

*under:* the Resource Management Act 1991

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

*and:* Wrap-up hearing (ISPP Provisions)

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

*Submitter 351*

*and:* **Ryman Healthcare Limited**

*Submitter 346*

Statement of Evidence of **Rebecca Skidmore** on behalf of the  
Retirement Villages Association of New Zealand Incorporated and  
Ryman Healthcare Limited

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Dated: 5 September 2023

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

**STATEMENT OF EVIDENCE OF REBECCA SKIDMORE ON BEHALF OF  
THE RETIREMENT VILLAGES ASSOCIATION OF NEW ZEALAND  
INCORPORATED AND RYMAN HEALTHCARE LIMITED**

**INTRODUCTION**

- 1 My full name is Rebecca Anne Skidmore.
- 2 I am an Urban Designer and Landscape Architect. I am a director of the consultancy R. A. Skidmore Urban Design Limited and have held this position for approximately twenty years.
- 3 I hold a Bachelor of Science degree from Canterbury University (1987), a Bachelor of Landscape Architecture (Hons) degree from Lincoln University (1990), and a Master of Built Environment (Urban Design) degree from Queensland University of Technology in Brisbane (1995).
- 4 I have approximately 28 years' professional experience, practising in both local government and the private sector. In these positions I have assisted with district plan preparation and I have assessed and reviewed a wide range of resource consent applications throughout the country. These assessments relate to a range of rural, residential and commercial proposals.
- 5 In particular, I note that I have assessed numerous retirement village proposals throughout the country, both for applicants and in a review capacity for local authorities. These villages range considerably in scale and context. Through this experience I am familiar with particular functional requirements and characteristics of retirement villages that differentiate them from other residential typologies.
- 6 I regularly assist councils with character assessments and the development of frameworks for the protection and management of identified special character areas. I also regularly assist local authorities with policy and district plan development in relation to growth management, urban design, landscape, character and amenity matters.
- 7 I am an accredited independent hearing commissioner. I also regularly provide expert evidence in the Environment Court and I have appeared as the Court's witness in the past.
- 8 I took part in the expert conferencing in relation to the Wellington City Proposed District Plan (*PDP*) Design Guides Review for the Residential Design Guide (*RDG*) and the Centres and Mixed-Use Design Guide (*CMUDG*). I am a co-author of the joint witness statement (*JWS*) dated 22 August 2023 on the Design Guides Review.
- 9 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*).
- 10 In preparing this statement of evidence, I have reviewed the:

- 10.1 PDP;
  - 10.2 Submissions and further submissions on behalf of the RVA and Ryman;
  - 10.3 Section 42A report – Design Guides and the relevant appendices (*section 42A report*); and
  - 10.4 Statement of expert evidence of Dr Farzard Zamani on behalf of Wellington City Council (*Council*).
- 11 I have also reviewed the statement of expert evidence of Ms Sarah Duffell. I do not specifically respond to that statement, as it addresses the Subdivision Design Guide. I understand the RVA and Ryman do not have a particular interest in subdivision matters in the current process.

#### **EXPERT WITNESSES CODE OF CONDUCT**

- 12 I have read the Environment Court’s Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2023 and I agree to comply with it. My qualifications as an expert are set out above. I am satisfied that the matters which I address 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.

#### **SUMMARY**

- 13 The updated RDG and CMUDG (collectively, the *Design Guides* or *Guides*) developed through the review and expert conferencing process are generally considerably tighter and have improved clarity and I therefore generally support them.
- 14 The proposed “Introduction Document” referred to in the Section 42A Report – Part 2, should not be included in the District Plan. It was not discussed in conferencing, it is unnecessary and it reduces clarity and focus.
- 15 A limited number of guidance points are not urban design matters and should be removed from the Design Guides.
- 16 In my view, the Design Guides are not intended to be rules or standards and will not be relevant in all cases. There needs to be some flexibility in how the guides are applied, particularly when used as a statutory tool.
- 17 The application of the Design Guides for retirement villages should be limited to addressing relevant aspects of the Guides and the way retirement villages relate to the surrounding public realm and adjacent properties. The Guides are generally not suitable for managing internal matters, given the specialist layouts that retirement villages require.

## SCOPE OF EVIDENCE

- 18 In the following evidence, I:
- 18.1 Comment on the recommended RDG and CMUDG in relation to urban design best practice and the practicalities of using the Guides in resource consent processes; and
- 18.2 Provide my opinion in relation to the applicability of the recommended RDG and CMUDG to retirement villages.

## SECTION 42A REPORT RECOMMENDED DESIGN GUIDELINES

### Review of the RDG and CMUDG

- 19 A detailed and thorough review of the notified RDG and CMUDG has been carried out. The review process is described in Section 3 of the 'Proposed Wellington City District Plan Design Guides Review' (*BM report<sup>1</sup>*). The process included expert witness conferencing, which I participated in. The process and outcomes from the conferencing are set out in the JWS<sup>2</sup>.
- 20 In my opinion, the review of the RDG and the CMUDG has resulted in considerable tightening and improved clarity around how the guides are to be used and interpreted within the District Plan framework. The Introduction section in both the RDG and the CMUDG is important as it sets out the intent, structure and requirements of each of the Guides, and the relationship with other Guides. In my view, the introduction section means that it is much clearer how each of the Guides is to be applied.
- Statutory vs non-statutory design guidance**
- 21 In my opinion, there is not one 'right' way to structure and apply design guidelines. In my opinion, there are benefits and challenges to providing design guidance in either a statutory or non-statutory form. Some key benefits and challenges include:

<b>Statutory</b>	<b>Non-statutory</b>
<p><i>Benefits:</i></p> <p>Have a clear relationship to other provisions in the District Plan (policy framework and assessment matters identified).</p> <p>Have clear weight in a consenting process.</p>	<p><i>Benefits:</i></p> <p>Not limited to a consideration of RMA matters – can have a wider application.</p> <p>Can be aspirational – promote best practise rather than acceptable outcomes in an RMA context.</p>

<sup>1</sup> Prepared by Boffa Miskell (18 August 2023) and contained in the Section 42A Report – Part 2, Appendix A.

<sup>2</sup> Section 42A Report – Part 2, Appendix D.

<p><i>Challenges:</i></p> <p>Limited scope with a need to be clearly linked to statutory requirements (District Plan provisions).</p> <p>Interpretation challenges that cause information requests, delays and debates during consenting.</p> <p>Risk of being treated as rules or requirements.</p> <p>Variety of approaches between councils can create consistency issues and difficulties establishing agreed industry methodologies.</p>	<p>Can perform an important educational role.</p> <p><i>Challenges:</i></p> <p>Application in an RMA consenting context can be limited.</p>
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- 22 I acknowledge the recommendation of the Section 42A Report to include the RDG and the CMUDG within the District Plan, rather than the RDG and CMUDG forming non-statutory guidance. If that recommendation is accepted, there are some outstanding general issues with the recommended Guides that I consider need to be addressed, which I cover in this section. I also discuss the applicability of the Guides to retirement villages further below.

**Inclusion of overarching 'Design Guide Introduction'**

- 23 As a result of the expert conferencing process, the Section 42A Report – Part 2, based on the BM report, recommends the RDG and CMUDG be separate, stand-alone documents (while sitting within the District Plan) that are to be used on a zone by zone basis.<sup>3</sup> I support that approach, which will be clearer to implement than seeking to apply multiple guideline documents for a given proposal.
- 24 However, the Section 42A Report – Part 2 also recommends (WU-P2-Rec8) that an additional Design Guide Introduction document (*Introduction Document*) is included in the District Plan (contained in Appendix 5 to the BM report). I note that the Introduction Document was not the subject of expert conferencing. I do not agree that the Introduction Document is necessary or helpful. The RDG and the CMUDG themselves are drafted as self-contained documents with carefully worded introduction sections. The recommended Introduction Document is unclear, verbose and does not assist in the use of the RDG and the CMUDG. In my opinion, the Introduction Document should be deleted.

<sup>3</sup> Section 42A Report – Part 2, paragraph 70.

### **Design Guide content**

- 25 Assisted by the expert conferencing process, the review process has resulted in a considerable rationalisation of the outcomes and guidance points contained in the RDG and CMUDG. Greater clarity is also provided through careful selection of wording. I consider these improvements will assist in the understanding of the RDG and CMUDG when preparing urban design assessments in resource consent processes.
- 26 I still have some reservations about the 'thematic' organisation of the structure of the RDG and CMUDG, rather than using a 'spatial' organisation. Nevertheless, I accept, as noted in the BM report, that there are different ways to structure design guidelines and each have strengths and weaknesses. I understand that Council Officers were reluctant to consider an alternative structure for the RDG and CMUDG. Accordingly, the expert conferencing process focused on the content of the RDG and CMUDG using the structure previously proposed.
- 27 It is important to note that the Guides are not rules or standards and they should be treated as guidelines. The Introduction section for both the recommended RDG and CMUDG note that they are 'intended to promote design innovation' rather than being prescriptive about how to achieve the outcomes sought. Therefore, I consider it is important for the planning provisions linking to the Guides to provide for a degree of flexibility.
- 28 At a detailed level, in my opinion, some of the guidance points contained in the recommended RDG and CMUDG go beyond urban design considerations relevant to a resource consent process. These include:
- 28.1 G12 (RDG) and G14 (CMUDG) – responding to adjacent sites or areas of significance to Māori;
  - 28.2 G33 (RDG) – providing space and fixtures for open-air laundry drying;
  - 28.3 G47 (RDG) and G47 (CMUDG) – provision for internal storage.
- I consider these matters should be deleted from the RDG and CMUDG.

### **APPLICATION OF THE RDG AND CMUDG TO RETIREMENT VILLAGES**

- 29 Evidence on New Zealand's aging demographic and the need for retirement villages to meet the specific needs of older persons, together with the specific functional and operational design requirements of retirement villages, was provided in Stream 2 by Ms Margaret Owens, Mr Matthew Brown and Dr Philip Mitchell on behalf of Ryman and the RVA
- 30 From my experience in assessing the urban design effects of retirement village proposals, I am very aware of the particular design

requirements to meet both the functional and operational needs of retirement villages and the specific needs of older persons (including their amenity preferences). Examples of internal features that are common to retirement villages and which drive different forms and functions include:

- 30.1 different residential unit types that meet different care needs;
  - 30.2 provision of more communal space (often internally) that functions as an important social heart for residents and includes a range of amenities tailored to older persons;
  - 30.3 common for on-site outdoor spaces to be actively managed;
  - 30.4 usually a need to centralise services and resident amenities within one building and a need for legible, convenient and safe access to this building for all residents;
  - 30.5 lower vehicular movements and the need for accessibility around the village (pedestrians, traffic/parking);
- 31 Many of these layout components require highly specialised design input and compliance with relevant regulations. Urban design guides are not set up to address these sorts of matters, which, in my experience, are best left to the specialist operators.
- 32 Therefore, in my opinion, applying the recommended RDG and CMUDG to applications for consent for retirement villages may frustrate the delivery of appropriately designed retirement villages. This is particularly in relation to the Site layout and configuration of accessways and open spaces and the design and relationship between residential units.
- 33 Both of the recommended Guides include, in the Introduction, a section on 'How to Use this Guide'. This section notes that "*Applicant's need only apply those design outcomes and guidance points that are relevant to the proposal*". Although, I generally agree with this statement, from my experience, the particular design requirements for retirement villages are often not well understood by those reviewing applications for retirement villages. For example, public access through sites is often promoted as being desirable, but this can conflict with resident's needs for personal safety. The scale and configuration of private outdoor space sought and the need for privacy between units often does not reflect the more communal way of living that is a foundation of retirement villages. I am concerned that without being explicit about the extent of applicability of the Design Guides to retirement villages, there is likely to be ensuing debate around the guidance provided and how this should be applied to individual resource consent applications.
- 34 This lack of understanding is demonstrated in the evidence of Dr Farzad Zamani (on behalf of Wellington City Council) for this hearing. He seems to suggest that the only feature of retirement villages that

differentiates them from other housing typologies is the commercial arrangement of their delivery. He suggests that the potential exists for retirement villages to transition from a managed environment to a conventional residential environment and should be assessed as such. This approach fails to recognise the way retirement villages are designed to meet the needs (at varying levels of care) and preferences of the elderly in these environments.

35 Further, given their unconventional internal layouts, transitioning to an alternative residential environment is not as straight forward as suggested by Dr Farzad. In any case, I do not consider retirement village proposals should be assessed by reference to a potential different future use.

36 To illustrate further, I note the the following elements of the Guides that are not appropriate to be applied directly to retirement villages:

36.1 G13 (RDG) – provision of pedestrian path through larger sites to enhance local pedestrian connectivity;

36.2 G14 (RDG) – design of pedestrian access;

36.3 G23 (RDG) – design of communal outdoor living space.

37 In my opinion, it is relevant to consider the way retirement villages relate to their surrounding (external) environment when considering applications for resource consent. The RDG and CMUDG include relevant and helpful guidance in that respect. However, I do not consider it appropriate for the Guides to be strictly applied to retirement villages for the reasons noted above, particularly as regards the internal features of villages. Therefore, I consider there would be benefit in the intent of the RDG and CMUDG being considered where relevant for retirement villages particularly to the extent that that they relate to the way retirement villages interface with the surrounding public realm and adjacent properties. The particular sections of the RDG and CMUDG that are relevant are:

37.1 Responding to the natural environment in an urban context - designing with topography (as experienced externally) (G2 and G3) and vegetation and planting (as experienced externally) (G4);

37.2 The theme of 'Effective public-private interface';

37.3 Under the theme of 'Well-functioning sites' – Vehicle access and parking as it relates to the adjacent public realm (RDG G15, G16, G18, and CMUDG G17, G19 and G21);

37.4 Under the theme of 'High quality buildings' – Design outcomes 012, 014 and associated design guidance – Design coherence and integration (RDG G34, G35, G38, G39, G40 and CMUDG G32, G33, G35, G36 and G37).



- 38 In my opinion, the matters within the RDG and CMUDG that relate to internal site design, function and amenity should not apply to retirement villages. As noted above, many of the internal design guidelines are not appropriate to be applied to retirement villages. Rather, the retirement village sector is better placed to determine appropriate internal outcomes that are tailored to the needs of older persons and meet the functional and operational requirements of villages.<sup>4</sup> I also note that the proposed District Plan rules provide some control over things such as outlook and outdoor living space requirements through permitted standards. The effects of any breaches of these standards can be looked at more closely through a resource consent process.

### **CONCLUSION**

- 39 I generally support the updated Design Guides, subject to the points outlined.

**Rebecca Skidmore**  
**5 September 2023**

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<sup>4</sup> See paragraphs 47 – 50 and 89-93, Stream 2 evidence of M Owens (RVA).