that must be provided for to ensure clear and efficient consenting requirements; and

17.3 Due to these unique functional and operational needs, it is both appropriate and necessary to provide for retirement villages in all zones that anticipate residential activity.

**Retirement villages are residential activities, and need to be enabled through tailored policies and rules**

***Residential zones – MRZ2***

*Objectives and Policies*

18 As noted earlier, the Council Officer has recommended the insertion of a retirement village-specific policy in the MRZ2 chapter.<sup>9</sup> She prefers the policy currently included in the District Plan for the GRZ, over the policy recommended by Ms Williams in order to “*retain a consistent policy approach to retirement villages*” within the District Plan.

19 With respect, retaining consistency across the District Plan is not a sufficient reason to adopt a policy that is not fit-for-purpose. It is not consistent with the intent of the Enabling Housing Act to settle for the status quo, rather than improving the current planning framework.

20 It is submitted that the following elements of the proposed policy are not fit-for-purpose:

20.1 (b) *Promote visual integration with the street scene, neighbourhoods and adjoining sites*: This clause does not align with the MDRS direction to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance. The policy recommended by Ms Williams is more consistent with, and related to, the MDRS.

20.2 (e) *Provide high quality on-site amenity*: This clause requires (through the use of the word “*provide*”) high quality on-site amenity, and therefore does not recognise that operators are best placed to identify on-site amenity requirements. Mr Brown sets out the complex factors that impact retirement village design in his evidence. The policy recommended by Ms Williams uses the word “*encourage*” and is therefore more consistent with, and related to, the MDRS.

20.3 (f) *Integrate with local services and facilities, including public transport*: This clause is not aligned with the policy direction set out in the MDRS. In particular, the reference to public transport does not recognise that such services often do not

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<sup>9</sup> Section 42A Rebuttal Report (dated 19 July 2023), at [81]-[83].

meet the particular needs of retirement villages residents given their demographics, as set out in the evidence of Mr Collyns.

20.4 (g) *Connect to alternative transport modes to the LLRZ – Large lot residential zone, SETZ – Settlement zone, MRZ – Medium density residential zone, GRZ – General residential zone, TCZ – Town centre zone, LCZ – Local centre zone or COMZ – Commercial zone:* As for clause (f), this clause does not recognise that alternative transport modes often do not meet the particular needs of retirement villages residents.

21 It is submitted that the policy recommended by Ms Williams should be preferred as it is better aligned with the MDRS, gives effect to the NPSUD, and appropriately recognises the functional and operational needs of retirement villages.

22 The Council Officer has rejected the RVA and Ryman submission points seeking a new objective and other new policies.<sup>10</sup> The evidence of Ms Williams sets out the reasons why the Panel should insert these additional provisions into Variation 3.

*Rules – activity status*

23 Variation 3 provides for retirement villages as a permitted activity through MRZ2-R2. However, the permitted activity rule is subject to a number of standards (even with the amendments proposed by the Council Officer), and therefore does not provide clear direction that retirement villages are a residential activity that is expected and encouraged in MRZ2.

24 In contrast, MRZ-R1 permits residential activities generally, without any standards. Ryman and the RVA seek that “use” aspect of retirement villages is treated in the same way as other residential activities.

25 As Ms Williams sets out, this approach is not intended to result in adverse effects that are not properly managed. Ryman and the RVA seek a restricted discretionary activity status for construction of retirement villages, which will ensure the effects of the built form are appropriately managed.<sup>11</sup>

26 For these reasons, it is submitted that the Panel should prefer Ms Williams evidence, which recommends amendments to MRZ2-R1 to include retirement villages.

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<sup>10</sup> Section 42A Rebuttal Report (dated 19 July 2023), at [79]. See also statement of evidence of N Williams (dated 7 July 2023), at [23]-[25].

<sup>11</sup> Statement of evidence of N Williams (dated 7 July 2023), at [27].



*Rules – notification presumption*

- 27 Variation 3 does not provide notification presumptions for retirement villages. As set out in the evidence of Mr Brown and Ms Williams, issues associated with notification are a key driver of the protracted consenting processes that retirement villages often face.<sup>12</sup> It is therefore critical that Variation 3 provide clear directions as to notification.
- 28 The RVA and Ryman seek notification presumptions for retirement villages that align with those set out in the MDRS.<sup>13</sup> This approach will ensure that retirement villages are treated in the same way as other residential activities. The industry is not seeking special treatment.
- 29 For these reasons, it is submitted that the Panel should provide non-notification and limited notification presumptions for the construction of retirement villages in the MRZ2.

*Business zones – TCZ and COMZ*

- 30 The RVA and Ryman seek an objective and policy framework for retirement villages in the Business Zones that largely mirrors that in MRZ2. The reasons for this policy framework is addressed in the evidence of Ms Williams.
- 31 In the TCZ and COMZ, multi-unit developments have a restricted discretionary activity status, with a discretionary activity status applying where compliance with certain standards is not achieved.<sup>14</sup> Retirement villages would be considered as part of multi-unit developments in the absence of a retirement village rule.
- 32 As set out by Mr Collyns and Mr Brown, it is important that retirement villages are enabled in all zones that anticipate residential activity, given the shortage of appropriate sites.<sup>15</sup> Provision of retirement villages in the Business Zones is also required in order to allow people to 'age in place'<sup>16</sup> and assist in providing good amenity and access to other services.<sup>17</sup> The evidence of Ms Williams also explains that it will be clearer and more efficient to apply a similar framework for retirement villages in the Business Zones as in MRZ2.<sup>18</sup>

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<sup>12</sup> Statement of evidence of M Brown (dated 4 July 2023), at [70]-[72]. Statement of evidence of N Williams (dated 7 July 2023), at [117].

<sup>13</sup> Schedule 3A, cl 5, RMA.

<sup>14</sup> See LCZ-R15, COMZ-R17, TCZ-R12.

<sup>15</sup> Statement of evidence of J Collyns (dated 4 July 2023), at [81]-[84]. Statement of evidence of M Brown (dated 4 July 2023), at [62]-[67].

<sup>16</sup> Statement of evidence of J Collyns (dated 4 July 2023), at [79]-[80].

<sup>17</sup> Ibid.

<sup>18</sup> Statement of evidence of N Williams (dated 7 July 2023), at [39].

- 33 It is submitted that the application of a discretionary activity status to retirement villages in these zones is inappropriate. It is inconsistent with the Enabling Housing Act and NPSUD and particularly inappropriate for retirement villages given their effects can be appropriately managed through bespoke matters of discretion.

**Retirement villages are different, and require tailored standards and matters of discretion**

- 34 In the rebuttal report, the Council Officer agrees that “*not all MDRS should apply to retirement villages given their different functional and operational needs to individual residential units*” and that amendments are required to avoid interpretation issues.<sup>19</sup> However, the Council Officer does not agree with Ms Williams in relation to the approach to remedy those issues.
- 35 The Council Officer has recommended excluding particular standards from applying to retirement villages.<sup>20</sup> The approach recommended by Ms Williams is more nuanced. It amends the MDRS so that they appropriately apply to the different unit types and internal communal amenities provided by retirement villages, rather than applying a broad exclusion. The approach is therefore more consistent with the Enabling Housing Act. For this reason, it is submitted that the amendments recommended in Ms Williams’ evidence should be referred.
- 36 The Council Officer has not responded, in the rebuttal report, to the bespoke matters of discretion proposed by the RVA and Ryman for retirement villages. The matters of discretion contained in Variation 3 are so broad (including “*Measures to avoid, remedy or mitigate adverse effects*”) that they arguably do not restrict discretion in relation to adverse effects. They do, on the other hand, preclude the consideration of positive effects. It is submitted that the matters of discretion recommended by Ms Williams are proportionate for the type and scale of the effects arising from the construction of retirement villages and tailored to the effects of relevance in light of the MDRS and NPSUD. They also ensure the positive benefits of retirement villages are considered in decision making, which is consistent with the intent of the Enabling Housing Act and NPSUD. For these reasons, it is submitted that the Panel should prefer the evidence of Ms Williams in this respect.

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<sup>19</sup> Section 42A Rebuttal Report (dated 19 July 2023), at [84].

<sup>20</sup> Section 42A Rebuttal Report (dated 19 July 2023), at [86]. MRZ2-S7 (Outlook space per unit) and MRZ2-S11 (Ground floor internal habitable space) in particular.

**THE RELIEF SOUGHT BY THE RVA AND RYMAN IS WITHIN THE SCOPE OF THE IPI**

- 37 The s42A Report suggested the relief sought by the RVA and Ryman was outside the scope of Variation 3.<sup>21</sup> The Council Officer now agrees that amendments to the MRZ2 provisions are within the scope of the IPI process.<sup>22</sup> We have conferred with counsel for the Council and understand the Council takes no legal issue with scope in the MRZ2 provisions.
- 38 Accordingly, it is understood that the issue of scope now only relates to the LCZ, TCZ and COMZ provisions.
- 39 The RVA/Ryman legal submissions on PC26 addressed the legal position for scope within the ISPP.<sup>23</sup> Those legal submissions are not repeated and the following paragraphs apply the legal framework to Variation 3.
- 40 The Council has clarified that there are no areas zoned LCZ within the urban environments<sup>24</sup> of the Waikato District. Accordingly, it is accepted that the RVA and Ryman submissions on the LCZ chapter are not within scope.
- 41 However, it is submitted that the RVA and Ryman submissions on the TCZ and COMZ chapters are within scope, for the following reasons:
- 41.1 Areas zoned TCZ and COMZ are within the 'urban environments' of Tuakau, Pookeno, Huntly and Ngaaruawahia.<sup>25</sup>
- 41.2 The Council has not given effect to Policy 3 of the NPSUD in the TCZ and COMZ as is required by sections 77N and 80E of the RMA. Providing for intensification in the TCZ and COMZ is not optional for Council. It is a mandatory requirement of the Enabling Housing Act.

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<sup>21</sup> Section 42A Report, at [213]. Section 42A Report – Addendum 1, at [20]. Specific submission points are 107.1, 107.4-11, 107.18, 107.22, 107.23, 107.25, 107.36-38, 107.40-45, 107.50, 107.59-60 and 107.66-68.

<sup>22</sup> Section 42A Rebuttal Report (dated 19 July 2023), at [84] and [86].

<sup>23</sup> Legal submissions on behalf of the RVA and Ryman (dated 21 April 2023), at [84]-[108].

<sup>24</sup> 'Urban environment' means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: (a) is, or is intended to be, predominantly urban in character; and (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people (NPSUD, page 8).

<sup>25</sup> Section 32 Report – Volume 1 (September 2022), page 26.

41.3 Policy 3(d) requires building heights and densities of “urban form” that are “commensurate” with the level of commercial activity and community services:

- (a) The term “urban” clearly envisages both commercial and residential activities; and
- (b) What is “commensurate” to the level of commercial activities and services is context specific. In this case, in Business Zones there will be a population of older people within and adjacent to the area that wish to “age in place”, having continued access to the commercial activities and services provided by these zones. Accordingly, Variation 3 needs to provide for “building heights and densities of urban form” that specifically respond to the need to provide suitable and diverse housing choices and options for our ageing population.

41.4 “Related provisions” within section 80E should be interpreted widely for the reasons set out in legal submissions that the Panel has already heard.<sup>26</sup> The provisions sought by Ryman and the RVA either give effect to policy 3 or are “related provisions” as they support and are consequential on Policy 3.

41.5 The relief sought by the RVA and Ryman is ‘within scope’ based on the general principles established by case law (which existed prior to the Enabling Housing Act), applying to clause 6 as to whether a submission is ‘on’ a plan change<sup>27</sup> because:

- (a) The purpose of Variation 3 is incorporate the new MDRS and give effect to Policy 3 of the NPSUD.<sup>28</sup> The submissions are within the purpose statement.
- (b) While it is acknowledged that the Council did not seek to materially change the provisions in the Business Zones, in view of the mandatory statutory

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<sup>26</sup> Legal submissions on behalf of the RVA and Ryman (dated 21 April 2023), at [84]-[90].

<sup>27</sup> The leading authorities on when a submission is “on” a plan change are the High Court decisions in *Clearwater Resort Limited v Christchurch City Council* (HC, Christchurch, William Young J, 14/3/2003), *Option 5 Inc v Marlborough District Council* (HC, Blenheim, Ronald Young J, 28/9/2009) and *Palmerston North City Council v Motor Machinists* (HC, Palmerston North, Kos J, 31 May 2013). The Panel has acknowledged the relevance of *Clearwater* and *Palmerston North City Council* in Direction 11 (dated 11 April 2023) at [6]-[9].

<sup>28</sup> Section 32 Report – Volume 1 (September 2022), page 3.

requirements it should have. In that sense, the matter should have been dealt with in the section 32 analysis.

- (c) The submissions propose a reasonable and appropriate method to give effect to Policy 3 of the NPSUD, and therefore the Enabling Housing Act.
- (d) The Enabling Housing Act requirements and expectations for intensification were widely publicised. Anyone with an interest in the management of retirement villages or other residential activities in both residential and non-residential zones should have become involved in the plan-making processes. Further, Variation 3 was publicly notified, and Ryman and the RVA's submissions and further submissions were publicly available.

41.6 In any case, it is also submitted that the standard case law on scope and what it means to be "on" a plan change requires careful application in the context of the IPI as directed under the Enabling Housing Act. The legislative provisions are ultimately designed to ensure that a package of plan provisions that enable housing are included in the final IPI decision. The focus of scope enquiries should be the tests set out in the Enabling Housing Act, rather than pre-existing case law.

## **CONCLUSION**

- 42 Variation 3 must ensure that the District Plan specifically and appropriately provides for, and enables, retirement villages in the MRZ2 and Business Zones. Appropriate provision for retirement villages will meet Enabling Housing Act requirements, give effect to the NPSUD, and respond to the significant health and wellbeing issues created by the current retirement housing and care crisis.
- 43 The RVA and Ryman submit that their proposed provisions and relief sought are squarely within the scope of Variation 3 (with some minor exceptions noted above). They see no legal barrier to the retirement village provisions, as set out in the RVA's submissions, being considered as part of the various topics of Variation 3, and ultimately being part of the Panel's recommendation on Variation 3.
- 44 When compared to the Council's proposed provisions, Ryman and the RVA's approach involves reasonably practicable options to achieve the objectives of Variation 3 that are:
  - 44.1 more effective and efficient;

- 44.2 less restrictive, but with appropriate controls as necessary to manage adverse effects; and
  - 44.3 the most appropriate way to achieve the purpose of the RMA (which in this context is informed by the purposes of the NPSUD and the Enabling Housing Act).
- 45 Accordingly, Ryman and the RVA respectfully seek that the Panel recommends, and the Council accepts, the proposals put forward by Ms Williams on behalf of Ryman and the RVA.

**Luke Hinchey and Nicola de Wit**  
Counsel for Ryman and the RVA  
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