

*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 5 (General District Wide)

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

*and:* **Ryman Healthcare Limited**

Statement of Evidence of **Nicola Marie Williams** on behalf of the  
Retirement Villages Association of New Zealand Incorporated and  
Ryman Healthcare Limited

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Dated: 18 July 2023

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

**STATEMENT OF EVIDENCE OF NICOLA MARIE WILLIAMS ON  
BEHALF OF THE RETIREMENT VILLAGES ASSOCIATION OF NEW  
ZEALAND INCORPORATED AND RYMAN HEALTHCARE LIMITED**

**INTRODUCTION**

- 1 My full name is Nicola Marie Williams and I am an Associate with Mitchell Daysh Limited. I have previously provided evidence dated 12 June 2023 and I confirm my experience as set out in paragraphs 2 – 6 of that evidence.
- 2 I also reconfirm that I have read and agree to comply with those parts of the Environment Court Practice Note that bear on my role as an expert witness, in accordance with paragraph 10 of that evidence.
- 3 I have prepared this statement of evidence at the request of the Retirement Villages Association of New Zealand Incorporated (*RVA*) and Ryman Healthcare Limited (*Ryman*).
- 4 In preparing this statement of evidence, I have reviewed:
  - 4.1 Wellington Regional Policy Statement (*WRPS*);
  - 4.2 Proposed Wellington District Plan (*Proposed Plan*) and accompanying Section 32 Report;
  - 4.3 Submissions and further submissions on behalf of the RVA and Ryman;
  - 4.4 Section 42A reports and appendices relevant to Hearing Stream 5 on Three Waters (*section 42A report*); and
  - 4.5 The statement of expert evidence of Ms Nadia Nitsche on behalf of Wellington City Council (*Council*).

**SCOPE OF EVIDENCE**

- 5 A detailed description of Ryman and the RVA's activities and interests in the Proposed Plan has been provided in legal submissions and evidence presented in previous hearings.
- 6 This statement of evidence comments on the specific planning matters raised in the RVA and Ryman submissions that are relevant to Hearing Stream 5 and provides my response to the recommendations in the section 42A report. It addresses:
  - 6.1 Amendments to THW-O3; and
  - 6.2 Deletion of THW-R4.

## THREE WATERS CHAPTER

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

- 7 The submissions by the RVA and Ryman sought to delete Objective THW-O3 and Rule THW-R4 on the basis that requiring hydraulic neutrality in all cases, including where there is sufficient capacity in the downstream system and/or the effects of increased water flows can be managed effectively, is inappropriate.

### ***Section 42 Report***

- 8 The section 42A report writer recommends that the submission points are rejected because "*The provisions [THW-O3] seek to ensure that new development is serviced by appropriate three waters infrastructure, and that a suitable level of service within the three waters network is maintained*".<sup>1</sup>

### ***Response***

- 9 I agree with the submission of the RVA and Ryman that Objective THW-O3 directs a blanket approach through its requirement for "*no increase*" in offsite stormwater peak flows and volumes.
- 10 I consider there is a disconnect between the directive language of Objective THW-O3 and the corresponding Policy THW-P5. Policy THW-P5 provides some flexibility as it requires subdivision and development to sustainably manage the volume and rate of stormwater discharge so that it is reduced "*as far as practicable*" to be at or below the modelled peak flow and volume for each site in an undeveloped state. In my view, the objective and the policy are not fully aligned.
- 11 The objective does not allow for any flexibility for a development proposal to respond to the particular characteristics of the surrounding network and provide appropriate engineering solutions in line with the corresponding policy. In some cases, it may not be necessary or appropriate for environmental effects management purposes to have "*no increase*" in offsite stormwater peak flows in all rainfall event scenarios. I note that development contributions address the financial aspects of infrastructure demand.
- 12 I therefore recommend an amendment to THW-O3 to allow for more flexibility within the objective, and align with the policy, as follows:

### **THW-O3 Hydraulic Neutrality**

There is no increase in offsite stormwater peak flows and volumes as a result of subdivision, use and development in

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<sup>1</sup> Paragraph 151 – Section 42A report for Hearing Stream 5 – Three Waters for Wellington City Council Proposed District Plan, dated 3 July 2023.

urban areas unless environmental effects from stormwater can be appropriately managed.

***RVA and Ryman Submissions***

- 13 The submissions by the RVA and Ryman sought to delete Rule THW-R4 on the basis that it is not appropriate to require certain water sensitive design methods within a rule, especially where Rule THW-R2 provides for sufficient assessment of servicing capacity.

***Section 42 Report***

- 14 The section 42A report writer recommends that the submission points are rejected as "*The use of Water Sensitive Urban Design [within THW-R4] not only allows for better stormwater management but ensures that the District Plan is consistent with NSP-FM 3.4(5) and the RPS provisions that are both operative and proposed*".<sup>2</sup>

***Response***

- 15 I note that the RVA and Ryman submissions support permitted activity Rule THW-R2 which requires compliance with the stormwater performance standard of the Wellington Water Regional Standard for Water Services. The performance standard includes 4.2.10: Water Sensitive Design. It sets out the recommended design approach for water sensitive design, while also providing for other treatment methods to be considered on a case-by-case basis by Wellington Water.
- 16 In my opinion, THW-R2 already covers water sensitive design matters within a permitted activity framework. By duplicating matters covered in THW-R2 within a restricted discretionary framework, I consider Rule THW-R4 introduces unnecessary additional regulation that will give rise to consenting complexities. Accordingly, I consider Rule THW-R4 should be deleted.

**CONCLUSION**

- 17 As noted within this statement, 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, including clear and appropriate provisions in relation to Three Waters.

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<sup>2</sup> Paragraph 277 – Section 42A report for Hearing Stream 5 – Three Waters for Wellington City Council Proposed District Plan, dated 3 July 2023.

- 18 Overall, I agree with the submissions by Ryman and the RVA on the provisions addressed in this evidence and have set out suggested amendments to the relevant provisions.

**Nicola Williams**

**18 July 2023**