

Before the Independent Hearings Panel  
Wellington City Council

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*under:* the Resource Management Act 1991

*in the matter of:* Submissions and further submissions in relation to the  
Wellington City Proposed District Plan

*and:* Hearing Stream 2 (Residential)

*and:* **Retirement Villages Association of New Zealand  
Incorporated**

*and:* **Ryman Healthcare Limited**

Statement of Evidence of **Philip Hunter Mitchell** for Wellington  
Hearing Stream 2 on behalf of the Retirement Villages Association  
of New Zealand Incorporated and Ryman Healthcare Limited

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Dated: 16 March 2023

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**STATEMENT OF EVIDENCE OF PHILIP HUNTER MITCHELL ON  
BEHALF OF RYMAN HEALTHCARE LIMITED AND THE RETIREMENT  
VILLAGES ASSOCIATION OF NEW ZEALAND INCORPORATED**

**INTRODUCTION**

- 1 My full name is Philip Hunter Mitchell.
- 2 I have appeared before the Independent Hearings Panel with respect to Hearing Stream 1 of the Wellington Proposed District Plan (*Proposed Plan, Plan*) on behalf of Ryman Healthcare Limited (*Ryman*) and the Retirement Villages Association (*RVA*). Within that brief of evidence, I set out, in detail,<sup>1</sup> my qualifications and experiences as an expert planning witness. I do not repeat that here.
- 3 Notwithstanding the above, I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. I confirm that the issues addressed in this brief of evidence are 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.
- 4 I am familiar with the Proposed Plan, Hearing Stream 2 and Residential chapters, to which these proceedings relate. My firm prepared RVA's submission on this matter. It should be noted that Ryman has adopted the RVA submission for the purpose of these proceedings.
- 5 In preparing this statement of evidence I have reviewed the following documents:
  - 5.1 National Policy Statement on Urban Development 2020 (*NPSUD*);
  - 5.2 The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*);
  - 5.3 Wellington Regional Policy Statement (*WRPS*);
  - 5.4 Proposed Wellington District Plan (*Proposed Plan*) and accompanying Section 32 Part 1 Report;
  - 5.5 Submissions and further submission on behalf of the RVA and Ryman;

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<sup>1</sup> *Statement of Evidence of Philip Hunter Mitchell on behalf of Ryman Healthcare Limited and the Retirement Villages Association of New Zealand Incorporated, 7 February 2023, paragraphs 2-7.*

- 5.6 Section 42A reports relevant to Hearing Stream 2; and
- 5.7 The statement of evidence of Dr Farzad Zamani (dated 1 March 2023) and Shayna-Lucy Curle (dated 1 March 2023).

### **SCOPE OF EVIDENCE**

- 6 My evidence will:
  - 6.1 Briefly re-cap on the relevant matters relating to retirement villages via Hearing Stream 1 of the Proposed Plan;
  - 6.2 Discuss the key amendments I am recommending to the Residential Zone provisions and why I consider them to be necessary from a planning perspective;
  - 6.3 Comment on specific planning matters raised in the submissions that are relevant to Hearing Stream 2 and provide my response to the recommendations in the section 42A report; and
  - 6.4 Set out my conclusions.
- 7 A detailed description of Ryman’s activities and its interests in the Proposed Plan has been provided in submissions and evidence at previous hearings.<sup>2</sup>

### **EXECUTIVE SUMMARY / OVERVIEW**

- 8 This statement of evidence relates to the hearing on submissions with respect to Hearing Stream 2 – Residential Zones including:
  - 8.1 Part 1 – Overview and General Matters;
  - 8.2 Part 2 – High Density Residential Zone;
  - 8.3 Part 3 – Medium Density Residential Zone; and
  - 8.4 Part 6 – Design Guides.
- 9 In summary, as previously set out in the evidence presented at Hearing Stream 1 by Mr John Collyns, Mr Matthew Brown and myself, the submissions by Ryman and the RVA seek to ensure that the Proposed Plan provides a regime that:

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<sup>2</sup> *Statement of Evidence of Philip Hunter Mitchell on behalf of Ryman Healthcare Limited and the Retirement Villages Association of New Zealand Incorporated, 7 February 2023, paragraphs 17-21.*

- 9.1 Recognises and responds to the needs of an ageing population within Wellington City (*the City*); and
- 9.2 Adopts provisions that are fit for purpose for the functional and operational characteristics of retirement villages and their residents' housing care needs. Such a regime is considered important by the RVA and Ryman given the increasing demand for retirement living options in Wellington City - as explained in the evidence of Mr Collyns.
- 10 It is my view that the higher order planning framework is seeking to ensure that housing for all demographics is suitably enabled, and that it is not appropriate to expect the retention of existing residential amenity and character across a number of residential environments in the City. To this extent, it is not appropriate or realistic for the Proposed Plan to expect that the existing amenity of existing residential areas will be enhanced by new buildings.
- 11 Further, I consider it appropriate that the objectives and policies of the Proposed Plan provide specific direction as to the different housing typologies that may be necessary to support different demographics – which includes retirement villages and an understanding of their functional and operational needs.
- 12 Likewise, I consider that the use component of a retirement village should be provided for as a permitted activity in the same manner as other residential activities in the Proposed Plan. This approach would avoid potential debate about whether retirement villages are an appropriate land use in residential areas of the City. The development aspects should be assessed as a restricted discretionary activity consistent with other multi-unit residential proposals.
- 13 In that regard, I am supportive of the Reporting Officer's recommendation to provide standalone matters of discretion for retirement villages. However, I consider that further amendments are required to the matters of discretion. The Proposed Plan as notified, goes further than I consider is appropriate by requiring assessment against residential design guidelines. In the context of the material change in the assessment and relevance of density effects brought about by the Enabling Housing Act and the more permissive and enabling policy context, I consider the design guidelines assessment goes too far in that it does not provide for a range of residential uses such as a retirement village (**Appendix C** provides further examples). I also consider further other amendments are needed to better reflect the particular resource management issues relevant to retirement villages that are different to other types of residential development.

- 14 I also support the submissions of the RVA and Ryman for the Proposed Plan to provide greater direction with respect to the preclusions on notification of resource consent applications for retirement villages (along with other multi-unit residential activities) where these comply with external boundary controls. The recommendations of the Reporting Officer recognise the importance of these amendments and accept the submission points as these better align with the MDRS.<sup>3</sup>
- 15 The specific amendments that I consider necessary, are to:
- 15.1 Insert a new definition: 'Retirement Unit' - means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.
- 15.2 Insert a new objective: [Insert Zone]-OX: Well-functioning urban environment – A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- 15.3 Insert three new policies:
- (a) [Insert zone]-PX: Larger Sites - Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.
- (b) [Insert zone]-PX: Changing Communities - To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities; and
- (c) [Insert zone]-PX: Role of Density Standards - Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.
- 15.4 Amend MRZ-P7 / HRZ-P7:
- (a) Provide for a diverse range of housing and care options that are suitable for the particular needs and

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<sup>3</sup> Paragraph 564 – Section 42A Report: Stream 2 - Part 3, Medium Density Residential Zone. See also paragraph 436 - Section 42A Report: Stream 2 - Part 2: High Density Residential Zone.

characteristics of older persons in [add] zone, such as retirement villages.

Recognise the functional and operational needs of retirement villages, including that they:

1. May require greater density than the planned urban built character to enable efficient provision of services.

2. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

15.5 Insert a permitted activity for the use of land for a retirement village; and

15.6 Insert a restricted discretionary activity rule for the construction of retirement villages in residential zones, with specific matters of discretion limited to managing the external effects of a village on the wider environment as follows:

(a) Matters of discretion:

The effects of the retirement village on the safety of adjacent streets or public open spaces;

The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;

The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;

When assessing the matters in 1(i) – (iv), and 3(i) – (iii), consider:

The need to provide for efficient use of larger sites; and

The functional and operational needs of the retirement village.

(b) The positive effects of the construction, development and use of the retirement village.

16 The RVA and Ryman also seek a number of amendments to the notification clauses, matters of discretion, and built form standards as set out in their original submissions and which are detailed within **Appendix A.**

## **HEARING STREAM 1 – DISTRICT WIDE MATTERS AND STRATEGIC DIRECTIONS**

- 17 In my evidence on Hearing Stream 1, I discussed the need to plan and provide for accommodation for the ageing population of Wellington. Further, the evidence of Mr Collyns on behalf of the RVA and Mr Brown on behalf of Ryman clearly demonstrated this growing need and demand for retirement living accommodation. I note I have also read Professor Ngaire Kerse's evidence for this hearing stream, which further emphasises the particular needs of older people.
- 18 While I do not intend to repeat my earlier evidence, I reiterate that the population of Wellington's residents over the age of 65 is continuing to increase and is projected to continue to increase through to 2031 and beyond. As previously outlined, in my view, district plans need to provide specifically for the development of retirement villages, which I consider to be vital community amenities forming part of the residential environment. In my opinion, responding to the issues associated with the ageing population and provision of suitable housing and care for this demographic is critical to ensuring the wellbeing of people and communities in the City in accordance with Objective 1 of the Enabling Housing Act.
- 19 The RVA and Ryman are seeking a consistent regime for planning to house an older population across New Zealand (including all the 'Tier 1' councils), including in Wellington City. Consistency between councils will better enable common approaches to consent applications to be developed over time and increase efficiency.
- 20 To provide some context for Ryman and the RVA's submissions and my subsequent evidence with respect to Hearing Stream 2, I wish to briefly re-cap on the following relevant Hearing Stream 1 matters.
- 20.1 The exclusion of retirement villages from the definitions of "Supported Residential Care Activity" and 'Multi-unit Development'. I support the RVA and Ryman submission that retirement villages should be excluded from the definitions of 'Multi-unit development' and 'Supported Residential Care Activity' so as to avoid interpretation issues throughout the Proposed Plan. It is my opinion that retirement villages are a residential activity, and therefore, they could fall under both the definition for 'multi-unit development' and "retirement village". In addition, the definition of supported residential care activity should provide a specific exemption. An amendment to these definitions is required to make this clear.
- 20.2 The Proposed Plan and the National Planning Standards (NPS) definition of retirement village make it clear that retirement

villages are “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.” The definitions also acknowledge that any related recreation, leisure, supported residential care, welfare and medical facilities and the like are “for the residents”. Also, in my experience, retirement villages are places where people reside, no matter what level of care they are also receiving, or access that they have to onsite recreation and amenities. That definition also applies regardless of the scale of effects or the ancillary activities.

### **SPECIFIC PROVISION FOR RETIREMENT VILLAGES IN THE PROPOSED PLAN**

- 21 As detailed in the RVA and Ryman submissions, retirement villages are different from typical residential dwellings, and therefore do not necessarily fit in with the typical controls imposed on residential developments. In that regard, I agree with the RVA and Ryman submissions that the provision of a fit for purpose consenting process for retirement villages is required and that the process comprises:
  - 21.1 Appropriate retirement village activity status;
  - 21.2 Identified matters of discretion; and
  - 21.3 Clear, targeted, and appropriate development standards to guide the notification and planning assessment of these bespoke retirement village developments.
  
- 22 While I acknowledge that there are some elements in common with medium density residential development, retirement villages are fundamentally different from typical medium density housing developments for the following main reasons:
  - 22.1 Retirement villages provide most, if not all, of the required resident amenities on-site without the need for external community infrastructure and open spaces;
  - 22.2 Retirement village buildings and layouts are carefully designed with resident needs in mind. In many modern retirement villages, there is often a central building that contains accommodation for people that need higher care and a range of communal village amenities. Access to that building for other village residents must be convenient, safe, and sheltered from weather. This central building can often be bulkier and of a different height to surrounding residential activities to enable these functional and operational requirements;



- 22.3 Unit types vary from relatively typical independent townhouses or apartments, through to serviced care suites, hospital care beds and areas for people with dementia. The size and amenity requirements of these units vary substantially from more typical housing typologies;
- 22.4 Older residents have a lesser degree of interaction with the surrounding neighbourhood on a day-to-day basis compared to those of a conventional residential apartment or residential subdivision. This is because the majority of retirement village residents are generally far less mobile and therefore have significantly reduced traffic generation requirements and access to public transport infrastructure and parking;
- 22.5 Because of the frailty and vulnerability of elderly people, retirement villages need to be safe and secure. In practice, that means having restricted access and, as a general proposition, not having public roads running through the sites; and
- 22.6 Data collected over many years shows that retirement villages place less demand on the water, wastewater, and transport networks than typical housing, noting that these systems are always comprehensively designed on-site to cater for the required demand. Use of council facilities such as parks and libraries by residents is also very low.
- 23 The above factors mean that retirement villages are generally large format activities, that have a different look and feel to standard housing. Applying conventional planning approaches used for standard housing to retirement villages has, in my experience, led to substantial consenting issues.
- 24 I agree with the RVA and Ryman submissions that retirement villages should be recognised as their own bespoke activity within the residential umbrella of activities, and they should have an activity-specific policy and rule framework to support this. The Plan goes some way to achieving this.
- 25 However a fundamental problem throughout the section 42A report is the contention that the submissions of the RVA and Ryman elevate the needs of a retirement village above outcomes sought from the zone and can potentially be of a large scale '*a point at which the effects on the surrounding residential environment may be significant*'.<sup>4</sup> That approach appears to me to be a significant driver for the reasons the section 42A report has rejected many of

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<sup>4</sup> Paragraph 366 – Section 42A Report: Stream 2 – Part 3, Residential Zones – Part 2: High Density Residential Zone and Paragraph 485 – Section 42A Report: Stream 2 – Part 3, Residential Zones – Part 3: Medium Density Residential Zone.

the Ryman and RVA submissions, which request bespoke recognition of, and bespoke provisions for, retirement villages.

- 26 In my opinion, there is no doubt that retirement villages are a residential activity and are an appropriate activity in residential zones. Their own unique circumstances, particularly in respect of the needs of an ageing population require them to be distinguished from conventional housing developments. That has been accepted by other councils I have been involved with throughout New Zealand and is clear from the definition of retirement villages in the NPS as outlined above.
- 27 I note the reference in the definition to various ancillary or complementary facilities and amenities, the important point being that these need to be "*for the residents within the complex*". I am aware that the courts have confirmed that retirement villages are residential activities, including their ancillary activities and understand this caselaw will be addressed in legal submissions. I note that given this interpretation, it is clear to me, that any retirement village that incorporated an ancillary activity that was not "*for the residents*" and their guests would likely trigger the need for consent for a commercial activity. The effects of this commercial activity would be managed and considered through the consenting process and is not considered a concern in this regard. The matter can be addressed on a case by case basis.
- 28 Furthermore, when assessing infrastructure and transport related provisions (to be addressed in later hearings) it is critical that the unique nature of retirement villages, and the needs of the residents within them, are recognised and provided for.
- 29 I will now set out the specific residential recommendations I consider necessary, which have been detailed further in **Appendix A**.

### **HEARING STREAM 2 – PART 3 – AREA SPECIFIC MATTERS**

- 30 The planning regime that is proposed within the RVA and Ryman submissions is largely aligned with the regime applying to other residential developments with some necessary nuances to the provisions. The activity statuses proposed are designed to separate the use of the buildings from the physical effects of the built form. Matters of discretion for the built form cover a broad range of effects whilst being nuanced to the requirements of a retirement village development. These are proportionate to the anticipated effects of the development on the surrounding environment. It is clear that this proposed planning regime does not seek to exempt retirement villages from the appropriate management of their external effects. It simply applies a more nuanced approach to how retirement villages are provided for. It does this in a way that does

not affect the development of other residential activities. Instead, it is a fit for purpose framework that sits alongside the current notified provisions.

- 31 The regime proposed within the RVA and Ryman submissions is intended to manage effects in line with the objectives and policies of the NPSUD and MDRS which give a clear direction towards less restriction and control on urban design matters. The notified Plan provisions, in my opinion, have gone too far, for example with residential design guides, to restrict and control the built form including the location of garages, accesses on large site and limiting design to fit within the local context. In my view, a better balance between enabling retirement village development and “encouraging” high quality built form as required by policy 5 of the Enabling Housing Act, is more likely to be achieved with the regime proposed by the RVA and Ryman.

### **Objectives and Policies**

#### ***Ryman and RVA Submissions***

- 32 The submissions sought a number of the objectives and policies be either removed or amended as reflected within the proposed tracked provisions in **Appendix A**. In particular, the submissions sought amendments to MRZ-P7 and HRZ-P7 as follows:

#### **[Insert Zone] – P7 Retirement Villages**

1. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in the [add] zone, such as retirement villages.
2. Recognise the functional and operational needs of retirement villages, including that they:
  - a. May require greater density than the planned urban built character to enable efficient provision of services.
  - b. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

#### **[Insert Zone] — P7 Retirement Villages**

~~Provide for retirement villages where it can be demonstrated that the development:~~

~~Fulfils the intent of the Residential Design Guide;~~

~~Includes outdoor space that is sufficient to cater for the needs of the residents of the village;~~

~~Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;~~

~~Is adequately serviced by three waters infrastructure or can address any constraints on the site; and~~

~~Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone~~

- 33 The submissions also sought to insert one new objective, and three new policies into the Medium Density Residential and High Density Residential Zones as follows:

**[Insert Zone] – OX Well-functioning urban environment**

A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

**[Insert Zone] – PX Larger Sites**

Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.

**[Insert Zone] – PX Role of density standards**

Enable the density standards to be utilised as a baseline for the assessment of the effects for developments.

**[Insert Zone] – PX Changing communities**

To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.

- 34 By way of summary, the submissions highlighted that as retirement villages are a critical and expected component of residential areas, it is important that they are expressly acknowledged in the policies, so the “planned urban built environment” is clearly understood at consent stage. Otherwise, officers and the community will default to expectations of typical residential activities, as has been the case in the past.

***Section 42 Report***

- 35 The Reporting Officer recommends that the RVA and Ryman submissions be rejected stating that the submissions requesting amendments to MRZ-P7 and HRZ-P7 are not supported *‘as they*

*represent a major shift from an effects management approach that covers relevant matters to ensure retirement villages in the MRZ/HRZ are of a high-quality design that are integrated and compatible with the build from anticipated in the zone*.<sup>5</sup> The Reporting Officer states that the requested new objectives and policies are not required.

**Response**

- 36 I agree with the RVA and Ryman submissions and consider that the proposed policies do not provide adequate flexibility and enablement of retirement villages, nor do they recognise or address the unique features of these developments and needs to be amended.
- 37 Clause 1 of MRZ-P7 and HRZ-P7 seeks to *'fulfil the intent of the Residential Design Guide'*.
- 38 Further, the Residential Design Guide makes no specific reference to retirement villages, and there is no guidance provided as to why the requirements that are applicable to non-retirement village activities apply in the same manner to retirement villages (despite retirement villages being a unique activity with substantially differing functional and operational needs).
- 39 The *'intent'* of the Residential Design Guide is not identified within the Proposed Plan, or the Design Guide itself. As such, no guidance is provided as to how to measure a development against this intent. Based on experience with similar concepts in other district plans, I expect that this phrase will cause substantial debate in consenting processes, manifesting in extensive urban design assessment work, unnecessary further information requests, increased processing costs and delays.
- 40 Furthermore, in this case, I do not consider these policies fit for purpose. It is also important that the Proposed Plan reflects the direction of the NPSUD and Enabling Housing Act that provides for three units up to 3 storeys high with no urban design control. Therefore when assessing and managing the effects for four or more units and residential activities such as retirement villages, some proportionality is provided in the Plan to enable a regime of encouraging high quality development while ensuring an efficient and enabling process.
- 41 In my view, the new policies proposed by the RVA and Ryman are more aligned to the NPSUD and Enabling Housing Act as they recognise the functional and operational needs of retirement villages (through more enabling language such as *'provide for'* and *'may*

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<sup>5</sup> Paragraph 247 – Section 42A Report: Stream 2 – Part 3, Residential Zones – Part 2: High Density Residential Zone and Paragraph 328 – Section 42A Report: Stream 2 – Part 3, Residential Zones – Part 3: Medium Density Residential Zone.

require') and provide for a variety of housing types for all people. Furthermore, the inclusion of this policy framework for retirement villages is particularly important given the growing need for specialist housing for the ageing population (as outlined in the evidence of Professor Kerse, and Ms Owens's and Mr Brown's evidence to be lodged later).

- 42 I also consider that the inclusion of the proposed policies in all residential zones, including the 'larger sites' policy, would provide a much clearer and stronger policy framework (with greater vertical integration between Plan provisions) for retirement villages in the District Plan. This will better enable the efficient use of the larger sites that the likes of Ryman and the RVA often need to utilise. It will also minimise complications at the consenting process (for example, in relation to standards prescribing the maximum number of dwellings permitted on a site - which are often infringed due to the larger retirement village sites when compared to typical residential development).
- 43 Likewise, I disagree with the section 42A report recommendations regarding the 'changing communities' policy. I consider the addition of the policy would provide a useful and clear link to the NPSUD requirements. Furthermore, I do not consider that the policies as notified, in particular MRZ-P1 and HRZ-P1 adequately align with the directives of Policy 6 of the NPSUD and Policy 5 of the Enabling Housing Act (particularly as the policies as notified still make reference to ensuring that the scale and intensity of development is consistent with the anticipated amenity values of a zone), being:
- 43.1 That housing intensification may detract from amenity values and are not of themselves an adverse effect;<sup>6</sup> and
- 43.2 Provide for development not meeting permitted activity status, while encouraging high quality development.<sup>7</sup>
- 44 In summary, the objectives and policies that have been proposed by the RVA do not seek to exempt retirement villages from the remaining objectives and policy frameworks. They also do not represent "a major shift from an effects management approach". Instead they are designed to provide specific provision in addition to other policies, for the enablement of retirement villages, to guide the lower order provisions through the rules and standards to be clearly applied. The regime overall adopts an effects management approach, but is clearer, more proportionate and less restrictive than the council version.

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<sup>6</sup> Policy 6 of the NPSUD.

<sup>7</sup> Schedule 3A, cl 6(2)(e), Policy 5, Enabling Housing Act.

**Activity Status, Notification and Matters of Discretion  
Ryman and RVA Submissions**

- 45 The submissions sought a number of amendments to the rules, notification clauses and matters of discretion within the Medium Density and High Density Residential Zones.
- 46 The key aspects of the submission points related to:
- 46.1 The establishment of a permitted activity for the use of land for a retirement village;
- 46.2 A restricted discretionary activity rule for the construction of retirement village buildings in residential zones, with specific matters of discretion limited to managing the external effects of a village on the wider environment as follows;

Matters of discretion:

- The effects of the retirement village on the safety of adjacent streets or public open spaces;
- The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;
- The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;

When assessing the matters in 1(i) – (iv), and 3(i) – (iii), consider:

- The need to provide for efficient use of larger sites; and
  - The functional and operational needs of the retirement village.
  - The positive effects of the construction, development and use of the retirement village; and
- 46.3 A presumption of non-notification for retirement villages that meet the relevant building controls.

**Section 42A Report**

- 47 The section 42A report writer identifies the following reasons why they consider it is not appropriate for retirement villages to be provided for as a permitted activity in the Medium Density and High Density Residential Zones, or for bespoke matters for discretion to be inserted, including:

- 47.1 Retirement villages should not be a permitted activity as *“they can potentially be of a large scale and accommodate many residents and support staff – a point at which the effects on the surrounding residential environment may be significant. By contrast, I am comfortable with the restricted discretionary activity status which allows each application to be assessed based on the merits of what is specifically being proposed, noting that a restricted discretionary status does not mean Retirement Villages are not supported in the zone.”*<sup>8</sup>
- 47.2 Changing that activity status of retirement villages would also *“create a misalignment with MRZ-R4 / HRZ-R4”*;<sup>9</sup> and
- 47.3 It is considered that *“the matters in the Transport Chapter, the Residential Design Guides, and in HRZ-P7 adequately address the requested matters of discretion and that there are no benefits to listing specific matters in HRZ-R14. Further, I consider the proposed matters of discretion allow reasonable scope for a processing planner to determine the level of adverse effects that are acceptable”*.<sup>10</sup>

### **Response**

- 48 As outlined previously, the Proposed Plan provides some rules for the Medium and High Density Residential zones that distinguish between land use activities (i.e. home businesses, visitor accommodation and supported residential care activities) and the buildings comprising that activity as permitted activities.<sup>11</sup> In contrast, retirement villages as a land use are listed as a restricted discretionary activity along with the construction of these being a restricted discretionary activity.<sup>12</sup>
- 49 I consider the approach taken in the section 42A report does not sufficiently enable residential intensification and is inconsistent with Policy 3 of the NPSUD. I agree with the RVA and Ryman submissions that retirement villages should be provided for as a bespoke residential activity, and as a permitted activity within MRZ-R8 and HRZ-R8. In addition, I agree with the amendments proposed within the submissions for MRZ-R14 and HRZ-R14 for the

<sup>8</sup> Paragraph 366 – Section 42A Report: Stream 2 – Part 3, Residential Zones – Part 2: High Density Residential Zone & Paragraph 485 – Section 42A Report: Stream 2 – Part 3, Residential Zones – Part 3: Medium Density Residential Zone.

<sup>9</sup> Paragraph 366 – Section 42A Report: Stream 2 – Part 3, Residential Zones – Part 2: High Density Residential Zone & Paragraph 485 – Section 42A Report: Stream 2 – Part 3, Residential Zones – Part 3: Medium Density Residential Zone.

<sup>10</sup> Paragraph 415 – Section 42A Report: Stream 2 – Part 3, Residential Zones – Part 2: High Density Residential Zone & Paragraph 556 – Section 42A Report: Stream 2 – Part 3, Residential Zones – Part 3: Medium Density Residential Zone.

<sup>11</sup> Rule MRZ-R3, MRZ-R4, MRZ-R6 and MRZ-R13.

<sup>12</sup> MRZ-R8 and HRZ-R8



construction of retirement village buildings as a “restricted discretionary” activity with specific and tailored matters for discretion that ensures the scale, design and layout of the development can be appropriately and proportionately managed. Overall, there is a distinction to be made between the effects of the physical structures on the one hand, and the use of them on the other.

- 50 In light of the above, and as will be highlighted in the evidence of Ms Owens and Mr Brown, the Proposed Plan should in my opinion provide for the land use component of a retirement village as a permitted activity. Consent applications would then focus on the effects of the built form through the restricted discretionary activity status for the construction of these buildings. The matters of discretion are specific for appropriately managing the potential effects on the wider environment.
- 51 Based on my evidence above, in my view there is no effects-based reason to support the default application of a more restrictive activity classification for the land use activity of retirement villages. I consider that retirement villages are an appropriate and necessary activity within residential areas.
- 52 With respect to the matter of limited notification, ultimately, if a proposed development is able to comply with the built form standards that apply to its boundary interface there is no resource management reason for notifying neighbours of the application. This approach is inherent in the mandatory MDRS regime and also adopted in other district plans around New Zealand (including Christchurch and Auckland). As such, I acknowledge the recommendations included within the section 42A report for MRZ-R14 and HRZ-R14 with regards to limited notification and agree with these amendments.<sup>13</sup>
- 53 Lastly, I consider it necessary to insert tailored matters of discretion relating only to the retirement village rule, to better align with the directives of the NPSUD and Enabling Housing Act. The approach recommended by the Reporting Officer, in my opinion, has gone too far, for example with reference to “*fulfil the intent of the residential design guides*”, to restrict and control the built form of retirement villages. I support the amendments included within the RVA’s and Ryman’s submissions as it is my experience in the consenting of retirement villages that the consideration of internal amenity matters requires specialist knowledge and is best left to village operators.

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<sup>13</sup> Paragraph 564 - Section 42A Report: Stream 2 - Part 3, Medium Density Residential Zone and Paragraph 436 - Section 42A Stream 2 - Part 2, High Density Residential Zone.

- 54 As will be noted by Ms Owens, one of the unique characteristics of retirement villages is that residents have access to a wide range of communal spaces, so their amenity is provided by the village as a whole rather than an individual space (meaning that many internal amenity standards do not have the same level of relevance to retirement villages).
- 55 I am also aware that peer reviewers engaged by councils sometimes seek to alter the design of assisted living / care suites, or dementia areas, to provide greater sunlight access or greater accessibility – however these recommendations are based on achieving supposed urban design outcomes and are not cognisant of the functional considerations that go into the design of a retirement village. Overall, I consider that the assessment matters for retirement villages should be focused on the key external effects of the proposal as well as the functional and operational reasons for differing housing typologies being required.
- 56 I note that the matters for discretion proposed broadly address the potential external effects of the development that need to be considered throughout the consenting process, without conflating notification issues with internal amenity standards, and therefore, I am of the view that they should be adopted fully in this case.

#### **DEVELOPMENT STANDARDS**

- 57 Subject to what follows, I generally agree with the recommendations within the section 42A report with regards to the built form standards.<sup>14</sup> I note that the RVA and Ryman submissions were generally in support of the notified standards, and sought to have these retained as notified. These submissions were generally accepted by the section 42A report writer who agreed that these standards do not apply to retirement villages.<sup>15</sup>

#### **OUTSTANDING MATTERS**

- 58 The RVA and Ryman sought for a new definition for 'residential unit' to be included within the Proposed Plan. The section 42A report, states that this was addressed during Hearing Stream 1.<sup>16</sup> However, this was not the case. The definition of 'residential unit' will be applicable to some units within retirement villages. In some cases, it will be necessary for the Proposed Plan to distinguish between a *residential* unit and a *retirement* unit, and therefore, I

<sup>14</sup> MRZ-S2, MRZ-S4, MRZ-S5, MRZ-S6, MRZ-S7, MRZ-S8, MRZ-S9, MRZ-S10, HRZ-S2, HRZ-S4, HRZ-S5, HRZ-S6, HRZ-S7, HRZ-S8, HRZ-S9 and HRZ-S10.

<sup>15</sup> Stream 2 – Part 3, Residential Zones – Part 2: High Density Residential Zone: Appendix B and Stream 2 – Part 3, Residential Zones – Part 3: Medium Density Residential Zone: Appendix B.

<sup>16</sup> Paragraph 77 – Section 42A Report: Stream 2 – Part 3, Residential Zones – Part 1: Overview and General Matters.

consider this definition a critical addition to the Proposed Plan to provide clear guidance for Plan users.

### **CONCLUSION**

- 59 Wellington's ageing population is increasing the demand for medium to high density housing options. This is particularly evident in the demand being experienced by Ryman for its retirement village developments (as well as other members of the RVA).
- 60 As noted within this evidence, the submissions by the RVA and Ryman are seeking to ensure that the Proposed Plan provides a consistent and enabling regulatory framework for the establishment of retirement villages within Wellington City.
- 61 In my opinion, the relevant residential zones (Medium and High Density Residential zones) require amendments to acknowledge that retirement villages are a legitimate residential use that need to locate in such areas in order to ensure that the elderly population stay connected to their existing communities and social infrastructure. The rule framework proposed by the RVA and Ryman, and as I have set out in **Appendix A**, acknowledges that retirement villages are an appropriate and legitimate use of residentially zoned land, by including retirement villages (that is of the same or similar scale as other forms of residential development) as permitted activities with the construction of the villages being managed through a restricted discretionary activity. This framework would provide a consistent approach throughout the country to ensure efficient, clear and appropriately focused assessments of effects and consenting of retirement villages.
- 62 Overall, I agree with the submissions by Ryman and the RVA that further amendments within the Medium and High Density Residential Zones are warranted in order to provide a planning framework that appropriately gives effect to the NPSUD, responds to the retirement housing and care shortage, and enables a consistent approach across the country.

**Phil Mitchell**

16 March 2023

## **APPENDIX A: RESIDENTIAL REPLACEMENT PROVISIONS SOUGHT BY RYMAN AND THE RVA**

The following sets out the provisions sought by the RVA and Ryman for the Medium Density Residential Zone and the High Density Residential Zone of Wellington's Proposed District Plan.

Text highlighted with underlining represents Ryman's and the RVA's proposed insertions. Text highlighted with ~~striketrough~~ represents Ryman's and the RVA's proposed deletions.

This document sets out only those provisions for which an amendment is sought.

### **Medium Density Residential Zone**

#### **Introduction**

The Medium Density Residential Zone comprises predominantly residential activities that enable more intensive development including medium density development that typically comprises ~~with a moderate concentration and bulk of~~ buildings, such as detached, semi-detached and terraced housing, low-rise apartments and other compatible activities.

The suburbs within the Medium Density Residential Zone have developed at different times and with varying topography and characteristics across its neighbourhoods.

The efficient use of land within the Medium Density Residential Zone is important to meet the strategic objectives of maintaining a compact urban form and providing new housing to help address the City's housing needs.

The Medium Density Residential Zone adopts the medium density residential standards from the RMA which allow for three residential units of up to three storeys on a site. Multi-unit housing of four or more units is also anticipated through a resource consent process subject to standards and design guidance.

It is anticipated that the form, appearance and amenity of neighbourhoods within the Medium Density Residential Zone will change over time to enable a variety of housing types with a mix of densities.

<b>Objectives</b>	
<b>MRZ-O1</b>	<p><b><u>Purpose Residential density</u></b></p> <p>The Medium Density Residential Zone provides for <del>predominantly residential activities and</del> a variety of housing types and sizes that respond to:</p> <ol style="list-style-type: none"> <li>1. Housing needs and demand; and</li> <li>2. The neighbourhood's planned urban built character, including 3 storey buildings.</li> </ol> <p><b><u>MRZ-OX - Purpose</u></b></p> <p><u>The Medium Density Residential Zone accommodates predominantly residential activities and a range of compatible non-residential activities.</u></p>
<b>MRZ-O2</b>	<p><b><u>Efficient use of land</u></b></p> <p>Land within the Medium Density Residential Zone is used efficiently for residential development that:</p> <ol style="list-style-type: none"> <li>1. Increases housing supply and choice; and</li> <li>2. Contributes <del>positively</del> to a changing and well-functioning urban environment.</li> </ol>
<b>MRZ-O3</b>	<p><b><u>Healthy, safe, accessible and attractive environments</u></b></p> <p>The Medium Density Residential Zone provides healthy, safe and <del>accessible living environments with</del> attractive and safe streets.</p>

<b><u>MRZ-OX</u></b>	<p><b><u>Well-functioning urban environment</u></b></p> <p><u>A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</u></p>
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<b>Policies</b>	
<b><del>MRZ-P1</del></b>	<p><b><del>Enabled activities</del></b></p> <p><del>Enable residential activities and other activities that are compatible with the purpose of the Medium Density Residential Zone, while ensuring their scale and intensity is consistent with the amenity values anticipated for the Zone, including:</del></p> <ol style="list-style-type: none"> <li><del>1. Home Business;</del></li> <li><del>2. Boarding Houses;</del></li> <li><del>3. Visitor Accommodation;</del></li> <li><del>4. Supported Residential Care;</del></li> <li><del>5. Childcare Services; and</del></li> <li><del>6. Community Gardens.</del></li> </ol>
<b>MRZ-P2</b>	<p><b>Housing supply and choice</b></p> <p>Enable a variety of housing typologies with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments.</p>
<b>MRZ-P3</b>	<p><b>Housing needs</b></p>

	Enable housing to be designed to meet the day-to-day needs of residents., and encourage a variety of housing types, sizes and tenures to cater for people of all ages, lifestyles and abilities.
<b>MRZ-P4</b>	<p><b>Medium density residential standards</b></p> <p>Apply the medium density residential standards across the Medium Density Residential Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga)</p>
<b>MRZ-P5</b>	<p><b>Developments not meeting permitted activity status</b></p> <p>Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</p>
<b>MRZ-P6</b>	Retain as notified.
<b>MRZ-P7</b>	<p><b>Retirement villages</b></p> <p>Provide for retirement villages where it can be demonstrated that the development:</p> <ol style="list-style-type: none"> <li><del>1. Fulfils the intent of the Residential Design Guide;</del></li> <li><del>2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;</del></li> <li><del>3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;</del></li> <li><del>4. Is adequately serviced by three waters infrastructure or can address any constraints on the site; and</del></li> <li><del>5. Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone.</del></li> </ol> <ol style="list-style-type: none"> <li>1. <u>Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.</u></li> </ol>

	<p>2. <u>Recognise the functional and operational needs of retirement villages, including that they:</u></p> <p>a. <u>May require greater density than the planned urban built character to enable efficient provision of services.</u></p> <p>b. <u>Have unique layout and internal amenity needs to cater for the requirements of residents as they age.</u></p>
<b>MRZ-P8</b>	<p><b>Residential buildings and structures</b></p> <p>Provide for a range of residential buildings and structures (<u>excluding retirement villages</u>), including additions and alterations, that:</p> <ol style="list-style-type: none"> <li>1. Provide healthy, safe and accessible living environments;</li> <li>2. Are compatible with the built environment anticipated in the Medium Density Residential Zone;</li> <li>3. Contribute positively to a changing urban environment; and</li> <li>4. Achieve attractive and safe streets.</li> </ol>
<b>MRZ-P9</b>	Retain as notified.
<b>MRZ-P10</b>	<p><b>Vegetation and landscaping</b></p> <p>Encourage the retention of existing vegetation, particularly native vegetation and visually prominent trees that may not otherwise be protected, and where vegetation is proposed to be removed, <u>seek encourage</u> new landscaping of <del>equal or better quality</del> to help integrate new development into the surrounding environment and minimise hard surfacing</p>
<b>MRZ-P11</b>	<b>Attractive and safe streets and public open spaces</b>



	Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
...	...
<b><u>MRZ-PX</u></b>	<b><u>Larger sites</u></b>  <u>Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.</u>
<b><u>MRZ-PX</u></b>	<b><u>Changing communities</u></b>  <u>To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.</u>
<b><u>MRZ-PX</u></b>	<b><u>Role of density standards</u></b>  <u>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</u>

<b>Rules: Land use activities in the Medium Density Residential Zone</b>	
<b>MRZ-R8</b>	<b>Retirement village</b>
<p>1. Activity status: <del>Restricted Discretionary</del> <b><u>Permitted</u></b></p> <p>Matters of discretion are:</p> <p>1. <del>The matters in MRZ-P2, MRZ-P3 and MRZ-P7.</del></p> <p>Notification status: <del>An application for resource consent made in respect of rule MRZ-R8 is precluded from being publicly notified.</del></p>	

**Rules: Building and structures activities in the Medium Density Residential Zone, excluding the Character Precincts, Mount Victoria North Townscape Precinct, and the Oriental Bay Height Precinct**

**MRZ-R14**

**Construction of buildings or structures for multi-unit housing or a retirement village**

1. Activity status: **Restricted Discretionary**

Matters of discretion are restricted to:

1. The extent and effect of non-compliance with any of the following standards as specified in the associated assessment criteria for any infringed standard:
  - i. MRZ-S2;
  - ii. MRZ-S3;
  - iii. MRZ-S4;
  - iv. MRZ-S5;
  - v. MRZ-S12 for multi-unit housing only;
  - vi. MRZ-S13 for multi-unit housing only; and
  - vii. MRZ-S14 for multi-unit housing; and
2. For multi-unit housing, the The matters in MRZ-P2, MRZ-P3, MRZ-P5, MRZ-P6, ~~MRZ-P7~~, MRZ-P8, MRZ-P10 and MRZ-P11.
3. For retirement villages:
  - i. The effects of the retirement village on the safety of adjacent streets or public open spaces;

- ii. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;
- iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
- iv. When assessing the matters in 1(i) – (iv), and 3(i) – (iii), consider:
  - a. The need to provide for efficient use of larger sites; and
  - b. The functional and operational needs of the retirement village.
- v. The positive effects of the construction, development and use of the retirement village.

For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.

Notification status: An application for resource consent made in respect of rule MRZ-R14.1 is precluded from being publicly notified.

An application for resource consent for a retirement village where compliance is achieved with MRZ-S2, MRZ-S3, MRZ-S4 and MRZ-S5 is precluded from being limited notified.

**MRZ-R17**

**Construction of any other building or structure, including additions and alterations**

1. Activity status: **Permitted**

Where:

- a. Compliance with the following standards is achieved:
  - i. MRZ-S2;
  - ii. MRZ-S3;
  - iii. MRZ-S4;

- iv. MRZ-S5;
- v. MRZ-S6;
- vi. MRZ-S12 for multi-unit housing;
- vii. MRZ-S13 for multi-unit housing; and
- viii. MRZ-S14 for multi-unit housing.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance is not achieved with any of the requirements of MRZ-R17.1.a cannot be achieved.

Matters of discretion are:

- 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;
- 2. The matters in MRZ-P9, MRZ-P10; MRZ-P11 and MRZ-P15 (this clause is not applicable to retirement villages); ~~and~~
- 3. The matters in MRZ-P6, MRZ-P7 and MRZ-P8 for additions and alterations to multi-unit-housing ~~or a retirement village;~~ and
- 4. For additions and alterations to retirement villages:
  - i. The effects of the retirement village on the safety of adjacent streets or public open spaces;
  - ii. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;

- iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
- iv. When assessing the matters in 1(a)(i) – (v), and (2)(4)(i) – (iii), consider:
  - a. The need to provide for efficient use of larger sites; and
  - b. The functional and operational needs of the retirement village.
- v. The positive effects of the construction, development and use of the retirement village.

For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.

Notification status: An application for resource consent made in respect of rule MRZ-R17.2.a is precluded from being publicly notified.

An application for resource consent for additions and alterations to a retirement village where compliance is achieved with MRZ-S2, MRZ-S3, MRZ-S4 and MRZ-S5 is precluded from being limited notified.

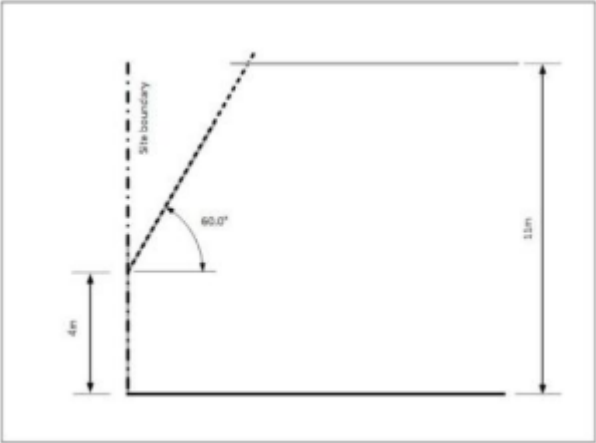
<b>Standards</b>	
<b>MRZ-S2</b>	<p><b>Building height control 2:</b></p> <ul style="list-style-type: none"> <li><b>1. For multi-unit housing or a retirement village: or</b></li> <li><b>2. Other buildings and structures.</b></li> </ul>
1. Buildings and structures must not exceed the following heights above ground level as identified on the District Plan maps:	<p>Assessment Criteria where the standard is infringed:</p> <ul style="list-style-type: none"> <li>1. Streetscape and visual amenity effects;</li> </ul>

Location	Limit
a. Height Area 1	11m; <u>except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 meter, where the entire roof slopes 15° or more.</u>
b. Height Area 2	14m

This standard does not apply to:

- a. Fences or standalone walls;
- b. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and
- c. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height by more than 1m

2. Dominance, privacy and shading effects on adjoining sites; and
3. Effects on the function and associated amenity values of any adjacent open space and recreation zone.

<b>MRZ-S3</b>	<b>Height in relation to boundary</b>
<p>1. For any site where MRZ-S1 or MRZ-S2.1.a applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown in Diagram 2 below:</p>  <p>2. For any site where MRZ-S2.1.b applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 5 metres vertically above ground level along all boundaries; and</p> <p>3. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</p>	<p>Assessment Criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. Streetscape and visual amenity effects;</li> <li>2. Dominance, privacy and shading effects on adjoining sites; and</li> <li>3. Effects on the function and associated amenity values of any adjacent open space and recreation zone.</li> </ol>

<p>This standard does not apply to:</p> <ul style="list-style-type: none"> <li>a. A boundary with a road;</li> <li>b. Existing or proposed internal boundaries within a site; and</li> <li>c. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</li> <li>d. <u>Boundaries adjoining open space and recreation zones, commercial and mixed use zones, and special purpose zones.</u></li> </ul>									
<b>MRZ-S4</b>	<b>Boundary setbacks</b>								
<p>1. Buildings and structures must be set back from the relevant boundary by the minimum depth listed in the yards table below:</p> <table border="1" data-bbox="208 903 822 1225"> <thead> <tr> <th data-bbox="208 903 512 975">Yard</th> <th data-bbox="512 903 822 975">Minimum depth</th> </tr> </thead> <tbody> <tr> <td data-bbox="208 975 512 1046">Front</td> <td data-bbox="512 975 822 1046">1.5 metres</td> </tr> <tr> <td data-bbox="208 1046 512 1118">Side</td> <td data-bbox="512 1046 822 1118">1 metre</td> </tr> <tr> <td data-bbox="208 1118 512 1225">Rear</td> <td data-bbox="512 1118 822 1225">1 metre (excluded on corner sites)</td> </tr> </tbody> </table> <p>This standard does not apply to:</p>	Yard	Minimum depth	Front	1.5 metres	Side	1 metre	Rear	1 metre (excluded on corner sites)	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> <li>1. Streetscape and visual amenity effects; and</li> <li>2. Dominance, privacy and shading effects on adjoining sites.</li> </ul>
Yard	Minimum depth								
Front	1.5 metres								
Side	1 metre								
Rear	1 metre (excluded on corner sites)								



<p>a. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed; and</p> <p>b. Fences or standalone walls.</p>	
<b>MRZ-S5</b>	<b>Building coverage</b>
<p>1. Maximum building coverage must not exceed 50% of the net site area.</p> <p><u>This standard does not apply to:</u></p> <ol style="list-style-type: none"> <li>1. <u>Uncovered decks and uncovered structures no more than 1m in height above ground level; and</u></li> <li>2. <u>Eaves up to 1m in width;</u></li> <li>3. <u>Multi-unit housing; and</u></li> <li>4. <u>Retirement villages.</u></li> </ol>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. Streetscape and visual amenity effects; and</li> <li>2. Dominance, privacy and shading effects on adjoining sites.</li> </ol>
<b>MRZ-S6</b>	<p style="text-align: center;"><b>Outdoor living space (per unit)</b></p> <p>Retain as notified.</p>
<b>MRZ-S7</b>	<p style="text-align: center;"><b>Outlook space (per unit)</b></p> <p>Retain as notified.</p>
<b>MRZ-S8</b>	<p style="text-align: center;"><b>Windows to street</b></p> <p>Retain as notified.</p>

<b>MRZ-S9</b>	<b>Landscaped area</b>  Retain as notified.
<b>MRZ-S10</b>	<b>Permeable surface area</b>  Retain as notified.
<b>MRZ-S11</b>	<b>Fences and standalone walls</b>  ...  <u>This standard does not apply to:</u>  <u>Temporary fences/walls.</u>

### **High Density Residential Zone**

<b>Objectives</b>	
<b>HRZ-O1</b>	<p data-bbox="461 1019 864 1050"><b><u>Purpose Residential density</u></b></p> <p data-bbox="461 1090 1973 1153">The High Density Residential Zone provides for <del>predominantly residential activities and</del> a variety of housing types and sizes that respond to:</p> <ol data-bbox="510 1193 1588 1294" style="list-style-type: none"> <li data-bbox="510 1193 983 1224">1. Housing needs and demand; and</li> <li data-bbox="510 1262 1588 1294">2. The neighbourhood's planned urban built character, including 3 storey buildings.</li> </ol> <p data-bbox="461 1334 723 1364"><b><u>HRZ-OX - Purpose</u></b></p>

	<u>The High Density Residential Zone accommodates predominantly residential activities and a range of compatible non-residential activities.</u>
<b>HRZ-O2</b>	<p><b>Efficient use of land</b></p> <p>Land within the High Density Residential Zone is used efficiently for residential development that:</p> <ol style="list-style-type: none"> <li>1. Increases housing supply and choice;</li> <li>2. May be of a greater density and scale than the Medium Density Residential Zone; and</li> <li>3. Contributes positively to a more intensive high-density urban living environment.</li> </ol>
<b>HRZ-O3</b>	<p><b>Healthy, safe, accessible and attractive environments</b></p> <p>The High Density Residential Zone provides healthy, safe and accessible living environments with attractive and safe streets.</p>
<b><u>HRZ-OX</u></b>	<p><b><u>Well-functioning urban environment</u></b></p> <p><u>A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</u></p>

<b>Policies</b>	
<b>HRZ-P1</b>	<p><b>Enabled activities</b></p> <p>Enable residential activities and other activities that are compatible with the purpose of the High Density Residential Zone, while ensuring their scale and intensity is consistent with the amenity values anticipated for the Zone, including:</p> <ol style="list-style-type: none"> <li>1. Home Business;</li> </ol>

	<p><del>2. Boarding Houses;</del></p> <p><del>3. Visitor Accommodation;</del></p> <p><del>4. Supported Residential Care;</del></p> <p><del>5. Childcare Services; and</del></p> <p>6. Community Gardens.</p>
<b>HRZ-P2</b>	<p><b>Housing supply and choice</b></p> <p>Enable a variety of housing typologies with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments, and residential buildings of up to <u>at least</u> 6-storeys in height.</p>
<b>HRZ-P3</b>	<p><b>Housing needs</b></p> <p>Enable housing to be designed to meet the day-to-day needs of residents., <del>and encourage a variety of housing types, sizes and tenures to cater for people of all ages, lifestyles and abilities.</del></p>
<b>HRZ-P4</b>	<p><b>Medium density residential standards</b></p> <p>Apply the medium density residential standards across the High Density Residential Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</p>
<b>HRZ-P5</b>	<p><b>Developments not meeting permitted activity status</b></p> <p>Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</p>
<b>HRZ-P6</b>	Retain as notified
<b>HRZ-P7</b>	<b>Retirement villages</b>

	<p><del>Provide for retirement villages where it can be demonstrated that the development:</del></p> <ol style="list-style-type: none"> <li><del>1. Fulfils the intent of the Residential Design Guide where it is relevant;</del></li> <li><del>2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;</del></li> <li><del>3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;</del></li> <li><del>4. Is adequately serviced by three waters infrastructure or can address any constraints on the site; and</del></li> <li><del>5. Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone.</del></li> </ol> <ol style="list-style-type: none"> <li>1. <u>Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.</u></li> <li>2. <u>Recognise the functional and operational needs of retirement villages, including that they:</u> <ol style="list-style-type: none"> <li>a. <u>May require greater density than the planned urban built character to enable efficient provision of services.</u></li> <li>b. <u>Have unique layout and internal amenity needs to cater for the requirements of residents as they age.</u></li> </ol> </li> </ol>
<b>HRZ-P8</b>	<p><b>Residential buildings and structures</b></p> <p>Provide for a range of residential buildings and structures (<u>excluding retirement villages</u>), including additions and alterations, that:</p> <ol style="list-style-type: none"> <li>1. Provide healthy, safe and accessible living environments;</li> <li>2. Are compatible with the built environment anticipated in the High Density Residential Zone; and</li> <li>3. Contribute positively to a changing urban environment; and</li> </ol>

	4. Achieve attractive and safe streets.
<b>HRZ-P9</b>	Retain as notified.
<b>HRZ-P10</b>	<p><b>Vegetation and landscaping</b></p> <p>Encourage the retention of existing vegetation, particularly native vegetation and visually prominent trees that may not otherwise be protected, and where vegetation is proposed to be removed, <del>seek</del> <u>encourage</u> new landscaping <del>of equal or better quality</del> to help integrate new development into the surrounding environment and minimise hard surfacing</p>
<b>HRZ-P11</b>	<p><b>Attractive and safe streets and public open spaces</b></p> <p>Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</p>
<b>HRZ-P13</b>	<p><del><b>City Outcomes Contribution</b></del></p> <p><del>Require over height, large scale residential development in the High Density Residential Zone to deliver City Outcomes Contributions as detailed and scored in the Residential Design Guide, including through either:</del></p> <ol style="list-style-type: none"> <li><del>1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or</del></li> <li><del>2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or</del></li> <li><del>3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or</del></li> <li><del>4. Incorporating assisted housing into the development, and where this is provided legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or</del></li> <li><del>5. Enabling ease of access for people of all ages and mobility.</del></li> </ol>

<b><u>HRZ-PX</u></b>	<b><u>Larger sites</u></b>  <u>Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.</u>
<b><u>HRZ-PX</u></b>	<b><u>Changing communities</u></b>  <u>To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.</u>
<b><u>HRZ-PX</u></b>	<b><u>Role of density standards</u></b>  <u>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</u>

<b>Rules: Land use activities</b>	
<b>HRZ-R8</b>	<b>Retirement village</b>
<p>1. Activity status: <del>Restricted-Discretionary</del> <b><u>Permitted</u></b></p> <p>Matters of discretion are:</p> <p>1. <del>The matters in HRZ-P2, HRZ-P3 and HRZ-P7.</del></p> <p>Notification status: <del>An application for resource consent made in respect of rule HRZ-R8.1 is precluded from being publicly notified.</del></p>	
<b>Rules: Building and structures activities</b>	
<b>HRZ-R14</b>	<b>Construction of buildings or structures for multi-unit housing or a retirement village</b>

1. Activity status: **Restricted Discretionary**

Matters of discretion are restricted to:

1. The extent and effect of non-compliance with any of the following standards as specified in the associated assessment criteria for any infringed standard:
  - i. HRZ-S2;
  - ii. HRZ-S3;
  - iii. HRZ-S12 for multi-unit housing only;
  - iv. HRZ-S13 for multi-unit housing only;
  - v. HRZ-S14 for multi-unit housing only;
  - vi. HRZ-S15;
  - vii. HRZ-S16; and
  - viii. HRZ-S17.
2. For multi-unit housing, the ~~The~~ matters in HRZ-P2, HRZ-P3, HRZ-P5, HRZ-P6, ~~HRZ-P7~~, HRZ-P8, HRZ-P10 and HRZ-P11.
3. ~~The matters in HRZ-P13 where the development comprises 25 or more residential units; or exceeds the maximum height requirement by 25% or more.~~
4. For retirement villages:
  - i. The effects of the retirement village on the safety of adjacent streets or public open spaces;



- ii. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;
- iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
- iv. When assessing the matters in 1(i) – (iv), and 3(i) – (iii), consider:
  - a. The need to provide for efficient use of larger sites; and
  - b. The functional and operational needs of the retirement village.
- v. The positive effects of the construction, development and use of the retirement village.

For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.

Notification status: An application for resource consent made in respect of rule HRZ-R14.1 is precluded from being publicly notified.

An application for resource consent for a retirement village where compliance is achieved with HRZ-S2, HRZ-S3, HRZ-S15 and HRZ-S17 is precluded from being limited notified.

<b>HRZ-R17</b>	<b>Construction of any other building or structure, including additions and alterations</b>
<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance with the following standards is achieved: <ul style="list-style-type: none"> <li>i. HRZ-S1;</li> <li>ii. HRZ-S2;</li> <li>iii. HRZ-S3;</li> </ul> </li> </ul>	

- iv. HRZ-S4;
- v. HRZ-S5;
- vi. HRZ-S10;
- vii. HRZ-S12;
- viii. HRZ-S13;
- ix. HRZ-S14;
- x. HRZ-S15;
- xi. HRZ-S16; and
- xii. HRZ-S17.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance is not achieved with any of the requirements of HRZ-R17.1.a cannot be achieved.

Matters of discretion are:

- 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;
- 2. The matters in HRZ-P9, HRZ-P10; HRZ-P11 and HRZ-P14 (this clause is not applicable to retirement villages); and

3. The matters in HRZ-P6, HRZ-P7 and HRZ-P8 for additions and alterations to multi-unit-housing ~~or a retirement village~~; and
4. For additions and alterations to retirement villages:
- i. The effects of the retirement village on the safety of adjacent streets or public open spaces;
  - ii. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;
  - iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
  - iv. When assessing the matters in 1(a)(i) – (v), and (2)(4)(i) – (iii), consider:
    - a. The need to provide for efficient use of larger sites; and
    - b. The functional and operational needs of the retirement village.
  - v. The positive effects of the construction, development and use of the retirement village.

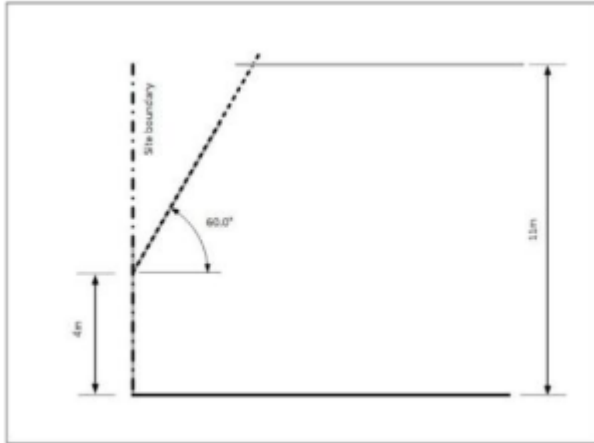
For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.

Notification status: An application for resource consent made in respect of rule HRZ-R17.2.a is precluded from being publicly notified.

An application for resource consent for additions and alterations to a retirement village where compliance is achieved with HRZ-S2, HRZ-S3, HRZ-S15 and HRZ-S17 is precluded from being limited notified.

<b>Standards</b>	
<b>HRZ-S2</b>	Retain as notified
<b>HRZ-S3</b>	<b>Height in relation to boundary</b>

1. For any site where HRZ-S1 applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown in Diagram 6 below:



2. For any site where HRZ-S2 applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 8 metres vertically above ground level along all boundaries, except where (3) or (4) below is applicable;
3. For any site where HRZ-S2 applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 5 metres vertically above ground level along any boundary that adjoins a site in:
  - i. The Medium Density Residential Zone; or
  - ii. The Wellington Town Belt Zone; or

Assessment Criteria where the standard is infringed:

1. Streetscape and visual amenity effects;
2. Dominance, privacy and shading effects on adjoining sites;
3. Effects on the function and associated amenity values of any adjacent open space zone or school site; and
4. For any site adjacent to a character precinct or heritage area, the effects on the identified character or heritage values.

<ul style="list-style-type: none"> <li>iii. Any Heritage Area; or</li> <li>iv. Any site containing a Heritage Building; or</li> <li>v. Any site occupied by a school;</li> </ul> <p>4. For any site where HRZ-S2 applies that is located adjacent to a site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone: all buildings and structures must be designed and located to maintain sunlight access to a minimum of 70% of the open space site area during 10am to 3pm at either of the equinoxes (i.e. 21 March or 23 September).</p> <p>5. In relation to 1, 2 and 3 above, where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> <li>a. A boundary with a road;</li> <li>b. Existing or proposed internal boundaries within a site; and</li> <li>c. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</li> <li>d. <u>Boundaries adjoining open space and recreation zones, commercial and mixed use zones, and special purpose zones.</u></li> </ul>	
<b>HRZ-S4</b>	<b>Boundary setbacks</b>

	Retain as notified.
<b>HRZ-S5</b>	<b>Building coverage</b> Retain as notified.
<b>HRZ-S6</b>	<b>Outdoor living space (per unit)</b> Retain as notified.
<b>HRZ-S7</b>	<b>Outlook space (per unit)</b> Retain as notified.
<b>HRZ-S8</b>	<b>Windows to street</b> Retain as notified.
<b>HRZ-S9</b>	<b>Landscaped area</b> Retain as notified.
<b>HRZ-S10</b>	<b>Permeable surface area</b> Retain as notified.
<b>HRZ-S11</b>	<b>Fences and standalone walls</b>  ... <u>This standard does not apply to:</u>  a. <u>Temporary fences/walls.</u>

<b>HRZ-S15</b>	<b>Minimum privacy separation to a boundary for a multi-unit housing or a retirement village</b>  Retain as notified.
<b>HRZ-S16</b>	<b>Maximum building depth for multi-unit housing <del>or a retirement village</del></b>  ...
<b>HRZ-S17</b>	<b>Minimum building separation distance for multi-unit housing <del>or a retirement village</del></b>  ...

## APPENDIX B: SECTION 32AA EVALUATION

The s32AA evaluation is to be undertaken at a scale and degree that is commensurate with the anticipated effects of the amendments.

**Having regard to Section 32AA, the following is noted:**

<p>The specific provisions recommended to be amended are:</p> <ul style="list-style-type: none"> <li>• Insert a new definition for 'retirement unit';</li> <li>• Insert one new objective into the Medium and High Density Residential Zones (MRZ-OX and HRZ-OX Well-functioning urban environment);</li> <li>• Insert four new policies into the General Residential Zone (MRZ-P7/HRZ-P7 – Retirement villages, MRZ-PX/HRZ-PX Larger Sites, MRZ-PX/HRZ-PX Role of density standards and MRZ-PX/HRZ-PX Changing Communities); and</li> </ul> <p><b><u>'Retirement Unit'</u></b> - means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.</p> <p><b><u>[Insert Zone] – OX: Well-functioning urban environments</u></b></p> <p><u>A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</u></p> <p><b><u>[Insert Zone]- PX: Retirement villages</u></b></p>	<p><b>Effectiveness and Efficiency</b></p> <p>The recommended new definition, objective and policies within the Medium Density and High Density Residential Zones fill a critical gap in the policy regime of the Proposed Plan associated with actively providing support for the ageing population in Wellington City and the provision for retirement villages. It is considered that including a specific retirement unit definition and the new objective and policies appropriately recognises the acute needs for the ageing population and will more appropriately achieve the efficient use of land and patterns of development which are compatible with the role, function and predominant planned character of each particular zone.</p> <p><b>Costs/Benefits</b></p> <p>The recommended amendments enable retirement village development to occur within the Medium Density and High Density Residential Zones in line with the direction of the NPS-UD and Enabling Housing Act. This will have benefit in encouraging residential redevelopment and intensification to support the outcomes expressed in both the Proposed Plan and NPS-UD. It will encourage quality design outcomes for retirement villages. It will provide addition population within residential zones which will contribute to great economic support in Wellington City and provide employment.</p> <p><b>Risk of acting or not acting</b></p> <p>I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in the higher order policy documents, and in particular the NPS-UD and the Housing Enabling Act, which provide a significant step change in meeting the needs of communities, including providing a variety of homes for a range of households.</p>
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<p>1 <u>Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in the [Insert Zone], such as retirement villages.</u></p> <p>2 <u>Recognise the functional and operational needs of retirement villages, including that they:</u></p> <p style="padding-left: 20px;">(a) <u>May require greater density than the planned urban built character to enable efficient provision of services.</u></p> <p style="padding-left: 20px;">(b) <u>Have unique layout and internal amenity needs to cater for the requirements of residents as they age.</u></p> <p><b><u>[Insert Zone] – PX: Larger sites</u></b>  <u>Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.</u></p> <p><b><u>[Insert Zone] – PX: Changing communities.</u></b>  <u>To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.</u></p> <p><b><u>[Insert Zone] – PX: Role of density standards</u></b>  <u>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</u></p>	<p>The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide growth that is strategically planned and results in vibrant cities. In my opinion, the relief sought by the RVA and Ryman will be more in line with the outcomes expressed in the NPS-UD.</p> <p>The risk of not acting and council not giving effect to the changes sought by the RVA and Ryman, is that intensification or redevelopment options are not taken up or are unnecessarily prevented from occurring.</p>
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### APPENDIX C – RESIDENTIAL DESIGN GUIDE

<b>Examples of overly restrictive provisions/guidance relating to the Residential Design Guide in light of the permissive and enabling NPSUD and Enabling Housing Act context</b>	
<b>Residential Design Guide</b>	<b>Comments</b>
<p><b>People Outcome</b></p> <p>Wellbeing, resilience and the enrichment of future generations are the key drivers of any new development.</p>	<p>It is unclear how this Outcome would be applied in the consenting process.</p>
<p><b>Internal spaces outcome</b></p> <p>Internal environments provide healthy, comfortable, convenient, functional and attractive places for their occupants.</p>	<p>This guidance is open to interpretation by different parties. It may slow the consenting process if there is disagreement between parties as to the meaning of what a 'healthy', 'comfortable', 'convenient', 'functional' and 'attractive' place is for an occupant. The item imposes greater restrictions than the MDRS. This will slow down, not speed up, the provision of housing.</p>
<p><b>G23</b></p> <p>Ensure the site layout orientates residential units to face either the public space, the street, or communal open space of the development to avoid side facing buildings.</p>	<p>This guideline includes a diagram demonstrating how the guidance can be achieved. It is overly prescriptive and imposes greater restrictions than the MDRS. The guidance, particularly when combined with the diagram, will be open to interpretation by parties.</p>
<p><b>G24</b></p> <p>Ground floor residential must have a strong public-private threshold, for example, through the use of building setbacks, recessed entranceways, internal design and landscaping.</p>	<p>This guidance is overly prescriptive and inconsistent with the MDRS, which does not impose a density control on the public-private threshold.</p>
<p><b>G34</b></p>	<p>This guidance imposes greater restrictions than the MDRS, which already provides for passive surveillance under Policy 3.</p>

<p>Maintain visual connections between building interiors and the public realm to ensure passive surveillance is achieved. Avoid blank facades and opaque windows facing the public realm.</p>	
<p><b>G45</b></p> <p>Create new publicly accessible pedestrian links through a site as part of the site redevelopment where a link would enhance local pedestrian connectivity.</p> <p><i>Ensure connections are of high quality.</i></p> <p><i>High-quality connections should feature:</i></p> <p><i>Clear, straight sightlines to the spaces beyond them</i></p> <p><i>Viewshafts to maunga and awa of importance to local iwi where possible</i></p> <p><i>Wide footpaths</i></p> <p><i>Quality landscape treatment</i></p> <p><i>Lighting</i></p> <p><i>At least one active frontage</i></p> <p><i>Public artwork</i></p>	<p>This guidance is overly prescriptive and inconsistent with the MDRS, which does not impose a control on pedestrian access through sites. It may not be suitable in the retirement village context, where pedestrian links are not always provided in the interests of resident safety and security.</p>
<p><b>G62</b></p> <p>Provide shared internal circulation within developments that are efficient, convenient and understandable.</p>	<p>This guidance is open to interpretation by the different parties. As above, it may slow the consenting process if there is disagreement between parties as to what is 'efficient', 'convenient' and 'understandable' shared internal circulation. The item imposes</p>

	greater restrictions than the MDRS. This will slow down, not speed up, the provision of housing.
<p><b>G74</b></p> <p>Bike, scooters and other micro-mobility storage should be included for all dwelling types, either associated with the dwelling or in a shared secure area and easily accessed from the dwellings it serves or the street. A wheel ramp needs to be considered if the storage area is only accessed through steps.</p>	This guidance is overly prescriptive and not suitable for the unique retirement village context, where not all residents will cycle due to the frequency of mobility constraints.
<p><b>G79</b></p> <p>Consider the dimensional proportions of communal open space to create a feeling of intimacy and enclosure balanced with openness, flexibility of use and maximum sunlight access.</p>	This guidance is overly prescriptive, unclear, and inconsistent with the MDRS. It is open to interpretation what 'openness' or a 'feeling of intimacy' might mean. This will slow down, not speed up, the provision of housing.
<p><b>G82</b></p> <p>Locate the 'principal area' of the private open space, or any complying balcony or deck to the north, west or east of the dwelling and avoid south-facing open space to ensure that it can receive the maximum direct sunlight possible.</p>	This guidance is inconsistent with the MDRS, which does not impose a sunlight density standard.
<p><b>G106</b></p> <p>Ensure new development fits well within the local context. Where they are determining features of local context, identify and positively contribute to patterns of:</p> <ul style="list-style-type: none"> <li>- Architectural composition and roof form</li> </ul>	This guidance is overly prescriptive and inconsistent with the MDRS, which does not impose a density standard on matters of architectural form and design.

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| <ul style="list-style-type: none"><li>- Alignment of key elevational lines including roof, parapet, verandah, windows, balconies and doors</li><li>- Proportions of forms and openings</li><li>- The visual rhythm of frontage widths and openings</li></ul> |  |
|--|--|