

**BEFORE INDEPENDENT COMMISSIONERS
ON BEHALF OF THE CHRISTCHURCH CITY COUNCIL**

In the matter of the Resource Management Act 1991

And

In the matter of application RMA/2020/679 by Ryman Healthcare Ltd to establish and operate a comprehensive care retirement village and associated activities at 74 and 78 Park Terrace, Christchurch

DECISION OF THE INDEPENDENT COMMISSIONERS

Dated 29 October 2021

Application Reference: RMA/2020/673**Applicant:** Ryman Healthcare Limited**Site address:** 74 and 78 Park Terrace, (the Peterborough St site)**Legal Descriptions:** : Lot 2 DP 13073, Lot 1 DP46369, Lot 1 DP 46569, Pt Town Res 23 Town of Christchurch and Pt Town Res 25 City of Christchurch**Zoning:** Residential Central City**Activity status:** Restricted Discretionary**Introduction**

1. This is an application to construct, operate and maintain a comprehensive care retirement village at a site in central Christchurch. The site has street frontages to Park Terrace, Salisbury Street, and Peterborough St. In this decision we will refer to the site as the Peterborough St site.
2. This application was received at the same time as an application to construct a similar facility at a nearby site at 100-104 Park Terrace and 20 Dorset Street, to the north of this site across Salisbury Street (Application RMA/2020/673). We refer to that site as the Bishops Park site. The applicant intends to operate both sites as one facility.
3. A draft set of conditions submitted with the applications was intended to apply to both sites.
4. We were appointed by the Christchurch City Council and given delegated authority to hear and decide the applications.
5. The two applications were processed on a publicly notified basis, heard together, and were the subject of an interim decision by us dated 4 June 2021.
6. In our interim decision we set out full descriptions of the two sites and the proposals, the submissions which were received and the hearings which took place, including the evidence which we received from the applicant, the submitters and Council officers. Following the hearing the applicant, Council and submitters were given the opportunity to consider and comment on draft conditions, for use if we decided to grant the consents.
7. As a result, in our interim decision we were able to make a full assessment of the effects of the proposals on the environment and assess these against the provisions of the Christchurch District Plan and the relevant higher order planning instruments and the legislation. We reached conclusions on the merits of the applications and submissions and set out our reasons. In that interim decision we indicated that the application for the Bishops Park site could be granted, subject only to revision of the conditions to produce a set unique to that site, but that the Peterborough Street proposal required modification to mitigate adverse shading effects at adjacent properties. We indicated that the final decision on RMA/2020/679 would be made when we have been provided with and considered the applicant's modifications.
8. A modified set of conditions for the Bishops Park site was then prepared and submitted to us. We issued a final decision for that site on 21 July 2021.
9. The Applicant has considered our interim findings on the Peterborough St site, and prepared modified plans to address our concerns about the shading effects at the adjacent properties at 5 Peterborough St and 18 Salisbury St. We were provided with a summary of revised proposals by Mr Jeremy Moore for the Applicant. He also told us that the Applicant had consulted with most of the affected neighbours at 5 Peterborough St and 18 Salisbury St and had attempted to consult with the rest, and had obtained written affected party approvals from a number of them. Expert assessments of the modified proposals were also provided by the Applicant's urban design experts Mr Burns and Ms Skidmore and brief statements for the Council by its planner Ms Armstrong and urban designer Ms Schroder.
10. Mr Moore wrote that for the eastern wing of Building B07, the top Level 5 would be removed in full. Level 4 would be removed in part and reconfigured with a recessed penthouse option adopted from the top level of the Western Wing. The materials and colours of the façade would be amended

to address the new height and scale of the eastern wing to correlate with the western wing. Two apartments would be added to Level 3 by reducing the size of the existing community centre. For Building B08, one level would be removed in full with the Level 4 (penthouse) being adopted on Level 3. The penthouse level would be slightly reconfigured and shifted 1205mm west from the primary façade. For the eastern facade the materials would be the same as those on the western façade that now identifies and emphasizes the entranceway and helps break up the horizontality of the façade.

11. In summary the revised proposals would reduce the height and bulk and modify the façades of the buildings along the eastern boundary of the site adjacent. This would have the effect of increasing afternoon sunlight at the two residential complexes adjacent to the east at 18 Salisbury St and 5 Peterborough St and enhance the visual appearance of the buildings. All the experts for the applicant and the Council accepted that the revised proposals were now suitable in respect of shading and visual effects for this inner city residential environment and that any adverse effects would be less than minor.
12. We directed the Council to circulate the revised proposals to all submitters on the original applications with an invitation for comments. No comments were received.
13. We have considered the revised proposals and are satisfied they address our concerns expressed in the interim decision. They will achieve a significant improvement in adverse shading and visual effects to the properties on the eastern side of the site.
14. We do not consider it necessary to repeat any of the assessments, analysis and reasons set out in the interim decision. That interim decision and this final decision for the Peterborough St site should be read together.
15. Nor do we consider it necessary to reconvene the hearing or to hear directly from the experts. We note that although the applicant has not succeeded in gaining affected party approvals from all the eastern neighbours, we do not place any significance on this. It is commendable that the applicant has obtained a number of such approvals. We have disregarded the effects on those persons as we are directed to do by s104(3)(ii).
16. This application was fully notified, and all owners and occupiers at the adjacent sites had opportunity to submit. Any more recent owners or occupiers would have moved in with knowledge of the original proposals and the benefit of any submissions lodged at the time. The amended proposal was circulated to all submitters with an opportunity to comment. The amendments have reduced the scale of the original proposal and in our view appropriately address the concerns we identified in our interim decision. We are satisfied the shading and associated effects are now acceptable. The amendments do not create any additional adverse effects.
17. We are satisfied that the purpose of the Resource Management Act 1991 is met by granting the consent on the conditions attached.

Final Decision – Application RMA/2020/673

Pursuant to sections 104, 104C and 108 of the Resource Management Act 1991, Application RMA/2020/679 by Ryman Healthcare Limited to construct, operate and maintain a comprehensive care retirement village at 74 and 78 Park Terrace, Christchurch is granted, subject to the attached conditions. Our reasons for this decision are as set out above and in our interim decision of 4 June 2021.



Commissioner David Mountfort (Chair)



Commissioner David Caldwell

Dated: 29 October 2021