

Before Hearing Commissioners at Wellington City Council

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

in the matter of: an application by Ryman Healthcare Limited (*Ryman*)
for resource consent to construct, operate and maintain
a comprehensive care retirement village at 26 Donald
Street and 37 Campbell Street, Karori, Wellington

between: **Ryman Healthcare Limited**
Applicant

and: **Wellington City Council**
Consent Authority

Memorandum of Counsel on behalf of Ryman Healthcare Limited

Dated: 16 August 202

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MEMORANDUM OF COUNSEL ON BEHALF OF RYMAN HEALTHCARE LIMITED

Introduction

- 1 As required by paragraph 27 of Minute 1, this memorandum provides a report on pre-hearing engagement between Ryman Healthcare Limited (*Ryman*), Wellington City Council (*Council*) and submitters. It also addresses the potential need for expert conferencing.

Pre-hearing engagement

Process for engagement

- 2 Ryman contacted all submitters to invite them to attend pre-hearing meetings. Pre-hearing meetings took place on 9 and 10 August 2022. For meetings arranged by 5 August, Ryman provided its proposed consent conditions to submitters in advance of the meeting.
- 3 The scheduled meetings were attended by Ryman's representatives, planner and legal counsel, the Council reporting officer and submitters that took up the offer to meet. Two submitters¹ also 'dropped in' to meet with Ryman on 10 August. The Council reporting officer was not present at those unscheduled meetings.
- 4 At the pre-hearing meetings, the attendees discussed the key points raised in the relevant submission and Ryman answered a number of questions raised. In many cases, Ryman was able to clarify the submitters' understanding of key elements of the proposal (for example, some of the submitters thought the scale of the Proposed Village is greater than that proposed, many of the submitters were not aware the infrastructure provision has been discussed with Wellington Water, and most of the submitters benefited from an explanation of the parking provision and how Ryman allocates staff and visitor parking).
- 5 Ryman also talked through the proposed consent conditions that are being offered to address concerns raised by submitters (for example, the construction traffic management plan condition, the pre and post-construction building condition survey condition, and – in relation to dust – the construction management plan and erosion and sediment control plan conditions).
- 6 At some of the meetings, Ryman also noted the change in the planning context arising from the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and recently notified Proposed District Plan. Most of the submitters it

¹ David Powell and Francine Tyler.

met were aware the character of this neighbourhood is anticipated to change as a result of this planning context.

Record of engagement

- 7 Ryman met with Responsible Development Karori² on 9 August. This meeting was attended by members of this group, who also lodged individual submissions.³ A wide range of matters were discussed at this meeting. The following outcomes were agreed and recorded at the close of the meeting:
- 7.1 The submitters do not consider Ryman's proposed conditions address their substantive concerns;
- 7.2 Ryman will consider Responsible Development Karori's request for further amendments to the proposed conditions as follows:
- (a) to address the potential for tyre squeal from the undercroft parking;
 - (b) to provide for interim building condition surveys during the construction process;
 - (c) to clarify that construction works on Sundays and Public Holidays are excluded.
- 7.3 Ryman and Responsible Development Karori are also considering if any additional matters should be specified in proposed condition 44 concerning the Construction Management Traffic Plan. Ryman will address this matter in its evidence.
- 8 Ryman met with Francine Tyler⁴ of 26 Scapa Terrace on 10 August. At the meeting, Ryman agreed that it would instruct its wind expert to provide information to Ms Tyler on the potential wind impacts on her property. This information is currently being prepared and will be addressed in Ryman's evidence.

² Submitter 65.

³ Joost and Kerri van Amelsfort (submitter 50), 12 Scapa Terrace; David King and Anna McKinnon-King (submitter 75), 24 Scapa Terrace; Richard Leikis and Vanessa Porter (submitter 57), 20 Scapa Terrace; Jude Wallace (submitter 43), 13 Scapa Terrace; Richard Brandon (submitter 54), 23 Scapa Terrace; Michael Hamilton (submitter 45), 18 Scapa Terrace; Clinton Moran (submitter 58), 16 Scapa Terrace; Andrew and Julie Cooper (submitter 56), 49 Campbell Street; Jeremy and Debbie Sprott (submitter 60), 32 Campbell Street; and Bruce and Miranda Major (submitter 74), 37 Donald Street. Some of these submitters were represented by one person only at the meeting.

⁴ Submitter 16.

- 9 Ryman met with John Eyles⁵ of 38 Campbell Street on 10 August. Ryman answered a number of questions raised by the submitter and key submission points were discussed. At the meeting, Ryman agreed to provide Mr Eyles with further information relevant to his key submission points. Ryman is currently collating this information to provide to Mr Eyles.
- 10 Ryman also met with the following submitters where no specific outcomes were agreed, but Ryman answered a number of questions raised by the submitters and key submission points were discussed:
- 10.1 Bruce Dunstan⁶ of 11 Scapa Terrace on 9 August;
 - 10.2 David Powell⁷ of 46 Donald Street on 10 August;
 - 10.3 Virginia Carpenter⁸ of 21 Donald Street on 10 August; and
 - 10.4 Sandra Waldrom⁹ and David Ensaw¹⁰ of 31 Donald Street on 10 August.

Summary of issues

- 11 Based on the pre-hearing meetings, Ryman considers the key concerns of submitters it met with relate to (using the language from paragraph 8 of Minute 1):
- 11.1 Scale, bulk and location of buildings and related character, overshadowing / shading, outlook, privacy and wind effects;
 - 11.2 Noise, vibration, dust and traffic impacts during construction, and construction duration;
 - 11.3 On-going parking demand and traffic impacts; and
 - 11.4 Infrastructure capacity.

Next steps

- 12 In addition to the specific outcomes recorded above, Ryman is considering whether any further amendments to its proposed conditions are warranted in light of the discussions. Ryman will present an updated version of its proposed conditions with its planning evidence.

⁵ Submitter 55.

⁶ Submitter 62.

⁷ Submitter 22.

⁸ Submitter 45.

⁹ Submitter 25.

¹⁰ Not a submitter.

Expert conferencing

- 13 In its correspondence to submitters regarding pre-hearing meetings, Ryman asked submitters to advise if they have engaged an expert. Ryman is not aware of any submitter having engaged an independent expert on a topic that is relevant to the consideration of the application.
- 14 As noted in our 28 July memorandum, Ryman asked the Council whether discussions on any particular topics would be useful. Council has advised that discussions in relation to wind and traffic effects would be beneficial.
- 15 Ryman and Council met to discuss traffic effects on 16 August. The key matters discussed related to the parking provision and construction traffic. Ryman considers the discussion was useful and clarified a number of matters. It is not considered that traffic expert conferencing is required prior to evidence exchange.
- 16 A meeting between Ryman and Council to discuss wind effects is also being scheduled. If there are any outstanding points following this meeting, expert conferencing may be required. We will update the Commissioners in due course.

Luke Hinchey / Nicola de Wit
Counsel for Ryman Healthcare Limited
16 August 2022