

## Report on a Publicly Notified Resource Consent Application

(Section 42A)

<b>Application Reference:</b>	<b>RMA/2020/673</b>
<b>Applicant:</b>	Ryman Healthcare Limited
<b>Site address:</b>	100-104 Park Terrace, 20 Dorset Street
<b>Legal Descriptions:</b>	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
<b>Proposal:</b>	Construction, operation and maintenance of a comprehensive care retirement village
<b>Zoning:</b>	Residential Central City
<b>Overlays and map notations:</b>	Central City Building Height: 14m Overlay Central City Building Setbacks (Park Terrace) Category 3: Lower Noise Area Central City Outer zone Liquefaction Management Area Flood Management Area Heritage Item: 1305 Former Bishops Chapel and setting, Heritage Setting: 470 Park Terrace and Salisbury Street – Central City Local Distributor Roads
<b>Activity status:</b>	Restricted Discretionary
<b>Application Reference:</b>	<b>RMA/2020/679</b>
<b>Applicant:</b>	Ryman Healthcare Limited
<b>Site address:</b>	74 Park Terrace
<b>Legal Descriptions:</b>	Lot 1 DP 77997
<b>Proposal:</b>	Construction, operation and maintenance of a comprehensive care retirement village
<b>Zoning:</b>	Residential Central City
<b>Overlays and map notations:</b>	Central City Building Height: 14m Overlay Central City Building Setbacks (Park Terrace) Category 3: Lower Noise Area Central City Outer zone Liquefaction Management Area Significant Tree T271 Common Lime Park Terrace – Central City Local Distributor Road
<b>Activity status:</b>	Restricted Discretionary

**Submissions:** 92 in support  
 41 in opposition  
 1 which does not state a position  
 2 late submissions in support  
 (31 of these submitters seek to be heard)  
 A full copy of submitters including names, addresses and whether they are in support in opposition are included in Appendix A.

**Date of Hearing:** 25 – 29 January 2021

**Recommendation:** Grant subject to conditions

**Preamble**

1. My name is Louisa Armstrong. I am employed as a Senior Planner and based in the Civic Offices of the Christchurch City Council. I have been employed by the Christchurch City Council since 2008. I hold a Bachelor of Resource Studies and Master of Applied Science (Environmental Policy and Planning). I have over 12 years of experience working in the planning and resource management field.
2. This report has been prepared with advice from the Council staff detailed below. A copy of their reports has been attached in the appendices.

<b>Officer</b>	<b>Position</b>	<b>Appendix</b>
Ms Josie Schroder	Principal Advisor Urban Design	Appendix B
Mr Mike Calvert	Transport Network Planner	Appendix C
Ms Yvonne McDonald	Senior Subdivisions Engineer	Appendix D
Mrs Suzanne Richmond	Heritage Advisor	Appendix E
Mr John Thornton	Arborist Environmental Consents	Appendix F
Ms Isobel Stout	Senior Environmental Health Officer	Appendix G
Ms Jennifer Dray	Team Leader Parks and Landscapes	Appendix H

3. This report reviews the applications for resource consents and addresses the relevant information and issues raised. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Commissioners. It should not be assumed that the Commissioners will not reach the same conclusion or decision having considered all the evidence to be brought before them by the applicant and submitters.
4. The applicant has requested that the applications be heard by Independent Hearing Commissioners, as provided for by section 100A(2) of the RMA and has requested that Council appoints at least two Independent Hearing Commissioners.

**Proposed activity**

5. The proposal is to establish a comprehensive care retirement village across the Bishopspark Site (100 Park Terrace) and Peterborough Site (78 Park Terrace). While it spans two sites, the intention is to

operate as a single retirement village. The proposal is described in detail in section 2 of the application. The key aspects are:

*Bishopspark Site – 100 Park Terrace*

- 4 new buildings (B01-B04)
- 70 care rooms (including dementia care, hospital care and rest home care) - all of which will be located in Building B01;
- 54 assisted living suites – all of which will be in Building B01;
- 85 apartments, comprising:
  - 10 one bedroom apartments;
  - 60 two bedroom apartments; and
  - 15 three bedroom apartments.
- 144 car parks consisting of:
  - 6 at grade car parks and 138 basement car parks.
- Retention, repair and restoration of the former Bishop's Chapel which is scheduled as a Highly Significant heritage item in the District Plan.
- Vehicular access to and from the village will be provided via a two way access fronting onto Park Terrace. A secondary service access will be provided via Dorset Street. Pedestrian access is provided via Park Terrace, Westwood Terrace and Dorset Street. Basement car parking is accessed via the access ramp at the south eastern end of Building B02 via the internal 6m wide main access road between Park Terrace, the basement parking area and a port cochere.
- Westwood Terrace is an existing private lane leading from Salisbury St and provides vehicle and pedestrian access for the application site and several of the surrounding properties.
- A pedestrian crossing is proposed across Salisbury Street. This would require several on street car parking spaces to be removed and the existing traffic island located on the corner of Park Terrace and Salisbury Street may have to be extended. These changes would require Community Board approval which is a separate process that the applicant will need to follow.
- Earthworks of approximately 55,000m<sup>3</sup> are required to construct the foundations and basements of the various buildings, establish the internal road network and install infrastructure services.

*Peterborough Site – 78 Park Terrace*

- 80 apartments across two buildings (Buildings B07 and B08), comprising:
  - 4 one bedroom apartments;
  - 53 two bedroom apartments;
  - 23 three bedroom apartments.
- 83 car parks consisting of:
  - 6 at grade car parks and 77 basement car parks
- A separate entrance and exit for vehicles will be provided. Vehicles enter the site off Park Terrace and exit via Salisbury Street, via the basement area. The internal access road and

ramps operate a one way circulation. Pedestrian access is provided via Park Terrace, Salisbury Street and Peterborough Street.

- Earthworks of approximately 32,000m<sup>3</sup> are required to construct the foundations and basements of the various buildings, establish the internal road network and install infrastructure services.
6. Extensive landscaping throughout both sites is proposed.
  7. The construction period is expected to be approximately 36-40 months and is likely to be undertaken in stages.
  8. A Draft Construction Management Plan (CMP) has been prepared, along with various ancillary management plans. The Draft CMP and ancillary management plans establish appropriate protocols for the management of dust, noise, vibration, traffic, hours of construction, removal of contaminated soil, along with sediment and erosion controls during construction. All construction activities will be undertaken in accordance with the relevant New Zealand standards.
  9. Earthworks and stormwater management on site during construction will be staged and managed in accordance with an Erosion and Sediment Control Plan (ESCP) which will be designed in accordance with the relevant sections of the Canterbury Regional Council's Erosion and Sediment Control Toolbox for Canterbury.
  10. The applicant has also offered a number of conditions, attached as Appendix I, which form part of the application. The conditions relate to compliance with the proposal, earthworks and construction management, contaminated material, construction traffic, construction noise and vibration, pre- and post-construction building condition surveys, significant tree, heritage, landscaping, traffic, stormwater and water supply.

## Background

11. The applications for resource consent were received on 31 March 2020. A further information request were made on 20 April 2020 and a response was received on 18 May 2020. Further information was requested on 4 June 2020 and a response was received on 13 July 2020. A notification meeting was held on 2 September 2020 where a number of surrounding residents were in attendance. The notification report recommended that the owners and occupiers of a number of the surrounding properties were affected persons because of the adverse effects on them were likely to be minor or more than minor. Following the meeting and prior to a decision being made by the Commissioner the applicant requested the applications be publicly notified on 8 September 2020.
12. These applications for resource consent were publicly notified on 16 September 2020. The submission period closed on 14 October 2020. A total of 136 submissions were received during this period – 94 in support, 41 in opposition, 1 which was neutral towards the application and 1 which did not state a position. Refer **Appendix J** for the location of submitters in the immediate area.

## Description of the site and existing environment

13. The application site and surrounding environment are described in section 3 of the AEE submitted with the application. I adopt the applicant's description and note the following key points in relation to each site.

### *Bishopspark Site*

14. The site is approximately 12,267m<sup>2</sup> in area and the topography is flat. The former buildings on site have recently been demolished other than the former Bishop's Chapel which is located to the rear of the site. The Bishop's Chapel and its setting are scheduled as a Highly Significant heritage item and heritage setting in the District Plan.
15. The surrounding neighbouring is a mix of residential and commercial, with Hagley Park directly west of the site on the opposite side of Park Terrace.
16. The Bishopspark site can be seen in the aerial photograph below:



Figure 1: Aerial of Bishopspark site (red outline) (100-104 Park Tce)

*Source: Assessment of Environmental Effects page 30*

### *Peterborough Site*

17. The site is approximately 5,082m<sup>2</sup>, the topography is flat and the site is relatively regular in shape. The site is currently vacant and has been for a number of years since the former apartment buildings were removed as a result of damage sustained in the Canterbury earthquake sequence. The surrounding area is generally residential with a mix of standalone residential dwellings, apartment buildings and multi-unit residential buildings. There is a large grass berm on the Park Terrace frontage. Hagley Park is directly west of the site on the opposite side of Park Terrace.
18. The Peterborough site was previously occupied by the 'Terrace on the Park' Apartments which consisted of five residential buildings and a building containing an indoor swimming pool and changing rooms. The tallest of these buildings was approximately 31m high. This development was approved via resource consent (RC982059)
19. The Peterborough site can be seen in the aerial photograph below:



Figure 2: Peterborough site (red outline) 78 Park Terrace

Source: *Assessment of Environmental Effects* page 31

20. The two sites are separated by Salisbury Street and residential properties fronting Salisbury St. Park Terrace and Salisbury Street are classified as Central City Local Distributors in the District Plan. Dorset Street and Peterborough Street are both Local Roads.

#### District Plan and National Environmental Standards – Relevant rules and activity status

##### Christchurch District Plan

21. The sites are zoned Residential Central City. The Residential Central City Zone has been developed to contribute to Christchurch's liveable city values. Providing for a range of housing types, including attractive, high density living opportunities, the zone utilises the potential for living, working and playing in close proximity to the commercial centre of the city. The character, scale and intensity of non-residential activities is controlled in order to mitigate effects on the character and amenity of the inner city residential areas<sup>1</sup>.
22. While the activity takes place on two sites, it forms one proposal, and I have undertaken my District Plan assessment on this basis, identifying each non-compliance by address in the following table.
23. The objectives and policies for this zone generally seek to increase housing variety and supply while protecting the amenity of existing neighbourhoods. Key objectives and policies are listed within **Appendix K**, and are discussed in detail in a later section of this report.
24. The proposal requires resource consent as a restricted discretionary activity under the following rules in the District Plan:

<sup>1</sup> Table 14.2.1.1a of Policy 14.2.1.1

Activity status rule	Standard not met	Reason	Matters of control or discretion (if relevant)
14.6.1.3 RD5	<p>Any new building, or alteration or addition to an existing building for a retirement village that does not meet one or more of the following built form standards:</p> <p>14.6.2.1 Building height</p> <p>14.6.2.2 Daylight recession planes</p> <p>14.6.2.3 Road boundary building setback</p> <p>14.6.2.4 Minimum building setbacks from internal boundaries</p>	<p>The maximum height of any building shall be 14m (100 Park Terrace/Bishopspark) – Building B01 – 15.047m Building B02 -19.549m Building B03 - 15.005m</p> <p>The maximum height of any building shall be 20 m (78 Park Terrace/Peterborough) Building B07 – 20.002m 100 Park Terrace – Parts of Buildings B01, B02, B03 and B04 will breach the recession plane standards.</p> <p>78 Park Terrace – Parts of Buildings B07 and B08 will breach the recession plane standards.</p> <p>100 Park Terrace - A 4.5m setback is required – Building B02 is setback approximately 3.7m from Park Terrace road boundary. A setback of 4.5m is required.</p> <p>100 Park Terrace – A 2m setback is required. Building B03 will be setback approximately 1.8m from the Dorset Street road boundary. A setback of 2m is required.</p> <p>100 Park Terrace – A setback of 1.8m along the eastern internal boundary is required. Building B04 has no setback</p>	<p>Retirement villages – Rule 14.15.9 And as relevant to the built form standard that is not met: Building height – Rule 14.15.27</p> <p>Daylight recession planes – Rule 14.15.28</p> <p>Street scene and access ways – Rule 14.15.29</p> <p>Minimum building setbacks from internal boundaries – Rule 14.15.30</p>

<b>Activity status rule</b>	<b>Standard not met</b>	<b>Reason</b>	<b>Matters of control or discretion (if relevant)</b>
		for a length of approximately 45m along this boundary.	
6.8.4.1.3 RD1	6.8.4.2.6 Free standing signs – the maximum total area of a sign on each site shall be 0.2m <sup>2</sup> . A sign of 1.68m <sup>2</sup> is proposed on each site frontage.	The signage outside the main entrances to the proposed village will be approximately 160cm by 80cm. The number of letters in the name of the proposed villages have not been confirmed.	Rule 6.8.5.1 – All signs and ancillary support structures
7.4.2.3 RD1	7.4.3.7 Access design	Appendix 7.5.7 requires a minimum access width of 6.5m legal width and a 5.5m formed width. The Park Terrace access to the Peterborough site (78 Park Terrace) will have a legal and formed width of 4m.	Rule 7.4.4.10 - Vehicle access design
8.9.2.3 RD1	8.9.2.1 P1 a. Earthworks volume and depth b. Depth of earthworks c. Earthworks gradient	The proposed earthworks will exceed the 20m <sup>3</sup> maximum volume in Table 9) 55,000m <sup>3</sup> is proposed at 100 Park Terrace and 32,000m <sup>3</sup> at 78 Park Terrace. The proposed earthworks will exceed the 0.6m maximum depth by approximately 4.3m at 100 Park Terrace and approximately 4.85m for 78 Park Terrace.	Rule 8.9.4 Matters for discretion relevant to the application: 8.9.4.1 - Nuisance 8.9.4.2 - Resources and assets 8.9.4.3 - Land stability 8.9.4.6 - Amenity 8.9.4.7 - Indigenous biodiversity, natural character and landscape features 8.9.4.8 - Historic heritage
9.3.4.1.2 C1	Heritage upgrade works for Highly Significant (Group 1) heritage items.	Heritage upgrade works to the Bishop's Chapel, which is listed as a Category 1 heritage item.	Heritage upgrade works, reconstruction and restoration – Rule 9.3.5.1
9.3.4.1.3 RD2	New buildings in a heritage setting.	New buildings are proposed within the heritage setting.	New buildings – Rule 9.3.6.1
9.4.4.1.3 RD1	Any pruning of any significant tree listed in Appendix 9.4.7.1.	78 Park Terrace – Pruning of a significant tree (Common Lime Tree T271) is proposed.	Rule 9.4.6 Effects of activity/works on the tree(s) Extent of benefit or need



Activity status rule	Standard not met	Reason	Matters of control or discretion (if relevant)
			for activity/works a. – o.
9.4.4.1.3 RD5	Any works within the dripline of a significant tree listed in Appendix 9.4.7.1	78 Park Terrace – Works within the dripline of a significant tree (Common Lime Tree T271) are proposed.	Rule 9.4.6 Effects of activity/works on the tree(s) Extent of benefit or need for activity/works a. – o.

25. For completeness I note:

- The *activity* associated with a retirement village is a permitted activity in the Residential Central City Zone under Rule 14.6.1.1 (P12). This excludes any new building for a retirement village. The built form standards in Rule 14.6.2 do not apply to the *activity* (as per P12 c). For the avoidance of doubt, the applicable built form standards are those in 14.6.1.3 RD4 and RD5 with the applicable rule contingent on compliance or otherwise with those standards.
- Council's Water Capacity Team have confirmed that the proposal will comply with Rule 14.6.2.12 (Water supply for firefighting).
- As the Bishopspark site (and others) have legal right of way over Westwood Terrace (Pt Res 23), the applicable recession planes are taken on the far side of this access in accordance with Rule 14.6.2.2 a.i.
- The applicant has confirmed that the apartments will comply with the internal noise reduction requirements in Rule 6.1.7.2.1. A design report (prior to construction) and a design certificate (prior to occupation) prepared by a suitably qualified acoustics specialist staging the design proposed is capable of meeting this rule will be provided to Council.
- The activity associated with a retirement village does not fall to be considered under the High Trip Generator provisions rule 7.4.3.1. Rule 7.4.3.10 states that activities within the Central City listed in the permitted activity tables are exempt provided they comply with height and site coverage standards. However, as noted above, this activity is listed as a permitted activity with no applicable built form standards. It is specifically the buildings that require resource consent for breaches of the built form standards including height and setbacks, not the activity.

26. Overall the proposal must be considered as a **restricted discretionary activity** under the District Plan.

**National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)**

27. These standards seek to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and if necessary the land is remediated or contaminants contained to make the land safe for human use.
28. The NES controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. The application sites are identified as HAIL land and therefore the provisions of the NES apply.
29. Pursuant to Regulation 10(2) the proposal is a restricted discretionary activity under the NES as:
- A Detailed Site Investigation (DSI) of the piece of land exists; and
  - The report on the DSI states that the soil contamination exceeds the applicable standard in Regulation 7, and the report has been provided to the Council.

## Submissions

30. A total of 134 submissions were received on this application (92 in support, 41 in opposition, 1 which was neutral towards the application). There were two late submissions, both in support and not wanting to be heard.
31. A list of submitters, including their address and whether they wish to be heard are attached as Appendix A.
32. Copies of all submissions have been provided to the Commissioners.
33. The reasons for the submissions in support are summarised as follows:
- Design and bulk of the building are in keeping with the surrounding area.
  - Higher density living will encourage less urban sprawl.
  - Increased activity in the area will benefit nearby businesses.
  - Investment in the economy.
  - Local amenities in close proximity to the site.
  - Increase in population of the central city.
  - Future residents' contribution to the surrounding community and central city.
  - Provision of adequate on site car parking.
  - Minimal negative impacts on the area.
  - The use of the site will not create excessive noise or disruption.
  - Former building on site (78 Park Terrace) was much higher than proposed and therefore greater visual impacts.
  - Increased availability of housing supply.
  - Ideal location for retirement village with access to Hagley Park and central city.
  - Views from the retirement village.
  - An asset to the community.
  - Reputable operation.
  - Very little additional traffic created on roading network.
  - No other retirement villages in surrounding area.
  - Ideal location for retirement village.
  - Comprehensive care available.
  - Reduced pressure on public health system.
  - Revitalisation of area.
  - High quality building design and on site amenities.
  - Landscaping of high quality.

- Replacement of earthquake damaged buildings.
- Village will contribute to the social and economic wellbeing of Christchurch through the construction phase and ongoing employment.
- Lower noise and traffic generator than traditional residential development.
- Height of buildings in keeping with other tall buildings in close proximity.
- Increase in housing supply.
- Enable elderly residents to remain in central city.
- Treatment, retention and use of Bishopspark Chapel.
- Former residents wish to return to live on the site.
- Frees up housing in the suburbs.

34. The reasons for the submissions in opposition are summarised as follows:

- Loss of sunlight and daylight for neighbouring properties.
- Height of buildings not in keeping with the residential environment.
- Reduction in privacy for neighbouring properties.
- Bulk, scale and density out of keeping with surrounding residential properties.
- Overlooking of surrounding area due to height.
- Negative impacts on Hagley Park and Avon River vista.
- Proposal breaches a number of District Plan rules.
- Use of Westward Terrace for construction traffic.
- General construction effects including dust, settlement from dewatering, construction traffic and vibration.
- Traffic and pedestrian safety at proposed pedestrian crossing on Salisbury Street.
- Length of construction period.
- Land is TC3, not suitable for proposed buildings and prone to liquefaction.
- Shared arrangement of Westward Terrace for pedestrians and traffic.
- Removal of large trees on the site.
- Landscaping proposed will not survive as insufficient space.
- Over-intensification of site.
- Amount of earthworks and proximity to neighbouring properties.
- Potential damage to neighbouring properties.
- Increase in traffic on surrounding network.
- Safety concerns for pedestrians on crossing.
- No construction management plan submitted with proposal.
- Regional Council consent should be considered concurrently.
- Commercial domination of surrounding area.
- Contamination has not been dealt with adequately.
- Sensitive heritage location.
- Erosion of residential area.
- Loss of light for residential apartments at 15 Peterborough Street, particularly those that face west (18 of 24) due to height and recession plane intrusions.
- Reduction in health of residents due to loss of light.
- Reduction in property values.
- Impact on heritage listed Dorset Street flats.
- Lack of consultation with surrounding properties.
- Cumulative effects of proposed and surrounding construction activities.
- Basements will restrict viability of landscaping.
- Scale and depth of earthworks and dewatering.
- Restrict views from Salisbury Street and Victoria Street into Hagley Park.
- Lack of environmental efficiencies in build.
- Existing footpaths in area not wide enough to accommodate large numbers of older people.
- Reduction in ambience of area.

- Lack of amenities in surrounding area for future residents.
- Living areas will not receive adequate sunlight.
- Insufficient landscaping throughout the site.
- Loss of on street car parking on Salisbury Street due to pedestrian crossing.
- Proposal will not provide for families and young professionals.
- Proposal does not provide detailed context analysis of the area.
- Inconsistencies in the application for setback of basement from boundaries.
- Cumulative effects of construction and operation on neighbours and community.
- Adverse effects of the two end walls of buildings B01 on neighbouring properties.
- Proposal fails to meet matters of discretion.
- Loss of native trees.
- Vibration and stability issues on the adjacent properties.
- Buildings need to be reduced in height.
- Buildings will upset the long established spatial and amenity equilibrium of the neighbourhood.
- Buildings should be set back further from Bishopspark Chapel.
- Demographic in the area will change.
- Materials of buildings not in keeping with surrounding buildings.
- Buildings not residential in scale.
- Concern over beech tree relocation.
- Landscaping not in keeping with the landscaping of the area.
- Possibility of future change of use.
- Shading diagrams not accurate.
- Early morning service trucks/deliveries.
- On site amenities not available for use by neighbours.
- Entrance ways dangerous.
- Lack of green open space.
- Effects on commercial properties on Victoria Street.
- Ramp gradients, availability of mobility spaces, tracking curves show no clearance to obstacles, right parking layouts with no clearance to some columns and tracking, lack of tactile and audio devise on accesses.
- Concerns over service access onto Dorset Street.
- Possible future change of use of the site.
- Potential damage to neighbouring properties.

35. Of the matters summarised above I consider that some are not relevant resource management matters including effects on property values, unlawful car parking, future change of use of the site, changing demographic of the site, public use of the facilities, reduced pressure on public health system and reputation of the applicant.

36. There are also matters raised in the submissions that fall outside of the applicable matters of discretion including that increased activity in the area will benefit nearby businesses, investment in the economy, the use of the site as a retirement village will not create excessive noise or disruption and the creation of jobs.

37. Several submitters have also requested that the resource consents currently being processed by Environment Canterbury (ECan) are processed concurrently this application. Section 91 of the RMA allows a consent authority to determine not to proceed with the notification or hearing of an application for a resource consent if it considers on reasonable grounds that where other resource consents are required in respect of a proposal, it is appropriate for the purpose of better understanding the nature of the proposal that applications be made before proceeding further. . Ryman have applied for the following consents from ECan which means s91 does not apply:

- A land use consent for earthworks;
- A discharge permit for the discharge of contaminants to air from the operation and maintenance of an emergency diesel generator on the site;
- A water permit for the take, diversion and discharge of groundwater for the purpose of dewatering during construction of the proposed retirement village; and
- A land use consent for the installation, use and maintenance of a bore on the site.

38. I consider that the applications need not be determined together due to the discrete nature of the consents required from each territorial authority.

### Resource Management Act 1991

39. When considering an application for resource consent and any submissions received, the consent authority must have regard to the matters listed in Sections 104 and 104C of the Resource Management Act 1991. Subject to Part II of the Act, which contains the Act's purpose and principles, including matters of national importance, the consent authority shall have regard to:

- Any actual and potential effects on the environment of allowing the activity.*
- Any relevant provisions of a plan or proposed plan, and national environment standard/ regional policy statement*
- Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

40. It should be noted that other than giving pre-eminence to Part II, Section 104 gives no priority to other matters. They are all matters to have regard to and the consent authority must exercise its discretion as to the weight that it gives certain matters, depending on the circumstances of the case.

41. Under Section 104C, when considering an application for resource consent for a restricted discretionary activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108. The proviso to this section is that the consent authority must consider only those matters specified in the plan or a national environmental standard over which discretion is restricted, and may impose conditions only for those matters.

42. Pursuant to Section 104(3)(a)(i) a consent authority must not have regard to trade competition when considering an application.

43. Section 104(3)(a)(ii) states that a consent authority must not have regard to any effect on a person who has given written approval to the application (unless that approval is withdrawn in a written notice before the date of the hearing). The applicant has obtained the written approval of the following persons :

- Ms Catherine M Drayton on behalf of CMD Associates Ltd, 90 Park Terrace (owner and occupier)

### Legal Advice

44. At the notification meeting, a legal submission was tabled on behalf of the owner of 155 Victoria Street, Centro, which raised whether public notification is precluded under s95A of the RMA as the proposal

was not deemed to be a residential activity, and that the ‘anticipated built form development’ approach as in the assessment of adverse effects in the draft notification report was incorrect.

45. Advice on these matters was sought and received from Mr Brent Pizzey, Council's Senior Legal Counsel – Litigation. This advice is attached as Appendix L.

46. The s95A(6) definition of residential activity under the RMA pre-amendment by the Resource Management Amendment Act 2020 was:

*(6) In subsection (5), residential activity means an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration, or use of 1 or more dwellinghouses on land that, under a district plan, is intended to be used solely or principally for residential purposes.*

47. “Dwellinghouse” is defined in the RMA as

***dwellinghouse*** means any building, whether permanent or temporary, that is occupied, in whole or in part, as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but does not include the land upon which the residence is sited

48. Mr Pizzey advises that the proposed activity is on land intended to be solely or principally used for residential purposes and that the purpose of the retirement village is to provide residences and associated services for people in retirement which appears to fit within the RMA definition of “residential activity”. I concur with Mr Pizzey’s advice and accept that the proposed activity falls within the definition of residential activity and therefore could not at the time of the notification decision be subject to public notification other than at the applicant’s request, which is what occurred.

49. The draft s95 report used the built form standards of the District Plan as a guide to the acceptable built form outcomes and the resultant effects in terms of over height buildings and recession plane intrusions, comparing the effects of the proposal to the envelope of built form allowed by the Plan. At the notification meeting, this approach was stated to be incorrect by Gerard Cleary of Anthony Harper, on behalf of Centro. Mr Pizzey’s advice confirms that this approach is incorrect, and I accept this advice.

50. The subsequent assessment of effects has taken into account the advice received from Mr Pizzey.

#### **Actual and Potential Effects on the Environment (S.104 (1)(a))**

51. As a restricted discretionary activity and in the context of the planning framework, I consider the potential effects of the activity relate to:

- Positive effects on the site and surrounding area, including social and economic effects
- Residential character and amenity
- Effects on protected trees
- Effects on heritage values
- Traffic effects
- Earthworks and Construction effects
- National Environmental Standard – Soil Contamination and effects on human health

#### **Section 104(2) – Permitted baseline**

52. Prior to undertaking an assessment of the effects of this proposal it is useful to consider discretion available under Section 104(2) of the Act (referred to as the “permitted baseline”) whereby a consent authority may disregard an adverse effect of an activity on the environment if the Plan or national environmental standard permits an activity with that effect. Case law has established that this relates to the effects of non-fanciful hypothetical activities which could be carried out as of right under the Plan. I note that the use of Section 104(2) is discretionary.
53. Residential activity is permitted in this zone subject to various built form standards including requiring no less than one residential unit for every 200m<sup>2</sup>. Residential activity consisting of three or more units requires consent as a restricted discretionary activity. Non-residential and community activities may be permitted but only up to an area of 40m<sup>2</sup> (with other activity specific standards applying). Given the size of the sites, it is reasonable to consider that most, if not all, proposed activities would require a resource consent. Therefore, it is reasonable to conclude that there is no relevant permitted baseline for these sites.

### ***Positive effects***

54. The applicant has identified in the Assessment of Environmental Effects (AEE) a range of positive effects from the proposal. I note that the applicable matters of discretion do not cover the range of positive effects expressed by the applicant. I would note that in terms of the discretion available, the proposal will provide for ongoing use of the heritage item, will provide for its repair and restoration and represents an efficient, practical use of the sites, which are positive effects.

### ***Residential Character and Amenity***

55. The proposed buildings require resource consent as a restricted discretionary activity as the proposal does not meet the built form standards relating to height, recession planes, road and internal boundary setbacks on both sites, and because the development is for new buildings for a retirement village.
56. Relevant objectives and policies seek:
- An increased housing supply (Objective 14.2.1) enabling a wide range of housing types, sizes and densities, meeting the diverse needs of the community;
  - High density residential development in the Central City that achieves an average net density of at least 50 households per hectare (Policy 14.2.1.1), developed to contribute to Christchurch’s liveable city values, providing for a range of housing types, including attractive, high density living opportunities (Table 14.2.1.1a)
  - To restore and enhance residential activity in the Central City by providing flexibility for a variety of housing types that are suitable for a range of needs, provide a progressive increase in the Central City residential population, assisting in the creation of new inner city residential neighbourhoods and protecting amenity of inner city residential neighbourhoods (Policy 14.2.1.3);
  - High quality residential environments which are well designed, have a high level of amenity and enhance local character (Objective 14.2.4);
  - A predominantly residential environment offering a range of residential opportunities to support the restoration and enhancement of a vibrant city centre, and a form of built development that enables change to the existing environment, while contributing positively to amenity and cultural values of the area and to the health and safety, and quality and enjoyment, for those living in the area (Objective 14.2.8); and
  - Minimum standards for residential development consistent with higher density living, protecting amenity values for residents, integrating development within the adjacent and wider neighbourhood, provide for a range of current and future residential needs and recognise cultural value (Policy 14.2.8.2).

- Different maximum building heights are provided for with some areas requiring a reduced height compatible with the existing predominant character (Policy 14.2.8.1)

57. The applicant has provided an urban design and landscape assessment prepared by Ms Rebecca Skidmore of Rebecca Skidmore Urban Design Limited and this has been reviewed by Council's Principal Advisor Urban Design, Ms Josie Schroder, Landscape Architect, Ms Jennifer Dray and Arborist Environmental Consents, Mr John Thornton. These assessments have been prepared taking into account the relevant matters of discretion contained in rules 14.15.9 (retirement villages), 14.15.27 (building height), 14.15.28 (daylight recession planes), 14.15.29 (street scene) and 14.15.30 (minimum building setbacks from internal boundaries). I note that the following assessment summarises Ms Schroder's, Ms Drays and Mr Thornton's assessments, which I generally accept and adopt the assessment in relation to the above matters of discretion, with any points of difference noted.

### ***Bishopspark Site***

#### *Context and compatibility*

58. The District Plan requires consideration of whether the development, while bringing change, is appropriate to its context while taking into account the retention or response to existing character buildings or established landscape features on the site, particularly mature trees, which contribute to the character of the area and this is also reflected in the objectives and policies including policy 14.2.4.1.
59. Ms Schroder considers that the retention of the Chapel on the Bishopspark Site and its use as a focal point and structuring element for the village is positive in respect to the amenity and character retained and this is echoed in a number of submissions.
60. A number of medium and large-scale trees that were formerly growing on the site and are, or were, visible from surrounding streets and adjacent neighbours are to be (or have been) removed. Several submitters raised concerns regarding the removal of existing trees on the site and that the proposed species will not reduce the visual bulk of the proposed buildings. The District Plan does not protect any of the existing/former trees on this site, but the retention of existing vegetation is a relevant matter of discretion<sup>2</sup>. I agree with Ms Schroder, Ms Dray and with a number of the submitters that the removal of several large trees detracts from the existing environment, reduces the ability of the proposal to respond to the existing context and reduces the amenity for both neighbours and users of the nearby public spaces.
61. The established trees also had the potential to provide visual depth and relief through breaks in the built form on the site and contribute to a finer grain development more akin to the immediate residential context. A semi-mature Beech tree was originally proposed to be retained and relocated within the site however this has now been removed from the proposal and the tree will be removed from the site. I note that a submitter was concerned about the potential shading effects of the relocated Beach tree on their property and given this is no longer to be relocated then it assumed this will no longer be a concern for the submitter.
62. Ms Skidmore in respect to the Bishopspark Site stated that "specimen trees are used through the site to create a vegetated structure that complements the building forms. Much of the planting is located above the basement. Specimen trees are also used to filter views to the Proposed Village from adjacent residential properties and contribute to the Park Terrace streetscape."

---

<sup>2</sup> 14.15.9a.iii.



63. Tree planting is proposed within and around the edges of the Bishopspark Site. However as identified by Ms Skidmore as well as Council's Landscape Architect Ms Dray and Arborist Mr Thornton, the extent of the basement car park creates limitations for tree planting across the site and some of the proposed trees may struggle to attain height with accompanying canopy growth. The majority of trees are proposed to be located within planters rather than within the ground, or are within a limited ground area adjacent to the building's basement, or are in very close proximity to the buildings, limiting canopy growth.
64. The relevant matters of discretion (14.15.9,14.15.29 and 14.15.30) limit the consideration of landscaping to the contribution from established landscape features, the contribution to streets and open spaces from landscaping as a boundary treatment and, in relation to internal and road boundary setback breaches, to ensure opportunities for landscaping around buildings, and in the vicinity of road boundaries is retained and that residential amenity for neighbours in respect of outlook, privacy and access to sunlight in from (inter alia) landscaping is taken into account.
65. Given the scale of development and size of the Bishopspark Site, Ms Schroder considers that it is critical that the proposed trees adjacent to boundaries, particularly those that provide visual relief and filter views when viewed from outside of the site, are able to be of a medium and large scale.
66. Ms Schroder also considers that the scale of planting at the boundaries, more specifically large scale tree planting, is essential to embedding the proposal within the surrounding context and ensuring a balance of building to open space commensurate with the density and scale of built form as proposed when viewed from surrounding properties. In order to achieve this sufficient space is needed for both root and canopy growth, neither of which she considers is adequately provided for in respect to most of the site boundaries. This is discussed further below with specific expertise deferred to Ms Dray and Mr Thornton, however without adequate space along boundaries for the proposed large trees to establish and their corresponding limitations on growth, Ms Schroder considers that the proposed development will have a mass and scale resulting in a building bulk that is visually incompatible and out of scale and character with the local environment. This could be partially overcome by greater space adjacent to the residential boundaries of the sites to ensure large scale trees can be accommodated, which would require relocating buildings further into the site, or alternatively through a change in species to smaller trees that could establish in the spaces provided and be allowed to grow to their natural height and form. The applicant is invited to address this at the hearing/through their evidence.

#### *Street Interfaces*

67. With regard to street interfaces, the matters of discretion 14.15.29 considers the extent to which the proposed buildings B02 and B03 which breach the road boundary setbacks, detract from the coherence, openness and attractiveness of the site when viewed from the street and adjoining sites, including the ability to provide adequate opportunity for garden and tree planting in the vicinity of road boundaries, the extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site, the effectiveness of other factors in the surrounding environment in reducing the adverse effects such as existing wide road widths, street plantings and the orientation of existing buildings on adjoining sites.
68. The relevant parts of matter of discretion 14.15.9 a in terms of streetscape effects, require consideration of and whether the development overall, while bringing change to existing environments, is appropriate to its context, taking into account engagement with, and contribution to adjacent streets and public open spaces with regard to fencing and boundary treatment, sightlines, building orientation and setback, configuration of pedestrian entrances, windows and internal living areas within buildings and corner site design. In addition, integration of access, parking areas and garages in a way that is safe for pedestrians and cyclists and does not visually dominate the development, retention or

response to existing character buildings or established landscape features on the site, particularly mature trees, appropriate response to context with respect to subdivision patterns, visible scale of buildings, degree of openness, building materials and design styles, creation of visual quality and interest through the separation of buildings, variety in building form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials and colour.

69. Ms Schroder concurs with Ms Skidmore in regard to the street interface with Park Terrace, with respect to the frontage treatments including the opportunity for visual interaction with the street, boundary treatments and access. However, this is on the presumption that the proposed tree planting will achieve a substantive scale such that it provides a transition, visually softening and filtering the scale and mass of the building, as viewed from public space, including from Hagley Park. Concern has been raised however by Ms Dray that the proposed trees along this frontage will not achieve a substantive scale and this is discussed further below.
70. Building B02, which fronts directly onto Park Terrace, at 5 storeys (excluding basement) exceeds the 14m height standard by approximately 4.5m and is located 3.7m from the road boundary (4.5m setback permitted). Policy 14.2.8.1 provides for different maximum building heights in this zone with some areas requiring a reduced height compatible with the existing predominant character. The top storey of B02 has been set back from the main façades of the building and incorporated within the roof form. As such Ms Schroder does not consider that the additional height would be notable in itself when viewed from the street, if compared to that of a building of 14m with a flat roof form. In addition she advises a greater level of visual interest is provided through the roof articulation. I agree with Ms Schroder with respect to the additional height of building B02.
71. With regard to the Park Terrace setback, building B02 is located 3.7m from the road boundary increasing to 4.5m at the south western corner. The residential units within this building will have a direct relationship with Park Terrace and future residents will have an outlook over the street and through to Hagley Park. The building on the property to the north which is currently under construction has a setback from Park Terrace of 4.5m with terraces beyond this. To the south, building B02 is separated from the adjacent site by over 8m through the main access and landscaping strip. In my opinion the reduced road boundary setback from Park Terrace will not detract from the coherence, openness and attractiveness of the street and adjoining sites.
72. In regard to the Dorset Street interface and Building B03 which breaches the 2m road boundary setback by approximately 0.2m. Ms Schroder considers that the building is of a grain, form and scale suitable to the street and that the proposed building is well articulated with a good level of engagement and contribution to the street through the extent of glazing, fence and hedge treatments, and pedestrian access to the linear park.
73. However, she raises concern regarding the minimal setback from the street in terms of landscaping, with trees planted on the street-side of the boundary wall, with very little space available for the trees to mature. This concern is echoed in a number of submissions, particularly from other residents along Dorset Street and Victoria Street. Ms Schroder contends that the trees while not necessarily mitigating visual impacts of the building, do have a contribution in providing context to and reducing the scale of the building, including the additional height, in what is a low scale and intimate street environment. In Ms Schroder's opinion the planting detail requires further consideration for the boundary treatment to be effective in the Dorset Street context. I concur with her assessment regarding the planting detail and note this is discussed further below. Specifically with regard to the building setback, Building B03 is located 1.8m from the road boundary, the residential units within this building will have a direct relationship with Dorset Street through terraces, balconies and living room windows. The adjacent building to the west, is a residential dwelling setback between 3m and 4.5m from the road boundary

and building B03 is located approximately 6.5m from this internal boundary, and approximately 5.m from the internal boundary to the east. Given the setback of building B03, the setback of neighbouring properties, in my opinion the reduced road boundary setback from Dorset Street will not detract from the coherence, openness and attractiveness of the street and adjoining sites.

74. With specific regard to proposed landscaping at the boundaries, Council's Landscape Architect, Ms Jennifer Dray, and Council's Arborist, Mr John Thornton have provided landscape advice on the proposal.
75. Proposed tree planting on the Bishopspark Site boundaries is proposed as follows:
76. - Park Terrace frontage. A line of variegated Elm trees, with a Plane tree in the north western most corner. Smaller *Magnolia grandiflora* 'Teddy Bear' are to line the driveway on the southern side shared with 90 Park Terrace, and on the opposite side of the driveway entrance. These trees are to be planted at 2.0m in height within conventional tree pits and are to be maintained at a height of 8m (except for the *Magnolia*). The Elm trees are capable of growing to approximately 15m and the Plane tree is capable of growing to 25m or more at maturity.
77. Originally the proposal included larger tree species for either side of the driveway on Park Terrace, which Ms Dray considers would have created an entrance experience while responding to the surrounding park-like treescape. Further, Ms Dray considers that there would be adequate space and there are still opportunities to provide for larger species 'gateway' trees on either side of the driveway, which would provide a more suitable response to the surrounding environment, and diversify the tree planting strategy on the Park Terrace frontage. The applicant is invited to comment on this at the hearing/through their evidence.
78. Given the proximity of the Elm trees to the BO2 Apartments, Ms Dray considers that shading is likely to be a concern of the residents from the line of variegated Elm Trees, and the trees are unlikely to be allowed to reach their full height. These trees will add to streetscape amenity, and to the visual amenity of Hagley Park users, however, Ms Dray does not consider that the tree planting proposal currently provides an adequate response to the surrounding treed landscape, nor does it adequately assist to integrate the proposal into the surrounding neighbourhood. I acknowledge the above advice and consider that two of the Elm Trees should be allowed to grow to their natural height and form and this would ensure that the landscaping along this frontage would integrate into the surrounding area and recommend a condition requiring an updated landscape plan incorporating this be submitted for certification. Further, the provision of only two Elm Trees being able to reach their natural, rather than all of the Elm Trees along this frontage, will ensure that the apartments will not experience adverse effects of shading from the trees.
79. - Westwood Terrace frontage. Fastigate Ginkgo trees are proposed for this boundary. They are to be grown in tree planters that average 1300mm in width, over the basement car park podium, in very close proximity to the building elevation. Ms Dray advises that these are large trees, and regular tree pruning will be required given the space constraints and conflict will likely arise for the residents. This is also a concern echoed in the submissions. However, Ms Dray considers that given the less sensitive nature of this boundary, due to it being a short dead end private lane perpendicular to Salisbury Street, the visual effects on the street interface are acceptable.
80. - Boundary shared with residences at 13 to 17 Salisbury Street. On this boundary, (with the exception of 6/17 Salisbury Street), *Liriodendron tulipifera* 'Fastigiata' are proposed to be planted in tree and garden planters over the basement car park podium. This is the northern boundary of the adjacent residential properties. These are a very large tree and the proposal is to maintain them at 8.0m in

height which is likely to create shading along the northern boundary of these residential properties and will require frequent pruning. Ms Dray recommends that these trees be replaced with trees that grow to a natural mature height of 6m. I accept this advice and would recommend a condition requiring an updated landscape plan incorporating any required changes to landscaping be submitted for certification.

81. - Dorset Street frontage. A row of four upright purple European Beech are proposed, to be planted in Stratavault Cell tree pits to provide additional root capacity. Ms Dray considers that space constraints and lack of daylight penetration on the northern elevation will result in conflict for the residents of these apartments. These trees are likely to be required to maintain a quality street interface and residential amenity for the street users, and topping of these trees will potentially compromise their form and structural integrity. Ms Dray and Mr Thornton both consider that a larger setback of 3m is required to successfully accommodate these trees or alternative species are proposed that could be established successfully in the space available. The applicants have however proposed to Strata Cell beneath the adjacent asphalt path to provide a greater volume of soil for the trees and consider that although narrow, additional soil volume can be provided longitudinally running east to west. Mr Thornton agrees that this would be of some benefit for the Beech trees. I accept the advice that there is insufficient room for the European Beach trees in this location and recommend a condition requiring an updated landscape plan incorporating a tree species which can be established in the available space and able to reach their natural form and height be submitted for certification.
  
82. Fastigate Gingko trees are proposed along the boundary with the Dorset Street flats (2 to 16 Dorset Street) and these are to be grown in tree and garden planters that appear to be approximately 1.0m in width. Ms Dray considers that it is unlikely that these trees will attain an adequate height to provide useful mitigation of the proposed buildings along this boundary, or to provide a vegetated backdrop to the heritage flats on the adjacent site. Ms Dray considers that a larger setback of 3m is required to successfully accommodate these trees. In addition, Ms Schroder considers that if these trees are able to achieve a sufficient scale i.e. 10+ metres at maturity and canopy cover, this may contribute to filtering B01 and B02, reducing their apparent scale and dominance within the context of a more fined grained neighbourhood, and any sense of overlooking or loss of privacy for northern neighbours from this aspect. However as the trees along this boundary are proposed to be maintained at a height of 6m Ms Schroder considers this will not be a sufficient height to achieve the desired filtering of the buildings. I acknowledge Ms Schroder's advice with regard to height, however consider a height of 6m for trees in this location would be acceptable given the residential context and the potential shading of adjacent properties that larger trees may cause. I accept the above advice that there is insufficient room for the Fastigate Gingko trees in this location and recommend a condition requiring an updated landscape plan incorporating a tree species capable of reaching 6m in height which can be established in the available space and able to reach their natural form and height, be submitted for certification.
  
83. - 90 Park Terrace. *Magnolia grandiflora* 'Teddy Bear' are to line the driveway on the southern side shared with 90 Park Terrace and it is understood that these tree species were agreed with the owner of this property. These trees are to be planted within tree pits in a conventional landscape bed and Ms Dray considers they are an appropriate smaller tree (being approximately 4-6m mature height) for a residential boundary and unlikely to cause issues with shading. They are also proposed to be planted to each side of the Park Terrace vehicle entrance, but in Ms Dray's view will not be an appropriate species to create a "gateway" experience or respond to surrounding landscape context in this location and I concur with Ms Dray on this.
  
84. Given the above, both Ms Dray and Mr Thornton have concerns regarding the adequacy of the proposal to establish in perpetuity the tree planting that is a critical element in addressing the site context, and assist to mitigate the visible scale of the buildings with respect to neighbours and street

scene given the scale of development. However, these concerns could be overcome through allowing a certain number of the Park Terrace Elm Trees to grow to their natural form and height, and through a change in species at specific boundaries. As outlined above, I recommend a condition requiring an updated landscape plan incorporating a tree species which can be established in the available spaces and able to reach their natural form and height be submitted for certification along the Dorset Street frontage, the boundary shared with residences at 13 to 17 Salisbury Street and 2 to 18 Dorset Street, and that a select number of Elm Trees along the Park Terrace frontage be allowed to grow to their natural height and form.

85. With regard to the road boundary setbacks from Park Terrace and Dorset Street, given the above and taking into account the recommended conditions, it is considered that the reduced road boundary setbacks will not detract from the coherence, openness and attractiveness of the street and adjoining sites.

#### *Visual Quality*

86. In regard to the visual quality, the relevant matters of discretion in the District Plan (14.15.9 vii) relate to the creation of visual quality and interest through the separation of buildings, variety in building form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour, giving effect to objective 14.2.4 which seeks high quality residential environments. Ms Schroder generally considers that the visual quality of the buildings are generally positive, with some exceptions in regard to specific building façades. Ms Schroder notes that buildings are separated on the site, with a series of open spaces and planted areas between and this provides visual interest in combination with an architectural style and quality of material that reflects the Christchurch vernacular and references the former and existing heritage of the site.
87. There is some variation in the building heights and forms across the site, however Ms Schroder considers this is less effective in providing visual interest than other aspects of the design approach, such as the level of modulation and articulation in respect to most of the building façades which is provided through balconies, steps in plan, angled end walls, cladding materials and glazing.
88. Ms Schroder considers that the design provides human scale elements when viewed in close proximity, and visual interest when viewed from immediately outside of the site, of what are otherwise a series of buildings of significant scale and mass within this context. She notes the roof forms are well articulated and characteristic of the area, adding an additional level of visual interest.
89. Ms Schroder advises that while there is considerable repetition across the site in terms of the architectural response, this creates a visually cohesive development which is positive, but can also result in visual monotony. However Ms Schroder considers the latter impact will be reduced given that detailing of the building will not be read on mass from outside of the site.
90. Overall, with the following exceptions given the sensitivity of the viewing audience, I agree with Ms Schroder that the design approach results in a good level of visual quality and interest, with the exception of the North façade of B02.
91. North façade of B02 (illustrated below). Ms Schroder considers that this elevation while angled, is tall and relatively blank, with additional roof height, with potential for a high level of reflectance. It does not contain many of the smaller detailed elements, such as glazing and balconies, found on most of the other building façades on the site. Ms Schroder considers that it results in an aspect that is out of context with the remainder of development within this urban block and will be visually dominant and will have a moderate to high visual impact on the user experience and scale, primarily pedestrians and cyclists, of Park Terrace, but more generally users of the street when approaching from the north.

While the boundary treatment and tree planting will potentially provide some filtering of this façade, this may be limited given the constraints on the site from the basement car parking. I agree with Ms Schroder on this and consider that due to its relative blankness, scale and location, the visual effects of this elevation from the street scene will be at least minor. However, I consider this acceptable given the overall visual quality of the development.

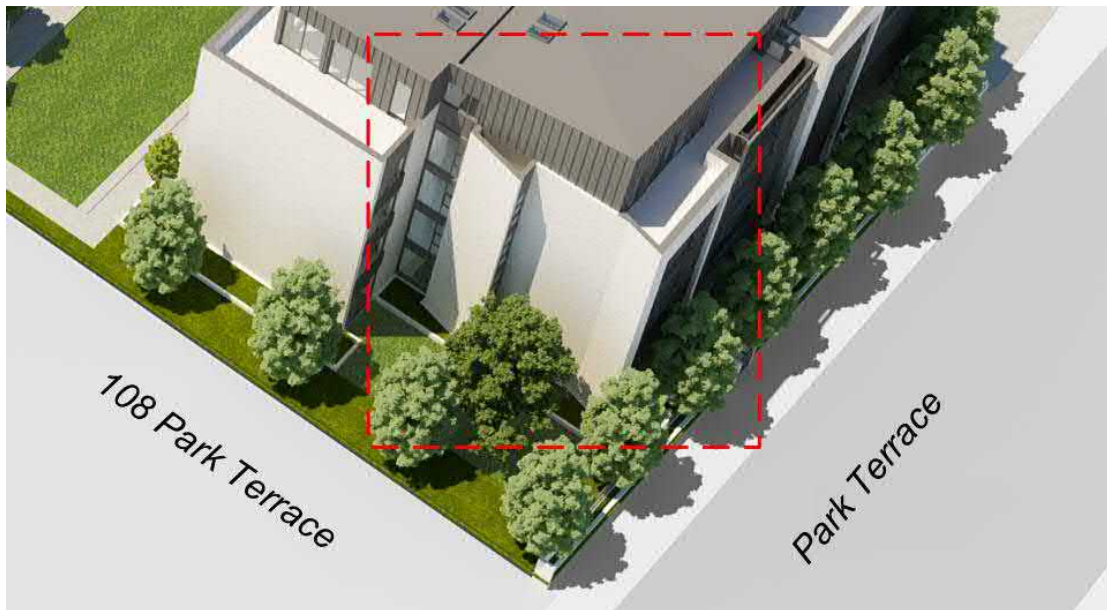


Figure 3: North façade B02  
Source: Application documents

#### *Residential Amenity for Neighbours*

92. There will be considerable visual change from the current situation to that proposed. Rule 14.15.9 a.vi requires consideration of whether the development, while bringing change to existing environments, is appropriate to its context taking into account) residential amenity for neighbours. In addition, the matters of discretion for the height, recession plane and internal boundary setback breaches are relevant and are also considered in this part of the assessment where they relate to buildings that breach these standards (14.15.27, 14.15.28 and 14.15.30).
93. It is acknowledged by Ms Schroder and Ms Skidmore that the proposal will result in a considerable change to the residential character of the area due to the form, density and scale of the proposal. This is due to the relatively low scale buildings and established vegetation that previously occupied the Bishopspark site; and due to the Peterborough site being a vacant cleared site for several years. While this change may be a substantial transformation for both sites and for many of the residential neighbours, it is acknowledged that the District Plan through the objectives and policies, and the bulk and location standards that give effect to these, anticipates high density development for this site, while protecting the amenity values of residents and area, including policy 14.2.1.3 which seeks to restore residential activity in the area while protecting the amenity of the inner city residential neighbourhoods.
94. In terms of height, part of each of the buildings on the Bishopspark site exceed the permitted 14m height, with the most significant height intrusion being on Building B02 by 4.5m for the extent of the top storey. The remainder of the buildings have partial roof intrusions, up to 2m in height. The applicant has provided a useful diagram which clearly shows the areas of buildings which intrude the height plane. Although not to scale the diagram clearly identifies the height intrusions across the site. I note the relevant assessment matters require assessment of compatibility with the scale of other buildings in the surrounding area, and the extent to which building bulk is out of character with the local

environment; any effect of **increased height** on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of buildings; and the extent to which **an increased height** is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site.

95. While there is no permitted baseline for the site, I note the assessment matters b. and c. confine my assessment of the increased height, rather than the building as a whole, and so my assessment with regard to these matters will be based on the effects of the additional height of building/s, rather than the building/s as a whole, which is the subject of a.



Figure 5: Areas where height plane breached (Bishopspark)  
*Source: Application – Height Plane – South West – Drawing No. S01.A0-071*

96. The proposed buildings also breach recession planes at almost all boundaries, albeit at various heights, lengths and depths. Similar to the height intrusions, the applicant has provided a number of useful drawings which clearly shows the areas of buildings which intrude the recession planes, see below. The relevant assessment matters at 14.15.28 require consideration of a. any effect on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of buildings and b. the extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site, or the long term protection of significant trees or natural features on the site.

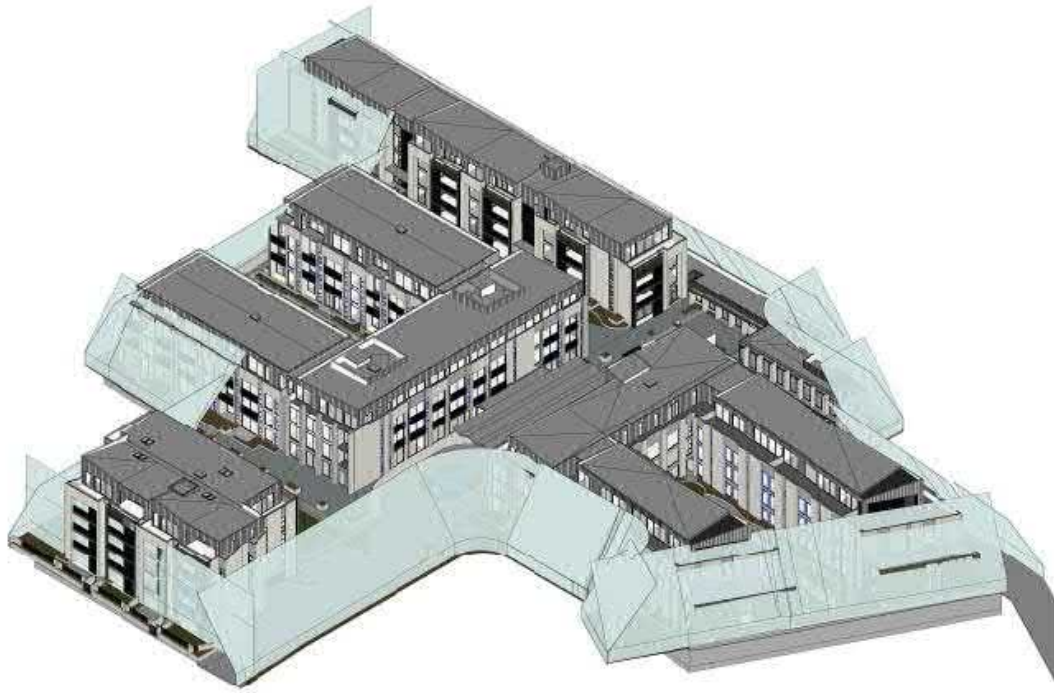


Figure 6: Recession plane breaches NW (Bishopspark)

Source: Application – Recession Plane - North West – Drawing No. S01.A0-070

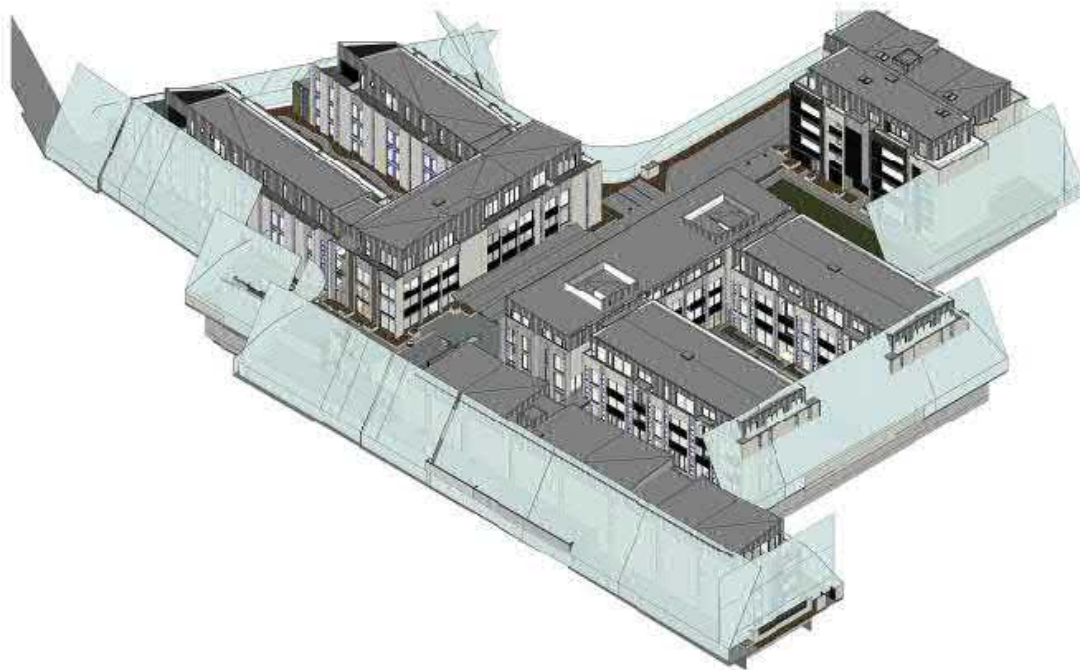


Figure 7: Recession plane breaches SE (Bishopspark)

Source: Application – Recession Plane – South East – Drawing No. S01.A0-070

97. In considering the potential residential amenity effects on surrounding properties from shading, the applicant has provided a table which assesses the shading from the proposed buildings on



neighbouring properties and this has been reviewed and referred to in the comments received from Ms Schroder. I generally agree with this assessment with respect to the times of days that the shadowing is occurring. Ms Schroder and I do not share the same conclusions as the applicant however with regard to the level of effects and these are discussed further below. I also make the following comments with regard to effects of height, recession plane intrusions on residential amenity.

98. In regard to 5/2A, 6/2A, and 2 to 18 Dorset Street, Ms Schroder largely concurs with Ms Skidmore's assessment of the proposal in regard to the B01 (apartments/assisted living) and B02 height intrusions and their impacts in respect to the residential amenity for these neighbours. Submissions have been received from several of these property owners who have raised concerns regarding the effects of height, recession plane intrusions on residential amenity.
99. More generally the proposed and existing neighbouring dwellings are oriented to the north or west, with limited outlook to the south from internal and external living space. However, Ms Schroder considers that the exception to this is 2 and 6 Dorset Street, and the consented but as yet to be constructed carriage-house style dwelling at 4A Dorset Street. Numbers 2 and 6 Dorset Street both have windows to the south with minimal albeit some visual impediment to the northern facade of B01. Ms Schroder contends that building B01 will appear visually dominant from this aspect given the proximity of the units to the building. However, the windows of these units that face south serve a kitchen, with the predominant outlook from these dwellings being to the north and away from the application site. Further, these buildings are setback approximately 7m from the southern boundary. Given this, I do not consider that building B01 will be visually obtrusive from 2 and 6 Dorset Street.
100. In addition to the above, I agree with the applicant who considers that that the bulk impacts of the proposed building adjoining the boundary with the Dorset Street Flats (2 to 16 Dorset Street) will be mitigated by the stepping back of the upper level, and amenity effects for residents will be lessened by the north orientation of the Flats away from the application site and separation from the application site by the future construction of the consented rebuilt "stables"/garage building (4a Dorset Street) between the Flats heritage item and the application site boundary. Shading diagrams provided also show that there will be limited additional shading on these properties from the development.
101. Submissions have also raised concern regarding the impact of the development on these heritage listed buildings. Council's Heritage Planner, Ms Richmond considers that there is a notable visual impact on the heritage values of the Dorset Street Flats, which are nationally significant, and have contextual significance within the immediate streetscape of Dorset Street, and for their contribution to the historic residential character of the northwest portion of the central city. However, the relevant matters of discretion do not provide specifically for the consideration of impacts on heritage buildings offsite, it is only amenity that can be considered. In terms of amenity, and as outlined above, I do not consider that the development adversely affect the amenity of these dwellings.
102. In respect to 4A Dorset Street, the consented but yet to be constructed dwelling will have a row of living space windows at first floor level oriented to the south towards the north eastern wing end of B01. The dwelling will be 600mm off the boundary with the Bishopspark Site. In total the distance of the façade of B01 to the living space window of 4A Dorset Street is approximately 4.1m. Ms Schroder considers that there will be an adverse impact from building B01 on the owners and future occupiers of 4A Dorset Street which will be moderate, in respect to visual dominance and outlook due to the proximity and breadth of the façade of B01 and I concur with her on this. The additional height over that of the built form standard is unlikely to be perceptible from the southern outlook of the windows due to the angle of sight.

103. In respect to the southern outlook of 5/2A, 6/2A, and 2 to 18 Dorset Street more generally however, the change of scale from the existing site to any constructed proposal built to the scale anticipated by the Plan will be substantive, and so is the proposed development irrespective of the additional height proposed.
104. In this context Ms Schroder considers the effects of the proposed additional height of the building will be negligible in comparison to that anticipated by the Plan as articulated through the applicable residential objectives and policies and the built form standards that give effect to these, with little additional visual bulk, particularly given the infringements occur at the 3<sup>rd</sup> and 4<sup>th</sup> storey of the proposal. Further, given the setback of the upper storey of B02, there is unlikely to be overlooking from the living spaces of these apartments to the properties to the north. Ms Schroder also concurs with Ms Skidmore that the screened windows on these elevations with both reduce the potential for overlooking as well as the perception of this for neighbours.
105. With regard to the recession plane intrusions, the northern end of building B01 on both wings will project through the recession plane. These intrusions are adjacent to the properties at 5/2A, 6/2A, and 2 to 18 Dorset Street. The units at 5/2A and 6/2A Dorset Street are orientated to the north with their primary outdoor living spaces to the north between the dwelling and Dorset Street, and car parking and garaging between the rear and the application site. Ms Skidmore considers that given the layout of these properties, their orientation towards the north, and the location of the intrusion being at 3<sup>rd</sup> and 4<sup>th</sup> floor level, the amenity of these properties will not be diminished by the proposed development and I concur with her on this.
106. The property at 4a Dorset Street will experience additional shading from the development and shading diagrams provided show that this will occur in the morning in mid-winter and either side through to the Equinox. This shading will have moved off the building by the middle of the day in mid-winter and by 10am at the Equinox. I consider the effects on this property from shading will be minor.
107. In terms of the recession plane intrusions and the resultant effects on the properties at 2-16 Dorset Street, and 18 Dorset Street, as outlined above, these are two storey buildings, with 18 Dorset Street being three storey, and have a primary orientation and outdoor living spaces to the north. Submitters have raised concerns regarding the loss of sunlight and daylight for these properties from the proposed development. However, similar to the above Ms Skidmore considers that given the layout of these properties, their orientation towards the north, and the location of the intrusion being at 3<sup>rd</sup> and 4<sup>th</sup> floor level, the amenity of these properties will not be diminished by the proposed development. Shading diagrams provided also show that there will be limited additional shading on these properties from the development, however I consider that some additional shading must be anticipated due to the District Plan's aspirations for the site to be developed for high density residential development as provided for in the objectives and policies. Given this, and the limited extent of the additional shading on these properties, the recession plane intrusions are considered to be acceptable.
108. With regard to the commercial properties along Victoria Street, Ms Schroder and Ms Skidmore agree that the commercial uses of the properties to the east of the site are not sensitive to change and that the Buildings B03 and B04 will not adversely affect their amenity in terms of excessive bulk or reduction in outlook. With regard to the recession plane intrusions, I agree with Ms Skidmore that the very small projections of buildings 03 and 04 along this boundary will not be readily perceptible and will not adversely affect the amenity of the adjacent commercial properties.
109. The hotel currently being constructed at 28 Dorset and 155 Victoria Street, and the property at 149 Victoria Street have submitted that the proposal will adversely affect their amenity. With regard to the

partially constructed hotel, Ms Schroder considers the impacts of the proposed building B03 which breaches the recession plane at roof level, compared to one anticipated by the Plan, to be minimal and further, given the general transience of hotel patrons, any visual effects or impacts of shading to be low. I agree with Ms Schroder on this.

110. The building at 149 Victoria Street contains a mix of offices, retail and an office unit at the rear of the site at first floor level with a balcony overlooking the application site. The balcony is setback approximately 3.5m from the internal boundary. I agree with Ms Skidmore that given the commercial use of the building, this property is not as sensitive to change as a residential property and that the bulk of buildings B03 and B04 will not adversely affect the amenity of the owners and occupiers of 149 Victoria St.
111. In regard to the properties at 5, 13, 15 and 17 Salisbury Street, with the exception of 6/17 Salisbury Street, Ms Schroder considers B01 (dementia unit) , will have a low level of visual impact and no further impact on privacy beyond that anticipated by the District Plan. This however is in contrast to the submissions that have been received from these properties which contend that height and recession plane intrusions will adversely affect these properties. The height component over 14m comprises a section of angled roof, while the recession plane intrusion comprises a parapet detail.
112. With regard to the property at 15 Salisbury Street, given this property is located adjacent to the courtyard between the two wings of building B01, I consider the additional height and recession plane intrusions will not impact on this property. Similarly, the properties at 5, 13 and 1-5/17 Salisbury Street are not considered to be adversely impact by the additional height given the location of the intrusion being at roof level and being located over 10m from the internal boundaries with these sites. With regard to the recession plane, it is accepted and shown in the shading diagrams provided that the development will create additional shading on these properties, particularly during winter, however this shading is not considered to be any greater than shading produced from a high density development as provided for in the objectives and policies of the District Plan as articulated through the standards. Given this, the additional shading on these properties from the recession plane intrusions are considered to be acceptable.
113. In regard to 6/17 Salisbury Street, Ms Schroder considers there will be an impact in respect to the visual dominance of the building given its proximity of approximately 3.5m to the southern façade of B01. I also note that this property has no windows which face directly into the application site. In terms of the effects from the recession plane intrusion, I concur with Ms Skidmore who acknowledges that the property at 6/17 Salisbury Street will experience additional shading in their outdoor living space from the development however this will occur in the late afternoon and the reduction in amenity is considered to be negligible.
114. The residential properties located at 23, 25 and 27 Salisbury Street do not immediately abut the site and are considered to be sufficiently removed from the site, such that they would not be visually impacted by the proposed buildings nor would the development affect their onsite amenity.
115. The property at 84 Park Terrace is a new two storey residential development, oriented to the north, with outdoor living space at ground level and large windows on the first floor. Towards the north, the property at 90 Park Terrace is located between this property and the application site. In terms of potential visual impact from the significant height intrusion of building B02, 84 Park Terrace is at quite some distance from the southern façade. Therefore, I agree with Ms Schroder that the additional height and relative blankness of the façade will not be noticeable from this property, and the distance and layering of planting between, including the separation provided by 90 Park Terrace, will further

reduce these impacts. This property would not be affected by any of the recession plane intrusions given there are no intrusions immediately adjacent to this site.

116. With regard to 90 Park Terrace, the southern façade of building B02 (*illustrated below*) while angled, is tall and relatively blank, with additional roof height increasing the visual bulk, with potential for a high level of reflectance. Ms Schroder considers that will result in a moderate to significant visual impact, resulting in visual dominance, in respect to 90 Park Terrace and to a degree, albeit at greater distance on 84 Park Terrace. However I note that written approval has been provided by the owners and occupier of 90 Park Terrace and therefore any effects on this person are to be disregarded.

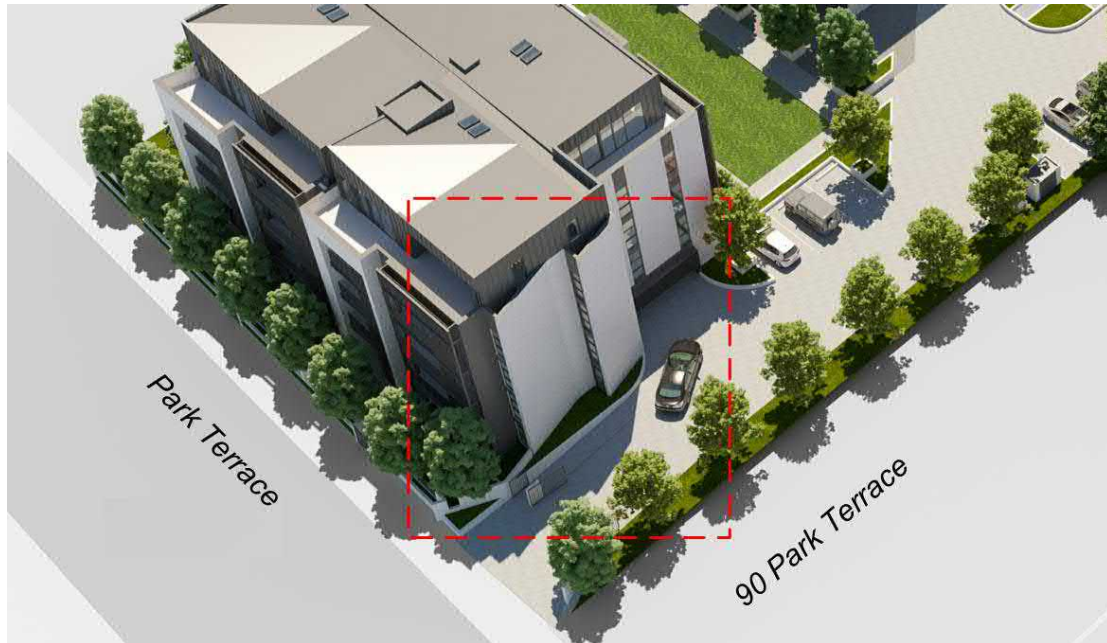


Figure 4: South façade B02 (Bishopspark)

*Source: Application documents*

117. In respect to 108 Park Terrace, the apartments on this site have outlook to the west over Park Terrace, to the north towards Dorset Street and to the east to the Bishopspark site. In respect to this eastern outlook, B01 has a more substantive building setback at this boundary which includes tree planting. Ms Schroder considers any visual impact on 108 Park Terrace at this interface to be minimal, and shading to be the same as that anticipated by the objectives and policies of the District Plan and as articulated through the built form standards. The south façade of 108 Park Terrace was designed as a flank wall to limit interaction with the Bishopspark Site, with the exception of the penthouse (6<sup>th</sup> floor) which has several glazing components to it. Ms Schroder considers that B02 will have minimal visual or shading impact upon 108 Park Terrace, but will impact on the privacy of future residents of the penthouse. However these effects are considered to be acceptable given the location and orientation of the windows and balcony of the development when compared to the proximity of the windows and balcony at 108 Park Terrace.
118. Overall Ms Schroder considers that the impacts of the proposed buildings on the Bishopspark site on neighbouring properties' residential amenity to be minimal over and above that anticipated by the bulk and location standards which give effect to the objectives and policies of the District Plan, with the exception of 4A Dorset Street. I concur with her on this and consider that the visual effects on this property will be at least minor however given the proposed orientation of this dwelling, its reduced southern outlook into the application site and taking into account the District Plan's policy to ensure

high density development within the Central City, the visual effects on this property are considered to be acceptable.

*Internal setbacks*

119. Building B04 breaches the internal setback requirement of 1.8m along the rear boundary. The relevant matters of discretion (14.15.30) consider the effect of proximity of the building on the amenity of neighbouring properties, the ability to provide adequate opportunities for garden and tree plantings around buildings and the extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site.
120. This building is single storey with a relatively flat roof and effectively forms the rear of the development. This building is located right on the rear boundary, increasing to a setback of approximately 0.75m adjacent to 137 and 143 Victoria Street, and therefore given the reduced setback there is no landscaping proposed in this area. The adjoining neighbours (133, 135, 137, 143, 145 and 149 Victoria Street) are those located on Victoria Street which are in commercial use. The property at 149 Victoria has submitted that this building will reduce outlook and views through to Hagley Park.
121. The sites at 133 and 135 Victoria Street are used for long term lease parking for surrounding businesses. The sites are sealed and marked, with a rubbish storage area to the rear of the site. Given the use of these sites any adverse effects on the owner and occupiers of this site as a result of the internal setback breach of Building 04 are considered to be less than minor.
122. The building at 137 Victoria Street is a three storey building with retail on the ground floor and offices above. Basement car parking is provided as well as additional car parking spaces to the rear of the building. There are windows at first and second floor level that serve the office spaces and front the application site. The building is setback approximately 15m back from the application site. Given the separation of this building and the application site, and that the windows at first and second floor level serve office space, any adverse effects on the owner and occupiers of this building as a result of the internal setback breach of Building 04 are considered to be less than minor.
123. The building at 143 Victoria Street is two storey and is split into a mix of retail which fronts Victoria Street, and warehouse (ground level) and offices (first floor level) to the rear. There are windows in the rear elevation at first floor level. The building is setback approximately 17m from the application site. Car parking is provided to the rear of the building. Given the separation of this building and the application site, and that the windows at first level serve office space, any adverse effects on the owner and occupiers of this building as a result of the internal setback breach of Building 04 are considered to be less than minor.
124. The building at 145 Victoria Street contains a mix of retail and offices and is two storey at the front of the property, reducing to single storey at the rear, spanning the full length of the property. The rear elevation of the property contains no windows. Given the use of the property and taking into account there are no windows on the rear elevation, any adverse effects on the owner and occupiers of this building as a result of the internal setback breach of Building 04 are considered to be less than minor.
125. The building at 149 Victoria Street contains a mix of offices, retail and an office unit at the rear of the site at first floor level. The office has a balcony that faces directly west into the application site. The balcony is setback approximately 3.5m from the internal boundary. Building B04 is approximately 4.2m high adjacent to this boundary and extends approximately half the width of the mutual boundary between the application site and 149 Victoria Street. Given the proximity of the office to the internal setback breach of Building 04, and the height of the building, the proposal has the potential to affect

this property. The occupier of the office unit at first floor level which fronts the application site submits that the proposal will reduce views through to Hagley Park. While I don't dispute this, the proposal is for a high density development which is anticipated for this Central City site, and thus any development of the site has the potential to reduce the views for neighbouring properties. The adverse effects on the owner and occupiers of the less sensitive retail and offices are considered to be less than minor taking into account the high density of development anticipated by the Plan within the Residential Central City zone.

### **Peterborough Site**

#### *Context and compatibility*

126. The Peterborough Site was previously occupied by the 'Terrace on the Park' Apartments, which consisted of five residential buildings and a building containing an indoor swimming pool and changing rooms. The tallest of these buildings was approximately 31m high. These buildings were demolished following the Canterbury Earthquakes and the site has been vacant since demolition took place. There is a Common Lime tree located in close proximity to the Peterborough Street boundary which is recognised as a Significant Tree in the District Plan.
127. The District Plan height limit for this site at 20m reflects the prominence of this corner location and the former high rise buildings which were located on the site. The 7 storey western wing of building B07 is approximately 4.9m over the District Plan 20m height standard and Ms Schroder considers that this further increases the strong contrast in scale between this site and those residential sites adjacent and opposite, which have a 14m height standard.
128. Both Ms Schroder and Ms Skidmore agree that in regard to the layout and proposed massing of building for the Peterborough Site, being the most significant building mass proposed, the western wing of B07, located on the corner of Park Terrace and Salisbury Street, responds to the corner location. It provides a landmark quality to the site with a strong relationship to Hagley Park and definition to the western edge of the site.
129. The proposed 5 storey eastern wing of B07 is located adjacent to Salisbury Street, separated from the western wing by open space. This building provides a step down in height, being approximately 17.5m in height, providing a transition to the adjacent residential properties to the east and across Salisbury Street to the north. Ms Schroder considers this building, with respect to scale, is more compatible with the adjacent residential context. However unlike the western wing of B08, the building has a flat roof.
130. The western wing of B07 steps down, to a 4 storey component to the southern boundary, better reflecting the scale of the property at 76 Park Terrace, and the 14m height standard of the adjacent residential zone.
131. To the south east side of the site is B08, a four storey building with the upper storey located within the roof form, which addresses Peterborough Street. Ms Schroder considers the scale and form of this building is compatible with adjacent residential development, and further sits within the context as a result of the retention of the significant Common lime tree.
132. Given the scale of development on the Peterborough Site, Ms Schroder considers it critical that the proposed trees, particularly those that provide visual relief and filter views when viewed from outside of the site, are able to be of a moderate and large scale and this is particularly the case in respect to the Park Terrace and Salisbury Street frontages. However, Ms Schroder considers that with the limitations on tree growth and the consequent planted amenity the proposed development and more particularly B07, will have a mass and scale resulting in a bulk that is visually incompatible and out of scale and

character with the local environment. This is discussed further below with specific expertise deferred to Ms Dray and Mr Thornton, however I consider that this concern could be partially overcome by a change in species that could establish in the spaces provided and be allowed to grow to their natural height and form.

#### *Street Interfaces*

133. As outlined above, with regard to street interfaces, the relevant matters of discretion consider the extent to which the proposed buildings detract from the coherence, openness and attractiveness of the site when viewed from the street and adjoining sites, the requirement for the reduction in setback and whether the development is appropriate for its context.
134. Both Ms Schroder and Ms Skidmore agree that the boundary treatment along Park Terrace “strikes an appropriate balance between solidity and openness to create definition and enclosure of outdoor terraces and maintaining good engagement with the adjacent street”. They also agree the suitability of the site to accommodate an increased scale of buildings is recognised through the 20m height standard that applies across the site, and that it is appropriate to locate the mass and scale on the corner of Salisbury Street and Park Terrace, as noted earlier.
135. I agree with Ms Schroder that in regard to the Park Terrace interface - the combination of small pocket park and associated tree planting, the boundary treatment, building setback and architectural response, including differentiating the bottom, middle and inset top of the building (roof apartments), with good modulation and articulation - will provide a good level of engagement with Park Terrace and a strong visual edge to Hagley Park, while reducing the apparent scale of building. This is dependent on the effectiveness of the proposed tree planting which is discussed further below.
136. However Ms Schroder does not consider the response to Salisbury Street is as effective as the Park Terrace frontage but does consider that a good level of engagement between the northern façades (each 21m in length) of B07 with Salisbury Street will be achieved as a result of the level of glazing and use of Juliet balconies. She notes these façades are well-articulated in respect to materiality and glazing, but with minimal modulation until the top floor setback. I concur with Ms Schroder on this.
137. The Salisbury Street frontage with its reduced articulation and modulation, as well as the mass and height, has been raised as a concern from several submitters. The two wings of B07 are separated on the Salisbury Street frontage by a planted open space (illustrated below), which provides some visual relief. However, while the building setback to Salisbury Street meets the built form standard of 2m, this setback is effectively divided in two by the fence, and in combination with the significant height of the façade of the western wing, which is over 20m (plus rooftop apartment), Ms Schroder considers that this results in a sense that the space and planting is ‘squeezed in’, without a suitable element of transition between public and private space like that provided on the western aspect. Further the tree root systems are limited by the extent of the basement, and the canopy by the proximity to the building façade.



Figure 8: Salisbury Street frontage

Source: application documents

138. Salisbury Street itself contributes no amenity by way of street trees or relief from extensive asphalt, both in the space as a pedestrian (more transitional viewers) and when viewed from existing and future residential properties across the street (permanent viewers). As a result Ms Schroder does not consider that the Salisbury Street frontage responds effectively to its setting and will have a moderate to high adverse impact on amenity, and more specifically in regard to visual dominance, in terms of the contribution to the street environment or context, particularly for pedestrian users, and when viewed from the north side of Salisbury Street. I agree with Ms Schroder and consider that the visual effects of this elevation from the street scene will be at least minor.
139. Building B08 is a four storey building which presents its narrow end to Peterborough Street. I agree with Ms Schroder and Ms Skidmore that the architectural elements and outlook provided by B08 positively engages with Peterborough Street and that the roof form echoes other building forms in the proposed village.
140. Overall, Ms Schroder considers two of the three building interfaces with the adjacent street positively contribute to and engage with the street, including the over-height western facade of the western wing of B08. However she is of the view that the same cannot be said for the Salisbury Street interface, with potential effects on the amenity and scale of the streetscape for users, and permanent residents living opposite. I agree with Ms Schroder and consider that the visual effects of this elevation from the street scene will be at least minor.
141. Specifically with regard to proposed landscaping along boundaries, the Peterborough Site has two key street interfaces at Salisbury Street and Park Terrace and a further narrow frontage on Peterborough Street. There is a protected Common Lime tree which is situated on the southern end of the site, alongside the Peterborough Street boundary. Proposed works will occur within close proximity this this tree.



142. The basement car park extends almost to the boundaries of the Peterborough Site, creating limitations for tree planting across the site. Proposed building setbacks also limit the area available for successful tree planting. As discussed earlier, the tree planting is seen as a critical element in addressing the existing site context, and contributing to visual amenity beyond the site, assisting to mitigate the visible scale of the buildings, given the scale of development on the Peterborough Site. This is particularly the case with regards to the Park Terrace and Salisbury Street frontages.
143. Proposed tree planting for the Peterborough Site is as follows:
144. - Park Terrace frontage. The western wing of the BO7 apartment building presents its long side to the Park Terrace frontage. The outdoor living areas are separated by landscape beds and hedging, and punctuated by a Variegated Elm tree on the western edge of each small courtyard. These trees are to be planted in a tree and garden raised planter over the carpark basement podium. English Beech are to be planted either side of the vehicle entrance also in raised planters, and a Scarlet Oak is to be planted in the north western most corner of the site. These tree varieties were provided as a response to discussions with Council regarding a more appropriate reflection of the Hagley Park and Avon River park-like treescape.
145. All of these proposed trees are to be managed to a height of 8m, regardless of their natural mature heights and Ms Dray considers that the pruning of all these trees to maintain them at an 8.0m height limit will appear unnatural. Trees in a more natural environment grow to a variety of heights and canopy widths. I agree with Ms Dray who considers that there is space and opportunity to provide conventional tree pits to allow the large Oak and Beech trees to mature to their full dimensions and this would provide a more suitable response to the surrounding context and provide more meaningful mitigation or building height and bulk on this elevation.
146. Ms Dray considers that the Elm trees are likely to mostly establish successfully in their planter boxes but will also suffer from space constraints, and that the likely lack of daylight penetration to the western side of these apartments and outdoor living areas due to the presence of the trees could be an issue for the residents of these apartments. I accept the above advice and consider the Oak and Beech Trees along the Park Terrace frontage should be allowed to grow to their natural height and form and I recommend a condition requiring an updated landscape plan incorporating this be submitted for certification. This would ensure that the landscaping along this frontage would integrate into the surrounding area.
147. There is a Council owned pocket park on the corner of Park Terrace and Salisbury Street which contains established trees and garden beds which will provide some landscape mitigation for the proposal. While this is offsite, the street scene matter of discretion allows consideration of other factors in the surrounding environment in reducing adverse effects. Hagley Park users are at a distance from the site, and views are tempered by intervening trees.
148. Along the boundary shared with 76 Park Terrace, *Liriodendron tulipifera* are proposed. These are a large tree, and are proposed to be grown in 4.5m<sup>3</sup> tree planters within approximately 2m of the northern fence line. Ms Dray considers that there are likely to be issues with shading of these trees and recommends that these trees be planted along the northern side of the driveway, rather than the southern side as proposed. I accept this advice and as such have recommended a condition requiring a condition requiring an updated landscape plan incorporating this be submitted for certification which shows the trees planted along the northern side of the driveway.

149. - Salisbury Street frontage. The western and eastern wings of the BO7 apartment building are located 2.0m from the road boundary and are separated by a common plaza/courtyard which fronts on to Salisbury Street. The perimeter of the courtyard lawn is to be planted with a double row of Maple 'Jeffers Red', in small tree planter boxes over the basement carpark podium. I agree with Ms Dray that this courtyard will provide a break in the building elevation, and will also provide some depth to the tree planting, benefitting the street interface.
150. The Salisbury Street frontage is to be planted with a line of Fastigate Oak trees in tree and garden raised planters over the carpark basement podium, and are to be maintained at an estimated height of 8.0m. The Fastigate Oak tree commonly attains a canopy diameter of 4-6m when allowed room for growth. This tree is described as a vigorous grower with a deep root system and the mature height of these trees is 30m. The cross section provided on sheet SK109 of the landscape plans details the proposed landscape treatment at this frontage and the respective levels of the landscape bed directly adjoining the footpath, and the raised bed which sits adjacent to the apartment building. The trees will be planted within an approximately 1.1m wide raised bed, when taking into account the width of the external wall of the planter bed. The trees themselves are likely to be positioned within approximately 700-800mm of the northern elevation of the apartment building. The Tree Planter Set-out plan provides the combined volume for each planter bed, being 33m<sup>3</sup> on the western end and 22m<sup>3</sup> on the eastern end.
151. The Landscape Management Plan supplied by the applicant details the maintenance which is to be undertaken with respect to the proposed trees, which are to be monitored and trimmed annually. The LMP also specifies that *"trees must not be topped unless they exceed the specified minimum height, and there is a desire to maintain the minimum height by the client"*. This leads to the assumption that the proposed trees are likely to be managed in such a way that they are maintained at 8.0m height. Ms Dray and Mr Thornton have raised concern regarding the size of the containers, and the 2m setback, and considers that there will not be enough room for the tree canopies to grow to their usual potential size. Further, if the trees are to be continually topped and maintained, this will impact on their growth form, health and vitality.
152. As is the case with the Park Terrace frontage, Ms Dray also has concerns with regards to the likely lack of daylight penetration to the northern elevation of these apartments, combined with the very constrained space to the point where the foliage will be in direct contact with the building. Concern is raised that this will prompt either the reasonably severe pruning, or topping, of these trees, in which case their form and structural integrity will be compromised, or the removal of these trees which will then detract from the street interface and the residential amenity for the neighbours. The removal and replacement of dead or dying trees may prove difficult to accomplish without damaging the buildings and retaining structures. The resultant time lag until new trees have established will have consequent effects on the street interface and the residential amenity for the neighbours and Ms Dray considers that a larger setback of 3.0m is required to accommodate these trees.
153. Ms Dray has also considered what mitigation and amenity these trees would provide should they successfully grow to 8.0m in height. The trees would likely provide sufficient amenity to footpath users, by providing a filtered screening of the building elevation while serving to reduce the building scale. From further afield, Ms Dray does not consider that these trees will function adequately to fully mitigate the scale of the development from the Salisbury Street frontage and that these that these trees must be allowed to reach a mature height of at least 12m in perpetuity to adequately mitigate the adverse effects of the proposal on street scene and landscape amenity. I accept the above advice and recommend a condition requiring an updated landscape plan incorporating a tree species which can be established in the available space and able to reach their natural form and height of 12m be submitted for certification.

154. As with the Bishopspark Site, several submitters raised concerns regarding the removal of existing trees on the Peterborough site and that the proposed species will not reduce the visual bulk of the proposed buildings. I agree with Ms Dray and with a number of the submitters that the removal of several large trees detracts from the existing environment, reduces the ability of the proposal to respond to the existing context and reduces the amenity for both neighbours and users of the nearby public spaces. Further, for the reasons outlined previously, the proposed 8m tree height will not be adequate to mitigate the proposed buildings along the Park Terrace and Salisbury Street frontages. I accept the above advice and as noted in the assessment above, recommend a condition requiring an updated landscape plan incorporating tree species which can be established in the available space and able to reach their natural form and height be submitted for certification and then implemented.
155. Overall, Ms Dray considers that there is a real concern that the proposed tree planting methodology will not be adequate to sustain the proposed trees in perpetuity, and that on the Salisbury Street frontage in particular, there will be a real conflict regarding the sizable trees proposed to be grown within a very constrained space. Further, site context with regards to the existing trees within the site has seemingly been disregarded, losing an opportunity to engage with the former residential context of the sites. I consider that these concerns can be overcome through the provision and implementation of an updated landscape plan which incorporates changes to the species proposed and the planting methodology along the street interfaces, and allowing the more appropriate species to reach their natural height and form, would enable an adequate level of amenity and provide visual relief to the built form, in respect to the neighbourhood context and public space
156. In certain locations, the recommended condition may result in some trees smaller than those sought by Ms Schroder. However, given the Residential Central City zoning of the site, the intended use for intensive residential activity in the form of a retirement village, the Plan's allowance for a greater scale of buildings and density of development in this location, I consider smaller trees in the locations indicated will still be acceptable, and would be more compatible with the ongoing residential use of the site. I also acknowledge the length of time trees would take to grow to heights of 25m and therefore the delay in achieving the level of integration with the site context sought by Ms Schroder, further supporting the equivalence of the effectiveness of smaller tree species in the medium term.

#### *Visual Quality*

157. As outlined above, in regard to the visual quality, the relevant matters of discretion in the District Plan relate to the visible scale of buildings, degree of openness, building materials and design styles.
158. In regard to the visual quality of the Peterborough Site, Ms Schroder generally considers that this is positive, with some exceptions in regard to specific building façades. The wings of B08 are separated by open space and there are pathways and planted areas across the site and along boundaries. This provides visual interest in combination with an architectural style and quality of material that reflects the Christchurch vernacular but provides some variation.
159. There is some variation in the building heights and forms across the site, but Ms Schroder considers this less effective in providing visual interest than other aspects of the design approach, such as the level of modulation and articulation in respect to most of the building façades, provided through balconies, steps in plan, angled end walls, cladding materials and glazing. This is with the exception of the eastern façade of B07, and the northern facades of B08. While lacking modulation, Ms Schroder considers that B08 is more successful in the articulation of these façades, for the reasons noted earlier. B07 however, does not achieve an adequate level of visual interest, particularly given that its eastern façade is the primary outlook for a number of apartments to the east, at 15 Peterborough Street. The visual effects on these apartments is considered to be at least minor.

160. Overall however, as with the Bishopspark Site, the design response provides human scale elements when viewed in close proximity, and visual interest when viewed from immediately outside of the site, of what are otherwise a series of buildings of significant scale and mass within this context, with the exception of the eastern facade of building B07. The roof forms are well articulated and characteristic of the area, adding an additional level of visual interest, with the exception of the eastern wing of B08, which appears an anomaly, given the flat roof. I consider that the design approach results in a good level of visual quality and interest with the exception of the eastern façade of building B07.

#### *Residential Amenity*

161. As I noted earlier, there will be a considerable visual change from the current situation to that proposed. Buildings B08 and B07 both have recession plane intrusions with the most impact on neighbours' amenity from the western wing of B08 and the eastern façade of B07.
162. The western wing of B08 exceeds the height permitted by nearly 5m and this has the potential to have adverse effects on a number of the surrounding residential properties. In respect to visual impact and privacy, Ms Schroder considers that the greatest level of adverse impact from the proposed increase in height will be in respect to 76 Park Terrace. This is a two storey character house oriented to the north towards the subject site.
163. As noted above, the western wing and the southern end of B08 dips to 4 stories. However this is not for the full breadth of the wing, but only the front portion. Ms Schroder notes that the lift shaft to the rear of this (*illustrated below*) extends to service the full seven stories and includes substantive glazing at the upper levels into the shared hallways, with no setback or moderation of the outlook. Ms Schroder considers that this will have a moderate impact on the privacy of the outdoor living space and north facing first floor rooms of 76 Park Terrace, and further that the articulation of the lift shaft emphasises its verticality, resulting in an element that will appear out of scale and over-height resulting in a low to moderate level of visual dominance. However, I consider that the effects on privacy to the adjacent property from the windows above the 20m height limit will be acceptable given they serve a shared hallway rather than a living area. I agree with Ms Schroder regarding the lift shaft and consider that the visual effects on the adjacent property are minor.



Figure 9: Lift shaft to rear of B08

Source: Application documents

164. Ms Schroder considers that there will be a visual impact as a result of the visual dominance of the built form in regard to 13 and 15 Salisbury Street. These properties are to the north of the Peterborough Site across Salisbury Street, opposite the northern elevation of B08. In respect to 13 Salisbury Street, I consider that impact will be relatively low given the minimal outlook to the street from this property. The dwelling on 15 Salisbury Street has large areas of glazing on the southern façade, which while on a slight angle, will look almost directly towards the northern façade of B08. Submissions have raised concerns regarding the visual impacts of the proposed development and the resultant potential effects on this property. However Ms Schroder considers that the building has been relatively well resolved from a visual perspective if looking from some distance and the building has been articulated to create a base, middle and upper portion, effectively visually reducing the visual scale, with the top floor incorporated within the roof form. As such Ms Schroder considers that while there is a significant increase in height of this façade, the effective visual impact will be minimal. I accept Ms Schroder's advice with regard to this.
165. In terms of the eastern wing of Building B07 and potential visual impacts on the adjacent residential buildings at 18 Salisbury Street, I note that these properties (1/18 to 8/18) do not have windows or balconies that directly face the application site. The proposed development projects through the recession plane along this boundary at 5<sup>th</sup> floor level. Given these properties do not have windows or balconies that face the site, and there is a driveway between the buildings and internal boundary, I do not consider that the recession plane intrusions would reduce the amenity for these properties and therefore consider the intrusion to be acceptable.
166. In regard to B08, while below the 20m height limit, there is a recession plane intrusion of some 40m in length and up to 6m in height (*illustrated below*). This is a substantial breach, in relatively close proximity to the boundary with the apartment building at 15 Peterborough Street, on the property's western aspect, with the units' balconies and large areas of glazing on this aspect. Ms Schroder considers that the additional building bulk projecting into the recession plane for the extended length will have an adverse impact upon the visual amenity and outlook of western neighbours located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the adjacent apartment block and I concur with her on this. Ms Skidmore accepts that the development will create shading of this property in late afternoon and this will occur on indoor and balcony living spaces of some those units that face west towards the development. In terms of privacy, building B07 will have narrow windows facing east with a primary orientation towards the west, thus any overlooking effects to the neighbouring property are considered to be limited. I consider that the proposed development will have an impact on the visual amenity and outlook of the residential units in the adjacent apartment buildings and consider that these effects will be at least minor. However, I consider it to be acceptable given the Residential Central City zoning of the site and the Plan's allowance for a greater scale of buildings and density of development in this location.

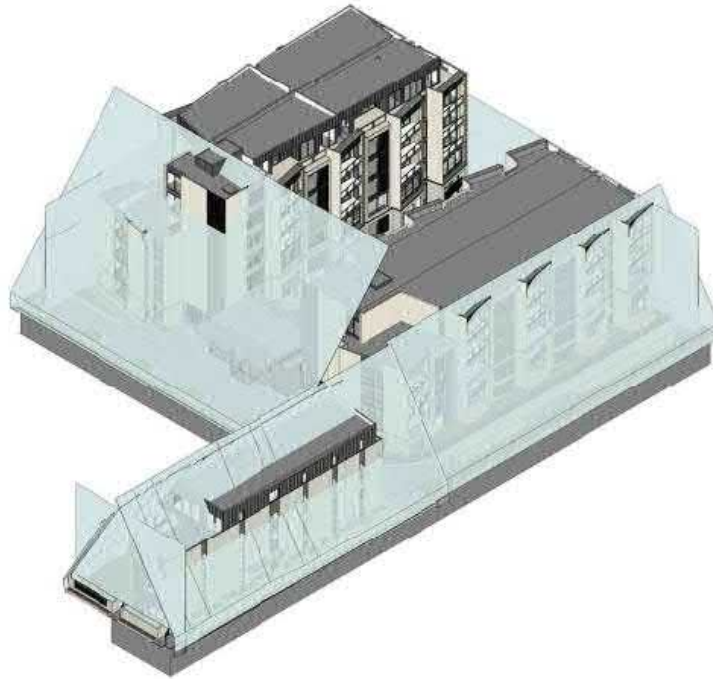


Figure 10: Building B07

Source: Application documents

*Bishopspark and Peterborough Sites*

*Landscape Effects of proposal on Hagley Park and Avon River*

167. 14.15.9 a.i requires consideration of whether the development, while bringing change to existing environments, is appropriate to its context taking into account engagement with, and contribution to adjacent streets and public open spaces with regard to boundary treatments. Both sites have a frontage onto Park Terrace, which comprises the eastern edge of Hagley Park. The Peterborough Site in particular has a corner position and a strong visual relationship with Hagley Park. Ms Dray considers that the treed landscape of Hagley Park and the Avon River provides a high degree of landscape amenity and natural character to the immediate area, and is greatly valued by the City's occupants.
168. Both sites will be visible from the Hagley Park path and from the public footpath adjacent to the Avon River. During the winter months when the leaves of the deciduous species in the Park have dropped, the proposal will also be visible from within the Park.
169. Specimen tree planting has been proposed by the applicant for the Park Terrace frontage of both sites to, in Ms Skidmore's opinion, create a suitable interface and vegetated edge to the sites and to contribute to the site amenity rather than fully screening views to the proposed buildings. In Ms Dray's opinion, the proposed tree planting methodology will not be adequate to mitigate any potential adverse effects to the landscape amenity and natural character of Hagley Park and the Avon River and considers that additional planting of a range of large tree specimens (capable of growing to a minimum 15m in height at maturity) is required on the Park Terrace frontage of both sites, and that at least half of these trees be allowed to mature to their full height. I concur with Ms Dray and note that several submissions raised similar concerns. However I note that these concerns could be partially overcome if the revised landscaping along the Park Terrace frontage and as outline above is carried out.

170. 14.15.9.a.v requires consideration of Crime Prevention through Environmental Design (CPTED) principles n, and both Ms Skidmore and Ms Schroder consider this has been effectively addressed across each of the sites. Ms Skidmore considers that a key aspect of the retirement village model that sets it apart from a more traditional suburb, is the creation of a shared living environment that includes a range of communal spaces and facilities. This sense of shared ownership and overarching management and maintenance makes a particular contribution to the safety of the Village. Both Ms Skidmore and Ms Schroder also consider that the layout of the village provides safe and legible connections through the village with clear sightlines to key destinations, buildings have been located, oriented and designed to front and provide views on the adjacent streets, and lighting of communal outdoor spaces will contribute to the safety of the village environment.
171. 14.15.9a ii. Requires consideration of integration of access, parking areas and garages in a way that is safe for pedestrians and cyclists and does not visually dominate the development. Vehicle and pedestrian access for both sites are legible and direct from the street, and given car parking is contained within the basement of the buildings, this allows much of the ground to be available for safe pedestrian use, and parking does not dominate the sites. Ms Schroder does not consider that the cycle parking provided is very convenient for users, accessed by the vehicle ramp and located in the north-west corner of the Bishopspark Site basement, with relatively convoluted access. However, I respectfully disagree with Ms Schroder on this and consider that the location of the cycle parking in the basement will be easily accessed in close proximity to the end of the ramp, will provide additional security for the cycle users, and will ensure that the ground level is not dominated by parking areas. The loading area access is discussed later in this report.
172. A further matter of discretion requires the consideration of environmental efficiencies and sustainability features. A number of submissions have raised the lack of environmental efficiencies, and sustainable features of the development as an area of concern. The applicant advises that the proposed village has incorporated environmental efficiencies and sustainability initiatives into the design including orientation of buildings to maximum natural light and solar shading, the use of concrete and brick materials for thermal mass benefits, thermally broken windows, passive ventilation, electric vehicle charging stations, energy efficient appliances and recycling. I consider this is appropriate.

### *Signage*

173. The signage outside the main entrances to the sites will be approximately 160cm by 80cm. The name of the village has not been confirmed and thus the number of letters within each sign has not been confirmed. The relevant matters of discretion relate to the visual amenity on the surrounding area, the visibility of the signage and the potential distraction of the signage.
174. The signs will be erected on the two Park Terrace road frontages. Although limited details have been provided on the signage, a sign of 160cm by 80cm is considered to be appropriate for Bishopspark and Peterborough site and will not create visual clutter or cause distraction to drivers. The signage will be relatively discrete and not adversely affect the visual amenity or character of the surrounding environment. Further, given there is only one sign for each site and the surrounding area is mostly residential in character with limited signage, the proposed signage will not result in visual clutter. The signs will not obscure or detract from the interpretation of any traffic sign or controls,
175. With regard to the Bishopspark site, the signage will be located away from the heritage building and setting given it is to be located on the Park Terrace road frontage.

### *Conclusion on Residential Character and Amenity*

176. The proposed village will provide for high density residential development with a variety of residential accommodation within the Central City and will provide for an increase in the population of permanent residents in the area.
177. The proposal will result in a substantial visual change to the residential character of the area. However, the scale, form and approach to building massing and density of the development is considered to be generally appropriate to its location.
178. The landscape approach, including large scale tree planting is crucial to achieving an adequate level of amenity and providing visual relief to the built form, in respect to the neighbourhood context, neighbours and users of public space. The scale of planting needed to address the context and offset visual effects at the boundaries to the sites will not be achieved within the space provided. The proposed tree planting methodology will not be adequate to sustain the proposed trees in perpetuity, and that on the Salisbury Street and Dorset Street frontages, there will be a real conflict regarding the sizable trees proposed to be grown within a very constrained space. Concern is also raised by the landscaping along the internal boundaries with 2 to 16 Dorset Set and 5 to 17 Salisbury Street. However, as outlined above I consider that these concerns can be overcome by incorporating a tree species which can be established in the available spaces and able to reach their natural height and form, and this could enable an adequate level of amenity and provide visual relief to the built form, in respect to the neighbourhood context and public space.
179. There are a limited number of tree varieties proposed for the Park Terrace frontage of both sites and this does not respond adequately to the Hagley Park and Avon River context, particularly given the proposal is to mostly maintain these trees to a standard maximum 8m in height. It is considered that this approach will not provide an appropriate response to existing context, and will appear unnatural. However, these concerns could be overcome by a change to the landscaping along these frontages. At the Bishopspark site, a select number of Elm Trees should be allowed to grow to their natural height and form and this would ensure that the landscaping along this frontage would integrate into the surrounding area. At the Peterborough site the Oak and Beech Trees along the Park Terrace frontage should be allowed to grow to their natural height and form. A high quality street interface will be achieved for both sites if effective tree planting can be achieved as noted earlier.
180. The retention and repurposed use of the Chapel is supported however there is concern regarding its context, which is discussed in the heritage assessment later in this report.
181. In regards to the visual quality, the design approach to both of the sites has been well considered, addressing the site attributes and architectural context. The overall architectural quality is high, with some exceptions, including the north and south facades of building B02, the south façade of the western wing of building B08, and the eastern façade of Building B07 which will at least have minor visual effects on the adjacent properties. .
182. In terms of CPTED, access and safety (where related to urban design), environmental and site efficiencies these matters have all been well resolved.

### ***Significant Tree***

183. The Peterborough site contains a mature Common Lime tree near the Peterborough Street entrance to the site which is established to be at least 80 – 85 years old. This is a significant tree, as identified by the District Plan. The relevant matters of discretion for the works in proximity to the tree relate to the effects on the tree, the extent of benefit or need for the works and the degree of impact on neighbourhood amenity values.



184. Works are proposed within the dripline of this tree as well as crown lifting. Included within the application is an assessment undertaken by AP Consulting and this, along with further information responses regarding the tree, has been reviewed by Council's Arborist, Mr John Thornton.
185. I agree with Mr Thornton and his concerns around the close proximity of the construction work, and in particularly the installation of the underground basement within 5 metres of the base of the tree. Mr Thornton has advised that the root mass of the tree will be extensive by now, due to the long period it has had open ground around it, and the roots will extend well beyond the dripline if it has followed the typical growth pattern of trees of this size and species.
186. With respect to the canopy, Mr Thornton considers that the canopy of the tree will not be adversely affected by the proposed works other than the possibility of minor damage from the machinery on site. However, Mr Thornton does raise concern regarding the intrusion on the root system by the excavation and considers that the tree will suffer root damage from the extensive works and will eventually go into a spiral of decline. It is acknowledged that Common Lime species do have the ability to withstand some root disturbance and are relatively hardy, however Mr Thornton considers the proposal to be a radical change to the tree's current environment.
187. The works within close proximity of the Common Lime Tree have the ability to adversely impact on the neighbourhood amenity values currently enjoyed by adjacent properties and those of the wider area if the tree is damaged.
188. The applicant has suggested a number of measures to ensure that any effects on the significant tree are limited and these include the following:
- Prior to construction any construction or pot holing activities on the Peterborough Site, protective fencing is installed to isolate the root protection area for the duration of construction.
  - Contractors shall be briefed regarding the non-entry policy for the root protection area.
  - To avoid contact of raw concrete with root mass during the infill of the clutch piling, it is recommended that the top 2m of the piles be lined with a heavy grade PVC or similar impervious material.
  - Maintenance pruning be carried out following the clutch piling.
189. Mr Thornton has recommended number of conditions relating to an appointment of an arborist and pre-work meeting, temporary protective fencing, soil excavation and tree root protection, and machinery and materials. However, concern remains over the close proximity of the construction work, particularly the basement within 5 to 6 metres of the base of the tree.
190. I consider that there is still a risk the works will result in the death of the tree and that risk may not be adequately mitigated by the proposed conditions due to uncertainty. As such, I consider that should the tree die within 10 years of the works being undertaken on the site the consent holder should be required to replace it and also provide additional mitigation tree planting in the local area commensurate with the contribution of the tree to local amenity values. If consent is granted, then this should be a condition of consent, and the applicant is invited to address this at the hearing. I would also emphasise that such a condition would provide a backup means of mitigation only and provided the works are undertaken with due care for the health of the tree, will not be required to be given effect to.

## **Heritage**

191. The Former Bishop's Chapel located at 100 Park Terrace is scheduled as a Highly Significant heritage item in the District Plan. Built in association with the Bishops court residence of the Anglican bishop for Christchurch in 1927, the building has high historical and social significance as a chapel built specifically for the use of the bishop and designed in the Georgian Revival style. The Heritage New Zealand List entry for Bishops court states that it is probably the only Georgian-styled building of its type in New Zealand. Prior to the earthquakes the chapel remained in use as part of the retirement home and units known as Bishopspark, run by the Social Services Council of the Diocese of Christchurch (Anglican Living).
192. The proposal includes new buildings and associated earthworks and landscaping in the heritage setting, and the Chapel will be repaired, restored, altered and upgraded to comply with the Building Code.
193. Submitted with the application was a heritage assessment prepared by DPA Architects. Council's Heritage Advisor, Suzanne Richmond, has reviewed this assessment and the application, and provided specialist heritage advice on the proposal. I accept and adopt the Ms Richmond's assessment for the purposes of this report. The relevant matters of control and discretion are found in rule 9.3.5.1 and 9.3.6.1 of the District Plan and in summary include the following:
- The form, materials, and methodologies to be used to maintain heritage values;
  - The methodologies to be used to protect the heritage item;
  - Documentation of change during the course of works, and on completion of work;
  - Whether Heritage New Zealand Pouhere Taonga has been consulted and the outcome of that consultation.
  - The nature and extent of damage incurred as a result of the Canterbury earthquakes of 2010 and 2011;
  - The level of intervention necessary to carry out the works;
  - Whether the proposal will provide for ongoing and viable uses;
  - Whether the proposal, including the form, materials and methodologies are consistent with maintaining the heritage values of heritage items and heritage settings, and whether the proposal will enhance heritage values, particularly in the case of Highly Significant (Group 1) heritage items and heritage settings;
  - Whether the proposed work will have a temporary or permanent adverse effect on heritage fabric, layout, form or heritage values and the scale of that effect, and any positive effects on heritage fabric, form or values.
  - The extent to which the heritage fabric has been damaged by natural events, weather and environmental factors and the necessity of work to prevent further deterioration.
  - The extent of photographic recording which is necessary to document changes, including prior to, during the course of the works and on completion, particularly in the case of Highly Significant (Group 1) heritage items, the need for a high level of photographic recording throughout the process of the works, including prior to the works commencing.
  - For new buildings, structures and/or features in heritage items which are open spaces, whether the building, structure or feature will:
194. With regard to the setting, the new buildings to be constructed around the edge of the chapel's heritage setting are large medium-rise blocks that Ms Richmond considers will dominate the single storey heritage building. Parts of these buildings will encroach on the already small heritage setting. The closest building will be five metres from the chapel. Ms Richmond advises that these are generally significantly higher structures than previous buildings on the site, although the adjoining

Bishop's residence was three-storey. The most substantial footprint of new construction within the heritage setting, the B04 building, has a single storey wing on the northeast side of the chapel which will be more in keeping with the modest scale of the chapel building than the east wing of the B04 building and the B01 building to the south of the chapel.

195. Given the size of the heritage setting, it is recognised that this allows for the wider area to be redeveloped outside of the setting. Ms Richmond considers that the proposal accommodates the chapel and compensates for the scale of the new buildings to some extent by creating a village square around the chapel and opens up some limited view shafts to the chapel from within the site, including from in front of the glazed atrium, and from the street via Dorset Street to the northwest and Westwood Terrace to the southeast. It is also recognised that a distant glimpse of the chapel may be possible from the main entrance at Park Terrace via the glazed atrium entrance, although this view is mediated by the heavy concertina roof design of the atrium and the curve in the driveway. Ms Richmond importantly notes that the chapel has never had a street presence as it was constructed behind the Bishop's residence and was surrounded by buildings when the site was redeveloped as a retirement village in the 1980s.
196. Importantly the proposal retains, repairs, restores, upgrades and returns the chapel (following damage sustained in the Canterbury Earthquakes) to its otherwise continuous use as a chapel, and more specifically to its previous use since the 1980s as a chapel associated with a retirement village.
197. DPA Architects have confirmed that the structural upgrade has been designed so that there is no visible evidence of the works once removed heritage fabric is reinstated to both the exterior and interior. Ms Richmond considers that the loss of the exterior plasterwork results in loss of technological values, however the new plasterwork and detailing will replicate its form and finish, with the addition of reinforced mortar which is intended to increase the structural integrity of the building into the future.
198. The access ramp to be constructed to the north of chapel will be visually permeable and will generally sit below the line of the windows so will largely avoid obscuring architectural features. Ms Richmond is however unclear on whether the proposed access ramp for the chapel is attached to new fabric (for example the pergola or planter box), or the heritage fabric of the chapel, therefore further details on this is still required and if consent is granted, Ms Richmond is comfortable with this forming a condition of consent.
199. The new entry porch/pergola to provide shelter for entry and exit will reference the materials and form of the previous pergola link which connected it to the now demolished bishop's residence. It will be fixed to the chapel wall through the new plaster.
200. Ms Richmond considers that the village square, to be paved and landscaped with low planter boxes and trees adjoining the chapel on each side, will promote the space around the chapel as a gathering place within the complex, although it is noted that shading diagrams provided as part of the application process show that the chapel and surrounding courtyard and landscaping will be cast in shadow in the coldest months of the year.
201. As part of a response to a further information request, DPA Architects submitted a Temporary Protection Plan (TPP). The TPP sets out measures to protect the chapel during the works to the chapel as well as measures to limit the effects of vibration and potential impact damage from the earthworks and construction activity within the heritage setting in the immediate vicinity of the heritage building, including the excavation for the basement and adjoining retaining wall. Ms Richmond agrees with the 'Implementing the TPP' recommendation that the structural upgrade works to the chapel occurring prior to the adjoining construction will ensure that the heritage item is in the best possible condition to protect it from potential vibration effects.

202. Ms Richmond advises that given the Highly Significant heritage status of the chapel, the extensive works proposed to the chapel, and the scale of the adjoining works in close proximity to the chapel, a condition is recommended that a Heritage Professional is retained/engaged to oversee the works and monitor TPP implementation. This has also been recommended in the applicant's heritage assessment. The applicant has agreed to a condition that the TPP is amended when further detail becomes available on the construction methodology for the project. It is important that these two documents are aligned to ensure the protection of the chapel throughout the project.
203. I agree with Ms Richmond that the standard photographic record condition attached to heritage consents is amended as suggested below to record changes to the setting as well as the works to the heritage item.
204. Comments on the proposal have been received from Heritage New Zealand Pouhere Taonga (Heritage New Zealand) as well as a submission in support of the development. Council have also been involved in discussions with them and it is noted that the chapel is listed by Heritage New Zealand as a Category 1 historic place. Heritage New Zealand are supportive and encouraged by the works to the chapel, but are disappointed at the scale and proximity of the proposed adjoining buildings and that the submitted building layout does not avoid a physical impact on the heritage setting or maximise opportunities for views to the chapel. It is noted that an archaeological authority (authority no. 2020/731) was issued for this project by Heritage New Zealand on 26 June 2020.
205. There were a number of submissions regarding the effects of the proposal on the Former Bishops Chapel and heritage setting. Several of the submissions were broadly supportive of the retention and repair of the chapel as part of this development. Of note is the submission on behalf of Heritage New Zealand Pouhere Taonga that commends the retention, repair and proposed ongoing use of the chapel as a chapel.
206. Two submissions have expressed disappointment that the chapel will not be accessible to the public. While Ms Richmond considers that it would be of cultural benefit to share the heritage values of the chapel with the community by opening the chapel to the public from time to time in the future, it is proposed that the chapel continues its use as a private chapel – it was built in association with the Anglican Bishop for Christchurch's residence as a private chapel for the Bishop and for church functions, and then continued its role as a private chapel as part of the retirement complex run by Anglican Living.
207. Two submissions seek the retention of the oak tree to the southeast of the chapel and Ms Richmond supports this request however, given its location outside the heritage setting, accepts its retention for heritage reasons is outside the scope of the matters of discretion. It is however noted that the oak tree currently has a visual connection to the chapel in terms of proximity and can be seen in views to the chapel from the north of the site. It also forms part of the wider site which contributes to the chapel's contextual heritage values, and along with the chapel is one of the few remaining tangible reminders of the history of the 100 Park Terrace site as the former Bishop's residence and, more recently, as the Anglican Living retirement village. Another existing tree, a kōwhai adjoining the chapel to the east and within the heritage setting, if retained, could also strengthen the link to the former uses on the site. The applicant is invited to comment on the feasibility of retaining these trees at the hearing, noting that the retention of existing trees, while not a heritage matter, is included within the discretion available under the Residential chapter.
208. Submissions also seek greater setbacks for the proposed buildings from the chapel. The Heritage New Zealand submission also expresses concern about the scale of development around the chapel

and Ms Richmond acknowledges these concerns. The proposed buildings are greater in scale than the previous buildings adjoining the chapel and will impact to some extent on the contextual significance of the chapel on its wider historical site. As noted above, however, the protected heritage setting is small in recognition of the immediate context of the building and anticipated future site redevelopment. Parts of two of the buildings and the basement encroach on the edges of the protected setting, but importantly, space on all sides of the chapel has been retained via the design of the chapel at the centre of a courtyard which helps to retain some “breathing space”, so it can be viewed from all sides. Heritage New Zealand has indicated it can support the proposal subject to a number of conditions, which Ms Richmond broadly supports.

209. In terms of the heritage effects on the Highly Significant Dorset Street Flats (the Flats) raised in several submissions, including those from the building owners, the large building proposed on the north of the application site is located very close to the Flats’ southern boundary and Ms Richmond shares the owners’ concern that it will act as a prominent backdrop to the Flats when viewed from Dorset Street and from within the site of the Flats. However, the heritage effects of buildings on adjacent sites does not fall within the available matters of discretion of the District Plan (9.3.5.1 and 9.3.6.1) and have been considered under residential amenity above.
210. Given the Highly Significant heritage status of the chapel, the extensive works proposed to the chapel, and the scale of the adjoining works in close proximity to the chapel, a condition is recommended that a Heritage Professional is retained/engaged to oversee the works and monitor TPP implementation and this has also been recommended in the applicant’s heritage assessment.
211. The applicant has agreed to a condition that the TPP is amended as the construction management plan is developed. Ms Richmond considers that it is important that these two documents are integrated to ensure the protection of the chapel throughout the project. It is also recommended that a photographic record condition standard to heritage consents is attached to record changes to the heritage setting as well as the works to the heritage item.
212. On balance, Ms Richmond considers the effects of the proposal on the heritage setting of the Former Bishop’s Chapel are largely very positive for the heritage item and I concur with her on this.

### **Traffic**

213. Included with the application is a transportation assessment prepared by Commute and this has been reviewed by Council’s Traffic Planner Mike Calvert. Further information has also been received which includes a Scheme Stage Road Safety review of the proposed pedestrian access across Salisbury Street between the two sites. Access to the Peterborough site will not comply with the relevant standards in the District Plan. The relevant matters of discretion found in 7.4.4.10 can be summarised as follows:
- Whether the driveway serves more than one site and the extent to which other users of the driveway may be adversely affected.
  - Whether there are any adverse effects on the safety and amenity values of neighbouring properties and/or the function of the transport network.
  - The effects on the safety and security of people using the facility.
  - Whether the access disrupts, or results in conflicts with, active frontages, convenient and safe pedestrian circulation and cycling flows or will inhibit access for emergency service vehicles where on-site access is required.
- Whether the safety of pedestrians, particularly the aged and people whose mobility is restricted, will be compromised by the length of time needed to cross a wider driveway.

- Whether the legal width of access is restricted by the boundaries of an existing site and/or an existing building.
214. With regard to the Bishopspark site vehicular access to and from the village will be provided via a two way access fronting on to Park Terrace. A secondary service access will be provided via Dorset Street. Both of these accesses comply with the standards in the District Plan.
215. A right turn was originally planned by the applicant from Park Terrace at the main entrance to the Bishopspark site to cater for drivers turning right into the site and this would have required widening of the Park Terrace carriageway.
216. The proposed widening would provide a separated area for drivers to wait clear of traffic (right turn offset), however Mr Calvert advised that the seal widening would not have fitted with Council's medium/long term plans for the overall design of Park Terrace in line with the 'An Accessible City' (AAC) plan which has steered the redevelopment of the central city transport network. The AAC includes a proposal to downgrade the function of Park Terrace from its previous classification as an arterial road to that of a local distributor street (type of collector road). Mr Calvert advises that in respect to Park Terrace north of Armagh Street, it is proposed to have the following future attributes:
- Two lane local access street
  - Cycle priority with bi-directional cycle lanes on its west side
  - Street trees integrated with on-street parking on both sides
  - Footpath on both sides, but with footpath integrated with the park area on the west side.
217. Mr Calvert advises, that in principal, it is proposed that the street be downgraded in its significance for vehicle travel in the future which would not fit with the proposed widening of Park Terrace sought by the applicant.
218. Further, given the off-peak nature of the majority of trips associated with aged care homes, the provision of a right turn bay is not considered to be a necessity in terms of providing safe access to the Bishopspark site. These issues have been discussed with the applicant's Transport consultant, Commute, and Mr Calvert advises that there is agreement that the right turn bay is not necessary to provide safe access to the proposed aged care facility and has been deleted from the plans. This issue has also subsequently been raised by a number of submitters.
219. The Peterborough site will have a separate entrance and exit for vehicles. Vehicles will enter via Park Terrace and will exit via Salisbury Street, which is currently a one way (eastbound) street classified as a local distributor street. Mr Calvert advises that the AAC also proposes that the one way pair of Salisbury and Kilmore Streets would be converted to two way traffic with Salisbury Street, west of Montreal Street, providing for two way cycle facilities and being downgraded for through traffic, providing a more residential quality with increased urban amenity. Mr Calvert advises there is currently funding in the Council's draft Long Term Plan to undertake this conversion in 2028. The potential changes to the operation of Salisbury Street will not impact on the safe operation of the driveway.
220. The District Plan requires the main access points (serving more than 15 parking spaces) to have a minimum 6.5m legal width and a 5.5m minimum formed width. The vehicle entrance and exit points are both 4.0m in width and therefore are narrower than the minimum formed width for an access point serving more than 15 spaces. However, both the applicant and Mr Calvert accept that these standards as designed for a two way arrangement and that given that both these access points are either entry or exit only, reflecting the one way nature of the internal road layout, the reduction of width to 4m is acceptable and would not create any adverse effects.

221. With regard to the basement car parking, swept paths have been provided to show the main vehicle access to the Bishopspark site and the Peterborough site cater for the appropriate design vehicle. Mr Calvert notes that circulation around the underground car parking areas is tight, but this is not unusual for car parking structures due to the cost in providing the space and the need to work around structural elements of the building.
222. The applicant has confirmed that the car parking dimensions will comply with the requirements of Appendix 7.5.1 however I note the District Plan Rule 7.4.3.1 b.ii excludes residential activities in the Central City from the need to comply with the car parking dimensions in Appendix 7.5.1.

*Loading and servicing*

223. Service vehicles will be required to reverse from the site onto Dorset Street and this has the potential to impact on safety on this local road. This has been raised as a concern in the submissions. The applicant has tried to address this concern by increasing the length of the visibility splay to provide some visibility for the truck driver. However, Mr Calvert considers that this will still require the truck driver to either reverse off the site or reverse into the site, and that this is potentially unacceptable and an unsafe layout due to the lack of visibility available to the driver directly behind the truck as they reverse. I accept this and note that matter of discretion 14.15.9.a.ii requires consideration of the integration of access in a way that is safe for pedestrians and cyclists. I consider that requiring service vehicles to reverse onto the site so they can exit in a forward direction would address some of the safety concerns raised by Mr Calvert, as more opportunity to undertake this manoeuvre in the absence of cyclists and pedestrians would be available as the driver would be able to see, from the road, whether the footpath/road is clear of pedestrian and cycle traffic before beginning the manoeuvre and such users would also be able to be forewarned of the reversing vehicle before they encounter it. While it is still not ideal, I consider it safer than reversing off the site in the absence of a permanent 'spotter' to assist the service vehicles. I have recommended a suitable condition but would encourage the applicant to address this matter at the hearing.

*Westward Terrace*

224. Concern has been raised in a number of submissions regarding the use of Westward Terrace for construction traffic, as well as general vehicle and pedestrian access from the village. It is acknowledged that the applicant, like several of the surrounding property owners, has legal access over Westward Terrace.
225. The lane has a variable width of between approximately 5 and 6 metres which provides for two way vehicle movements. As this is an existing private lane the District Plan requirements are not applicable however Mr Calvert would encourage the applicant to review the layout of this lane if it is to be used as a pedestrian access point for between 150 – 200 pedestrian movements per day as advised through further information responses. This could take the form of a path which can be driven over in the absence of pedestrians but defined by a low kerb or channel. In terms of vehicle use, the majority of traffic to and from this site is anticipated to enter and exit via Park Terrace, with minimal traffic using Westward Terrace given the layout and use of the village. Construction vehicles use of this access is discussed below.

*Draft Construction Traffic Management Plan*

226. The applicant has prepared a Construction Traffic Management Plan (CTMP) for the site as part of the further information provided. Construction time for the works on the sites is proposed to begin in June 2021 and continue through to around June 2025.

227. The main access for construction traffic to the Bishopspark site is proposed to be from Park Terrace with no construction access proposed from Dorset Street and limited use of Westward Terrace proposed. Park Terrace is classified as a local distributor in the District Plan and therefore Mr Calvert considers is the most appropriate road to use as the construction access for the Bishopspark site.
228. The proposal to provide a temporary (no timeline provided) on-street loading zone on Park Terrace when the temporary site accesses are closed will effectively close one lane to general traffic along this local distributor route (noting there are two southbound traffic lanes adjacent to Bishopspark, and street parking that could be occupied in the case of Peterborough) and Mr Calvert advises that he is aware the impacts of this on the safety and efficiency of the transport network have yet to be discussed with Council staff. This would be required under a separate approval process.
229. Access over Westward Terrace may be required for a limited number of concrete pours for foundations that are located in this portion of the site. There do not appear to be any details in the CTMP regarding the potential number of trips. Given the proximity of Westward Lane to adjacent residential activities with existing vehicle access reversing onto the lane, Mr Calvert advises that he would recommend that this lane is excluded from being used as a construction access for heavy vehicles, and that he is also uncertain whether it is structurally capable of catering for multiple heavy vehicle trips as the construction formation is unlikely to be to the standard of a legal road.
230. It is noted that Dorset Street is excluded as an access for construction on the Bishopspark site in the CTMP and I agree with Mr Calvert that the use of this residential street for construction traffic is not appropriate.
231. Construction access to the Peterborough Street site is proposed to be limited to an access from the Park Terrace and two temporary accesses onto Salisbury Street. There is no reference made regarding access to the Peterborough Street frontage and it is assumed that no access is intended to/from this local road and I agree with Mr Calvert that the use of this residential street for construction traffic is not appropriate.
232. Park Terrace and Salisbury Street are classified as Local Distributors and provide equal priority for site access in terms of the District Plan. Therefore the most appropriate access will be reliant on the direction the trucks approach the site from, which will also depend on where the trucks origin or destination is located. This is likely to vary over the time of construction with excess soil being used as hardfill, concrete coming from the north of the city and construction material being sourced from a variety of locations.
233. The CTMP also discusses the installation of pedestrian gantries / containers along site frontages for site offices and to provide protection for pedestrians. Any occupation of the road corridor for construction purposes and/or Traffic Management Plans (TMP) will need to be approved separately from the consenting process by Council. In particular, Mr Calvert advises that the proposal to remove street lighting and advance directional signage needs to be discussed with Council prior to any application.
234. Of note, all permanent accesses will need to be approved by Council through the vehicle crossing application process and constructed to the Christchurch City Council's Construction Standard Specifications. Temporary changes to on-street parking for construction purposes do not require Community Board approval as this has staff delegation and would be dealt with through the TMP application.



235. A number of submissions have raised concerns regarding the proposal not complying with other traffic related rules of the District Plan. However, both sites comply with the balance of traffic related District Plan rules including car parking dimensions, vehicle crossings, proximity of the vehicle crossings to intersections, visibility splays, and ramp gradients. I note there are no minimum car parking requirements in the Central City (other than mobility parking) but where parking is provided it must comply with the relevant standards.

### ***Earthworks and Construction Effects***

236. Earthworks for Bishopspark comprise 55,000m<sup>3</sup> loose volume, of which most will be cut to waste. Earthworks for Peterborough comprise 32,000m<sup>3</sup> loose volume, of which most will be cut to waste. These earthworks are for building construction (including basement), service installation and hard landscaping.
237. The District Plan set outs the relevant matters of discretion and considers nuisance and land stability effects; the timing, location, scale and nature of earthworks; the earthworks methods; and mitigation of effects as they impact flooding and surface drainage.
238. Council's Senior Subdivision Engineer, Ms Yvonne McDonald, has reviewed the proposal and provided advice.
239. The applicant has provided a draft Construction Management Plan (CMP) to control dust, noise, vibration, traffic, hours of work and contaminated soil removal. Dust management measures include staging of works, stabilising stockpiles and sprinklers. The applicant states construction stage sediment and erosion control will be managed through the application of an Erosion and Sediment Control Plan (ESCP) including a suite of measures, complying with the Environment Canterbury toolbox and maintained by the contractor on site. Draft ESC plans have been provided which include reference to dewatering discharges. Ms McDonald advises that as these plans do not include management processes it is suggested that if consent is granted that conditions are imposed requiring the submission of a full ESC plan for acceptance. I concur with this.
240. A number of submissions have raised concern over the length of the construction period and the associated effects this may have on surrounding residents and properties. The application also addresses the construction period of 36-40 months and states that Ryman is conscious to ensure that these temporary construction activities are suitably managed in order to minimise nuisance effects for neighbours. They note that residents will move into the Proposed Village once the first buildings are completed, thus adding an extra imperative to ensure that the construction effects are minimised.
241. In terms of nuisance, this has been addressed in the draft CMP which states that traffic will be controlled to reduce its impact on the area with detail of the works programme, hours of work, traffic management including routes and the access points set out in the draft Construction Traffic Management Plan (CTMP). The CTMP also states that Westward Lane will generally not be used for construction traffic, however it will be used for access for specific concrete pours. Ms McDonald has recommended that if this to occur that the applicant be required to notify the use of this road to residents prior to the concrete pour occurring (and noting Mr Calvert's recommendation that use of this right of way for construction traffic be prevented).
242. Noise and vibration will be addressed in a similar manner through a Construction Noise and Vibration Management Plan (CNVMP) which will ensure that suitable measures are employed by the applicant so that construction noise and vibration levels comply with NZS6803:1999 and DIN 4150 199902 –

these being the standards that apply to permitted earthworks activities under the District Plan. The applicant has proposed a condition requiring a CNVMP such that it forms part of the application. The CNVMP will include the following:

- The construction noise and vibration criteria to be applied;
- The identification of the most affected locations where the potential for noise and vibration effects exist;
- Description of the works, anticipated equipment/processes, and durations; time and days when construction activities causing noise and vibration will occur;
- Mitigation options, including alternative strategies where full compliance with the relevant noise and vibration criteria cannot be achieved. (It is noted that if noise and vibration could not meet the District Plan rules then a further resource consent would be required).
- Methods for monitoring and reporting on construction noise and vibration during each stage of construction;
- Procedures for maintaining contact with stakeholders; and
- Contact numbers for key construction staff, staff responsible for implantation of the CNVMP, and
- A complaints register and methodology for addressing noise and vibration complaints, to provide for addressing neighbour's concerns.

243. The applicants have also proposed conditions for pre- and post-construction building condition surveys of neighbouring properties be carried out. I note these would be subject to the agreement of the neighbouring property owners.
244. In terms of change in ground levels and the impact this may have on trees in the wider area and excluding the protected Lime Tree, in terms of access to water and drainage, there are no large trees in proximity to the areas of earthworks which would have root systems large enough which would be affected by the proposed works.
245. The applicant has provided a geotechnical assessment prepared by Tonkin and Taylor. This found the Bishopspark site is underlain with alluvial sand and silt over gravel and there is some peat within silt layers between 7.5-8m below ground level (bgl) and groundwater is between 1.1-1.3m bgl. The Peterborough site contains fill to 4-6m bgl over similar subsoils as for Bishopspark, with groundwater between 1.3-2.2m bgl. Ms McDonald advises that dewatering will be required for each site and liquefaction mitigation will be addressed in the building's designs. Further, the building consent processes will address foundation stability on site.
246. Ms McDonald states that the two foundation methods suggested in the geotechnical report are rigid inclusions or continuous flight auger piles and neither of these methods appear to involve compaction from vibration, rather they are displacement type methods which provide a stiffer formed in place pile. Ms McDonald considers that vibration from the foundation construction will not be an issue given the foundation methods and I accept this advice.
247. Settlement effects at the boundary due to the peat have been considered within the geotechnical report. The foundations are proposed to be taken below the peat layers, to reduce ongoing settlement. Ms McDonald considers that this should therefore also reduce the potential for cross boundary settlement and does not anticipate there would be cause for damage to neighbouring properties.
248. The applicant obtained comment from Tonkin and Taylor on the groundwater effects of the subsurface structures. They have commented on the basis of their conceptual ground condition model and believe the extent of groundwater mounding due to the impermeable basement will be between 50-100mm. They state this will be negligible particularly with seasonal variations and Ms McDonald agrees this is not an issue.

249. The applicant states the Bishopspark site will achieve the FFL of 16.7m and that conventional overland flow paths are provided within the site margins, discharging to the legal road frontages. Ms McDonald advises that the west end of the overland flowpath into Westwood Terrace appears to be higher than the FFL in the site but the applicant has explained that this flowpath is not the main secondary stormwater discharge mechanism. There do appear to be areas where stormwater drainage is adjacent to the boundary so, to address the lack of information in these areas, Ms McDonald suggests that if consent is granted that a preventative condition is imposed regarding cross boundary drainage.
250. Ms McDonald considers that as most structures are set off the boundary the potential to address cross boundary height differences with landscaping appears feasible. There is however no cross boundary detail for the boundary with 90 Park Terrace, and therefore if consent is granted, a condition would need to be imposed around land stability.
251. The Peterborough site has a proposed FFL of 16.70m and the applicant states the site will be retained around the boundary to achieve this level however no further details on this have been provided. Similar to the above, a condition would need to be imposed around land stability. I have incorporated suitable conditions in the recommended conditions at the end of this report.
252. In terms of amenity, the proposed earthworks are unlikely to significantly change ground levels on the site, with these generally remaining consistent with the surrounding environment. Where these are changed, and as outlined above, Ms McDonald considers there is potential to address height differences with landscaping. I consider there will be no adverse effects resulting from the earthworks in terms of visual amenity, landscape context and character, views, outlook, overlooking or privacy.
253. With regard to Flood Management Areas (FMA), a small area of the Bishopspark Site along the western and southern corners of the Park Terrace boundary are located within the FMA, however none of the buildings or the basement encroach into this area. Accordingly, any earthworks within the FMA would be minimal and as such would have no effect on the flooding patterns.

#### ***National Environmental Standard – Soil Contamination***

254. Council's Senior Environmental Health Officer, Isobel Stout, has reviewed the proposal in terms of the National Environmental Standard – Soil Contamination (NES). Ms Stout considers that the NES matters have been comprehensively addressed in the combined PSI/DSI that covers all the land involved across the two locations for this project. Ms Stout considers that as the project includes basement car parking at both sites a large amount of site material will have to be excavated and disposed of and this is effectively going to remediate the sites at the same time. Given this, a full Remediation Action Plan will not be required and Ms Stout agrees with the applicant that a Contamination Site Management Plan will be sufficient.
255. I accept the assessment provided by Ms Stout and adopt it for the purposes of this report.

#### ***Other matters***

##### *Pedestrian facility*

256. A pedestrian crossing facility is proposed across Salisbury Street and this would require Community Board Approval, separate to any resource consent approval, as the installation of a crossing would not breach any rule in the District Plan. Mr Calvert advises that issues regarding pedestrians being able to

safely cross Salisbury Street between the Bishopspark and Peterborough Street sites were discussed with Commute prior to the resource consent application.

257. A signal controlled pedestrian crossing on Salisbury Street between the two sites was proposed however, a safety review was undertaken as there were reservations around the safety of the operation of the proposed signals. The safety review undertaken by Stantec highlighted a number of potential safety issues, which are mainly associated with the speed of traffic entering Salisbury Street and potential queuing from the proposed signals.
258. Commute and Mr Calvert have had further discussions regarding possible crossing designs and these have included work at the Park/Salisbury intersection to tighten the radii for entering traffic which would reduce vehicle speeds. Three options for pedestrian facilities on Salisbury Street have been developed.
- Option 1 – Signalised crossing – Provides a controlled crossing area for pedestrians, but is expensive and will become redundant as it does not fit with the longer term plans for Salisbury Street as a two way residential street. Also potential safety issues with drivers changing lanes as they enter Salisbury Street and not anticipating queued vehicles
  - Option 2 – Kerb build-outs – provides a shorter crossing width and is a frequently used option for pedestrian crossing points but does rely on the pedestrian being reasonably mobile to avoid becoming isolated in the middle of the road. Would fit with the lower traffic function planned for Salisbury Street (and Park Terrace)
  - Option 3 – Pedestrian refuge – provides an area midway for pedestrians to wait for the second lane to be clear of traffic. Also a frequently used option for the provision of safe pedestrian crossings. Careful design would also be required to ensure that access to adjacent sites on the north side of Salisbury Street are not affected. This option would eventually be reworked with the changes to Park / Salisbury intersection when Salisbury Street is changed to two way operation.
  - A fourth option is to develop pedestrian crossing facilities at the Park Terrace / Salisbury Street intersection. This option was previously discounted as the desire line between the two sites is along Westward Terrace.

Mr Calvert advises that any work on legal road (including any permanent changes to road marking and parking restrictions) will need to have the design accepted by Council, safety audits undertaken on any physical works to ensure the safe operation of the facility. The work also requires the approved by, the local community board under the Local Government Act and would usually be contingent on any affected parties having been consulted.

### ***Conclusion with respect to effects on the environment***

259. In summary, it is my opinion that the proposed village will provide for high density residential development with a variety of residential accommodation within the Central City and will provide for an increase in the population of permanent residents.
260. The proposal will result in a substantial visual change to the residential character of the area. However, the scale, form and approach to building massing and density of the development is considered to be generally appropriate to its location, with the exception of a number of street interfaces.

261. The landscape approach, including large scale tree planting is critical to achieving an adequate level of amenity and providing visual relief to the built form, in respect to the neighbourhood context, neighbours and users of public space. The scale of planting needed to address the context and offset visual effects at the boundaries to the sites will not be achieved within the space provided and the proposed tree planting methodology will not be adequate to sustain the proposed trees in perpetuity, particularly on Salisbury Street and Dorset Street frontages where there will be a real conflict regarding the sizable trees proposed to be grown within a very constrained space.
262. There are a limited number of tree varieties proposed for the Park Terrace frontage of both sites and this does not respond adequately to the Hagley Park and Avon River context, particularly given the proposal is to mostly maintain these trees to a standard maximum 8m in height and are not proposed to be allowed to grow to their full natural height and spread. However, a change in species and the planting methodology along the street interfaces, and allowing these species to reach their natural height and form, could enable an adequate level of amenity and provide visual relief to the built form, in respect to the neighbourhood context, public space and street interface, and this would form a condition of consent if granted.
263. In regards to the visual quality, the design approach to both of the sites has been well considered, addressing the site attributes and architectural context. The overall architectural quality is high, with some exceptions, including the north facades of building B02 where the visual effects on the street scene are considered to be minor, the south façade of the western wing of building B08 where the visual effects on the adjoining owners and occupiers are considered to be minor, and the eastern wall of building B07 where the visual effects on the adjoining owners and occupiers are considered to be at least minor. There are likely to be adverse effects from overshadowing and loss of privacy on adjacent neighbours at 15 Peterborough Street that are at least minor. These effects overall are considered to be acceptable given the high density anticipated for the central city as informed through the objectives and policies and bulk and location standards for this zone.
264. With regard to the Common Lime Tree on the Peterborough site, I consider that there is a risk the works will result in the death of the tree and that risk may not be adequately mitigated by the proposed conditions. Given the lag time between root damage and tree decline, I have recommended a condition to require mitigation planting should the tree die within 10 years of the works occurring to safeguard against this.
265. The traffic related effects on the safety and efficiency of the transport network are considered to be acceptable, other than the Dorset Street access which will require trucks to either reverse off site or on site however it is acknowledged that this access complies with the District Plan. I have recommended a condition requiring that service vehicles to reverse onto the site so they can exit in a forward direction to partially overcome this concern.
266. The effects of the proposal on the heritage setting of the Former Bishop's Chapel, and are considered to be largely very positive for the heritage item.
267. In terms of construction and earthworks, I acknowledge that the construction period will be for a considerable length of time, however consider that any effects will be largely acceptable due to the staging of the earthworks, the compliance required with the CMP, CTMP and CNVMP.
268. Overall, the proposed facilities will be a considerable change to the area, however high density development is anticipated through the objectives and policies, as given effect to by the built form standards of the District Plan, where development respects the existing context and residential

amenity of the area. The landscaping proposed, particularly along the Salisbury Street and Dorset Street elevations, is not considered to address the context and offset visual effects at these boundaries to the sites given the space provided and the tree planting methodology. However, a change in species and planting methodology along the street interfaces, and allowing the species to reach their natural height and form, would enable an adequate level of amenity and provide visual relief to the built form, in respect to the neighbourhood context, public space and street interface. I accept that there will be a reduction of residential amenity currently enjoyed by several adjoining residential properties and the effects on these properties will be at least minor however, on balance and given the outcomes sought for this area through the objectives and policies of the District Plan and informed through the built form standards, the effects overall are considered to be acceptable subject to conditions of consent outlined below.

#### **Relevant Objectives, Policies, and other Provisions of a Plan or a Proposed Plan (S.104 (1)(b))**

269. Regard must be had to the relevant objectives and policies in the Christchurch District Plan, which are attached in **Appendices K**.
270. *An increased housing supply (14.2.1) enabling a wide range of housing types and meeting the diverse needs of the community* – Housing supply would be increased by the proposal and would provide variety of housing types for the elderly population.
271. *14.2.1.1 Policy – Housing distribution and density – provides the provision of a range of housing types, including attractive, high density living opportunities, the zone utilises the potential for living, working and playing in close proximity to the commercial centre of the city. Residential development shall be provided in a manner that ensures new urban residential activities occur in existing urban areas, and high density residential development in the Central City, that achieves an average net density of at least 50 households per hectare.* - The proposed village is located within the central city area in an area that is identified for a range of housing types, including attractive, high density living opportunities, and will achieve an average net density greater than 50 households per hectare.
272. Table 14.2.1.1a Residential Central City Zone states “the Residential Central City Zone has been developed to contribute to Christchurch's liveable city values. Providing for a range of housing types, including attractive, high density living opportunities, the zone utilises the potential for living, working and playing in close proximity to the commercial centre of the city.
273. Policy 14.2.1.3 seeks to restore and enhance residential activity in the central city by providing a variety of housing types, increasing the population in city, and assisting in the creation of new neighbourhoods and the protection of amenity of inner city residential neighbourhoods. The proposal will provide a variety of housing types for the elderly through the development of the village, while increasing the numbers of those living in the central city.
274. *14.2.1.8 Policy – Provision of housing for an aging population seeks to provide a diverse range of independent housing options that are suitable for the particular needs and characteristics of older persons; provide for comprehensively designed and managed, well located, higher density accommodation options and accessory services for older persons and those requiring care or assisted living, throughout all residential zones; and recognise that housing for older persons can require higher densities than typical residential development, in order to be affordable and , where required to enable efficient provision of assisted living and care services.* The proposed village has been comprehensively designed, is well located within the Central City and provides for range of housing options and

amenities for older persons being in proximity to a range of services, transport options and community facilities.

275. *High quality residential environments (Objective 14.2.4 and policy 14.2.4.1) seek high quality residential neighbourhoods, have a high level of amenity, enhance local character, and facilitate high density developments as outlined in policy 14.2.4.1 through design which reflects the context, character and scale of buildings anticipated, contributes to a high quality street scene, provides a high level of amenity, minimises noise effects to protect residential amenity, provides safe, efficient, and accessible movements for pedestrians and vehicles, and incorporates CPTED.* The design of the retirement village is considered to be a design quality that constitutes a high quality living environment, while ensuring that sustainable initiatives in the design and build, where appropriate, have been considered and proposed. I accept that the proposed landscaping does not reflect the context and character of the area, nor does it contribute to a high quality street scene however with the changes to the tree species and methodology outlined earlier then I would consider that the proposal achieves the intent of this objective and policy.
276. Policy 14.2.4.7 seeks to maintain and enhance the identified special character values of the residential area. While the proposal will bring about significant change to the area, the development in terms of design and density is anticipated for the area by the District Plan zoning.
277. The promotion of new residential buildings that provide for occupants health, changing physical needs and life stages, and are energy and water efficient, through non regulatory methods including incentives is sought by policy 14.2.4.8. The proposed village has incorporated environmental efficiencies and sustainability initiatives into the design including orientation of buildings to maximum natural light and solar shading, the use of concrete and brick materials for thermal mass benefits, thermally broken windows, passive ventilation, electric vehicle charging stations, energy efficient appliances and recycling.
278. The key objective for Residential Central City are 14.2.8 and its ensuing policies. The role of Central City residential zone is identified through Objective 14.2.8 as “a predominantly residential environment offering a range of residential opportunities, including medium to high density living, within the Central City to support the restoration and enhancement of a vibrant city centre”. The form of built development in the zone “enables change to the existing environment while contributing positively to the amenity and cultural values of the area, and the health and safety, and quality and enjoyment, for those living within the area”.
279. Policy 14.2.8.1 provides for different maximum building heights, noting those areas where compatibility with the existing predominant character is important will have a reduced height. Policy 14.2.8.2 prescribes minimum standards consistent with higher density living, to protect amenity values for residents, integrate development with the adjacent and wider neighbourhood, provide for a range of current and future residential needs, and recognise cultural values. The wide ranging urban design assessment matters for retirement village is a mechanism the Plan uses to assess these amenity outcomes. The retirement village provides for residential opportunity within the central city, however the assessment above has indicated that more consideration of landscape treatment is required to address the context and character of the area to ensure protection of amenity values of neighbouring properties and the streetscape. Given the height limits for the sites compared to surrounding development, especially Peterborough, I consider the Plan is not expressly concerned with the existing predominant character in this location.

280. There is tension between the more general residential objectives and policies and those for the Central city in terms of the regard given to the existing context and the scale and design of new development, however I have accorded more weight to the outcomes sought by the Plan for the central city residential zone, noting that change is enabled to deliver the densities sought where positive contributions are made as set out. Overall, I consider the proposal as modified by the recommended conditions is consistent with the more specific Central City residential objectives and policies.
281. Objective 5.2.1.1 (Objective 3.3.6) and policy 5.2.2.2.1 generally seek to avoid development where the risk from natural hazards is unacceptable and development is undertaken in a manner that ensures the risk of natural hazards to people and property are appropriately mitigated. Policy 5.2.2.3.1 provides for development on flat land where liquefaction risk has been appropriately identified and assessed, and can adequately remedied or mitigated. Submitted with the application is a geotechnical report which identifies that development on the site can meet acceptable thresholds of risk in terms of natural hazards. A very small area of the Bishopspark site is located within the Flood Management Area however no buildings or earthworks are located within this area.
282. Objective 6.8.1.2 and policy 6.8.2.1.3 ensures that signage does not detract from the character and visual amenity of the area, integrates with the building and is appropriate for the building, site and wider area. The signage proposed is relatively discrete, will not create visual clutter and will not adversely affect the visual amenity or character or character of the surrounding area.
283. Objective 7.2.1 seeks an integrated traffic system that is safe and efficient for all transport modes, that is response to current and future needs, accommodates future growth in the central city, supports safe, healthy and liveable communities, reduces dependency on vehicles and managed using the one network approach.
284. Policy 7.2.1.3 provides for vehicle access and manoeuvring compatible with the road classification, which ensures safety and the efficiency of the transport system. The transportation assessment provided has provided that the development will provide for safe and efficient parking, loading and access within the site and will not generate adverse effects on the traffic network. It is however acknowledged that there is concern regarding the Dorset Street entrance and the subsequent reversing of service vehicles onto a local road, and construction traffic using the right of way.
285. Policy 7.2.1.4 seeks to enable activities within the Central City to provide car parking and loading spaces, whilst minimising adverse effects on the efficiency and safety of the transportation networks. The proposal provides sufficient car parking and loading spaces both at ground and basement level, such that visitors, staff and residents would not impinge on on-street car parking in the surrounding area. In addition, the sites are on a bus route so alternative transport to and from the site is currently available.
286. Car parking numbers, layout and dimensions all meet the requirements of Appendix 7.5.1 of the District Plan and thus are considered to be in accordance with policy 7.2.1.5 which requires car parking and loading areas to be designed to operate safely and efficiently for all transport modes and users, accessible and function and be formed in a way that is compatible with the character and amenity values of the surrounding environment. However, the loading area on Dorset St is not consistent with this policy as it will not operate safely due to the requirement for service vehicles to reverse off the site. I note however that this access complies with the applicable District Plan rules and therefore the discretion to address this is limited.



287. Objective 8.2.4 and Policy 8.2.4.1 recognise that earthworks facilitate development and that earthworks do not result in erosion, inundation or siltation, and do not have adverse effects on surface or groundwater quality. Policy 8.2.4.4 ensures that once completed, earthworks do not result in any significant shading, visual impact, loss of privacy or other significant detraction from the amenity values enjoyed by those living or working in the locality. The assessment of effects has concluded that the earthworks will not give rise to unacceptable effects and can be managed appropriately and are therefore consistent with this objective and policies.
288. Objective 9.3.2.1.1 seeks that historic heritage is maintained through the protection and conservation and policy 9.3.2.2.3 ensures that the effects of development on heritage items and settings are appropriately managed which provide for their ongoing use and adaptive reuse and work undertaken is done some in accordance with heritage principles. The historic heritage values of the Former Bishop's Chapel and Setting have been largely maintained and the works will ensure the ongoing use of the heritage item, while providing a focal point within the village square.
289. After considering the relevant objectives and policies it is my conclusion that in an overall sense, the application is not contrary to outcomes sought by the above objectives and policies of the District Plan however there are a number of objectives and policies the proposal does not sit comfortably with. The proposed activity and density is appropriate within this Central City neighbourhood, however there is tension between the existing context and the scale and design of the new development, particularly through the landscaping treatment and in respect of the way it addresses its immediate environment and surrounding properties.

#### **Other relevant Statutory Documents (S.104 (1)(b))**

290. Statutory documents of relevance to this application include Regional Policy Statement, NES – Soil Contamination and NPS Urban Development
291. The Regional Policy Statement provides an overview of the resource management issues in the Canterbury Region, and the objectives, policies and methods to achieve integrated management of natural and physical resources. The District Plan, has recently been reviewed and gives effect to the relevant higher order instruments referred to in s104(1)(b), including the Regional Policy Statement. As such, there is no need to specifically address them in this report.
292. The NES for Assessing and Managing Contaminants in Soil to Protect Human Health is relevant to this application and has been discussed above.
293. Regard must be had to the NPS Urban Development which came into effect on 20 August 2020. The provisions relating to car parking and the scale of development around 'city centre zones' are relevant to the consideration of this application. The Council has not yet amended the District Plan or implemented a plan change to give effect to the NPS, however the Central city already does not contain minimum car parking provisions. Within the city centre<sup>3</sup> Policy 3 of the NPS requires district plans to enable building heights and density of urban form to realise as much development capacity as possible, with no limits on building heights within city centre zones, and heights of at least 6 storeys within a walkable catchment of the edge of city centre zones.
294. As a plan change to give effect to the NPS has not been prepared or notified, it is not clear what controls (if any) may be included to manage the effects of the increased density sought (or the extent

<sup>3</sup> Plan change 5B proposes to change the definition of central city for the purposes of Chapters 15 and 16 only to limit it to the Commercial Central City Business zone. It is unclear how this will affect any plan change to give effect to the NPS.

of 'city centre zones'). As such, I cannot give the NPS significant weight in the consideration of this application, other than noting Policy 6(b) which states that the planned urban built form [in Plans that have given effect to the NPS] may involve significant changes to an area, and those changes (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and (b) are not, of themselves, an adverse effect. This is salient in terms of considering the over height aspects of the proposal in the context of the increased height limits sought through the NPS in city centre locations. In this context, the proposal is consistent with the broad direction provided by the NPS.

### Relevant Other Matters (S.104 (1)(c))

#### Recovery Plans and Regeneration Plans

295. Section 60(2) of the Greater Christchurch Regeneration Act 2016 requires that decisions and recommendation on resource consent applications are not inconsistent with Recovery Plans and Regeneration Plans. For restricted discretionary activities, Section 60(5) states that such plans are a matter over which discretion is restricted and that section 87A(3) of the RMA applies accordingly.
296. The Christchurch Central Recovery Plan is relevant to this proposal as the site is within the Central City and one of the visions of the plan is to attract more people to live and invest in the Central city, and be vibrant, well formed with a compact core, safe and accessible to everyone and responsive to future changes. The proposal is consistent with the Recovery Plan as it does not conflict with the visions of the Plan.

### Part 2 of the Act

297. The matters outlined previously are subject to Part 2 of the Act which outlines its purpose and principles.
298. The use, development and protection of resources is to be sustainably managed in a way that enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety, while avoiding, remedying or mitigating any adverse effects of activities on the environment.
299. The Christchurch District Plan has recently been reviewed. Its provisions were prepared under the higher order planning documents and, through its preparation and the process of becoming operative, have been assessed against the matters contained within Part 2.
300. Taking guidance from recent case law<sup>4</sup>, the District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. It was competently prepared via an independent hearing and decision-making process in a manner that appropriately reflects the provisions of Part 2. Accordingly, no further assessment against Part 2 is considered necessary.

### Conclusion

301. After considering the actual and potential effects on the environment of allowing the application, it is my conclusion that overall, the proposed facilities will be a considerable change to the area, however

<sup>4</sup> *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

high density development is anticipated through the objectives and policies, and the built form standards of the District Plan, where development respects the existing context and residential amenity of the area. The landscaping proposed, particularly along the Salisbury Street and Dorset Street elevations, is not considered to address the context and offset visual effects at these boundaries to the sites given the space provided and the tree planting methodology. The proposal is also considered to result in a reduction of residential amenity currently enjoyed by several adjoining residential properties. Given this the proposal is considered to create adverse effects that are at least minor, but with the conditions recommended and in consideration of the overall contribution of the development to achieving the outcome sought for the Central City, these are acceptable.

302. In my opinion this proposal is not contrary to the objectives and policies of the District Plan however there are a number of objectives and policies that the proposal in its current form is inconsistent with. The proposed activity and density is appropriate within this Central City neighbourhood, however there is tension between the existing context and the scale and design of the new development, particularly through the landscaping treatment and in respect in the way it addresses its immediate environment and surrounding properties. With the proposed conditions, I consider this tension can be resolved to a degree, but would note the tension is largely inherent in the Residential policies and I have given more weight to those specific to the Central City residential area.
303. I consider that the proposal is consistent with the Christchurch Central Recovery Plan.
304. Having considered all of the relevant matters under Sections 104 and 104C, it is my opinion that consent should be granted subject to conditions.

## Recommendation

305. I have assessed this application for the construction, operation and maintenance of a comprehensive care retirement village at 78 and 100 Park Terrace, and 20 Dorset Street. Having considered all the matters relevant to this application, I recommend that this application be **granted** pursuant to Sections 104, 104C, and 108 of the Resource Management Act 1991 subject to the following conditions:

### General

1. The construction, operation and maintenance of a comprehensive care retirement village at 100 – 104 Park Terrace and 20 Dorset Street (Lot 1 DP 46511, Lot 1 DP 46369, Lot 2 DP 13073, Pt Res 23 Town of Christchurch and Pt Town Res 25 City of Christchurch), and 78 Park Terrace (Lot 1 DP 77997), shall be undertaken in accordance with the information and plans submitted with the resource consent application dated 27 March 2020, including responses to requests for further information from the Christchurch City Council in accordance with section 92 of the Resource Management Act 1991. The Approved Consent Documents have been entered into Council records as RMA/2020/673 and RMA/2020/679 pages X to X.
2. All of the conditions of this resource consent apply to the construction, operation and maintenance of a comprehensive care retirement village at 100 – 104 Park Terrace and 20 Dorset Street, and 78 Park Terrace, unless the conditions specifically refer to them only applying to an individual site.
3. The consent holder shall keep a copy of this consent, and all required management plans, on-site at all times and shall ensure that all contractors engaged to undertake works authorised by this resource consent are made aware of the conditions of this resource consent relevant to their work area and the measures required for compliance with the conditions.

4. Pursuant to section 125 of the Resource Management Act 1991, this resource consent lapses five years after the date it commences unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.

### **Earthworks and Construction Management**

5. All filling and excavation work shall be carried out in accordance with the Ryman Healthcare Ltd 78 and 100-104 Park Terrace, 20 Dorset Street Christchurch Construction Management Plan (CMP). The CMP shall ensure that any potential effects arising from construction activities on the site are effectively managed. No earthworks shall occur unless and until the finalised CMP, with contact details of construction and supervision contacts included, has been submitted to the Council (via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)), reviewed and accepted by Christchurch City Council's Subdivision Engineer.

Advice Note: Any other management plans required under the consent, e.g. Construction Traffic Management, Landscape Management, Contaminated Site Management, can be combined with the CMP to avoid conflicts and duplication.

The CMP shall include a site specific Erosion and Sediment Control Plan (ESCP) covering all earthwork associated with the consented development. The CMP shall be prepared by a suitably qualified and experienced professional and a design certificate (on the Infrastructure Design Standard Part 3: Quality Assurance Appendix IV template <https://www.ccc.govt.nz/assets/Documents/Consents-and-Licences/construction-requirements/IDS/IDS-Part-03-Quality-Assurance-V3-September-2016.PDF>) supplied by that professional with the CMP for acceptance at least 10 days prior to the works commencing. The best practice principles, techniques, inspections and monitoring for erosion and sediment control in the CMP ESDCP shall be in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury (<http://escscanterbury.co.nz/>).

The CMP ESDCP shall include (but is not limited to):

- a. A site description (i.e. topography, vegetation, soils etc);
- b. Details of proposed activities;
- c. A locality map;
- d. The identification of environmental risks including erosion, sediment and dust control, spills, wastewater overflows, dewatering, and excavation and disposal of material from contaminated sites;
- e. Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of runoff;
- f. A programme of works including a proposed timeframe and completion date;
- g. Storage of fuel and/or lubricants and any handling procedures;
- h. Emergency response and contingency management;
- i. Procedures for compliance with resource consents and permitted activities;
- j. Procedures for environmental monitoring and auditing, including frequency;
- k. Record of corrective actions or solutions implemented;
- l. Procedures for updating the CMP ESDCP;
- m. Procedures for training and supervising staff in relation to environmental issues; and
- n. Roles and responsibilities, including contact details of key personnel responsible for on-site environmental management and compliance and of the site manager.

*Note:*

*The Christchurch City Council Infrastructure Design Standard (Clause 3.8.2) contains further detail on Environmental Management Plans.*

6. The CMP ESDCP shall be implemented on site throughout the construction of the comprehensive care retirement village. No earthworks shall commence on site until:
  - a. The contractor has received a copy of all resource consents and relevant permitted activity rules controlling this work.
  - b. The measures identified in the CMP ESDCP have been installed; and
  - c. An Engineering Completion Certificate (IDS – Part 3, Appendix VII), signed by an appropriately qualified and experienced engineer, is completed and presented to Christchurch City Council. This certificate is to certify that the erosion and sediment control measures have been properly installed in accordance with the CMP ESDCP.
7. The consent holder shall ensure any change in ground levels on the site shall not cause a ponding or drainage nuisance to neighbouring properties.
8. The consent holder shall ensure any change in ground levels on the site shall not affect the stability of the ground or fences on neighbouring properties.
9. The consent holder shall ensure that all open areas on the site shall be adequately stabilised as soon as practicable to limit sediment mobilisation.

*Note:*

*In accordance with the condition above earthworks on the site shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include the use of waterproof covers, geotextiles or aggregate cover that has obtained a density of more than 80% of a normal pasture sward.*

10. The consent holder shall ensure that any local roads, shared accesses, footpaths, landscaped areas or service structures that are damaged as part of the construction works authorised under this resource consent, are reinstated to their pre-construction standard and as specified in the Construction Standard Specifications (and at the expense of the consent holder).

The consent holder shall, in consultation with the Christchurch City Council, undertake a baseline survey of the condition of all local roads, shared accesses, footpaths, landscaped areas or service structures to be used as part of the construction works, prior to the commencement of construction works authorised as part of this resource consent, in order to provide a benchmark for the potential remedial works that may be required.

11. The consent holder shall ensure that footpaths and local roads to, and from, the site remain clean of debris and tracked material at all times. Footpaths and roads shall be regularly checked by the consent holder, and swept if any debris and tracked material is deposited as a result of the construction works.

### **Contaminated Material**

12. A Site Management Plan, prepared in accordance with the Framework Site Management Plan submitted with the resource consent application, shall be submitted to Christchurch City Council for certification at least 10 working days prior to earthworks commencing on the site.

The Site Management Plan shall include, but not be limited to, the following information:

- a. Pre-works testing;
  - b. General earthworks procedures for contaminated soils and material to manage potential exposure to workers and the public;
  - c. Dust controls for the management of contaminated soils and material;
  - d. Asbestos-specific health and safety controls for the site;
  - e. Unexpected contamination and contingency procedures; and
  - f. Monitoring procedures.
13. Council is to be notified at least 5 working days in advance of the earthworks commencing. This may be by way of email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz).
14. Any contaminated soils and materials removed from the site must either be (i) disposed of at a facility whose waste acceptance criteria permit the disposal, or (ii) encapsulated on site (e.g. beneath buildings, roads or landscaped areas).
15. Within three months of the completion of earthworks on the site, a Site Validation or Works Completion Report (as appropriate) shall be prepared and submitted to the Christchurch City Council. The report shall include as a minimum:
- a. Volumes of materials moved on site;
  - b. Details of any variations to the site works set out in the Site Management Plan;
  - c. Details of any discharges to the environment during the earthworks;
  - d. Details of any contingency measures employed during the earthworks;
  - e. Photographic evidence of the site works;
  - f. Evidence the objectives of the final site capping and / or remediation have been met with regard to high density residential land use; and
  - g. Evidence of the disposal of any soils off site to an authorised facility.

The report shall be written in accordance with the Ministry for the Environment Guidelines for Reporting on Contaminated Sites in New Zealand (Revised 2011). In the event that contaminated soils and materials are encapsulated on site in accordance with condition 13, the Site Validation or Works Completion Report shall also include a Long Term Management Plan that documents the ongoing management controls to be implemented by the consent holder.

### **Construction Traffic**

16. All construction work shall be carried out in accordance with an approved Construction Traffic Management Plan ('CTMP') to minimise the local traffic effects of construction works. No works are to commence until such time as the CTMP has been installed. The CTMP shall be prepared by an STMS accredited person and submitted through the web portal [www.myworksites.co.nz](http://www.myworksites.co.nz) and approved by the Christchurch Transport Operation Centre – please refer to [www.tmpforchch.co.nz](http://www.tmpforchch.co.nz).

The CTMP shall be based upon the draft plan submitted as part of the resource consent application, and shall be submitted to the Christchurch City Council for certification at least 10 working days prior to any construction works commencing on site. The CTMP shall be prepared by a suitably qualified and experienced person.

The CTMP shall include, but not be limited to:

- a. Construction dates and hours of operations;
- b. Truck route diagrams for the local road network;
- c. Contractor parking arrangements;
- d. Temporary traffic management signage; and
- e. Details of site access / egress over the construction period.

17. All loading and unloading of trucks with excavation or fill material shall be carried out within the site.

### **Construction Noise and Vibration**

18. All construction work shall be carried out in accordance with a Construction Noise and Vibration Management Plan ('CNVMP') to minimise the noise and vibration effects of construction works. The CNVMP shall be based upon the draft plan submitted as part of the resource consent application, and shall be submitted to the Christchurch City Council for certification at least 10 working days prior to any construction works commencing on site. The CNVMP shall be prepared by a suitably qualified and experienced person.

The CNVMP shall include, but not be limited to, the following information:

- a. Construction noise and vibration levels from key equipment to be utilised on site;
- b. Identification of the premises where there exists the potential for noise / vibration effects;
- c. Description and duration of the works, anticipated equipment and the processes to be undertaken;
- d. Hours of operation, including specific times and days when construction activities causing noise / vibration would occur;
- e. Mitigation options where noise / vibration levels are predicted or demonstrated to approach or exceed the relevant limits in the Christchurch District Plan. Specific noise/vibration mitigation measures must be implemented which may include but not limited to: (i) acoustic screening, (ii) time management procedures and (iii) alternative excavation / construction method technologies;
- f. The process for erecting temporary construction noise barriers where appropriate;
- g. Schedule and methods for monitoring and reporting on construction noise / vibration;
- h. Details of noise / vibration monitoring to be undertaken or in the event of any complaints received;
- i. Implementation of a complaint management system with contact numbers for key construction staff responsible for the implementation of the CNVMP and complaint investigation and including procedures for maintaining contact with stakeholders, notifying of proposed construction activities and handling of noise / vibration complaints;
- j. The process for notifying the owners and occupiers of adjacent buildings prior to construction activities commencing on the site; and
- k. Training procedures for construction personnel.

### **Pre- and Post-Construction Building Condition Surveys**

19. Earthworks on site shall not commence on site until proof of an approved building consent covering all retaining walls shown on the plans approved as part of this resource consent is provided to the Christchurch City Council.

20. Where a pre-construction building condition survey is required by these consent conditions, the consent holder shall request in writing the approval of the owners of identified properties to undertake

an initial condition and photographic survey. The consent holder shall send copies of each of the requests to the Christchurch City Council, Team Leader Compliance via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)

21. The consent holder shall engage a suitably qualified and experienced person to undertake a survey of the properties within 20 metres of where excavation will occur on the site, where the property owner has given their written approval.
22. If the property owner does not respond within four weeks of the request in condition 20 being made, the consent holder need not undertake a survey of that property.
23. The survey shall assess the current condition of the exterior and interior of the buildings on the properties identified in condition 20 (any additional properties to be surveyed at the consent holder's discretion). The methodology to be utilised by the consent holder shall be documented and provided to the Christchurch City Council, Team Leader Compliance prior to the surveys being undertaken.
24. A copy of each survey shall be made available to those property owners who participate in the survey and request a copy of the results.
25. Within twelve weeks of the completion of the construction works a follow up survey of each property surveyed shall be carried out (at the consent holder's cost) where the property owner has given their written approval. The purpose of these surveys is to assess any damage caused by the excavation and construction activities at the site. Provided the consent of any landowner is obtained, the consent holder shall be responsible for any repairs, reinstatement or other works to surveyed buildings that can be reasonably attributed to construction activity.

#### **Significant Tree – 78 Park Terrace**

26. The consent holder is to appoint a suitably qualified and experienced arborist to monitor and supervise the works within the dripline of the Common Lime Tree (ID Number 3300 / Christchurch District Plan Number T271) for the duration of the works at 78 Park Terrace.
27. Prior to earthworks commencing at 78 Park Terrace, a meeting shall be held on site so that the protection measures for the Common Lime Tree can be discussed between the council arborist, the appointed arborist and relevant contractors who will be working on the site in proximity to the tree. At the meeting, the following will be agreed:
  - a. Areas for storing and / or stockpiling materials, spoil and equipment;
  - b. Procedures for protection of roots within the dripline of the Common Lime Tree (e.g. exposure of roots and protection measures, severing methodology and backfilling of exposed areas); and
  - c. Correct procedures when working around the Common Lime Tree.
28. Temporary protective fencing is to be erected to isolate the Common Lime Tree before any construction works occur around, or adjacent to, the tree. The fencing shall be retained in place for the duration of the construction works, and shall not be removed or moved without the prior approval of the council arborist. If the fencing is damaged, the site manager will be responsible for repairing it at the earliest opportunity.
29. The protective fencing is to be positioned to maximise the tree protection area, whilst allowing a safe work area for the works to occur. The appointed arborist is to determine the exact position of the



fencing in consultation with the project manager, but it should be set at the maximum possible practicable distance while still allowing the work to proceed.

30. All soil excavation within the dripline area is to occur under the direction and supervision of the appointed Arborist.
31. Excavation should take place carefully, and any roots will be identified and protected from damage, as the work occurs. This can involve a combination of manual excavation and probing. Any use of machinery will be at the discretion of the appointed Arborist.
32. When soil is cleared around any tree roots they are not left exposed for an extended time (no more than 1 hour), and they shall be protected from desiccation and damage by the use of damp Hessian or bidim, or good quality topsoil, as specified by the appointed Arborist. The Appointed Arborist shall be responsible for this.
33. If any roots encountered at the levels to be excavated have to be severed, they be severed cleanly with pruning secateurs or a hand saw, and no ripping or breaking of roots is to occur. All root pruning is to be carried out by the appointed Arborist.
34. Care should be taken to avoid damage to roots over 25mm diameter. Roots over 25mm in diameter at point of severance shall only be severed with the approval of the Christchurch City Council Arborist.
35. Following any excavations, backfilling shall take place at the earliest opportunity, and prior to backfilling, any protective material over the roots should be removed. The backfill material should be of sufficient quality to allow for the continued growth/health of the root system.
36. To avoid damage to roots, reinstatement of soil shall not occur except carefully by hand whenever feasible.
37. To avoid contact of raw concrete with root mass during the infill of the clutch piling, it is recommended that the top 2 metres of the piles be lined with a heavy grade PVC or similar impervious material.
38. No heavy machinery is to be driven within the dripline of the Common Lime Tree, unless on existing hard surfaces, or on load bearing mats or sheets designed to spread loading forces.
39. No materials or machinery / vehicles are to be stored / parked within the dripline of the Common Lime Tree during the construction work, including excavated soil, chemicals or building materials.
40. Notice boards, cables and other services shall not be attached to any part of the Common Lime Tree.
41. Postholes for the Peterborough Street road boundary fence posts are to be lined with plastic or similar impervious material to create a barrier between tree roots and raw concrete. Exploratory digging should be used to locate any major roots in the proposed posthole locations.
42. Any pruning of the Common Lime Tree to enable clearance from heavy machinery used for the basement retention system, or due to canopy damage from the operation of the machinery, is to be carried out by the appointed arborist to the Australian Standard- AS 4373-2007 "*Pruning of Amenity Trees*", or British Standard BS 3998: 2010 "*Recommendations - Tree Work*". The maximum diameter of any live limb removed is up to 100 mm at the point of removal.

43. The maximum diameter of any live limb removed is to be up to 100 mm at the point of removal.
44. Should the Lime Tree die within 10 years of the development commencing on the site it shall be replaced with the same or similar species which is a minimum of 3.5m high at the time of planting and 5 further replacement trees on the site or in the local area on council land (road or reserve), with the location and species to be confirmed by the Council arborist at the time.

## Heritage

45. The applicant will advise the Heritage Team Leader, Christchurch City Council (or nominee) of the commencement of works at least 10 working days prior to works starting on site, to ensure that those conditions of consent that require prior agreement are verified in writing.
46. At least 10 working days prior to the commencement of works at 100 – 104 Park Terrace and 20 Dorset Street, the consent holder shall submit a Temporary Protection Plan ('TPP') for the repair of the former Bishops Chapel (Heritage ID: 1035) for certification by the Christchurch City Council. The TPP shall be prepared by a suitably qualified and experienced person and shall be based upon the draft plan submitted as part of the resource consent application.

The TPP shall include, but not be limited to, the following information:

- a. A specific methodology for the removal and storage of exterior and interior heritage elements;
  - b. Procedures for dust suppression from construction and works to the heritage building;
  - c. Measures for fire protection;
  - d. Measures for security; and
  - e. A methodology for preparation of the exterior surface of the chapel if this is required (where any heritage fabric is remaining in situ). The engineering report references sandblasting and high pressure water blasting of surfaces. Sandblasting is not considered an appropriate conservation technique and is not to be used as it can damage the heritage fabric. Significant care must be taken with water blasting to avoid damage to heritage fabric, for example, beginning with low pressure (garden hose pressure) and increasing the pressure slowly if required with constant monitoring.
47. The measures in the TPP shall ensure that the former Bishops Chapel is repaired to the extent that it can be utilised as a non-denominational prayer centre and meeting room as part of the comprehensive care retirement village on the site.
  48. Prior to commencement of works, the consent holder's heritage professional shall hold a site briefing of all lead contractors and supervising staff to communicate the significance of the building, the consent conditions and the requirements of the TPP. The consent holder shall notify the Heritage Team Leader, Christchurch City Council of the date and time of the meeting at least three working days before the meeting.
  49. The consent holder shall provide written confirmation to the Heritage Team Leader, Christchurch City Council stating that the initial setup of the TPP has been implemented and inspected on site (including methodologies for removal and storage of heritage fabric) by a suitably qualified and experienced person before any other works commence. Following the initial implementation of the TPP, the consent holder's heritage professional shall regularly monitor the TPP to ensure that appropriate measures are being taken by the contractors at each stage of construction and advise contractors if any additional protection is required.

50. A copy of the conditions of this consent, the amended Temporary Protection Plan (TPP), and a full copy of the approved consent application and plans, are to be kept on site at all times, form part of the induction process, and are to be made available to and adhered to by all contractors and subcontractors undertaking work in connection with this consent.
51. All works to the former Bishops Chapel, and within the heritage setting of the former Bishops Chapel (Heritage ID: 470), shall be overseen by a suitably qualified chartered professional structural engineer and heritage professional appointed by the consent holder.
52. No building works within the heritage setting of the former Bishops Chapel must proceed beyond the foundation stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Heritage Team Leader, Christchurch City Council that the works completed have been completed in accordance with the approved plans.
53. A registered surveyor or licensed cadastral surveyor, engaged by the consent holder, must provide written certification to the Heritage Team Leader, Christchurch City Council that the heights of the buildings with the heritage setting of the former Bishops Chapel, as completed have been completed in accordance with the approved plans.
54. If the proposed access ramp is to be attached to the heritage fabric of the former Bishops Chapel, at least 10 working days prior to the commencement of works to the chapel, the consent holder's heritage professional and engineer shall submit for certification to the Heritage Team Leader, Christchurch City Council, details of the methodology for fixing the ramp to the chapel.
55. A digital photographic record of the works to the heritage building and heritage setting is to be undertaken by the consent holder's heritage professional, before, during, and after the completion of the works. The photographic record of the works in the heritage setting shall include affected views to and from the heritage item. The record must be lodged with the Heritage Team Leader, Christchurch City Council for their records within three months of the completion of the work.
56. New or introduced materials, works or reconstructed elements shall be recorded and date marked to indicate the time of their installation. The form and location of the visible dating of the new entry / pergola structure is to be agreed with the Heritage Team Leader, Christchurch City Council prior to its installation.
57. Heat pump units, if proposed to be attached to exterior heritage fabric, must comply with the permitted activity standard in rule 9.3.4.1.1 P13 of the Christchurch District Plan requiring the design and/or supervision of a Heritage Professional. If this standard is not met, their proposed appearance, location and fixing details are to be submitted by email for certification to the Heritage Team Leader, Christchurch City Council (or nominee) prior to their installation.

## **Landscaping**

58. The proposed landscaping shall be established in accordance with the Landscape Plan labelled X as part of the Approved Consent Document (page XX ), except as specified in the conditions below.
59. Prior to the relevant buildings in any stage passing their final building inspection, the consent holder shall provide the Christchurch City Council with a detailed Planting Plan and a Planting, Implementation and Maintenance Strategy for the site at least 10 working days prior to any earthworks

commencing on site. The Planting Plan and a Planting, Implementation and Maintenance Strategy shall be prepared by a suitably qualified and experienced professional.

- a. The final landscape plan and specifications;
  - b. Planting schedules, detailing the specific planting species, the number of plants / trees to be provided, locations and height/Pb sizes;
  - c. Annotated sections with key dimensions to illustrate that adequate widths and depths are provided for tree pits / planter boxes; and
  - d. A management / maintenance programme.
60. The proposed landscaping shall be established on site for each stage of building works within the first planting season (extending from 1 April to 30 September) following the final, passed building inspection for each relevant stage of building works.
61. Should any of the trees to be planted along the street frontage boundaries of the site not survive, the consent holder shall procure and plant replacement specimens at a minimum height of 4.5 m. *Note: This condition shall continue to apply for the duration that the comprehensive care retirement village exists on the site. It is intended to ensure that any trees that perish along the street frontage of the site are replaced with specimens that are appropriately sized in order to retain the amenity of the site and the surrounding streetscape.*
62. A revised landscaping plan be prepared by the Consent Holder's Landscape Architect for certification by the CCC Head of Resource Consents or nominee. The purpose of this condition is to ensure that the tree species and methodology that can be established in the available space and are allowed to reach their natural form and height. The following is required to meet this condition:

#### Bishopspark Site

- Two large tree species capable of reaching 15m at maturity along the Park Terrace frontage shall be allowed to grow to their natural height and form. This is in addition to the trees to be provided either side of the driveway.
- The provision of a tree on either side of the Park Terrace access capable of reaching a minimum of 15m in height and are to be grown in conventional tree pits.
- The Dorset Street frontage shall be planted with a tree species with a mature height of 6m which can be established in the available space and able to reach their natural form and height.
- The boundary shared with 2 to 18 Dorset Street shall be planted with tree species that are capable of reaching a mature height of 8m and shall be allowed to grow to their natural height and form.
- The boundary shared with 13 to 17 Salisbury Street shall be planted with tree species that are capable of reaching a mature height of 8m and shall be allowed to grow to their natural height and form.

#### Peterborough Site

- The Oak and Beech Trees along the Park Terrace frontage shall be allowed to grow to their natural height and form.
- Trees shall be provided along the northern side of the access adjacent to Building B07 and not along the southern side adjacent to the property at 76 Park Terrace.
- The Salisbury Street frontage shall be planted with tree species that are capable of reaching a mature height of 12m which can be established in the available space and shall be allowed to grow to their natural form and height.

## Traffic

63. Westward Terrace shall not to be used as an access for earthworks or during construction for the development.
64. Service vehicles accessing the site via Dorset St shall reverse on to the site so they can exit the site in forward gear. This requirement shall be detailed in all contract arrangements with service providers to the site, and shall be reflected in signage at this access.

## Stormwater

65. Prior to undertaking any site works, the applicant shall obtain written confirmation from the Christchurch City Council that the construction and operational phase stormwater discharges have been accepted under the Christchurch City Council's stormwater network discharge consent or confirm that separate resource consents from Environment Canterbury have been obtained.

## Water Supply

66. Prior to the occupation of residential units on the site sufficient water supply and access to water supplies for fire-fighting shall be made available to all residential units via Council's urban fully reticulated system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).

## Noise

67. The consent holder shall provide the Christchurch City Council with a design report (prior to construction) and a design certificate (prior to occupation) prepared by a suitably qualified acoustics specialist stating the design proposed for each building is capable of meeting the applicable noise standard in Rule 6.7.7.2.1 of the District Plan.

## Advice notes:

i) *Monitoring*

The Council will require payment of its administrative charges in relation to monitoring of conditions, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:

- (a) A monitoring programme administration fee of \$102.00 to cover the cost of setting up the monitoring programme; and
- (b) A monitoring fee of \$175.50 for the first monitoring inspection to ensure compliance with the conditions of this consent; and
- (c) Time charged at an hourly rate if more than one inspection, or additional monitoring activities (including those relating to non-compliance with conditions), are required.

The monitoring programme administration fee and inspection fees will be charged to the applicant with the consent processing costs. Any additional monitoring time will be invoiced to the consent holder when the monitoring is carried out, at the hourly rate specified in the applicable Annual Plan Schedule of Fees and Charges.

- ii) This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the

Building Act 2004. Please contact a Building Consent Officer (ph: 941 8999) for advice on the building consent process.

- iii) This site may be an archaeological site as defined and protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the HNZPTA as any place in New Zealand where there is physical evidence of pre-1900 occupation, regardless whether the site is known or not, recorded in the NZAA Site Recording Scheme or not, or listed with Heritage New Zealand or the local council. Authority from Heritage New Zealand is required for any work that affects or may affect an archaeological site. **Please contact the Heritage New Zealand regional archaeologist on 03 363 1880 or [archaeologistcw@heritage.org.nz](mailto:archaeologistcw@heritage.org.nz) before commencing work on the land.**

#### *Heritage*

- iv) Information being submitted in relation to conditions of this consent is to be sent by email to: [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz). The current nominated Council Heritage Advisor for this consent is Suzanne Richmond, 941 5383 or [suzanne.richmond@ccc.govt.nz](mailto:suzanne.richmond@ccc.govt.nz). The alternative contact is Gareth Wright, 941 8026 or [gareth.wright@ccc.govt.nz](mailto:gareth.wright@ccc.govt.nz).
- v) The applicant should not commence or should cease work on a given area if the works proposed in that area change from those in the approved consent documentation. Any variation must be discussed with the Christchurch City Council's Heritage Team Leader (or nominee), who in consultation with the Council's Resource Consents Unit will determine an appropriate consenting response. Five working days should be allowed for this process. Failure to discuss changes with the Council's Heritage Team may constitute a breach of the conditions of this consent. Amended plans and information showing these changes, may be required to be submitted to the Heritage Team Leader, Christchurch City Council (or nominee) for certification prior to work on that area commencing or resuming.
- vi) The intention of the photographic record condition is to maintain a record of the works with a focus on the areas of the heritage item and heritage setting undergoing change rather than individual elements. The same camera positions should be used for all photo sets before, during and after the works to enable comparison. Photographs should be of printable quality, at least 1440 pixels by 960 pixels for a 4"x 6" print at a minimum resolution of 240 PPI. They should be labelled with the position on site or in relation to the site, date and photographer's name, and submitted with a plan showing photograph locations. Photos should be submitted electronically, either by email (noting that Council's email data transfer limit is 20MB per email), or via a file transfer website such as [wettransfer.com](http://wettransfer.com) or [dropbox.com](http://dropbox.com) to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz).
- vii) Date stamping or marking is important to clearly distinguish replicated or introduced old features and new areas of fabric from heritage fabric so changes to the heritage item can be readily understood in the future. The dating of new or introduced fabric may be undertaken by a number of permanent means. It is recommended that a builder's pencil or small steel plate with the date is used on masonry or timber. A permanent marker pen may be used on steel elements, but not masonry or timber as the marking may deteriorate. Marking should generally be in unobtrusive locations where elements are proposed for reinstatement. Dates may be prominent in some cases when used for commemorative purposes such as over the entrance to acknowledge major works to a building or a new wing. **In the case of the entry/pergola to the chapel, the new structure should be dated in a visible location to acknowledge the date of the works to the chapel alongside the chapel's construction date, for example: "1927 20[XX]"**.

- viii) All works should be carried out with regard to the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (ICOMOS New Zealand Charter 2010).
- ix) All works to be undertaken on the repair and replacement of heritage fabric should be undertaken by tradespeople experienced in working with such fabric.
- x) **Development Contributions**

This proposal has been assessed for development contributions (DCs) under the provisions of the [Christchurch City Council Development Contributions Policy](#) (DCP). The proposal has been found to create additional demand on network and community infrastructure or reserves.

To help fund community facilities, the Local Government Act 2002 (LGA) allows a council to require development contributions if the effect of a development requires the council to provide new or upgraded infrastructure.

This Notice informs you of the DCs required by the Council for the development but is not a request for payment. An invoice will be issued by the Council when it requires payment of the DC's. Payment will be required before issue of a code compliance certificate for a building consent, commencement of the resource consent activity, issue of a section 224(c) certificate for a subdivision consent or authorisation of a service connection, whichever is first. An invoice can be issued earlier at your request. Council may also issue an invoice, at its discretion, if it considers the development is already utilising Council infrastructure for which DCs are being required.

#### Development contribution assessment summary

<b>DEVELOPMENT CONTRIBUTIONS SUMMARY</b>		PIM or Consent Ref: <b>RMA/2020/673</b>	
<b>Customer Name</b>	Ryman Healthcare Limited	<b>ASSESSMENT</b>	
<b>Project Address</b>	100 Park Terrace & 20 Dorset Street- 'Bishopspark Site'		
<b>Assessment Date</b>	2/04/2020		
<b>Assessment Summary</b>			
		<b>HUE Credits</b>	
		Current	Assessed
			Discounts
			Assessed HUE After Discount
			Change
			DC Rate (incl GST)
			DC Charge (incl GST)
<b>Activity</b>	<b>Catchment</b>	<b>HUE A</b>	<b>HUE B</b>
		<b>C</b>	<b>HUE D</b>
			<b>HUE E</b>
			<b>G</b>
			<b>F= Ex G</b>
<b>Network Infrastructure</b>			
Water supply	District-wide	43.59	91.21
Wastewater collection	District-wide	43.59	91.21
Wastewater treatment and disposal	District-wide	43.59	91.21
Stormwater & flood protection	Avon	1.00	0.00
Road network	Central City	23.73	49.65
Active travel	District-wide	23.73	49.65
Public transport	District-wide	23.73	49.65
<b>Total Community and Network Infrastructure</b>			
			\$607,808.49
<b>Reserves</b>			
Regional parks	District-wide	16.25	34.75
Garden and heritage parks	District-wide	16.25	34.75
Sports parks	District-wide	16.25	34.75
Neighbourhood parks	Central City	16.25	34.75
<b>Total Reserve Contributions</b>			
			\$132,500.70
			<b>GST 15%</b>
			<b>\$96,562.07</b>
			<b>Total Development Contribution</b>
			<b>\$740,309.19</b>

Where both a resource consent and building consent are required as part of the same development, a development contribution (DC) assessment will be undertaken for both consents. However the applicant need only pay for one assessment. As a result, the Council will only invoice in accordance with either the assessment on the resource consent or the assessment on the building consent, whichever is the lower of the two (after any corrections or reassessments undertaken in accordance with the DCP).

The DC assessment is valid for 24 months from the date the assessment is issued (usually with the consent). If the original assessment expires before payment is made, reassessment of the DCs required will be carried out at the same time the invoice is generated.

Reassessments will incorporate any increases to the development contribution requirement in line with the Producers Price Index (PPI) as described in Parts 2.9 and A.7.3 of the DCP. PPI adjustments will incorporate all years between the original application and the time the reassessment is carried out.

### **Reconsiderations and objections**

Under section 199A of the Local Government Act 2002 you can request that the Council reconsider the required DC on the following grounds:

- the development contribution was incorrectly calculated or assessed under the DCP; or
- the Council incorrectly applied its DCP; or
- the information used to assess your development against the DCP, or the way the Council has recorded or used it when requiring a development contribution, was incomplete or contained errors.

A Request for Reconsideration form must be lodged with Council within 10 working days of receiving this DC Notice.

Under section 199C of the Local Government Act 2002 you can object to the assessed DC requirement on the following grounds:

- the development contribution was incorrectly calculated or assessed under the DCP; or
- the territorial authority incorrectly applied its DCP; or
- the information used to assess your development against the DCP, or the way the territorial authority has recorded or used it when requiring a development contribution, was incomplete or contained errors.

An Objection to DCs form must be lodged with the Council within 15 working days of receiving this DC Notice or a reconsidered assessment. A deposit of \$1,000.00 will be required to lodge an objection.

A form to request a reconsideration or lodge an objection can be found on our website.

To request an invoice please contact a Development Contributions Assessor by phone on (03) 941-8999 or email [developmentcontributions@ccc.govt.nz](mailto:developmentcontributions@ccc.govt.nz). Once an invoice has been issued payment is required within 30 days. Please quote the project number with all correspondence.

Further information regarding development contributions can be found on our website [www.ccc.govt.nz](http://www.ccc.govt.nz) or by contacting a Development Contributions Assessor on (03) 941-8999.



Louisa Armstrong  
**SENIOR PLANNER**

### **Reviewed by:**

Hermione Blair  
**PRINCIPAL ADVISOR RESOURCE CONSENTS**

14 December 2020



# **Appendix A List of Submitters**

Name	Address	Town	Title	Oppose/Support	Wish to be heard	Joint submission
The George	PO Box 1001	Christchurch 8140	Bruce	support	no	no
Robert Begg	6/17 Salisbury Street	Christchurch 8013	Robert	oppose	with others	no
Adam Henderson	5 Tapper Street	Christchurch 8052	Adam	support	no	no
Nicholas Martin	9 Liffyfields Drive	Lincoln 7608	Nicholas	support	no	no
Adam Lines	10 Aranoni Track	Christchurch 8081	Adam	support	no	no
Jarden Svensson	36 Parklea Avenue	Christchurch 8025	Jarden	support	no	no
Matthew Vannoort	40 Springbank Street	Christchurch 8053	Matthew	support	no	no
International Property Limited	C/- Surja Yang 768 Halkett Road, RD1	West Melton 7671	Surja	support	no	no
Vilma & Warren Flanagan	379/1 Wakefield Quay	Nelson 7010	Vilma & Warren	support	no	no
Anthony McBride	29 Creyke Road	Christchurch 8041	Anthony	support	no	no
Peter & Jane Marshall	109 Hussey Road	Christchurch 8051	Peter & Jane	support	no	no
Jordan McCormick	94 Selwyn Street	Christchurch 8024	Jordan	oppose	no	yes
Cody Cooper	21 William Dawson Crescent	Christchurch 8025	Cody	support	no	no
Glenda Pickering	4/21 Dublin Street	Christchurch 8013	Glenda	support	yes	yes
Kenneth Malone	82B Park Terrace	Christchurch 8013	Kenneth	support	no	no
Sydney Ashton	15 Rhodes St	Christchurch 8014	Sydney	support	no	no
Lynne Davies	6 Millway Place	Christchurch 8023	Lynne	support	no	no
Peter Gordon & Jane Tyler-Gordon	7 Kelson Lane	Christchurch 8041	Peter & Jane	oppose	no	no
Margaret Carpenter	C25/2 Rangatira Road	Auckland 0626	Margaret	support	no	yes
Caroline Sleight	17 Desmond Street	Christchurch 8014	Caroline	support	yes	yes
Helen Peate	1/14 Bay View Road	Christchurch 8081	Helen	support	no	no
Jennifer Fitzgerald	5/306 Nortons Road	Christchurch 8042	Jennifer	support	no	no
Joan Robin	4 Lady Isaac Way	Christchurch 8052	Joan	support	no	no
Raymond & Pauline Manderson	53 Bretts Road	Christchurch 8042	Raymond & Pauline	support	no	no
Carolyn Marks	10/281 Cambridge Terrace	Christchurch 8013	Carolyn	support	no	no
Eileen Ellis	8 Koromiko Street	Christchurch 8022	Eileen	support	no	no
Susan & Derek Robison	89 Merivale Lane	Christchurch 8146	Susan & Derek	support	no	no
Brian Le Valliant	40 Chester Street West	Christchurch 8013	Brian	support	no	no
Russell Irving	6 Moncks Bay Lane	Christchurch 8081	Russell	support	no	no
Jennifer Thomson	40 Clissold Street	Christchurch 8014	Jennifer	support	no	no
Marie Cordner	1/B Clio Street	Christchurch 8041	Marie	support		
Daphne Pringle	2 Lime Tree Lane	Christchurch 8051	Daphne	support	no	no
Anna Marion	103/73 Roydvale Avenue	Christchurch 8053	Anna	support	no	no
Shirley & Craig Murray	30 Lavandula Crescent	Christchurch 8042	Shirley & Craig	support	no	no
Beverly Rose	TH67/95 Grants Road	Christchurch 8052	Beverly	support	no	no
Gordon & Clare Reid	11 The Rocks, Kennedys Bush	Christchurch 8025	Gordon & Clare	support		
John Hastilow	53 Bristol Street	Christchurch 8014	John	support	no	no
William & Jane Gilroy	200 Ilam Road	Christchurch 8014	William & Jane	support	no	no
Edward & Penelope Madison	29 Beachville Road	Christchurch 8081	Edward & Penelope	support		
Bob & Jeanette Craig	19 Elm Drive	Rangiora 7400	Bob & Jeanette	support	no	no
Robynanne Milford	101A Innes Road	Christchurch 8052	Robynanne	support	no	no
David Williams	122 Victoria Street	Christchurch 8013	David	support	no	no
Peter & Heather Yeatman	112A Memorial Avenue	Christchurch 8053	Peter & Heather	support	no	no
Dawn Deyell	TH 75/95 Grants Road	Christchurch 8052	Dawn	support	no	no
PRW & AM Ellis	135 Hamilton Avenue	Christchurch 8041	Mr & Mrs	support	no	no
Robert & Wendy Perry	34B Creyke Road	Christchurch 8041	Robert & Wendy	support	yes	no
Judith Mary Prosser	309 Cambridge Terrace	Christchurch 8013	Judith	support	no	no
Arthur Newbery	19 Janice Place	Christchurch 8081	Arthur	support	no	no
Kelvin Duncan	27B Lodge Place	Christchurch 8042	Kelvin	support	no	no
Guyon Crozier	PO Box 36111	Christchurch 8146	Guyon	support	no	no

Anna Wilson	253 Kennedys Bush Road	Christchurch 8025	Anna	support	no	no
Marcel De Wit	150 Eyredale Rd, RD6	Rangiora 7476	Marcel	support	no	no
David Bruce	8/18 Salisbury Street	Christchurch 8013	David	oppose	no	yes
Wendy Halliday	3/30 Peterborough Street	Christchurch 8013	Wendy	support	no	no
Richard Robertson	TH 26/ 5 Corbett Crescent	Christchurch 8025	Richard	support	no	no
Elizabeth Harrop	16c Onslow Street	Christchurch 8014	Elizabeth	support	no	no
Michael & Carol Strange	15 St Andrews Square	Christchurch 8052	Michael & Carol	support	no	no
Colleen Shah	Ngaio Marsh Retirement Village, 95 Gran	Christchurch 8052	Colleen	support	no	no
John & Rosemary Dunlop	198 Whites Road	Ohoka 7692	John & Rosemary	support	no	no
Graham Gyde	5 Wroxton Terrace	Christchurch 8014	Graham	support	no	no
Joy Cleland	29 Queens Avenue	Christchurch 8014	Joy	support	no	no
Seonaid Church	5A McLellan Place	Christchurch 8041	Seonaid	support	no	no
Suzanne Grundy	816 Mill Road, RD5	Rangiora 7475	Suzanne	support	no	no
John Burns	19 Penhelig Place	Christchurch 8053	John	support	no	no
David & Mary Gray	Villa 12, 7 Meadowstone Drive	Wanaka 9305	David & Mary	support	no	no
Lorraine Quinn	SA 11 23 Bartlett Street	Christchurch 8011	Lorraine	support	no	no
Paul Arnold	256 Stokes Road, RD1	Balcairn 7481	Paul	support	no	no
Tracey Marie Tyler	143 Victoria Street	Christchurch 8013	Tracey	support	no	yes
Jane Helen Sullivan	49 Andover Street	Christchurch 8014	Jane	support	no	no
Marie J Bristow & Michael W Dwan	10A Mays Road	Christchurch 8052	Marie & Michael	support	no	no
Julian & Rosemary Holderness	57C Carlton Mill Road	Christchurch 8014	Julian & Rosemary	support	no	no
June Hay	Apt 307, Diana Isaac Retirement Village,	Christchurch 8052	June	oppose	no	no
Barbara Bone	6 Oakmont Green	Christchurch 8061	Barbara	support	no	no
Geoffrey Frederick Gibbs	72A Hewitts Road	Christchurch 8014	Geoffrey	support	no	no
Grant Thomas Crothers	116/192 Willis Street, Te Aro	Wellington 6011	Grant	support	no	yes
Sally & Geoffrey Thomas	PO Box 36304	Christchurch 8146	Sally & Geoffrey	support	no	no
Kevin John Soster	35 Maple Place	Rangiora 7400	Kevin	support	no	no
Rosalie Anne Shearer	SA223 Diana Isaac Retirement Village, 11	Christchurch 8052	Rosalie	support	no	no
Russell Keith Broughton	7 Field Tce	Christchurch 8041	Russell	support	no	no
Betty Dianne Purdue	4 Norton Close	Lyttelton 8082	Betty	support	no	no
Elizabeth M Cooke	TH43/95 Grants Road	Christchurch 8052	Elizabeth	support	no	yes
Julie Errol Andrews	39 Andover Street	Christchurch 8001	Julie	support	no	no
Peter G S & Gillian B Penlington	19 Garreg Road	Christchurch 8052	Peter & Gillian	support	no	no
Elizabeth C & Richard W Ashford	PO Box 474	Ashburton 7700	Elizabeth & Richard	neutral	no	no
Richard J & Margaret M Lucas	23A Salisbury Street	Christchurch 8013	Richard & Margaret	oppose	yes	no
Christina Bennett	15 Salisbury Street	Christchurch	Christina	oppose	yes	no
Gordon Bennett	15 Salisbury Street	Christchurch	Gordon	oppose	yes	yes
Dora Roimata Langsbury	2/220 Salisbury Street	Christchurch 8013	Dora	support	yes	no
Adrianna Hess	117 Mackworth Street	Christchurch 8062	Adrianna	support	no	no
Peterborough 15 Ltd C/ Michael Q Doig	Level 1/236 High Street	Christchurch 8013	Michael	oppose	yes	no
Dorset St Flats Owners Group C/- C McClintock	14 Jackson Street	Wellington 6023	Claire	oppose	yes	yes
Lisa Goodland	85 Hussey Road	Christchurch 8051	Lisa	oppose	no	yes
Marilyn Tiller	8 Carlton Mill Road	Christchurch 8014	Marilyn	support	no	no
Nancy L Berry	46/95 Grants Road	Christchurch	Nancy	support	no	no
Jessica D Ledingham	8/23 Bartlett Street	Christchurch	Jessica	support	no	no
Bruce Logan	18 Dorset Street	Christchurch 8013	Bruce	oppose	yes	no
Mary Logan	18 Dorset Street	Christchurch 8013	Mary	oppose	yes	no
Brenda Watson	23B Salisbury Street	Christchurch 8013	Brenda	oppose	yes	yes
Michaela Longstaff	107a Shakespeare Road	Auckland 0620	Michaela	support	no	no
Gregory Dewe	23D Salisbury Street	Christchurch 8013	Greg	oppose	yes	no
Viviana Zanetti	1/28 Salisbury Street	Christchurch 8013	Viviana	oppose	yes	yes
Terry Best	4/17 Salisbury Street	Christchurch 8013	Terry	oppose	no	no

Jason Harris	5 Sunhaven Place	Christchurch 8022	Jason	support	no	
Samuel Russell & Jade Leung	20 Salisbury Street	Christchurch 8013	Samuel & Jade	oppose	no	yes
Dr Judith Roper-Lindsay	36 Forestry Road, RD7	Rangiora, 7477	Judith	oppose	yes	
Massimo Rinaldo	Unit1 28 Salisbury Street	Christchurch 8013	Massimo	oppose	no	
Christopher Glasson	149 Victoria Street	Christchurch 8013	Christopher	oppose	yes	
Donald & Anne McLean	1728 Leslie Hills Road	Waiau 7395	Donald & Anne	oppose	no	yes
Dennis Cottle	4 Watson Street	Akaroa 7520	Dennis	oppose	yes	
Margaret Cottle	4 Watson Street	Akaroa 7520	Margaret	oppose	yes	
Emma Thompson	23 Massey Crescent	Christchurch 8013	Emma	oppose	no	yes
Grant MacKinnon & Southwest Terraces	5 Rifleman Lane	Christchurch 8081	Grant	oppose	yes	
Joel Stratford & Georgina Waddy Representing Flats at 18 Salisbury Street	4/18 Salisbury Street	Christchurch 8013	Joel & Georgina	oppose	yes	
Philip & Lee Trusttum	18 Peterborough Street	Christchurch 8013	Philip & Lee	oppose	yes	
Peter Wells	1 Dorset Street	Christchurch 8013	Peter	oppose	no	
Ross Gray for Christchurch Civic Trust	PO Box 1927	Christchurch 8140	Ross	support	yes	
Richard Bluett	2/33 Cranmer Square	Christchurch 8013	Richard	oppose	yes	
William Davidson & Gerogina Waddy	4/18 Salisbury Street	Christchurch 8013	William and Georgina	oppose	no	yes
Don & Lisa Worthington	76 Park Terrace	Christchurch 8013	Don & Lisa	oppose	yes	yes
Heritage New Zealand	PO Box 73017	Christchurch 8154	Arlene Baird	support	yes	
Inner City West Neighbourhood Association Inc C/- Diana Shand	PO Box 4486	Christchurch 8140	Diana	oppose	yes	
John Roper-Lindsay	36 Forestry Road, RD7	Rangiora 7477	John	oppose	yes	
Lois Margaret Reece	1/3 Karitane Drive	Christchurch 8022	Lois	support	no	
Max Bremner				support	yes	
Milena Pascuzzi			Milena	oppose	no	
Raylee Dawn Kane	273 Worcester Street	Christchurch 8011	Raylee	support	no	
Richard John Pearson	PO Box 47 119	Auckland 1144	Richard	oppose	no	
Shirley Maye Stevens	Villa 37, 155 Salisbury Street	Christchurch 8013	Shirley	support	no	
Simon O'Connor	12/28 Salisbury Street	Christchurch 8013	Simon	oppose	no	
Heather & Murray Conibear	4 Miro Street	Christchurch 8041	Heather & Murray	oppose	no	
Craig Andrew Garlick	21 Mandalay Road 14-01	Singapore 308208	Craig	oppose	yes	
Centro Roydvale Ltd	C/o Avanzar Consulting, 356 Memorial A	Christchurch 8046	Mary	oppose	yes	
Elizabeth Mary Cooke	TH43/95 Grants Road	Christchurch	Elizabeth	support	no	yes
David Russell Turner	2 Dorset Street	Christchurch 8013	David	oppose	yes	

# Appendix B Urban Design Report

Under the Resource Management Act 1991

In the matter of an application by Ryman Healthcare Limited in regard to RMA/2020/673 for the construction and establishment of a retirement village over two sites at 100 - 104 Park Terrace and at 20 Dorset Street and 20 Park Terrace.

---

Urban Design Evidence of Josie Schröder on behalf of Christchurch City Council

27 November 2020

---

## Contents

Introduction.....	3
Executive Summary .....	5
Summary of Submissions Related to Urban Design .....	7
Area and Site Context .....	8
District Plan Provisions .....	10
Urban Design Assessment.....	14
Bishopspark Site .....	16
Peterborough Site.....	22
Bishopspark and Peterborough Sites .....	27
Conclusion .....	28
Appendix I:     Applicable Matters of Discretion	
Appendix II:    Submissions and Affected Parties	

## Introduction

1. My name is Josie Schröder. I am a qualified urban designer with a Masters of Urban Design (Oxford Brookes University, UK), Bachelor of Planning (Hons, University of Auckland, Aotearoa) and an Advanced Certificate in Landscape Design (Unitech, Aotearoa). I am a Registered Practitioner of Urban Design (UK) and a full member of the New Zealand Planning Institute. I have been employed as an urban designer for over 20 years in both the public sector and in private practice. I am currently employed as Principal Advisor Urban Design by the Christchurch City Council and have held this post since 2011.
2. I have led, advised on and delivered urban strategies, plans and detailed design such as Project 8011 – Christchurch Central City Residential Programme, Christchurch Suburban Centre Masterplans, as well as led urban policy development, provided design advice on urban growth management projects and District Plan changes, including large-scale greenfield residential and industrial development. In an urban design capacity I have also undertaken context and visual assessments including for the site adjacent to the subject site and others on Park Terrace and within the general location.
3. I have received accredited training in and have undertaken Crime Prevention through Environmental Design (CPTED) assessments. In addition, I was involved in the preparation of the Christchurch District Plan Review and provided expert urban design advice to the Christchurch Independent Hearings Panel. Further to the above I have prepared residential design guides and have had substantive involvement in street design, including in respect to options for Salisbury Street.
4. Prior to becoming a planner and urban designer, I worked as a landscape designer and in amenity horticulture in various roles including design, management and hands on graft, over a period of some 10 years, both in New Zealand and overseas. This included for local government parks services, garden centres, as well as for private clients including private estates.
5. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
6. My report should be read in conjunction with that of Ms Jennifer Dray, CCC Team Leader/ Landscape Architect and Mr John Thorne, CCC Arborist, with whom I have discussed the proposal and with whom I generally concur. I have visited the site and surrounds and reviewed the application material, including amended plans, the assessment of environmental effects, plans and submissions.

## The Proposal and Background

7. The above application is for the development of a substantive, comprehensive care retirement village, comprising two separate sites - one at 100–104 Park Terrace and 20 Dorset Street (Bishopspark Site) and 78 Park Terrace (Peterborough Site). The following urban design assessment includes both of the sites.



8. The Bishopspark Site includes 85 apartments, 54 assisted living suites, 70 care rooms in rest home and higher-level care options (including dementia care). These are accommodated within a series of multi-storey interconnected buildings up to nearly 20m in height, over a shared basement for cycle parking, car parking (138 car parks) and servicing of the site. A historic chapel (Bishops Chapel) on the site is to be retained to provide a focal point to the village. A series of over basement open spaces, including a bowling green, are provided for on-site amenity. With the exception of one tree, all remaining mature trees on the site will be removed.
9. The Peterborough Site primarily consists of 80 independent living units with a variety of 1, 2 and 3 bed apartments. The units have associated facilities such as reception, shared lounge, activity areas and treatment rooms, over a basement car park (77 car parks). The apartments will be serviced from the Bishopspark Site. The multi-storey buildings are interconnected and are up to 25m in height. An over basement shared courtyard space is also provided.
10. Properties adjoining the Bishopspark Site to the north and south are zoned Residential Central City with properties to the east within the Commercial Central City Business zone. Properties surrounding the Peterborough Site are zoned Residential Central City. To the west, Hagley Park is zoned Open Space Community Parks and the Avon River is identified as part of the Avon River Precinct (Te Papa Ōtākaro).
11. I provided pre application advice and was in attendance when the proposal was presented to the Christchurch Urban Design Panel. As a result of the Panel's recommendations a number of design changes were made to the proposal including:
  - Building massing and reorientation of buildings on the Peterborough Site.
  - Increased building modulation, top floor setbacks and greater articulation of roof forms.
  - Materiality to better reference the built context and provide greater visual relief and refinement to the façade treatments.
  - Finer grain boundary interfaces, and pedestrian connection with public space, more specifically with Park Terrace.
10. Both sites are located within the Residential Central City zone of the Christchurch District Plan. The proposal has a restricted discretionary activity status.

## Executive Summary

11. I have reviewed the Application including plans and visualisations, RFI information and other matters that relate to urban design, including updated shading diagrams. I have read the Urban Design Landscape and Visual Effects Assessment (UD Assessment) of R. A. Skidmore, subsequent responses and Report Addendum. I have also reviewed the submissions received in response to public notification of the Application.
12. I have been to both of the Sites, including with Council's Planner Louisa Armstrong and Landscape Architect, Jennifer Dray, on a number of occasions. I note that I largely defer to Jennifer Dray in respect to landscape matters, except where a matter impacts upon urban design outcomes.
13. In assessing the proposal I have sought clarification from the pertinent objectives and policies of the District Plan in respect to design outcomes. I have utilised the built form standards as a guide to my assessment, with emphasis placed on matters on assessment, such that they relate to retirement villages and the expectations for the Residential Central City Zone, and the specific site context.
14. Resulting are nine areas of focus for my assessment, which I will discuss further in some depth in association with the urban design assessment of Ms Skidmore. These areas of design focus are:
  - i. Context and compatibility
  - ii. Visual quality
  - iii. Street interface
  - iv. Residential amenity for neighbours
  - v. CPTED
  - vi. Access and safety
  - vii. Environmental efficiency
  - viii. Site efficiency and cost effectiveness.
15. I also note that in respect to the methodology for determining the scale of effect, I have utilised the 7 point scale adopted by Ms Skidmore, and by Ms Dray in her Landscape Report. I note that in respect to this simply put a 'low' effect is synonymous with a less than minor effect, 'moderate' being of a more than minor effect and 'high' being of a significant effect.
16. In my opinion the proposal will result in a substantial change to the residential character of the area due to the form, density and scale of the proposal. This is particularly when taking into account that the Peterborough Site has been vacant for at least 5 years. In addition, the Bishopspark Site has had relatively low scale development across most of the site, which was interspersed with trees and open space. I believe that this substantive change in itself will be high in respect to visual effects, which will likely impact on the overall perception of the proposal, particularly in respect to residential neighbours.
17. The difficulty is to separate the substantive change from what exists on the Sites now. The substantive change could be considered to be anticipated by the District Plan, identified through

- objectives, policies and built form standards. The further increase in change is sought through the Application in respect to height and recession plane intrusions.
18. While change may be anticipated given the zoning and location within the Christchurch Central City, consideration of the existing context is still required. This includes the cultural (including character and heritage values), built form, open space and landscape context. While I consider that generally the scale, form and density of development on the site is appropriate to the location, I do not believe that the context has been adequately addressed through more detailed aspects of the design approach.
  19. I consider that the height of buildings proposed, in combination with the density of building and limited ability of trees to contribute to visual amenity beyond the sites, will not provide an appropriate response to context with respect to subdivision patterns, the visible scale of buildings, and their degree of openness. In addition I consider that there will be adverse effects on amenity related to privacy, visual dominance and overshadowing that range from low to high.
  20. In summary, I consider that the overall adverse effects of the proposal will be moderate, but that there are opportunities for modification to the proposal that could reduce these effects. However, these modifications are likely to have an impact on the current density of the proposal.
  21. In assessing the information provided, and to provide clarity in respect to the specialist urban design commentary provided by Ms Skidmore and myself, I have provided an outline of the areas of agreement or in contention between us.
  22. In my opinion the areas of agreement are:
    - The design philosophy utilised to underpin the approach is appropriate to the type of proposal and its context (R. A. Skidmore – page 7).
    - A good level of site amenity is provided for most residents, including open space, pedestrian connections, site facilities and residential outlook. The exception is that quite a number of assisted living suites in B01 face south west, with limited direct access to sunlight.
    - Development of this form and density could be anticipated within this zone, and is a valid response to its location within the Central City and adjacent to Hagley Park.
    - The intensity of activity is well located within the Central City and offers housing choice, in close proximity to city amenities, and is positive in increasing the Central City residential population.
    - The Sites' boundary interfaces with public space are well resolved for the Park Terrace interfaces.
    - The additional height proposed has been generally managed well by stepping in the upper floors and integrating the height within the roof form.
    - The architectural language is generally appropriate to the context, providing visual interest in combination with an architectural style and quality of material that reflects the Christchurch vernacular and references the former heritage of the Bishopspark Site.

23. In my opinion the areas of contention are:
- Consideration has been given to the context with the exception of:
    - the retention of existing trees on the Bishopspark Site.
    - the likely inability of mid-block and boundary vegetation to contribute to the locale given the scale and density of building and limited opportunity for tree growth. This in part is the result of the extensive basement car parks on both Sites, and the limited space made available for canopy growth.
    - the heritage values associated with the adjacent Dorset Street Flats, including their setting.
  - While the western wing of B08 meets the building setbacks for the Peterborough Site, the street interface is not well resolved, and will impact on the amenity, particularly as a pedestrian on Salisbury Street.
  - Similarly, while B07 meets the setbacks to the eastern boundary with 15 Peterborough Street, the length of building, in combination with recession plane intrusions and relatively monolithic façade treatment will result in a high level of visual dominance in terms of outlook for eastern neighbours.
  - A number of facades present as quite blank and tall, with a high potential level of reflectance, resulting in a high level of visual dominance impacting on public and private space.
  - There will be moderate to high impacts of overshadowing on neighbouring residential properties, particularly in regard to the Peterborough Site and B08, and given the building length.

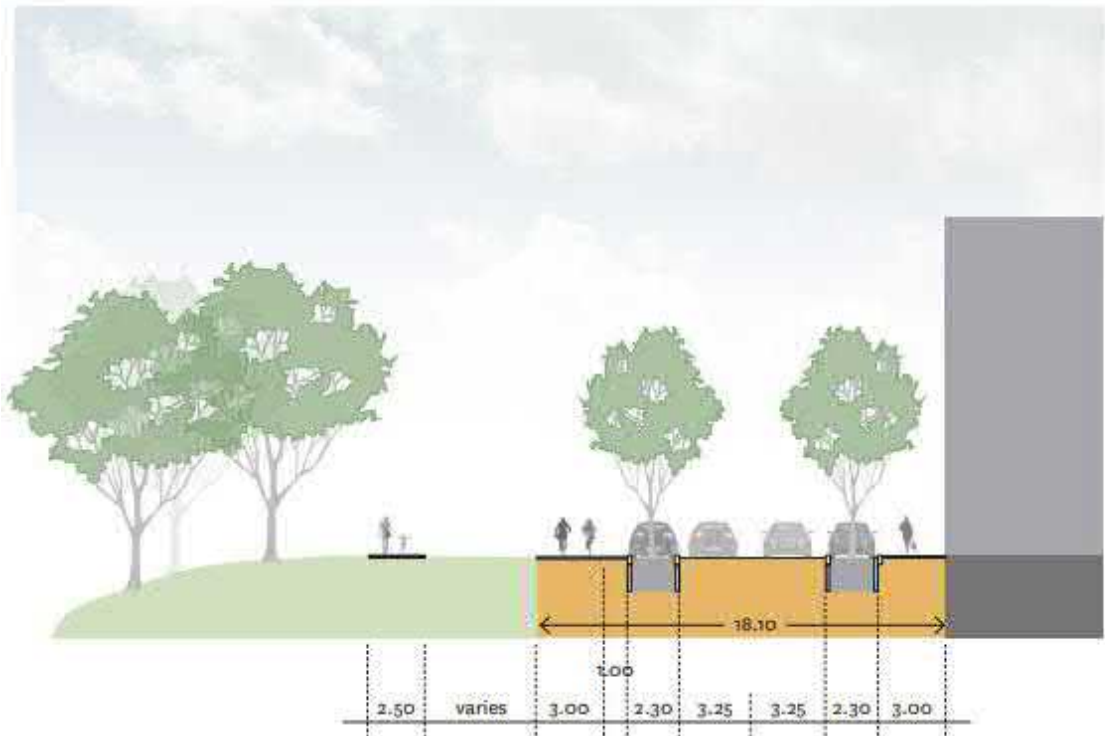
#### Summary of Submissions Related to Urban Design

24. The key matters related to urban design raised by submitters are outlined in brief below. They range from considerable support for the location of the proposal, to neighbourhood scale and site specific impacts, which are stated as both positive and negative. Attached as Appendix II is the Summary Table of Submitters. I have noted the aspects of submissions as they relate to urban design. Where applicable, I discuss specific submissions in more detail within my assessment under the following headings:
- Context and compatibility
  - Visual quality
  - Street interface
  - Residential amenity for neighbours
  - Access and safety
  - Environmental efficiency.

## Area and Site Context

25. I concur with the explanation of the site and context provided by R. A. Skidmore in her Urban Design, Landscape and Visual Assessment (pages 1 - 4).
26. I also note that the subject Sites are of a significant size in comparison with the predominant grain of development within the residential environment of the area from Bealey Avenue to Gloucester Street. There are a few exceptions such as Parkbridge residential complex to the north and the George Hotel to the south of the Sites. In addition, the Bishopspark Site is located within a very large residential block, with the potential to create a far more significant density of development than if were traversed by a street or a lane for instance.
27. I note that residential redevelopment within the locale is to a relatively small scale, predominantly resulting in 2 and 3 storey town houses, rather than large scale apartment blocks. Mature tree cover has generally reduced as residential intensity within the area has increased, but some large scale mature trees and boundary vegetation remain. Hagley Park remain an important component of the setting, including in respect to its sylvan quality.
28. I defer to the planning advice of Ms Armstrong in that I have considered the former residential towers located on the Peterborough Site, now demolished, as part of the existing environment, given the resource consent remains in place and was implemented.
29. To further inform the context of the proposal, I have considered the future intent for the public space environment of the proposal. More specifically this refers to the street environment surrounding the Sites, drawing from the strategic guidance provided by Christchurch Central – Streets and Spaces Design Guide (2015). This guide was developed to support the delivery of the Christchurch Central Recovery Plan.
30. Within this context Salisbury Street, west of Montreal Street, is proposed to be two way, provide cycle facilities and be downgraded for through vehicle travel, providing a more residential quality with increased urban amenity.
31. In respect to Park Terrace (pg 134-135, as illustrated on the following page), north of Armagh Street, it is proposed to have the following future attributes:
  - Two lane local access street
  - Cycle priority with bi-directional cycle lanes on its west side
  - Street trees integrated with on-street parking on both sides
  - Footpath on both sides, but with footpath integrated with the park area on the west side.

In essence it is proposed that the street be downgraded in its significance for vehicle travel in the future. In addition I consider this would also strengthen the potential relationship between the east side of Park Terrace with Hagley Park, visually and physically, although I note in the diagram over the page that no allowance has been made for the 4m building setback from the street.



## District Plan Provisions

### Objectives and Policies

32. I have paraphrased the Christchurch District Plan residential objectives and policies below, where they relate to the proposal and urban design matters to support the assessment framework, including the appropriateness of the residential typology proposed to the Central City location. Against these I have provided a short commentary, which is then more detailed relative to the matters of assessment.
33. The Christchurch District Plan anticipates that there will be an increase in housing supply (Objective 14.2.1) that enables “a wide range of housing types, sizes and densities” including brownfield development (Objective 3.3.4a)”. Further a “well integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment (Objective 3.3.7)” is expected. The latter objective includes increasing housing development opportunities in the Central City. In addition it is anticipated that the housing supply “will meet the diverse needs of the community and “assist in improving housing affordability”. More specifically “high density residential development in the Central City, which achieves an average net density of at least 50 households per hectare for intensification development” is anticipated (Policy 14.2.1.1). In respect to density the Bishopspark Site equates to 176 hh/ha and Peterborough Site to 157hh/ha equivalent. No maximum residential density is stated.
34. I consider that with the exception of improving housing affordability for which I have no measure, from an urban design perspective the proposal in its broadest sense is achieving these objectives by providing a range of additional housing typologies i.e. apartments, assisted living and care, to the Central City offer. The scale and location of the proposal, including the density, supports a consolidated urban form. In respect to the delivery of a high quality environment, I discuss this in more detail within the body of my assessment.
35. The role of Central City residential is identified through Objective 14.2.8 as “a predominantly residential environment offering a range of residential opportunities, including medium to high density living, within the Central City to support the restoration and enhancement of a vibrant city centre” with Policies 14.2.8.1 and 14.2.8.2 recognising the context and character, protection of amenity values and recognition of cultural values while providing for current and future residential needs.
36. The retirement complex over the two sites provides for immediate residential opportunity, but also in my view the flexibility in future if needed to amend the resident profile to address any demographic change. However, I believe further consideration is required to address the context and character, cultural values and more detailed elements of the proposal to ensure protection of amenity values including those of neighbouring properties.
37. Table 14.2.1.1a Residential Central City Zone states “the Residential Central City Zone has been developed to contribute to Christchurch's liveable city values. Providing for a range of housing types, including attractive, high density living opportunities, the zone utilises the potential for living, working and playing in close proximity to the commercial centre of the city. The character, scale and intensity of non-residential activities is controlled in order to mitigate effects on the character and amenity of the inner city residential areas.”

38. Further residential development is desirable in the Central City “providing for a progressive increase in the residential population” and “assisting in the creation of new inner city residential neighbourhoods and the protection of amenity of inner city residential neighbourhoods” (Policy 14.2.1.3).
39. A key aspect to note is the potential tension between the increase in population, the development of new residential neighbourhoods and protection of amenity. However, more specifically Policy 14.2.1.8 provides for “comprehensively designed and managed, well-located, higher density accommodation options and accessory services for older persons and those requiring care or assisted living, throughout all residential zones”.
40. I consider that from an urban design perspective, the proposal is comprehensively designed and well located in proximity to a range of services, transport options and community facilities. In my view there is no doubt that the proposal is at a higher density than much of the existing residential context, but this is also anticipated in respect to Policy 14.2.1.8 c. In addition I would note that there is increasingly higher density developments than those existing being constructed within the Central City, for example 201 Salisbury Street, which has a density of 126hh/ha but utilising a townhouse rather than apartment typology, as is proposed.
41. Objective 14.2.4 introduces a much stronger design focus to residential development with the expectation for “high quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.” Policy 14.2.4.1 effectively further defines this through terminology that can be translated more generally into urban design principles including context, character, amenity, safety, high quality, accessibility, CPTED (crime prevention through environmental design), and the protection of residential amenity.
42. In addition Policy 14.2.4.8 promotes best practice in residential building in respect to health, building sustainability, energy and water efficiency. In my view in many respects the proposal meets these principles and practice, but not in all respects as noted earlier. Further The Christchurch District Plan promotes innovative, responsive design approaches to comprehensively designed high quality.
43. In short, in respect to urban design, in my view the location and offer of the proposal is appropriate within this Central City neighbourhood. However I consider there is tension between the existing context and the scale and design of the new development, particularly in respect to the way in which it addresses the immediate environment. This is discussed in more detail following.

#### Activity Status and Non-compliances

44. The application has a restricted discretionary activity status. The proposal in respect to both Sites meets the definition of a “retirement village” in the District Plan. 14.6.1.3 (RD5) - triggers a Retirement villages 14.15.9 due to non-compliances with built form standards as outlined in further detail below.
45. In addition, as the relevant built form standards are not met the following matters of assessment are also triggered:



- Building height – Rule 14.15.27.
  - Daylight recession planes – Rule 14.15.28.
  - Street scene and access ways – Rule 14.15.29
  - Minimum building setbacks from internal boundaries – Rule 14.15.30.
46. The proposal has the following non compliances in regard to the Bishopspark Site:
- Rule 14.6.2.1 Building height - The maximum building height of 14 m will be exceeded by a maximum of 5.495m (B02).
  - Rule 14.6.2.2 Daylight recession planes - Parts of Buildings B01, B02, B03 and B04 will penetrate the daylight recession plane standard.
  - Rule 14.6.2.3 Road boundary building setback - Building B02 encroaches on the 4.5 m setback from the Park Terrace boundary (a Central City Building Setback); and B03 encroaches on the 2 m setback from the Dorset Street boundary.
  - Rule 14.6.2.4 (minimum building setbacks from internal boundaries) there are infringements on the 1.8 m internal setback along the rear internal boundary.
47. The proposal has the following non compliances in regard to the Peterborough Site:
- Rule 14.6.2.1 Building height - The maximum building height of 20 m will be exceeded by a maximum of 5.002m (B07).
  - Rule 14.6.2.2 Daylight recession planes - Parts of Buildings B07 and B08 will penetrate the daylight recession plane standard.
  - Rule 6.8.4.1.3 (RD1) - In addition non-compliant signage is proposed at the main entrances to the Sites. The name has yet to be confirmed hence exact signage is as yet unknown but is proposed as approximately 1600mm by 800mm.

#### Applicable Matters of Control and Discretion

48. I have detailed the applicable matters of control and discretion in relation to the District Plan non-compliances noted above in Appendix 1, aligning matters where there are similarities between them, and these have been used as the basis of my assessment. In doing so I have consolidated these under the following headings:
- Context and compatibility
  - Visual quality
  - Street interface
  - Residential amenity for neighbours
  - CPTED
  - Access and safety
  - Environmental efficiency
  - Site efficiency and cost effectiveness.

49. These generally, but not specifically, align with the urban design considerations outlined in Ms Skidmore's assessment. As noted in the introduction I have primarily focussed my assessment on those matters where I do not concur with the conclusions of Ms Skidmore, but have also considered the matters raised by submitters.
50. I note that I have not undertaken an assessment of the amenity afforded to residents on the Sites as it is not a matter over which there is discretion to comment, albeit it is important given the situation and vulnerabilities of the resident group.

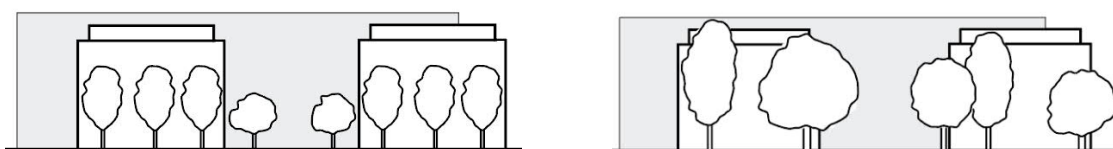
## Urban Design Assessment

### Introductory Commentary

51. I consider that there are many positive aspects to the proposal, including the type of residential activity in this location, design philosophy and overall design quality. I also consider that the proposal is more generally of a mass and scale that might be anticipated for the Residential Central City Zone. However, in my view there will be adverse impacts in respect to the context and compatibility, visual quality, residential amenity for neighbours, and the street interface that while variable in their extent, on balance would be moderate in the context of the overall proposal.
52. As noted in the introduction, I have read the Urban Design Landscape and Visual Effects Assessment (UD Assessment) of R. A. Skidmore and subsequent material provided. I consider this a thorough assessment and for clarity have generally used it as the basis of my own assessment, responding to matters where our opinions differ. This primarily relates to amenity and visual effects external to the Sites. I have separated these in respect to each of the Sites.
53. I consider the difficulty is to separate the substantive change that is anticipated by the objectives, policies and built form standards of the Christchurch District Plan, and the additional incremental change sought through height and recession plane intrusions, while taking into account matters of assessment, including the existing context.
54. Ms Skidmore in her assessment of the proposed use and location in essence concludes that the layout and collection of building forms and spaces respond to the characteristics of the location. I generally concur with this conclusion with some exceptions. I also generally consider that the design approach to achieve compatible but subtly different design resolution for the two Sites, utilising key characteristics of the context of each site, is positive. This is expressed through the orientation and massing, roof forms, materiality, and façade articulation.
55. Quite a number of submitters have provided their support to the location of the type of proposal in this central city location. I agree. I consider this residential use in the location is positive in respect to the Central City, contributing activity and diversity, while located in close proximity to a wide range of services and amenities for residents and staff. For example the Christchurch Town Hall is less than 750m from the site, while Turanga is approximately 1.1km from the subject Sites.
56. In addition, the close proximity of the Sites to each other provides the opportunity for a comprehensive approach and greater intensity of residential activity, with shared spaces, activity and services between the Sites. I consider that the general scale of activity is anticipated within this Central City location. This is given the central city location, the interface with Park Terrace - a relatively wide street, with Hagley Park beyond, and recognition through the additional District Plan height allowance (20m) on the Peterborough Site.
57. I agree in part with Ms Skidmore that “the distribution of building mass and the form and design of the various built elements respects the differing edge conditions and interface with surrounding properties” (Memo 7/07/2020 pg 2). The building blocks are a series of interconnected wings with the short end facades generally to the residential neighbours, and the greater mass of building projected to commercial boundaries, the interior of the site, or

to the street. I consider that this approach in terms of the building ends to neighbours, reduces the visual impact of the building mass on neighbours for each of the Sites to some degree, from that of a boundary oriented building, in conjunction with the changes in height, such as B08.

58. Further, the over-height components of the buildings are set back from the main facades and are contained within relatively well-articulated roof forms. The open spaces between wings, further assists in reducing the overall bulk in the buildings when viewed from neighbouring residential properties. As a starting point this appears an appropriate approach to the site layout subject to boundary treatments and an effective landscape response, and with some exceptions which I detail in regard to the respective sites below.
59. In regard to the boundary treatments I have a general concern, which is discussed in more detail by Ms Dray and Mr Thornton, that the tree planting will not have the ability to both thrive and grow to an adequate scale. In addition it is proposed that many of the trees be maintained to 8m in height. I do not consider this an appropriate approach in respect to addressing the context and visual dominance of building. The simple diagrams below illustrate a standardised approach to height versus a more contextual approach.



60. With my focus in respect to environment effects on the more sensitive residential (rather than commercial) environment, my key concerns are that the proposal will be visually dominant within the residential environment, and there will be overshadowing effects on neighbouring residential properties. As noted within the context section, the residential receiving environment has a generally fine grain of development both in respect to site size and building footprint, relative to the proposal.
61. In addition I consider the heritage values of the neighbouring Dorset Street Flats (2-16 Dorset Street) and the additional contextual layer they provide to the character of the area. Noting the Dorset Street Flats within their context, the scale of Dorset and Dublin Streets is more intimate in respect to both the lot sizes, development patterns, buildings (with the exception of the Parkside development) and the width of the streets. This creates a considerably different character than that of much of the remainder of the neighbourhood in which the proposal is sited.
62. Quite a number of submitters have raised the subject of shading as a result of the scale of the proposed buildings. I consider that there are a small number of properties that will be adversely affected by shading, which I discuss in more detail in respect to each of the Sites. In respect to this, there is no accepted methodology for the evaluation of shading and it is not an exact science. I have considered it on the basis of the following matters:
- Period of time - the longer the property is overshadowed the more potential impact;
  - Use of the space – greater value is placed on living space, whether interior or outdoor, as opposed to utility spaces or bedrooms for example; and

Time of year – sun access to interior living spaces is important in respect of cooler months of the year in Ōtautahi Christchurch, whereas sun to outdoor living spaces is desirable during the warmer months of the year i.e. spring to autumn.

## Bishopspark Site

### Context and compatibility

63. In my view the retention of the Chapel on the Bishopspark Site and its use as a focal point and structuring element for the Village is positive in respect to the amenity and character retained. However I consider that the landscape quality, particularly relating to the retention of existing trees and to tree planting at boundaries, will not be effective in ensuring that the proposal responds to its context.
64. An existing Copper Beech tree was to be retained and relocated within the site. However I understand this is no longer the case. This tree in itself provides a scale and maturity to the site that would have assisted in embedding the proposal into the site context. In addition a number of medium and large scale, mature trees including a large English Oak, which provide a more sylvan quality to the site and are visible from surrounding streets and adjacent neighbours, are to be removed.
65. I consider that the removal of the trees detracts from the existing environment, reducing the amenity for both neighbours and when viewed from public space such as Dorset Street. These trees provide visual depth and relief through breaks in the built form of the site, to what is a very large residential block, when viewed from surrounding streets, lanes and neighbouring properties. The trees contribute to creating a finer grain of development more akin to the immediate residential context.
66. Ms Skidmore (pg 11) in respect to the Bishopspark Site states that “specimen trees are used through the Site to create a vegetated structure that complements the building forms. Much of the planting is located above the basement. Specimen trees are also used to filter views to the Proposed Village from adjacent residential properties and contribute to the Park Terrace streetscape.”
67. Tree planting is proposed within and around the edges of the Bishopspark Site. However as identified by Ms Skidmore (pg 26), the extent of the basement car park does create limitations for tree planting across the site. The majority of trees are proposed to be located within planters rather than within the ground, or are within a limited ground area adjacent to the building’s basement. I understand from Ms Dray and Mr Thornton that the trees will struggle to attain a medium (6-10m) or large scale (10m+) height with accompanying canopy growth. Further, many of the trees are located in very close proximity to the buildings further limiting canopy growth.
68. Given the scale of development and size of the Bishopspark Site, I consider it critical that the proposed trees, particularly those that provide visual relief and filter views when viewed from outside of the Site, are able to be of a medium and large scale, and in respect to the latter, particularly at the boundaries. This is to integrate rather than mitigate as such, the intensity, scale and height of the proposal when viewed from neighbouring sites and the neighbourhood

more generally. This includes the public space of the streets and Hagley Park, including in relation to the Dorset Street Flats.

69. I consider that the scale of planting, more specifically large scale tree planting, is essential to embedding the proposal within the context and ensuring a balance of building to open space commensurate with the density and scale of built form as proposed. In order to achieve this sufficient space is needed for both root and canopy growth, neither of which I consider is adequately provided for in respect to most of the site boundaries.
70. I defer to the advice of Ms Dray and Mr Thornton, but consider at this stage that with the limitations on tree growth and the consequent planted amenity, the proposed development site will have a mass and scale resulting in a building bulk that is visually incompatible and out of scale and character with the local environment. As a result I consider there will be moderate to high visual impacts on adjacent neighbours. In my view more space adjacent to the residential boundaries of the Sites is required to effectively accommodate large scale trees.

#### Street Interfaces

71. I consider that there is variation as to the success of the resolution of the each of the interfaces in ensuring an appropriate level of amenity, visual quality and engagement with the street. In particular I consider that there is insufficient space provided to allow for effective tree planting and to reduce the visual dominance of the buildings.
72. I concur with Ms Skidmore in regard to the street interface with Park Terrace, in respect to the frontage treatments including the opportunity for visual interaction with the street, boundary treatments and access. This is so long as the proposed tree planting will achieve a substantive scale such that it provides a transition, visually softening and filtering the scale and mass of the building, as viewed from public space, including from Hagley Park.
73. Building B02 at 5 storeys (excluding basement) exceeds the 14m height standard by approximately 4.5m. The top storey of the building has been set back from the main facades and incorporated within the roof form. As such I do not consider that the additional height is notable in itself when viewed from the street of Hagley Park, if compared to that of a building anticipated through the built form standards with a flat roof form. In addition a higher level of visual interest is provided through the roof articulation. This is with the exception of the northern façade, which I discuss in more detail below in respect to visual quality.
74. In regard to the B03 Dorset Street interface, I also consider that the building is of a grain, form and scale suitable to the street. The proposed building is well articulated with a good level of engagement and contribution to the street through the extent of glazing, fence and hedge treatments, and pedestrian access to the linear park.
75. However, at the Dorset Street interface the building has minimal setback from the street, with trees planted on the street-side of the boundary wall, with very little space available for the trees to mature. The trees while not necessarily mitigating visual impacts of the building, do have a contribution in providing context to and reducing the scale of the building, including the additional height, in what is a low scale and intimate street environment. In my opinion more space is required to ensure that the boundary treatment including tree planting is

effective in reducing the visual dominance of the building and resultant moderate visual impacts on street amenity, for both residents and visitors to the area.

#### Residential Amenity for Neighbours

76. I consider that there will be adverse impacts in respect to the residential amenity for neighbours that are low to moderate. The most notable being in respect to 4A Dorset Street.
77. As I noted earlier, and has been raised by Ms Skidmore, there will be a considerable visual change from the current situation to that proposed, irrespective of the non-complying aspects of the proposal.
78. In regard to effects of overshadowing and visual dominance/impacts on outlook on neighbours of the Bishopspark Site, the table attached as Appendix II outlines those properties to be considered affected and the extent of effect. This is in respect to both over-height elements, or the location and design of the proposal.
79. All of the proposed Bishopspark Site buildings exceed the height of the built form standards, with the exception of B04. The most significant height intrusion being B02 at 5.5m above the 14m height limit, for the extent of the top storey. The remainder of the buildings have partial roof intrusions up to 2 metres in height. Parts of Buildings B01, B02, B03 and B04 will also penetrate the daylight recession plane standard.
80. In regard to 5/2A, 6/2A, and 2 to 18 Dorset Street, I largely concur with Ms Skidmore's assessment of the proposal in regard to the B01 (apartments/assisted living) and B02 height intrusions and their impacts in respect to the residential amenity for these neighbours. More generally the proposed and existing neighbouring dwellings are oriented to the north or west, with limited outlook to the south from internal and external living space.
81. This is with the exceptions of 2 and 6 Dorset Street, and the consented but as yet to be constructed carriage-house style dwelling at 4A Dorset Street. 2 and 6 Dorset Street both have large windows to the south with views to the northern facade of B01. I consider that B01 will appear visually dominant from this aspect given the proximity of the units to the building.
82. In respect to 4A Dorset Street, the dwelling will have a row of living space windows oriented to the south towards the north eastern wing end of B01. The dwelling is 600mm off the boundary with the Bishopspark Site. In total the façade of B01 to the living space window of 4A Dorset Street is approximately 4.1m. I consider that there will be an adverse visual impact from B01 on 4A Dorset Street which will be moderate, in respect to visual dominance and outlook. I consider this is the result of the proximity and breadth of the façade of B01, rather than the scale per se. The additional height over that of the built form standard it unlikely to be perceptible from the southern outlook of the windows due to the angle of sight.
83. In respect to 108 Park Terrace, the apartments have outlook to the west over Park Terrace, to the north towards Dorset Street and to the east to the Bishopspark site. In respect to this eastern outlook, B01 has been designed to meet the built form standards in respect to this elevation, with a more substantive building setback at this boundary which includes tree planting. I consider any visual impact on 108 Park Terrace at this interface to be minimal, and shading to be the same as a residential building (rather than retirement village) that is compliant. The south façade of 108 Park Terrace was designed as a flank wall to limit

- interaction with the Bishopspark Site, with the exception of the penthouse (6<sup>th</sup> floor). I consider that the additional height and recession plane intrusion of B02 will have minimal visual or shading impact upon 108 Park Terrace, but will have a low level of impact on privacy. This is a result of the upper floor west facing balcony of B02, with a relatively direct line of sight to the glazed bedroom of the penthouse.
84. In respect to the southern outlook of 5/2A, 6/2A, and 2 to 18 Dorset Street more generally however, the scale of change from the existing site to a constructed proposal built within the framework of the built form standards will be substantive, irrespective of the additional height proposed above these standards.
85. In this context I consider the proposed additional height will be negligible in comparison to that of the built form standards, with little additional effect as a result of height in respect to additional visual bulk, particularly given the infringements occur at the 3<sup>rd</sup> and 4<sup>th</sup> storey of the proposal. Further, given the setback of the upper storey of B02, there is unlikely to be overlooking from the living spaces of these apartments to the properties to the north. I also concur with Ms Skidmore that the screened windows on these elevations with both reduce the potential for overlooking as well as the perception of this for neighbours.
86. The tree planting proposed, if it is able to achieve a sufficient scale i.e. 10+ metres at maturity and canopy cover, may contribute to filtering B01 and B02, reducing their apparent scale and dominance within the context of a more finely grained neighbourhood, and any sense of overlooking or loss of privacy for northern neighbours from this aspect. However as with other planting proposed, it appears unlikely that sufficient height of trees will be attained in the space available.
87. I agree with Ms Skidmore that the commercial uses of the properties to the east of the site are not sensitive to change and that the small projections of Building B03 and B04 through the height and recession planes along the eastern boundary will not be readily perceptible or adversely affect the amenity of the adjacent commercial properties. The exception is in respect to the hotel proposed at 28 Dorset and 155 Victoria Street. However, I consider the impacts of these intrusions above that anticipated from the built form standards to be minimal. In addition given the general transience of hotel patrons, I consider any visual effects or impacts of shading to be low.
88. In regard to the properties at 13, 15 and 17 Salisbury Street, with the exception of 6/17 Salisbury Street, I consider B01 (dementia unit) height and recession plane intrusions, beyond that anticipated by the built form standards, will have a low level of visual impact and no further impact on privacy. The height component comprises a section of angled roof, while the recession plane intrusion comprises a parapet detail. In regard to 6/17 Salisbury Street, I consider there will be an impact in respect to the visual dominance of the building given its proximity to the southern façade of B01.
89. I consider that there will be shading impacts resulting from the height intrusion B02 and visual impacts related to the southern elevation on the property at 90 Park Terrace. However I note that written consent has been provided by the owner of this property for the proposal and as such is not the subject of further assessment.



90. 84 Park Terrace is a new two storey residential development, oriented to the north, with outdoor living space at ground level and large windows on the first floor. With 90 Park Terrace between, in terms of potential visual impact from the 5.5m height intrusion, 84 Park Terrace is at quite some distance from the southern façade of B02. I consider the additional height and relative blankness of the façade will be noticeable from this property, but the distance and layering of planting between, including that provided by 90 Park Terrace will lessen these impacts.
88. Overall I consider that the impacts of the height and recession breaches on neighbouring properties' privacy and outlook to be low with the exception of 4A Dorset Street.

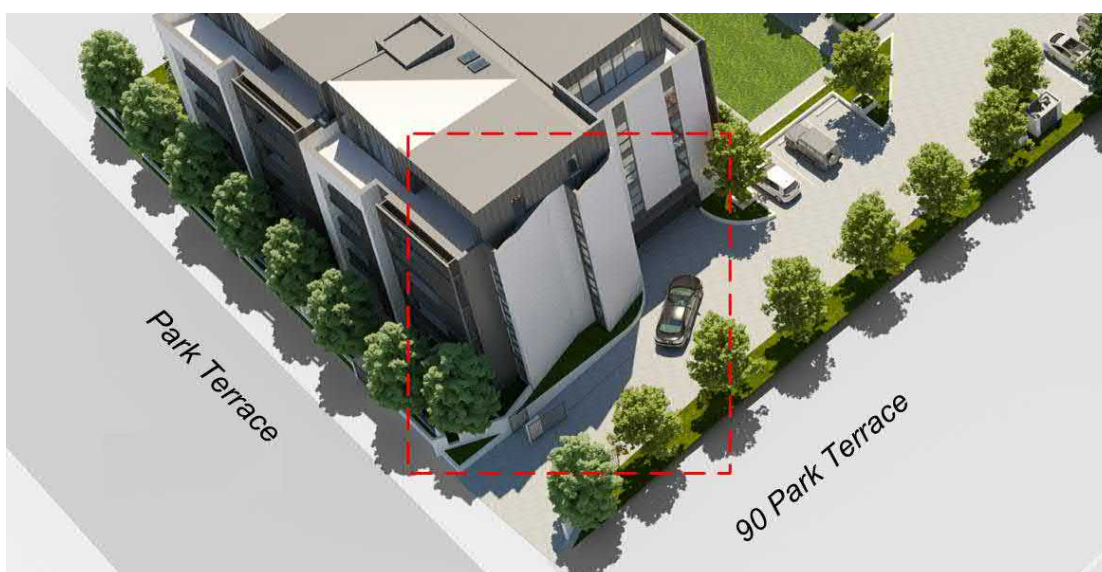
#### Visual Quality

89. In regard to the visual quality of the Bishopspark Site in respect of the buildings, I generally consider that this is positive, with some exceptions in regard to specific building facades. Buildings are separated on the Site as noted earlier, with a series of open spaces and planted areas between. This provides visual interest in combination with an architectural style and quality of material that reflects the Christchurch vernacular and references the former and existing heritage of the Site.
90. There is some variation in the building heights and forms across the site. As the variation is limited, I consider this less effective in providing visual interest than other aspects of the design approach, such as the level of modulation and articulation in respect to most of the building facades. This is provided through balconies, steps in plan, angled end walls, cladding materials and glazing.
91. In effect this design response provides human scale elements when viewed in close proximity, and visual interest when viewed from immediately outside of the site, of what are otherwise a series of buildings of significant scale and mass within this context. The roof forms are well articulated and characteristic of the area, adding an additional level of visual interest.
92. There is considerable repetition across the site in terms of the architectural response. This both creates a visually cohesive development which is positive, but can also result in visual monotony. I consider the latter impact will be reduced given that detailing of the building will not be read on mass from outside of the Site.
93. Overall, with the following exceptions given the sensitivity of the viewing audience, I consider that the design approach results in a good level of visual quality and interest. The exceptions are:
94. *North façade of B02 (illustrated overleaf)*. I consider that this elevation while angled, is tall and relatively blank, with additional roof height, with potential for a high level of reflectance.

It does not contain many of the smaller detailed elements, such as glazing and balconies, found on most other building facades on the site.



95. I consider it results in an aspect that out of context with the remainder of development within this urban block and will be visually dominant. It will have a moderate to high visual impact on the user experience and scale, primarily pedestrians and cyclists, of Park Terrace, but more generally users of the street when approaching from the north. While the boundary treatment and tree planting will potentially provide some filtering of this façade, this may be limited given the constraints on the site from the basement car parking.
96. *South façade B02 (illustrated below)*. Similarly to the north facade this elevation while angled, is tall and relatively blank, with additional roof height increasing the visual bulk, with potential for a high level of reflectance. I consider that will result in a moderate to high visual impact, resulting in visual dominance, albeit at a distance on 84 Park Terrace. This property is more specifically affected rather than the wider street environment due to the location of the Oak tree at 90 Park Terrace (essentially off site mitigation) and the orientation of the facade.



## Peterborough Site

### Context and compatibility

97. I consider that the mass and scale of the buildings proposed on the Peterborough Site will result in a moderate level of visual dominance in relation to the context, if large scale tree planting cannot be attained on site.
98. The Peterborough Site has two key street interfaces, Salisbury Street and Park Terrace, with a further low key frontage with Peterborough Street. Residential development is located to the north of Salisbury Street, with Hagley Park to the west of Park Terrace. The remainder of the boundaries of the Site have existing residential development which are of varying scales, typologies, ages and orientation.
99. The Site is levelled and vacant with the exception of an existing significant tree located in proximity to the Peterborough Street boundary. The District Plan height limit for this site at 20m reflects the prominence of this corner location and previous development undertaken on this site. However, the 7 story western wing of B07 is some 4.9m over the permitted 20m height limit, further increasing the strong contrast in scale between this Site and those residential sites adjacent and opposite, which have a 14m height limit.
100. Additional height aside, I concur with Ms Skidmore in regard to the layout and proposed massing of building for the Peterborough Site in approach. The most significant building mass proposed, the western wing of B07, is located on the corner of Park Terrace and Salisbury Street, responding to the corner location. It provides a landmark quality to the site with a strong relationship to Hagley Park and definition to the western edge of the site.
101. Also located end on and adjacent to Salisbury Street is the proposed 5 story eastern wing of B07, separated from the western wing by open space. This building provides a step down in height, to approximately 17.5m in height, providing a transition to the adjacent residential properties to the east and across Salisbury Street to the north. I consider this building in respect to scale is more compatible with the adjacent residential context. However unlike the western wing, or B08, the building has a flat roof which is less cognisant of the local character and appears directed by the intent to maximise height.
102. The western wing of B07 also steps down, to a 4 story component to the southern boundary, better reflecting the scale of the property at 76 Park Terrace, and the 14m height limit of the adjacent residential zone.
103. To the south east side of the site is located B08, also a four story building with the upper story located within the roof form, which addresses Peterborough Street. I consider the scale and form of this building is also compatible with adjacent residential development, and further sits within the context as a result of the retention of the significant tree.
104. Like the Bishopspark Site, specimen trees are proposed to provide a vegetated structure to the site to compliment the building forms and provide internal and external amenity, and in my view visual relief, to the mass of building on the site. However as with Bishopspark, the basement car park extends almost to the boundaries of the Peterborough Site, creating limitations for tree planting across the site. Again I understand from the Council's Landscape

Architect, Jennifer Dray, and Arborist, John Thornton that the trees will struggle to attain a medium (6-10m) or large scale (10m+) height with accompanying canopy growth.

105. Given the scale of development on the Peterborough Site, I consider it critical that the proposed trees, particularly those that provide visual relief and filter views when viewed from outside of the site, are able to be of a moderate and large scale. This is particularly the case in respect to the Park Terrace and Salisbury Street, which is discussed in more detail in regard to Street Interface.
106. I defer to the advice of Ms Dray and Mr Thornton in regard to tree growth and scale, but consider at this stage that with the limitations on tree growth and the consequent planted amenity, the proposed development and more particularly B07, will have a mass and scale resulting in a bulk that is visually incompatible and out of scale and character with the local environment.

#### Street Interfaces

107. I consider there is variation in the effectiveness of the treatments in respect to the interface treatments in regard to ensuring the contribution of amenity to and engagement with the street.
108. I concur with Ms Skidmore in regard to the boundary treatment along Park Terrace in that it “strikes an appropriate balance between solidity and openness to create definition and enclosure of outdoor terraces and maintaining good engagement with the adjacent street”.
109. I also agree that the suitability of the Site is recognised to accommodate an increased scale of buildings through the 20m height limit that applies across the Site, and that it is appropriate to locate the mass and scale on the corner of Salisbury Street and Park Terrace, as noted earlier in relation to Context and Compatibility.
110. I also consider that in regard to the Park Terrace interface - the combination of small pocket park and associated tree planting, the boundary treatment, building setback and architectural response, including differentiating the bottom, middle and inset top of the building (roof apartments), with good modulation and articulation - will provide a good level of engagement with Park Terrace and a strong visual edge to Hagley Park, while reducing the apparent scale of building. This is dependent on the effectiveness and scale achieved of the proposed tree planting.
111. However I do not consider the response to Salisbury Street is as effective, which relates both to context and compatibility and the street interface. I consider that a good level of engagement between the northern façades (each 21m in length) of B07 with Salisbury Street will be achieved as a result of the level of glazing and use of Juliet balconies. These façades are well-articulated in respect to materiality and glazing, but with minimal modulation until the top floor setback resulting in highly vertical, monolithic form, impacting on outlook for neighbours and users of the street. The scale of the building means that the extent and resolution of the building setback is very important.
112. The two wings of B07 are separated on the Salisbury Street frontage (*illustrated overleaf*) by a planted open space, which provides some visual relief. However, while the building setback to Salisbury Street meets the built form standard of 2m, this is effectively divided in two by the fence

running parallel to the street reducing the ability to accommodate large scale trees. I consider this in combination with the significant height of the façade of the western wing, which is over the 20m (plus rooftop apartment), results in a sense that the space and planting is squeezed in, without a suitable element of transition between public and private space like that provided on the western aspect. Further the tree root systems are limited by the extent of the basement, and the canopy by the proximity to the building facade. The scale of the building increases the importance of, and resolution of the setback, perhaps more so than the built form standards anticipated.



113. Salisbury Street itself contributes no amenity by way of street trees or relief from extensive asphalt. In association with the 2m building setback it is proposed that the trees will be maintained to a maximum of 8m. I consider an 8m fastigate tree will be ineffective in addressing the visual dominance of the 20+m building, and the result will be a moderate to high visual impact on the outlook to and amenity of the street environment for residents (permanent views) and visitors (more transitional viewers) to the locale.
114. B08 is a four story building which presents its narrow end to Peterborough Street. I concur with Ms Skidmore that the architectural elements and outlook provided by B08 positively engages with the Peterborough Street and that the roof form echoes other building forms in the proposed village.
115. Overall, I consider two of the three building interfaces with the adjacent streets positively contribute to and engage with these streets, including the over-height western facade of the western wing of B08. However the exception is the Salisbury Street interface, which is of more significance, negatively impacting on the amenity of the site in relation to public space (and related visual dominance) overall.

#### Residential Amenity for Neighbours

116. As I noted earlier, and has been raised by Ms Skidmore, there will be a considerable visual change from the current situation to that proposed, irrespective of the non-complying aspects of the proposal. I consider that there are a number of neighbours who will experience a moderate loss of amenity as a result of the proposal.

116. B08 and B07 both have recession plane intrusions beyond those of the built form standards. In my opinion the most severe of these in respect to their impact on neighbours' amenity, are the western wing of B08, and B07. In regard to overshadowing and the Peterborough Site, the table attached as Appendix II outlines those properties to be considered affected by overshadowing and the extent of effect.
117. As stated earlier in regard to the context, the western wing of B08 exceeds the height permitted by nearly 5m. I consider that the only a number of neighbouring residential properties will be impacted by this increase in height. In respect to visual impact and privacy, I consider that the greatest level of adverse impact will be in respect to 76 Park Terrace. This is a two story character house oriented to the north towards the subject site.
118. As noted above, the western wing and the southern end of B08 dips to 4 stories. However this is not for the full breadth of the wing, but only the front portion. The lift shaft to the rear (*illustrated overleaf*) of this extends to service the full seven stories and includes substantive glazing at the upper levels into the shared hallways, with no setback or moderation of the outlook. I consider that this will have a moderate impact on the privacy of the outdoor living space and north facing first floor rooms of 76 Park Terrace. In addition I consider the lack of articulation of the lift shaft emphasises its verticality, resulting in an element that will appear out of scale and over-height resulting in a low to moderate level of visual dominance, above that of a permitted proposal.



119. I also consider that there will be a visual impact as a result of the visual dominance of the built form in regard to 13 and 15 Salisbury Street. These properties are to the north of the Peterborough Site across Salisbury Street, opposite the northern elevation of B08. In respect to 13 Salisbury Street, I consider that impact will be relatively low given the minimal outlook to the street.
120. The dwelling on 15 Salisbury Street has large areas of glazing on the southern façade, which while on a slight angle, will look almost directly towards the northern façade of B08. However I consider that the building has been relatively well resolved from a visual perspective if

looking from some distance. The building has been articulated to create a base, middle and upper portion, effectively visually reducing the visual scale, with the top floor incorporated within the roof form. As such I also consider that while there is a significant increase in height of this façade, the effective visual impact will be minimal.

121. In regard to B07, while below the 20m height limit, there is a recession plane intrusion of some 40m in length and up to 6m in height (*illustrated overleaf*). This is a substantive breach, in relatively close proximity to the boundary (less than 4m) with 15 Peterborough Street, on the property's western aspect, with the units' balconies and large areas of glazing on this aspect. I consider that the additional building bulk projecting into the recession plane for the extended length will have a moderate to high adverse impact upon the visual amenity and outlook of western neighbours located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the adjacent apartment block, as a result.



#### Visual Quality

122. In regard to the visual quality of the Peterborough Site, I generally consider that this is positive, with some exceptions in regard to specific building facades. The wings of B08 are separated by open space and there are pathways and planted areas across the site and along boundaries. This provides visual interest in combination with an architectural style and quality of material that reflects the Christchurch vernacular and provides some variation to the Bishopspark Site.
123. There is also some, but limited, variation in the building heights and forms across the site. I consider this less effective in providing visual interest than other aspects of the design approach, such as the level of modulation and articulation in respect to most of the building facades, provided through balconies, steps in plan, angled end walls, cladding materials and glazing. This is with the exception of the eastern façade of B07, and the northern facades of B08. While lacking modulation (i.e. steps in plan, changes in roof height), I consider that B08 is more successful in the articulation (i.e. cladding, glazing etc) of these façades, for the reasons noted earlier. B07 however in my view, does not achieve an adequate level of visual

interest, given that its eastern façade is the primary outlook for quite a number of apartments to the east at 15 Peterborough Street.

124. Overall however, as with the Bishopspark Site the design response provides human scale elements when viewed in close proximity, and visual interest when viewed from immediately outside of the site, of what are otherwise a series of buildings of significant scale and mass within this context. The roof forms are well articulated and characteristic of the area, adding an additional level of visual interest, with the exception of the eastern wing of B08, which appears an anomaly, given the flat roof.
125. Overall, I consider that the design approach results in a good level of visual quality and interest with the exceptions noted above.

## Bishopspark and Peterborough Sites

### CPTED (Crime Prevention Through Environmental Design)

126. I concur with the assessment of Ms Skidmore (pg 24-25) in regard to CPTED in relation to both Sites. I consider CPTED has been effectively addressed across each of the Sites, and my experience of the Ryman's developments is that they provide a safe environment for residents, visitors and staff.

### Access and Safety

127. In respect to both of the Sites, pedestrian access is legible and direct from the street. Vehicle access, particularly for visitors, is also legible and car parking is contained within the basement of the buildings, allowing much of the ground plane to be available for safe pedestrian use. Parking does not visually dominate the Sites, particularly when viewed from the street or other public spaces.
128. I would note that I do not consider that the cycle parking provided is very convenient for users, accessed by the vehicle ramp and located in the north-west corner of the Bishopspark Site basement, with relatively convoluted access. There does not appear cycle parking provided on the Peterborough Site, but I have not read through the transport reports provided.

### Environmental Efficiency

129. Some detail has been provided in regard to energy efficiency and environmentally sustainable design initiatives, including storm water capture and reuse.

### Efficiency of Site Use

130. I note that the activity on the Sites is of quite some intensity without the additional height, but am unsure as to whether the increased height is necessary to enable more efficient, cost effective and/or practical use of the site, as justification in itself. The basement car parking while efficient in terms of the ground plane use of the site, extends such that it prevents adequate scale trees planting.
131. In respect to long term protection of significant trees or natural features on the site, only one significant tree is to be retained – on the Peterborough Site. As such I do not consider that tree protection is a valid reason for the increase in height across the Sites.



## Conclusion

132. I consider that there are positive impacts of the proposal, particularly in regard to the activity located within the Central City location. However, I also believe that there are adverse visual and amenity impacts that are moderate to high. In respect to each of the urban design matters outlined in my assessment I have come to the following conclusions:

### Context and compatibility

133. The retirement complex supports the intent of providing for a variety of residential typologies and a high intensity of residential development in the Ōtautahi Christchurch Central City.
134. The proposal will have a substantive visual and functional impacts on the residential character of the area irrespective of the District Plan non-compliances of the proposal, as a result of the degree of change to the existing context that would occur if the proposal were to be constructed in respect to both of the Sites.
135. The scale, form, approach to building massing and density of development on the Sites is generally appropriate to the location, with the exception of some of the over-height elements and in regard to a number of street interfaces.
136. The landscape approach, including large scale tree planting is crucial to achieving an adequate level of amenity and providing visual relief to the built form, in respect to the neighbourhood context, neighbours and users of public space. The scale of planting needed to address the context and offset visual effects at the boundaries to the Sites will not be achieved within the space provided.
137. While the Chapel has been retained and repurposed on the Bishopspark Site, the context has not been effectively been addressed, including the retention of existing mature trees.
138. There is insufficient cognisance of the heritage values of the Dorset Street Flats.
139. Overall, while there are positive impacts of the proposal in regard to the use and location of the proposal, there will be moderate to high visual impacts resulting from visual dominance of the scale of development within the context that it is located.

### Visual quality

140. The design approach to both of the Sites has been well considered, addressing the site attributes and architectural context. The overall architectural quality is high, with some exceptions, including the north and south facades of B02, the south façade of the western wing of B08, which will have a moderate visual impact.

### Street interface

141. A high quality street interface will be achieved for both Sites if effective tree planting can be achieved as noted earlier, with the exception of Salisbury Street and Dorset Street interfaces. The adverse visual impacts, including visual dominance, on permanent residents and users of the public space will be moderate.

### Residential amenity for neighbours

142. In addition to the commentary on tree planting, in respect to both Sites there will be adverse impacts on visual amenity and overshadowing on adjacent neighbours that will be low to high.

### CPTED

143. CPTED has been effectively addressed across each of the Sites.

### Access and safety

144. Access and safety are effectively addressed in respect to where related to urban design, with the exception of the provision of cycle parking and access to it where it is provided. Both are inadequate.

### Environmental efficiency

145. Some cognisance has been taken of environmental efficiencies and sustainability initiatives.

### Site efficiency and cost effectiveness.

146. The Sites are proposed to be developed intensively, including in respect to additional height proposed. The Chapel and one tree are proposed to be retained on the Sites, but are not viewed as a valid reason for the increase in height across the Sites.

## Appendix I: Applicable Matters of Discretion

	14.15.9 Retirement Villages	14.15.27 Height	14.15.28 Daylight recession planes	14.15.29 Streetscene
Context & Compatibility	Retention or response to existing character buildings or established landscape features on the site, particularly mature trees, which contribute to the amenity of the area  Appropriate response to context with respect to subdivision patterns, visible scale of buildings, degree of openness, building materials and design styles	Compatibility with the scale of other buildings in the surrounding area, and the extent to which building bulk is out of character with the local environment.		The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street and adjoining sites, including the ability to provide adequate opportunity for garden and tree planting in the vicinity of road boundaries
Visual Quality	Creation of visual quality and interest through the separation of buildings, variety in building form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour;			
Street interface	Engagement with, and contribution to, adjacent streets and public open spaces, with regard to: <ul style="list-style-type: none"> <li>• fencing and boundary treatments;</li> <li>• sightlines;</li> <li>• building orientation and setback;</li> <li>• configuration of pedestrian entrances;</li> <li>• windows and internal living areas within buildings; and</li> </ul>			

	<ul style="list-style-type: none"> <li>• if on a corner site is designed to emphasise the corner</li> </ul>			
Residential amenity for neighbours	Residential amenity for neighbours, in respect of outlook, privacy, noise, odour, light spill, and access to sunlight, through site design, building, outdoor living space and service/storage space location and orientation, internal layouts, landscaping and use of screening	Any effect of increased height on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of buildings	Any effect on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of buildings	
CPTED	Incorporation of Crime Prevention Through Environmental Design (CPTED) principles, including effective lighting, passive surveillance, management of common areas and clear demarcation of boundaries and legible entranceways			
Access and safety	Integration of access, parking areas and garages in a way that is safe for pedestrians and cyclists, and that does not visually dominate the development, particularly when viewed from the street or other public spaces			the ability to provide adequate parking and manoeuvring space for vehicles clear of the road or shared access to ensure traffic and pedestrian safety
Environmental efficiency	Where practicable, incorporation of environmental efficiency measures in the design, including passive solar design principles that provide for adequate levels of internal natural light and ventilation			

<p>Site efficiency and cost effectiveness</p>		<p>The extent to which an increased height is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site</p>	<p>The extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site, or the long term protection of significant trees or natural features on the site</p>	<p>The extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site, or the long-term protection of significant trees or natural features on the site</p>
<p>Off-site mitigation</p>				<p>The effectiveness of other factors in the surrounding environment in reducing the adverse effects, such as existing wide road widths, street plantings and the orientation of existing buildings on adjoining sites</p>

## APPENDIX II – SUBMISSIONS AND AFFECTED PARTIES

### General Submissions

Name of Submitter	Address	Position	Submission Urban Design Matters
The George	PO Box 1001	support	<ul style="list-style-type: none"> <li>Context and compatibility</li> <li>Visual quality</li> <li>Street interface</li> <li>Residential amenity for neighbours</li> <li>Access and safety</li> </ul>
Robert Begg	6/17 Salisbury Street	oppose	<ul style="list-style-type: none"> <li>Context and compatibility</li> <li>Visual quality</li> <li>Residential amenity for neighbours</li> <li>Access and safety</li> </ul>
Adam Henderson	5 Tapper Street	support	N/A
Nicholas Martin	9 Liffyfields Drive	support	N/A
Adam Lines	10 Aranoni Track	support	N/A
Jarden Svensson	36 Parklea Avenue	support	<ul style="list-style-type: none"> <li>Context and compatibility</li> <li>Visual quality</li> </ul>
Matthew Vannoort	40 Springbank Street	support	<ul style="list-style-type: none"> <li>Context and compatibility</li> </ul>
International Property Limited	C/- Surja Yang 768 Halkett Road, RD1	support	N/A
Vilma & Warren Flanagan	379/1 Wakefield Quay	support	N/A
Anthony McBride	29 Creyke Road	support	<ul style="list-style-type: none"> <li>Context and compatibility</li> </ul>
Peter & Jane Marshall	109 Hussey Road	support	<ul style="list-style-type: none"> <li>Context and compatibility</li> <li>Residential amenity for neighbours</li> </ul>
Jordan McCormick	94 Selwyn Street	oppose	<ul style="list-style-type: none"> <li>Context and compatibility</li> </ul>
Cody Cooper	21 William Dawson Crescent	support	<ul style="list-style-type: none"> <li>Context and compatibility</li> </ul>
Glenda Pickering	4/21 Dublin Street	support	<ul style="list-style-type: none"> <li>Context and compatibility</li> <li>Site efficiency and cost effectiveness.</li> </ul>
Kenneth Malone	82B Park Terrace	support	<ul style="list-style-type: none"> <li>Access and safety</li> </ul>
Sydney Ashton	15 Rhodes St	support	<ul style="list-style-type: none"> <li>Context and compatibility</li> </ul>
Lynne Davies	6 Millway Place	support	<ul style="list-style-type: none"> <li>Context and compatibility</li> </ul>
Peter Gordon & Jane Tyler-Gordon	7 Kelson Lane	oppose	<ul style="list-style-type: none"> <li>Context and compatibility</li> </ul>
Margaret Carpenter	C25/2 Rangatira Road	support	<ul style="list-style-type: none"> <li>Context and compatibility</li> </ul>

			<ul style="list-style-type: none"> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
Caroline Sleigh	17 Desmond Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Helen Peate	1/14 Bay View Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Jennifer Fitzgerald	5/306 Nortons Road	support	N/A
Joan Robin	4 Lady Isaac Way	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Raymond & Pauline Manderson	53 Bretts Road	support	N/A
Carolyn Marks	10/281 Cambridge Terrace	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Eileen Ellis	8 Koromiko Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Susan & Derek Robison	89 Merivale Lane	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Brian Le Valliant	40 Chester Street West	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Russell Irving	5 Moncks Bay Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Jennifer Thomson	40 Clissold Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Marie Cordner	1/B Clio Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Daphne Pringle	2 Lime Tree Lane	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Anna Marion	103/73 Roydvale Avenue	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Shirley & Craig Murphy	30 Lavandula Crescent	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Beverly Rose	TH67/95 Grants Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Gordon & Clare Reid	11 The Rocks, Kennedys Bush	support	N/A
John Hastilow	53 Bristol Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
William & Jane Gilroy	200 Ilam Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Edward & Penelope Madison	29 Beachville Road	support	N/A
Bob & Jeanette Craig	19 Elm Drive	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Residential amenity for neighbours</li> </ul>
Robynanne Milford	101A Innes Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Access and safety</li> </ul>
David Williams	122 Victoria Street	support	N/A
Peter & Heather Yeatman	112A Memorial Avenue	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>

			<ul style="list-style-type: none"> <li>• Visual quality</li> </ul>
Dawn Deyell	TH 75/95 Grants Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
PRW & AM Ellis	135 Hamilton Avenue	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Robert & Wendy Perry	34B Creyke Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Judith Mary Prosser	309 Cambridge Terrace	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Arthur Newbery	19 Janice Place	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Kelvin Duncan	27B Lodge Place	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> </ul>
Guyon Crozier	PO Box 36111	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Anna Wilson	253 Kennedys Bush Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Marcel De Wit	150 Eyredale Rd, RD6	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
David Bruce	8/18 Salisbury Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• CPTED</li> <li>• Access and safety</li> </ul>
Wendy Halliday	3/30 Peterborough Street	support	N/A
Richard Robertson	TH 26/ 5 Corbett Crescent	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Elizabeth Harrop	16c Onslow Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Michael & Carol Strange	15 St Andrews Square	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Colleen Shah	Ngaio Marsh Retirement Village, 95 Grants road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
John & Rosemary Dunlop	198 Whites Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Graham Gyde	5 Wroxton Terrace	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Joy Cleland	29 Queens Avenue	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Seonaid Church	5A McLellan Place	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Suzanne Grundy	816 Mill Road, RD5	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>



			<ul style="list-style-type: none"> <li>• Visual quality</li> </ul>
John Burns	19 Penhelig Place	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
David & Mary Gray	Villa 12, 7 Meadowstone Drive	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Lorraine Quinn	SA 11 23 Bartlett Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Paul Arnold	256 Stokes Road, RD1	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Tracey Marie Tyler	143 Victoria Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Jane Helen Sullivan	49 Andover Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Marie J Bristow & Michael W Dwan	10A Mays Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Julian & Rosemary Holderness	57C Carlton Mill Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
June Hay	Apt 307, Diana Isaac Retirement Village, 6 Lady Isaac Way	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Residential amenity for neighbours</li> </ul>
Barbara Bone	6 Oakmont Green	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Geoffrey Frederick Gibbs	72A Hewitts Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Grant Thomas Crothers	116/192 Willis Street, Te Aro	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Sally & Geoffrey Thomas	PO Box 36304	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Kevin John Soster	35 Maple Place	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Rosalie Anne Shearer	SA223 Diana Isaac Retirement Village, 1 Lady Isaac Way	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Russell Keith Broughton	7 Field Tce	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Betty Dianne Purdue	4 Norton Close	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Elizabeth M Cooke	TH43/95 Grants Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Julie Errol Andrews	39 Andover Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Peter G S & Gillian B Penlington	19 Garreg Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Elizabeth C & Richard W Ashford	PO Box 474	neutral	N/A
Richard J & Margaret M Lucas	23A Salisbury Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>

			<ul style="list-style-type: none"> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
Christina and Gordon Bennett	15 Salisbury Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Residential amenity for neighbours</li> <li>• Street interface</li> <li>• Access and safety</li> </ul>
Gordon Bennett	15 Salisbury Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
Dora Roimata Langsbury	2/220 Salisbury Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Adrianna Hess	117 Mackworth Street	support	N/A
Peterborough 15 Ltd C/ Michael Q Doig	Level 1/236 High Street	oppose	<ul style="list-style-type: none"> <li>• Residential amenity for neighbours</li> </ul>
Dorset St Flats Owners Group C/- C McClintock	14 Jackson Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Residential amenity for neighbours</li> </ul>
Lisa Goodland	85 Hussey Road	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Residential amenity for neighbours</li> </ul>
Marilyn Tiller	8 Carlton Mill Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> </ul>
Nancy L Berry	46/95 Grants Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Jessica D Ledingham	8/23 Bartlett Street	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Bruce & Mary Logan	18 Dorset Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
Brenda Watson	23B Salisbury Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>

Michaela Longstaff	107a Shakespeare Road	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Gregory Dewe	23D Salisbury Street	oppose	<ul style="list-style-type: none"> <li>• Access and safety</li> </ul>
Viviana Zanetti	1/28 Salisbury Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
Terry Best	4/17 Salisbury Street	oppose	N/A
Jason Harris	5 Sunhaven Place	support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Samuel Russell & Jade Leung	18 Dorset Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> </ul>
Dr Judith Roper-Lindsay	36 Forestry Road, RD7	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Residential amenity for neighbours</li> <li>• Environmental efficiency</li> </ul>
Massiomo Rinaldo	Unit1 28 Salisbury Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
Ross Gray for Christchurch Civic Trust	PO Box 1927 Christchurch 8140	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
Christopher Glasson	149 Victoria Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
Donald & Anne McLean	1728 Leslie Hills Road	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>

Dennis Cottle	4 Watson Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
Margaret Cottle	4 Watson Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Residential amenity for neighbours</li> </ul>
Emma Thompson	23 Massey Crescent	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
Grant MacKinnon & Southwest Terraces	5 Rifleman Lane (17 Salisbury)	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> </ul>
Joel Stratford & Georgina Waddy – on behalf of 1-8/18 Salisbury Street.	4/18 Salisbury Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> <li>• Environmental efficiency</li> </ul>
Philip & Lee Trustuum	18 Peterborough Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Access and safety</li> </ul>
Peter Wells	1 Dorset Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> <li>• Environmental efficiency</li> </ul>
Richard Bluett	2/33 Cranmer Square	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> </ul>
William Davidson & Gerogina Waddy	4/18 Salisbury Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>

			<ul style="list-style-type: none"> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> <li>• Environmental efficiency</li> </ul>
Don & Lisa Worthington	76 Park Terrace	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> </ul>
Heritage New Zealand		support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Inner City West Neighbourhood Association Inc C/- Diana Shand	PO Box 4486	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
John Roper-Lindsay			<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> <li>• Environmental efficiency</li> </ul>
Lois Margaret Reece		Support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Max Bremner		Support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Milena Pascuzzi		oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> <li>• Environmental efficiency</li> </ul>
Raylee Dawn Kane		Support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> </ul>
Richard John Pearson		Oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> </ul>
Sheila Watson		Oppose	<ul style="list-style-type: none"> <li>• Residential amenity for neighbours</li> </ul>

			<ul style="list-style-type: none"> <li>• Access and safety</li> </ul>
Shirley Maye Stevens		support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Simon O'Connor	12/28 Salisbury Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
Heather & Murray Conibear	4 Miro Street	oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> </ul>
Craig Garlick		oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> </ul>
Centro Roydvale Ltd		Oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> <li>• Access and safety</li> </ul>
E Cooke		support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
D Turner		Oppose	<ul style="list-style-type: none"> <li>• Context and compatibility</li> <li>• Visual quality</li> <li>• Street interface</li> <li>• Residential amenity for neighbours</li> </ul>
Late submissions			
J Maurice and H Wilson		support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>
M Price		support	<ul style="list-style-type: none"> <li>• Context and compatibility</li> </ul>

Affected parties – Level of effect

Property Address	Type of impact	Scale of impact (W -Written Approval)
62 Park Terrace	<ul style="list-style-type: none"> <li>• Shading</li> </ul>	<ul style="list-style-type: none"> <li>• Low-moderate</li> </ul>
76 Park Terrace	<ul style="list-style-type: none"> <li>• Visual dominance</li> <li>• Shading</li> </ul>	<ul style="list-style-type: none"> <li>• Moderate</li> <li>• Low-moderate</li> </ul>
84 Park Terrace	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low-moderate</li> <li>• Low</li> </ul>
90 Park Terrace	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• W</li> </ul>
1/108 Park Terrace (First Floor)	<ul style="list-style-type: none"> <li>• Shading</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> </ul>
2/108 Park Terrace (Second Floor)	<ul style="list-style-type: none"> <li>• Shading</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> </ul>
108 Park Terrace (Third Floor)	<ul style="list-style-type: none"> <li>• Shading</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> </ul>

108 Park Terrace (Fourth & Fifth Floor)	<ul style="list-style-type: none"> <li>• Shading</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> </ul>
2 Dorset Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance/outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low-moderate</li> </ul>
4 Dorset Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance/outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
4A Dorset Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance/outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate-high</li> </ul>
6 Dorset Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance/outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low-moderate</li> </ul>
8 Dorset Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance/outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
10 Dorset Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance/outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
12 Dorset Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance/outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
14 Dorset Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance/outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
16 Dorset Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance/outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
18 Dorset Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance/outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
5 Salisbury Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance/outlook</li> </ul>	<ul style="list-style-type: none"> <li>• Low-moderate</li> <li>• Low</li> </ul>
1/13 Salisbury Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
2/13 Salisbury Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
3/13 Salisbury Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
2/13 Salisbury Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
15 Salisbury Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Moderate</li> <li>• Low</li> </ul>
1/17 Salisbury Street	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Low</li> </ul>
6/17 Salisbury Street	<ul style="list-style-type: none"> <li>• Shading</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> </ul>

	<ul style="list-style-type: none"> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low-moderate</li> </ul>
1/15 Peterborough Street (Ground Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>
2/15 Peterborough Street (First Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>
3/15 Peterborough Street (Second Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>
4/15 Peterborough Street (Third Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low-moderate</li> <li>• Moderate</li> </ul>
5/15 Peterborough Street (Ground Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>
7/15 Peterborough Street (First Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>
9/15 Peterborough Street (Second Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>
11/15 Peterborough Street (Third Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low-moderate</li> <li>• High</li> </ul>
17/15 Peterborough Street (Ground Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>
18/15 Peterborough Street (First Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>
19/15 Peterborough Street (Second Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>
20/15 Peterborough Street (Third Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low-moderate</li> <li>• High</li> </ul>
23/15 Peterborough Street (Ground Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>
24/15 Peterborough Street (First Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>
25/15 Peterborough Street (Second Floor)	<ul style="list-style-type: none"> <li>• Shading</li> <li>• Visual dominance</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> <li>• Moderate</li> </ul>



# Appendix C Traffic Report

**Christchurch City Council  
City Services Group  
Asset Planning - Transport**

**Memorandum**

**DATE : 30 November 2020**

**FROM : Mike Calvert**

**TO : Louisa Armstrong**

**SUBJECT : RMA/2020/673 and 679 – Ryman Healthcare Retirement Village, 78  
& 100 Park Terrace**

---

## **1. Introduction**

The following memo assesses the transport issues identified for the resource consent application for a retirement village located at 100 Park Terrace (Bishopspark site) and 78 Park Terrace (Peterborough site).

In preparing this assessment I have reviewed the consent application with associated Integrated Transport Assessment (**ITA**) and the further information provided which includes a Scheme Stage Road Safety review<sup>1</sup> of proposed pedestrian access across Salisbury Street between the two sites. I also attended a pre-application meeting with the applicant and have had discussions with the applicant's traffic engineer regarding the pedestrian crossing on Salisbury Street.

My qualifications and experience are attached as Appendix A to this memo.

The proposal provides for the following:

Bishopspark site

- 85 apartments

---

<sup>1</sup> Salisbury Street Signalised Pedestrian Crossing – Safety Review, Stantec, 28 May 2020

- 54 assisted living suites
- 35 dementia care rooms
- 20 hospital care rooms
- 15 rest home care rooms
- 138 basement parking space
- 6 at grade spaces

#### Peterborough site

- 80 independent apartments
- 77 basement parking spaces
- 6 at grade spaces

The main access for residents and staff for the Bishopspark site is proposed to be provided from Park Terrace, with loading from Dorset Street and pedestrian access from Westward Terrace. Access to the Peterborough site is proposed from Park Terrace (entry only) and Salisbury Street (exit only).

In preparing this assessment I have laid out my comments on the transport issues in the same order as the applicant's ITA for the proposed development for ease of reference.

## 2. Access

The main access to the Bishopspark site is proposed from Park Terrace. This complies with the requirements of rule **7.4.3.11 Vehicle access to sites fronting more than one road - In Central City** where a site has access to more than one frontage road. Table 7.5.15.1 in Appendix 7.5.15 has a priority ranking of the preferred road for access, the Bishopspark site would be from Park Terrace which is classified as a local distributor street.

A right turn bay was proposed by the applicant from Park Terrace at the main entrance to the Bishopspark site to cater for drivers turning right into the site. This would have required localised widening of the Park Terrace carriageway to fit the turning bay.

The development of the central city transport network since the earthquakes is based on the strategic documents 'An Accessible City' (**AAC**) and the Central City – Streets and Spaces Design Guide (2015), which have steered the redevelopment of the central city transport

network. The AAC includes a proposal to downgrade the function of Park Terrace from its previous classification as an arterial road to that of a local distributor street. In respect to Park Terrace north of Armagh Street, it is proposed to have the following future attributes:

- Two lane local access street
- Cycle priority with bi-directional cycle lanes on its west side
- Street trees integrated with on-street parking on both sides
- Footpath on both sides, but with footpath integrated with the park area on the west side.

In essence it is proposed that the street be downgraded in its significance for vehicle travel in the future which would not fit with the proposed widening of Park Terrace.

Also, given the off-peak nature of the majority of trips associated with aged care homes, the provision of a right turn bay is not considered to be a necessity in terms of providing safe access to the Bishopspark site. These issues have been discussed with the applicants Transport consultant Mr Hills (Commute Transportation Consultants) and there is agreement that the right turn bay is not necessary to provide safe access to the proposed aged care facility and has been deleted from the plans. This issue has also subsequently been raised by a number of submitters as an issue.

Vehicle access to the Peterborough site is also proposed from Park Terrace with a one way driveway through the site exiting onto Salisbury Street, which is currently a one way (eastbound) street classified as a local distributor street. The AAC also proposes that the one way pair of Salisbury and Kilmore Streets would be converted to two way traffic with Salisbury Street, west of Montreal Street providing for two way cycle facilities and be downgraded for through traffic, providing a more residential quality with increased urban amenity and there is currently funding in the Council's draft Long Term Plan to undertake this conversion in 2028. The potential changes to the operation of the Salisbury Street egress will not impact on the safe operation of the driveway.

### 3. Car parking layout

Swept paths have been provided to show the main vehicle access to the Bishopspark site and the Peterborough site cater for the appropriate design vehicle. I note that circulation around the underground car parking areas is tight, but this is not unusual for car parking structures due to the cost in providing the space and the need to work around structural elements of the building. I also note that under **Rule 7.4.3.1 Minimum and maximum number and dimensions of car parking spaces required** that within the Central City part (b)(ii) excludes residential activities from the need to comply with the car parking dimensions in **Appendix**

**7.5.1.** The layout of the car parking areas has been raised as an issue in the submission from Centro and, whilst it is not required, Mr Hill has confirmed that the parking layout does comply with the requirements in Appendix 7.5.1.

#### **4. Pedestrian crossing facility**

Issues regarding pedestrians being able to safely cross Salisbury Street between the Bishopspark and Peterborough Street sites were discussed with Mr Hill prior to the resource consent application. In the discussions with the applicant Rymans agreed to provide a signal controlled pedestrian crossing on Salisbury Street between the two sites. In the subsequent request for further information from Council a safety review was undertaken of this proposal as there were still some questions around the safety of the operation of the proposed signals. The safety review undertaken by Stantec highlighted a number of potential safety issues, which are mainly associated with the speed of traffic entering Salisbury Street and potential queuing from the proposed signals.

Subsequent discussions with Mr Hill regarding possible crossing designs have included work at the Park/Salisbury intersection to tighten the radii for entering traffic which would reduce vehicle speeds. Three options for pedestrian facilities on Salisbury Street have been developed.

- Option 1 – Signalised crossing – Provides a controlled crossing area for pedestrians, but is expensive and will become redundant as it does not fit with the longer term plans for Salisbury Street as a two way residential street. Also potential safety issues with drivers changing lanes as they enter Salisbury Street and not anticipating queued vehicles
- Option 2 – Kerb build-outs – provides a shorter crossing width and is a frequently used option for pedestrian crossing points but does rely on the pedestrian being reasonably mobile to avoid becoming isolated in the middle of the road. Would fit with the lower traffic function planned for Salisbury Street (and Park Terrace)
- Option 3 – Pedestrian refuge – provides an area midway for pedestrians to wait for the second lane to be clear of traffic. Also a frequently used option for the provision of safe pedestrian crossings. Careful design would also be required to ensure that access to adjacent sites on the north side of Salisbury Street are not affected. This option would eventually be reworked with the changes to Park / Salisbury intersection when Salisbury Street is changed to two way operation.

A fourth option is to develop pedestrian crossing facilities at the Park Terrace / Salisbury Street intersection. This option was previously discounted as the desire line between the two sites is along Westward Terrace.

Note that any work on legal road (including any permanent changes to road marking and parking restrictions) will need to have the design accepted by Council, safety audits undertaken on any physical works to ensure the safe operation of the facility. The work also requires the approval of the local community board under the Local Government Act. This approval would usually be contingent on any affected parties having been consulted.

## **5. Trip generation**

The trip generation figures used by the applicant are lower than those normally used by Council staff (NZTA based) and I have therefore checked the applicant's figures using the NZTA figures. The trip generation calculated is still below the equivalent generation from a complying residential development on the site. I have also reviewed the estimated distribution of trips from the site and I am satisfied that the distribution estimated by the applicant is realistic. I consider that the generation and distribution will result in less than minor adverse safety or efficiency effects on the transport network and would be less than a complying residential development.

## **6. Cycle parking**

The applicant has stated that they will provide complying staff/visitor/resident cycle parking. As the cycle parking has not been shown on the plans of the proposed development I recommend that, should consent be given, a condition be included requiring complying cycle parking on the site.

## **7. Car parking**

Developments within the central city are not required to provide any on-site car parking, but if provided the car parking must comply with the requirements of the DP. In this case the proposed number of car parks complies with the overall requirement of the DP, but the allocation of these spaces has not been addressed by the applicant.

Given there is a requirement to make provision for staff car parking I suggest that should consent be granted a condition of consent is included requiring a complying number of staff spaces be provided.

The number of mobility spaces proposed to be provided complies with the requirements of the DP.

## 8. Loading and servicing

A loading area is proposed for each of the sites being developed, but neither of the proposed loading areas comply with the requirements of the DP. The Peterborough site is proposed to be located on the main access road (one way) through the site. The proposed layout does not comply with the loading requirements in the District Plan, which requires that *Any space required for loading, other than for a residential activity, fire stations and ambulance stations, shall be available during the hours of operation and shall not be diminished by the subsequent erection of any structure, storage of goods, or any other use. (Appendix 7.5.3 Loading areas – part (v))*

The Peterborough site loading is in the circulation road and will block access while loading/unloading occurs. However, the queue space available on the site is substantially more than required by the District Plan at this point and this non-compliance is unlikely to affect the road network. Rather, it will be an inconvenience to residents if the truck is stopped when they are accessing the car parking.

The loading area for the Bishopspark site also does not comply with the District Plan requirement that on-site manoeuvring is required to enable service vehicles to turn on the site and exit in a forward motion into Dorset Street. The applicant has tried to address the effects this non-compliance by increasing the length of the visibility splay to provide some visibility for the truck driver. However, it does still require the truck driver to reverse off the site and I consider that this is potentially an unsafe layout due to the lack of visibility available to the driver directly behind the truck as he reverses.

In response to my request for some further comments on the safety issue raised Mr Hill has stated that the proposed arrangement he considers is safe as:

- a) Adequate visibility is provided
- b) Loading movements are infrequent
- c) Reversing manoeuvres onto Dorset Street will be made at low speed.

Whilst I agree that these are mitigating factors I remain concerned that truck drivers have limited visibility when reversing and I consider there is still a safety issue with trucks reversing off the site. I note in Sections 5.3.1 and 8 of the Construction Traffic Management Plan (CTMP) prepared by Commute that they state *'At all access points TCs/spotters will be in place to ensure the safety of pedestrians during truck manoeuvres.'* This is in areas where no trucks will be reversing off the site and it would therefore not seem unreasonable to have the same level of care demonstrated for a permanent truck delivery/pick-up area which relies on trucks reversing off the site.

## 9. Westward Terrace

The applicant has stated that the Bishopspark site has legal access to Westward Terrace. I have not checked the legal status of this access other than to check that it is not part of the Council controlled legal road network.

The application discusses the use of this access for pedestrians to and from the Bishopspark site, although the lane does not provide for any dedicated pedestrian facilities and it provides vehicle access to a number of adjacent properties. The lane has a variable width of between approximately 5 and 6 metres which provides for two way vehicle movements. As this is an existing private lane I don't consider that the requirements for access formation under the requirements of Appendix 7.5.7 Access Design and Gradient are applicable, but I would encourage the applicant to review the layout of this lane if it is to be used as a pedestrian access point for between 150 – 200 pedestrian movements per day<sup>2</sup>. This could take the form of a path which can be driven over in the absence of pedestrians but defined by a low kerb or channel.

## 10. Construction Traffic Management Plan

The applicant has prepared a Construction Traffic Management Plan (CTMP) for the site as part of the further information provided. Construction time for the works on the sites is proposed to begin in June 2021 and continue through to around June 2025.

### **Bishopspark site**

The main access to the Bishopspark site is proposed to be from Park Terrace with no construction access proposed from Dorset Street and limited use of Westward Terrace

---

<sup>2</sup> Page 3, Further Information, Commute, 17 November 2020



proposed. Park Terrace is classified as a local distributor in the District Plan and therefore is the most appropriate road to use as the construction access for the Bishopspark site.

The proposal to provide a temporary (no timeline provided) on-street loading zone on Park Terrace when the temporary site accesses are closed will effectively close one lane to general traffic along this local distributor route. As far as I am aware the impacts of this on the safety and efficiency of the transport network have yet to be discussed with Council staff.

The limited use of Westward Terrace that may be required is stated as possibly being needed for some concrete pours for foundations that are located in this portion of the site. There do not appear to be any details in the CTMP regarding the potential number of trips and given the proximity of Westward Lane to adjacent residential activities with existing vehicle access reversing onto the lane I would recommend that this lane is excluded from being used as a construction access for heavy vehicles. I am also uncertain whether it is structurally capable of catering for multiple heavy vehicle trips as the construction formation is unlikely to be to the standard of a legal road.

I note that Dorset Street is excluded as an access for construction on the Bishopspark site in the CTMP and agree that the use of this residential street for construction traffic is not appropriate.

#### **Peterborough site**

Construction access to the Peterborough Street site is proposed to be limited to an access from the Park Terrace and two temporary accesses onto Salisbury Street. No reference is made regarding access to the Peterborough Street frontage and I assume that no access is intended to/from this local road and I agree that the use of this residential street for construction traffic is not appropriate.

Construction access to the Peterborough site is proposed to be from Salisbury Street with a secondary access from Park Terrace. Both of these roads are classified as Local Distributors and provide equal priority for site access in terms of the District Plan. Therefore the most appropriate access will be reliant on the direction the trucks approach the site from, which will also depend on where the trucks destination is located. This is likely to vary over the time of construction with excess soil being used as hardfill, concrete coming from the north of the city and construction material being sourced from a variety of locations.

The CTMP also discusses the installation of pedestrian gantries / containers along site frontages for site offices and to provide protection for pedestrians. Any occupation of the road corridor for construction purposes and/or Traffic Management Plans (**TMP**) will need to be approved separately from the consenting process by Council. In particular, the proposal to

remove street lighting and advance directional signage needs to be discussed with Council prior to any application.

All permanent accesses will need to be approved by Council through the vehicle crossing application process and constructed to the Christchurch City Council's Construction Standard Specifications.

Temporary changes to on-street parking for construction purposes do not require Community Board approval as this has staff delegation and would be dealt with through the TMP application.

## 11. Submissions

There are 26 submitters who have expressed concerns about traffic aspects of the proposed development. I have grouped these concerns into like areas:

### Westward Terrace

Submission	Response
<ul style="list-style-type: none"> <li>• Concern about the use of Westward Terrace for construction traffic</li> <li>• Safety of pedestrians using Westward Terrace</li> <li>• Entranceways will be dangerous for pedestrians</li>   <li>• Access and potential conflict with adjacent properties when exiting on Peterborough Street</li> </ul>	<ul style="list-style-type: none"> <li>• Agree – see section 11 comments.</li> <li>• Agree – see section 10 comments.</li> <li>• Whilst any new access will result in some extra conflict points I do not consider that the proposed access points will result in safety issues. They have been designed with complying visibility splays to ensure inter-visibility between drivers and pedestrians.</li> <li>• There is separation between the driveways and a complying visibility splay, therefore I do not consider that conflict should occur.</li> </ul>

### Pedestrian Crossing

Submission	Response
<ul style="list-style-type: none"> <li>• Support signalised pedestrian crossing</li> <li>• Pedestrian crossing should be removed</li> <li>• Signalised crossing on Salisbury Street will be dangerous</li> <li>• No crossing in Salisbury Street in present proposed position</li> <li>• Location of pedestrian crossing dangerous given existing road layout</li> <li>• Pedestrian crossing will hinder access to 15 Salisbury Street</li> </ul>	<ul style="list-style-type: none"> <li>• Four options for pedestrian crossing are discussed in Section 4</li> </ul>

### Construction traffic

Submission	Response
<ul style="list-style-type: none"> <li>• Construction traffic will increase risk for pedestrians crossing at the Park Terrace / Salisbury Street intersection</li> <li>• Construction hazards need to be appropriately managed during construction</li> </ul>	<ul style="list-style-type: none"> <li>• Construction traffic for any works that affect the road are required to have a Traffic Management Plan that includes how the safety of pedestrians and cyclists will be protected. This plan needs to be accepted by Council staff who also monitor that it is being adhered to and that safety is not being compromised.</li> </ul>

### Increase in traffic

Submission	Response
<ul style="list-style-type: none"> <li>• Increase in traffic and increase in traffic congestion on surrounding streets</li> </ul>	<ul style="list-style-type: none"> <li>• Development of the sites will inevitably result in an increase in traffic on the surrounding network. In terms of traffic generation, retirement villages have lower generation rates than other activities of a similar scale.</li> </ul>

<ul style="list-style-type: none"> <li>No provision for visitor numbers in the traffic assessment</li> </ul>	<p>The peak generation is also typically not during the network peak so has less impact than say, residential development.</p> <ul style="list-style-type: none"> <li>Visitor numbers are included in the trip generation figures used</li> </ul>
--	---

### Dorsett Street

Submission	Response
<ul style="list-style-type: none"> <li>Traffic and pedestrian safety on Dorset Street. Trucks cannot use this street easily due to the number of cars using the on-street parking.</li> <li>Oppose construction traffic using Dorset Street</li> </ul>	<ul style="list-style-type: none"> <li>The available width of Dorsett Street (excluding parking) varies between 5.5 – 6 metres. Typically 5.5 metres is required to enable two way traffic flows. Therefore, whilst it is narrow it should be adequate for small to medium trucks to use.</li> <li>The CTMP (see section 11) states that Dorsett Street will not be used for construction traffic.</li> </ul>

### Park Terrace

Submission	Response
<ul style="list-style-type: none"> <li>Road widening (Park Terrace) pedestrian islands and Ryman's crossing will lead to congestion, confusion and degradation of Park Terrace.</li> <li>Traffic modifications to Park Terrace dangerous for residents and cyclists</li> <li>Detrimental effects of proposed widening of Park Terrace and intrusion into river berm</li> </ul>	<ul style="list-style-type: none"> <li>Further discussions with the applicant and Council staff regarding the future function of Park Terrace, in line with the AAC, have resulted in the road widening on Park Terrace being deleted from the proposed access plans. Peak traffic movements associated with the Ryman's development occur at a different time to the commuter peak and the right turn bay was not considered necessary to provide safe access/egress. This is discussed in more detail in Section 2 of this memo.</li> </ul>

**Pedestrian access**

Submission	Response
<ul style="list-style-type: none"> <li>• Footpaths not wide enough to accommodate large numbers of older people</li> <li>• Movement around the streets will be challenging for future residents</li>   <li>• Access to Hagley Park is over several lanes of traffic</li> </ul>	<ul style="list-style-type: none"> <li>• The footpath on Park Terrace is the standard 1.5 metres wide which allows for a wheelchair user and person with a pram to pass each other. Salisbury Street footpaths are 3.0 metres wide.</li>   <li>• Access to Hagley Park is currently across three lanes of traffic and can be challenging for anyone trying to cross, particularly at peak times. This will improve as the function of Park terrace changes, but will not be a short term fix.</li> </ul>

**Other**

Submission	Response
<ul style="list-style-type: none"> <li>• Speed limit on Park Terrace and Salisbury Street should be reduced to 30kph</li> <li>• Increase in demand for on-street parking</li>   <li>• On-site turning provided so that cars enter and exit via Park Terrace</li> </ul>	<ul style="list-style-type: none"> <li>• Speed limit changes require Council approval and is undertaken through a different process to the RMA.</li> <li>• Agree that this development may result in an increase in parking demand, but it does make provision for a complying number of car parking spaces.</li>   <li>• In my opinion restricting access to Park Terrace would not provide for safer access/egress to the site</li> </ul>

**12. Conclusions and recommended conditions**

Overall, I consider that the effects of the proposed developments on the Bishopspark and Peterborough sites on the safety and efficiency of the transport network will be less than minor should consent be granted, subject to the following conditions.

1. Westward Terrace is not to be used as an access for earthworks or during construction.

2. Cycle parking is to be provided on the sites in compliance with District Plan rule 7.4.3.2
3. Staff car parking is to be provided in accordance with the requirement of Rule 7.4.3.1
4. Pedestrian facilities are to be designed, safety audited and constructed at the applicant's expense. The design is to be accepted by the Council's Transport Network Planner and approved by the local community board prior to construction. The design will also need to be safety audited at preliminary design, detailed design and post-construction stages.
5. The design of the loading area accessed from Dorset Street shall ensure that vehicles are not required to reverse onto or off of the site.
6. Westward Terrace is to be redesigned and constructed to make provision for pedestrians

Advice Notes:

Any occupation of the road corridor for construction purposes and Temporary Traffic Management Plans will need to be approved separately from the consenting process by Council's temporary Traffic management team.

All permanent accesses will need to be approved by Council through the vehicle crossing application process and constructed to the Christchurch City Council's Construction Standard Specifications.

## Appendix A

- 1.1 My full name is Michael Grant Calvert. I am a member of the Transport Unit and am employed as a Transport Network Planner at the Christchurch City Council ("Council"). I hold a Bachelor of Engineering (Civil) from Canterbury University and I am a member of the Transportation Group New Zealand.
- 1.2 I have over 35 years' experience working as a transport planner and traffic engineer in New Zealand and England and have worked in this role at the Council for nine years. I specialise in assessing the transport aspects of resource consents, including the design of subdivision development, and the interaction of the developments with the existing transport network.
- 1.3 I have been involved in the Proposal through the Council since the pre-application meeting and the subsequent application received in March 2020. Since that time I have provided expert transport advice for the Council planner regarding the potential effects of the development on the transport network. In providing this advice I have read the information provided by the applicant, read the relevant submissions and visited the site.

# **Appendix D Earthworks and Construction Report**



## Armstrong, Louisa

---

From: McDonald, Yvonne  
Sent: Friday, 27 November 2020 11:20 am  
To: Armstrong, Louisa  
Subject: RE: RMA/2020/673 and RMA/2020/679 ENGINEERING - Earthworks - 78, 100 - 104 Park Terrace 20 Dorset St Ryman Retirement Villages suggested conditions AMENDED

Louisa,

78 Park Tce (Peterborough) is currently empty post demolition and is 5082m<sup>2</sup> in area. It is a flat property, zoned Residential Central City and is in the Liquefaction Management Area. The Avon River is over Park Tce. 100 Park Tce contains the Anglican Bishops Park retirement village, including an AC 150mm dia sewer main into the centre of the property. It is flat, falling gently towards the Avon River and is 12267m<sup>2</sup> in area. It is zoned Residential Central City and is in the Liquefaction Management Area.

I have looked at the Ryman Healthcare land use application for earthworks related to the construction of retirement villages on the two sites, dated 27 March 2020. Additional information was provided 14 July 2020 [and a Construction Traffic Management Plan \(CTMP\) was provided under RFI, dated 4 November 2020](#). Earthworks for Bishopspark comprise 55000m<sup>3</sup> loose volume, of which most will be cut to waste. Earthworks for Peterborough comprise 32000m<sup>3</sup> loose volume, of which most will be cut to waste. These earthworks are for building construction, service installation and hard landscaping.

The applicant provided a draft Construction Management Plan (CMP) under RFI 18 November 2020, to control dust, noise, vibration, traffic, hours of work and contaminated soil removal. Dust management measures suggested include staging of works, stabilising stockpiles and sprinklers. The applicant states construction stage sediment and erosion control will be managed through the application of an Erosion and Sediment Control Plan (ESCP) including a suite of measures, complying with the ECan toolbox and maintained by the contractor on site. Draft ESC plans have been provided which include reference to dewatering discharges. **I have not assessed the dewatering impacts.** These plans do not include management processes so I have suggested conditions requiring the submission of a full ESC plan for acceptance, [as part of the CMP. In this application, I have taken the CMP to adopt the role of an Environmental Management Plan and have worded my suggested conditions accordingly.](#)

The following nuisance aspects are addressed through parts of the CMP. Traffic will be controlled to reduce its impact on the area with detail of the works programme, hours of work, traffic management including routes and the access points set out in a CTMP, [with a draft provided](#). Noise and vibration will be addressed in a similar manner.

[The CTMP talks about a temporary informal access off Westwood Tce and that it is not used for construction – the applicant states this access is for specific concrete pours. I recommend that the applicant be required to notify the use of this road to residents. This may be automatically required under the TMP for this area?](#)

The applicant has provided a Tonkin and Taylor Geotechnical Engineering Assessment dated March 2020. This found the Bishopspark site is underlain with alluvial sand and silt over gravel. There is some peat within silt layers between 7.5-8m bgl and groundwater is between 1.1-1.3m bgl. The Peterborough site contains fill to 4-6m bgl over similar subsoils as for Bishopspark, with groundwater between 1.3-2.2m bgl. Dewatering will be required for each site. Liquefaction mitigation will be addressed in the buildings designs.

[The two foundation methods suggested in the geotechnical report are rigid inclusions or continuous flight auger piles. Neither of these methods appears to involve compaction from vibration. Rather they are displacement type methods which provide a stiffer formed in place pile. I do not believe that vibration from the foundation construction is going to be an issue. Traffic effects would be a lot harder to pinpoint.](#)

[Settlement effects at the boundary due to the peat have been looked at under the geotechnical report. The foundations are proposed to be taken below the peat layers, to reduce ongoing settlement. This should therefore](#)

also reduce the potential for cross boundary settlement. I therefore don't anticipate there would be cause for damage to neighbouring properties.

I accept the applicant's suggested condition 17 for a Construction Noise and Vibration Management Plan (CNVMP) which includes a complaints register and methodology for addressing noise and vibration complaints, to provide for addressing neighbour's concerns.

The applicant obtained comment from Tonkin and Taylor on the groundwater effects of the subsurface structures. They have commented on the basis of their conceptual ground condition model and believe the extent of groundwater mounding due to the impermeable basement will be between 50-100mm. They state this will be negligible particularly with seasonal variations and I agree this is not an issue.

The applicant states the Bishopspark site will achieve the FFL of 16.7m. The applicant states conventional overland flow paths are provided within the site margins, discharging to the legal road frontages. The west end of the overland flowpath into Westwood Tce appears to be higher than the FFL in the site but the applicant has explained that this flowpath is not the main secondary stormwater discharge mechanism. There do appear to be areas where stormwater drainage is adjacent to the boundary so, to address the lack of information in these areas, I have suggested the preventative condition about cross boundary drainage.

Most structures appear to be off the boundary so the potential to address cross boundary height differences with landscaping appears feasible. There is no cross boundary detail for the boundary with 90 Park Tce, which appears to be the worst case. I requested further information which does not confirm specifics so I have suggested a condition around land stability and an advice note for potential cross boundary issues.

The Peterborough site has a proposed FFL of 16.70m and the applicant states the site (or Bishopspark – the AEE is inconsistent with the civil report) will be retained around the boundary to achieve this level. The applicant provides no detail of the height difference or if resource consent is needed for these structures. There are no levels on internal boundaries for the Peterborough site. I requested further information which does not confirm specifics. I have suggested a condition around land stability for potential cross boundary issues.

I have reviewed the applicant's conditions dated 18 November 2020 and suggest the following amendments/additions through my assessment.

- 5 All filling and excavation work shall be carried out in accordance with the Ryman Healthcare Ltd 78 and 100-104 Park Tce, 20 Dorset St Christchurch Construction Management Plan (CMP). The CMP shall ensure that any potential effects arising from construction activities on the site are effectively managed. No earthworks shall occur unless and until the finalised CMP, with contact details of construction and supervision contacts included, has been submitted to the Council (via email to rcmon@ccc.govt.nz), reviewed and accepted by Christchurch City Council's Subdivision Engineer.  
Note: Any other management plans required under the consent, e.g. Construction Traffic Management, Landscape Management, Contaminated Site Management, can be combined with the CMP to avoid conflicts and duplication.
- x. The CMP shall include a site specific Erosion and Sediment Control Plan (ESCP) covering all earthwork associated with the consented development. The CMP shall be prepared by a suitably qualified and experienced professional and a design certificate (on the Infrastructure Design Standard Part 3: Quality Assurance Appendix IV template <https://www.ccc.govt.nz/assets/Documents/Consents-and-Licences/construction-requirements/IDS/IDS-Part-03-Quality-Assurance-V3-September-2016.PDF>) supplied by that professional with the CMP for acceptance at least 10 days prior to the works commencing. The best practice principles, techniques, inspections and monitoring for erosion and sediment control shall be based on ECan's Erosion and Sediment Control Toolbox for Canterbury <http://escscanterbury.co.nz/>.
- xi. The CMP ESDMP shall include (but is not limited to):
  - The identification of environmental risks including erosion, sediment and dust control, spills, wastewater overflows, dewatering, and excavation and disposal of material from contaminated sites;
  - A site description, i.e. topography, vegetation, soils, etc;

- Details of proposed activities;
  - A locality map;
  - Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of runoff;
  - A programme of works including a proposed timeframe and completion date;
  - [Storage of fuel and/or lubricants and any handling procedures](#);
  - Emergency response and contingency management;
  - Procedures for compliance with resource consents and permitted activities;
  - Procedures for environmental monitoring and auditing, including frequency;
  - Record of corrective actions or solutions implemented;
  - Procedures for updating the CMP ESDCP;
  - Procedures for training and supervising staff in relation to environmental issues;
  - [Roles and responsibilities, including contact details of key personnel responsible for environmental management and compliance and of the site manager.](#)
- 6 The accepted CMP ESDMP shall be implemented on site throughout the construction of the comprehensive care retirement village. No earthworks shall commence on site until:
- [The contractor has received a copy of all resource consents and relevant permitted activity rules controlling this work](#)
  - the measures identified in the CMP ESDMP has been installed.
  - an Engineering Completion Certificate (IDS – Part 3, Appendix VII), signed by an appropriately qualified and experienced engineer, is completed and presented to Council. This is to certify that the erosion and sediment control measures have been properly installed in accordance with the accepted CMP ESDMP.
- 7 The consent holder shall ensure any change in ground levels on the site ~~due to the earthworks~~ shall not cause a ponding or drainage nuisance to neighbouring properties.
- 8 The consent holder shall ensure any change in ground levels on the site ~~due to the earthworks~~ shall not affect the stability of the ground or fences on neighbouring properties.
- 15 All construction work shall be carried out in accordance with an [approved](#) Construction Traffic Management Plan ('CTMP') to minimise the local traffic effects of construction works. [No works are to commence until such time as the CTMP has been installed. The CTMP shall be prepared by an STMS accredited person and submitted through the web portal \[www.myworksites.co.nz\]\(http://www.myworksites.co.nz\) and approved by the Christchurch Transport Operation Centre – please refer to \[www.tmpforchch.co.nz\]\(http://www.tmpforchch.co.nz\).](#)

The CTMP shall include, but not be limited to:

- Construction dates and hours of operations;
- Truck route diagrams for the local road network;
- Contractor parking arrangements;
- Temporary traffic management signage; and
- Details of site access / egress over the construction period.

**Yvonne McDonald**

**Senior Subdivisions Engineer**

Planning Team 1



[03 941 8361](tel:039418361)   [021 279 6566](tel:0212796566)

# Appendix E Heritage Report

**RMA/2020/673 Heritage Assessment:  
Former Bishop's Chapel, 100 Park Terrace – works to the chapel, and new  
buildings and earthworks in the heritage setting**

**Heritage Significance**

The Former Bishop's Chapel at 100 Park Terrace is scheduled as a Highly Significant heritage item in the Christchurch District Plan. Built in association with the Bishopscourt residence of the Anglican bishop for Christchurch in 1927, the building has high historical and social significance as a chapel built specifically for the use of the bishop and designed in the Georgian Revival style, with research to date suggesting that it may be the only Georgian Revival chapel in New Zealand. Prior to the earthquakes the chapel remained in use as part of the retirement home and units known as Bishopspark, run by the Social Services Council of the Diocese of Christchurch (Anglican Living).

The chapel has cultural and spiritual significance as a consecrated chapel that was part of a site that was home to the Anglican bishops of Christchurch and their families and centre of the diocesan activities and events from 1858 – 1983.

It has high architectural and aesthetic significance due to its 1926 Georgian-style design by prominent Christchurch architect Cecil Wood. The chapel has technological and craftsmanship significance that has the potential to reveal construction methodologies and materials used in the 1920s. It has craftsmanship significance for its internal finishes, in particular the vaulted wagon roof and panelled walls of black pine as well as other interior carvings and mouldings.

The chapel has contextual significance as the built remnant of the complex that was the Anglican Bishopscourt (demolished following the Canterbury Earthquakes of 2010-11). It is also one of the group of Cecil Wood buildings that survived the earthquakes.

The chapel and its setting are of archaeological significance because they have the potential to provide archaeological evidence relating to past building construction methods and materials, and human activity on the site, possibly including that which occurred prior to 1900 due to an earlier building on the site.

**Proposal**

New buildings and associated earthworks and landscaping are proposed in the heritage setting of the chapel heritage item, and the heritage item itself will be repaired, restored, altered and upgraded to comply with the Building Code.

The works to the chapel include external and internal earthquake repairs (permitted), deconstruction and reconstruction of damaged gable ends, reinstatement of the roof ventilator including lead cupola and reinstatement of timber eaves, soffits and dentils. The building will be structurally upgraded, including installation of a ply diaphragm to strengthen the structure to be applied by removing the roof, and strengthening of replacement plasterwork with a Mapei mortar product reinforced with glass mesh. The structural work will also require the temporary removal and reinstatement of all internal panelling and mouldings, furniture and sections of the tongue and groove flooring to allow for the application of the mortar repair solution. An access ramp will be built adjoining the north of the chapel. A new entry porch for the chapel will be constructed.

**Heritage Assessment**

I have assessed the proposal in line with the historic heritage matters of control and discretion in clauses 9.3.5.1 and 9.3.6.1 of the Christchurch District Plan (CDP). These matters are focused on the heritage effects on the heritage item and heritage setting on the subject site, and do not explicitly allow for consideration of the potential heritage effects of the proposal on adjoining heritage items (Dorset Street Flats and Hagley Park) and the heritage values of the surrounding area.

The new buildings to be constructed around the edge of the chapel's heritage setting

are large medium-rise blocks that will dominate the single storey heritage building and parts of these buildings will encroach on the already small protected heritage setting. The closest building will be five metres from the chapel. These are generally significantly higher structures than previous buildings on the site, although the adjoining Bishop's residence was three-storey, and the new buildings do not exceed the permitted height limit in this location. The most substantial footprint of new construction within the heritage setting, the B04 building, has a single storey wing on the northeast side of the chapel which will be more in keeping with the modest scale of the chapel building than the east wing of the B04 building and the B01 building to the south of the chapel.

The limited existing extent of the heritage setting recognises and allows for the continued operation and redevelopment of the retirement village. The proposal accommodates the chapel and compensates for the scale of the new buildings to some extent by creating a village square around the chapel and opens up some limited view shafts to the chapel from within the site, including from in front of the glazed atrium, and from the street via Dorset Street to the northwest and Westwood Terrace to the southeast. A distant glimpse of the chapel may be possible from the main entrance at Park Terrace via the glazed atrium entrance, although this view is mediated by the heavy concertina roof design of the atrium and the curve in the driveway. It is important to note that the chapel has never had a street presence as it was constructed behind the Bishop's residence and was surrounded by buildings when the site was redeveloped as a retirement village in the 1980s.

Importantly the proposal retains, repairs, restores, upgrades and returns the chapel (following damage sustained in the Canterbury Earthquakes) to its otherwise continuous use as a chapel, and more specifically to its previous use since the 1980s as a chapel associated with a retirement village.

The structural upgrade has been designed so that there is no visible evidence of the works once removed heritage fabric is reinstated to both the exterior and interior. The loss of the exterior plasterwork results in loss of technological values, but the new plasterwork and detailing will replicate its form and finish, with the addition of reinforced mortar which is intended to increase the structural integrity of the building into the future.

The access ramp to be constructed to the north of chapel will be visually permeable and will generally sit below the line of the windows so will largely avoid obscuring architectural features. I am unclear on whether the proposed access ramp for the chapel is attached to new fabric (for example the pergola or planter box), or the heritage fabric of the chapel, so I have requested a condition to confirm fixing details.

The new entry porch/pergola to provide shelter for entry and exit will reference the materials and form of the previous pergola link which connected it to the now demolished bishop's residence. It will be fixed to the chapel wall through the new plaster. To identify the pergola as a new structure attached to a heritage structure, a specific date stamping condition and advice note is recommended.

The village square, to be paved and landscaped with low planter boxes and trees adjoining the chapel on each side, will promote the space around the chapel as a gathering place within the complex, although it is noted that shading diagrams provided as part of the application process show that the chapel and surrounding courtyard and landscaping will be cast in shadow in the coldest months of the year.

Comments on the proposal have been received from Heritage New Zealand Pouhere Taonga (Heritage New Zealand). The chapel is listed by Heritage New Zealand as a Category 1 historic place. Heritage New Zealand is very supportive of the works to the chapel, but is disappointed at the scale and proximity of the proposed adjoining buildings and that the submitted building layout does not avoid a physical impact on the heritage setting or maximise opportunities for views to the chapel. It is noted that an

archaeological authority (authority no. 2020/731) was issued for this project by Heritage New Zealand on 26 June 2020.

Heritage Professional, Dave Pearson, Dave Pearson Architects has prepared a heritage assessment in support of the proposal submitted with the application and a Temporary Protection Plan (TPP) as part of the applicant's Request for Information response.

The TPP sets out measures to protect the chapel during the works to the chapel as well as measures to limit the effects of vibration and potential impact damage from the earthworks and construction activity within the heritage setting in the immediate vicinity of the heritage building, including the excavation for the basement and adjoining retaining wall. Implementing the TPP recommendation by the project's engineer and Heritage Professional that the structural upgrade works to the chapel occur prior to the adjoining proposed construction will ensure that the heritage item is in the best possible condition to protect it from potential vibration effects.

The RFI response of 13 July 2020 indicated that palisade walls initially proposed to protect the chapel during the construction of the basement were no longer considered necessary by the project engineers and that the retaining walls proposed for the three sides of the basement were sufficient to protect the ground around the chapel during the adjoining earthworks.

Given the Highly Significant heritage status of the chapel, the extensive works proposed to the chapel, and the scale of the adjoining works in close proximity to the chapel, a condition is recommended that a Heritage Professional is retained/engaged to oversee the works and monitor TPP implementation. This has also been recommended in the applicant's heritage assessment.

The applicant has agreed to a condition that the TPP is amended as the construction management plan is developed. It is important that these two documents are integrated to ensure the protection of the chapel throughout the project.

It is recommended that a photographic record condition standard to heritage consents is attached to record changes to the heritage setting as well as the works to the heritage item.

I conclude that, on balance, the effects of the proposal are no more than minor on the heritage setting of the Former Bishop's Chapel, and are largely very positive for the heritage item, and overall support the proposal subject to the following recommended conditions.

### **Response to Submissions Relating to the Former Bishop's Chapel and Dorset Street Flats Heritage Items**

I have considered the submissions which address the effects of the proposal on the Former Bishop's Chapel and heritage setting on the application site at 100 Park Terrace under the historic heritage matters of discretion in clause 9.3.6.1 of the CDP. Council's Planner has asked me to consider the heritage effects on the adjoining heritage item, the Dorset Street Flats, a Highly Significant heritage item in the CDP, using the relevant urban design matters of discretion for the bulk and location non-compliances.

There are 10 submissions which refer to the chapel. Four of these are broadly supportive of the retention and repair of the chapel as part of the development. The submission on behalf of Heritage New Zealand Pouhere Taonga commends the retention, repair and proposed ongoing use of the chapel as a chapel.

Two submissions have expressed disappointment that the chapel will not be accessible to the public. While it would be of cultural benefit to share the heritage values of the chapel with the community by opening the chapel to the public from time to time in the

future, it is proposed that the chapel continues its use as a private chapel – it was built in association with the Anglican Bishop for Christchurch’s residence as a private chapel for the Bishop and for church functions, and then continued its role as a private chapel as part of the retirement complex run by Anglican Living.

Two submissions seek the retention of the oak tree to the southeast of the chapel. I support this request. While the oak is located just outside the small heritage setting of the chapel protected by the district plan, it currently has a visual connection to the chapel in terms of proximity and can be seen in views to the chapel from the north of the site. It also forms part of the wider site which contributes to the chapel’s contextual heritage values, and along with the chapel is one of the few remaining tangible reminders of the history of the 100 Park Terrace site as the former Bishop’s residence and, more recently, as the Anglican Living retirement village. Another existing tree, a kōwhai adjoining the chapel to the east and within the heritage setting, if retained, could also strengthen the link to the former uses on the site.

Two other submissions seek greater setbacks for the proposed buildings from the chapel. The Heritage New Zealand submission also expresses concern about the scale of development around the chapel. I agree with these concerns. The proposed buildings are greater in scale than the previous buildings adjoining the chapel and will impact to some extent on the contextual significance of the chapel on its wider historical site. As noted above, however, the protected heritage setting is small in recognition of the immediate context of the building and anticipated future site redevelopment. Parts of two of the buildings and the basement encroach on the edges of the protected setting, but importantly space on all sides of the chapel has been retained via the design of the chapel at the centre of a courtyard which helps to retain some “breathing space”, so it can be viewed from all sides. Heritage New Zealand has indicated it can support the proposal subject to a number of conditions, which I broadly support.

In terms of the heritage effects on the Highly Significant Dorset Street Flats (the Flats) raised in several submissions, including those from the building owners, the large building proposed on the north of the application site is located very close to the Flats’ southern boundary and I share the owners’ concern that it will act as a prominent backdrop to the Flats when viewed from Dorset Street and from within the site of the Flats.

In terms of the assessment of amenity effects on the residents of the Dorset Street Flats heritage item and setting, the applicant’s further information response of 17 November 2020 argues that the bulk and location impacts of the proposed building adjoining the boundary with the Dorset Street Flats will be mitigated by the stepping back of the upper level, and amenity effects for residents will be lessened by the north orientation of the Flats away from the application site and separation from the application site by the future construction of the consented rebuilt “stables”/garage building between the Flats heritage item and the application site boundary. I accept these factors provide a level of mitigation for the amenity effects on residents of this heritage property, although I would add that the future “stables”/garage building will contain a residential unit that will be the closest unit on the site of the Dorset Street Flats to the large new buildings built in close proximity to the Flats’ southern boundary. I note, however, the Council Planner’s assessment that while the non-compliances do create amenity effects including visual dominance effects on residents of the property beyond those of a permitted development, these effects are not significantly outside of what is anticipated in this zone.

There is a notable visual impact on the heritage values of the Dorset Street Flats, which are nationally significant, and have contextual significance within the immediate streetscape of Dorset Street, and for their contribution to the historic residential character of the northwest portion of the central city. This visual impact is experienced both when viewing the primary elevation of the Flats from Dorset Street and also in terms of views to the south from within the site. I note that the protected heritage setting extends to the whole site of the Flats, and views to and from the heritage item



and heritage setting will be affected. In my opinion, the effects on the contextual significance of the Dorset Street Flats will be at least minor.

### **Recommended Conditions**

- The applicant will advise the Heritage Team Leader, Christchurch City Council (or nominee) of the commencement of works at least 10 working days prior to works starting on site, to ensure that those conditions of consent that require prior agreement are verified in writing.
- At least 10 working days prior to the commencement of works associated with this resource consent, the consent holder shall submit by email for certification to the Heritage Team Leader, Christchurch City Council (or nominee), an amended Temporary Protection Plan (TPP) which considers the sequencing of the chapel strengthening in relation to the construction works schedule and shall include:
  - A specific methodology for the removal and storage of exterior and interior heritage elements (referenced in the submitted TPP)
  - Dust suppression from construction and works to the heritage building
  - Fire protection
  - Security
  - Methodology for preparation of the exterior surface of the chapel if this is required (where any heritage fabric is remaining in situ). The engineering report references sandblasting and high pressure water blasting of surfaces. Sandblasting is not considered an appropriate conservation technique and is not to be used as it can damage the heritage fabric. Significant care must be taken with water blasting to avoid damage to heritage fabric, for example, beginning with low pressure (garden hose pressure) and increasing the pressure slowly if required with constant monitoring.
- Prior to commencement of works associated with this resource consent, the consent holder's Heritage Professional (as defined in the Christchurch District Plan) shall hold a site briefing of all lead contractors and supervising staff to communicate the significance of the building, the consent conditions and the Temporary Protection Plan (TPP). The consent holder shall notify by email the Heritage Team Leader, Christchurch City Council (or nominee) of the date and time of the meeting at least three working days before the meeting.
- That written confirmation is provided by the consent holder's Heritage Professional (as defined in the Christchurch District Plan) to the Heritage Team Leader, Christchurch City Council (or nominee) stating that the initial setup of the Temporary Protection Plan (TPP) has been implemented and inspected on site (including methodologies for removal and storage of heritage fabric), before any other works commence. Following the initial implementation of the TPP the consent holder's Heritage Professional shall regularly monitor the TPP to ensure that appropriate measures are being taken by the contractors at each stage of construction and advise contractors if any additional protection is required.
- A copy of the conditions of this consent, the amended Temporary Protection Plan (TPP), and a full copy of the approved consent application and plans, are to be kept on site at all times, form part of the induction process, and are to be made available to and adhered to by all contractors and subcontractors undertaking work in connection with this consent.
- Works to the chapel and within and immediately adjoining the heritage setting shall be overseen and monitored by a suitably qualified CPEng structural engineer and Heritage Professional (as defined in the Christchurch District Plan) appointed by the consent holder.

- If the proposed access ramp is to be attached to the heritage fabric of the chapel, at least 10 working days prior to the commencement of works to the chapel, the consent holder's Heritage Professional and Engineer shall submit by email for certification to the Heritage Team Leader, Christchurch City Council (or nominee), details of the methodology for fixing the ramp to the chapel.
- Heat pump units, if proposed to be attached to exterior heritage fabric, must comply with the permitted activity standard in rule 9.3.4.1.1 P13 of the Christchurch District Plan requiring the design and/or supervision of a Heritage Professional. If this standard is not met, their proposed appearance, location and fixing details are to be submitted by email for certification to the Heritage Team Leader, Christchurch City Council (or nominee) prior to their installation.
- A digital photographic record of the works to the heritage building and heritage setting is to be undertaken by the consent holder's Heritage Professional (as defined in the Christchurch District Plan) before, during, and after the completion of the works. The photographic record of the works in the heritage setting shall include affected views to and from the heritage item. The record must be lodged with the Christchurch City Council's Heritage Team for their records within three months of the completion of the work. See advice note below.
- New or introduced materials, works or reconstructed elements shall be recorded and date marked to indicate the time of their installation. The form and location of the visible dating of the new entry/pergola structure is to be agreed with the Heritage Team Leader, Christchurch City Council (or nominee) prior to its installation. See advice note below.

### Advice Notes

- Information being submitted in relation to conditions of this consent is to be sent by email to: [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz). The current nominated Council Heritage Advisor for this consent is Suzanne Richmond, 941 5383 or [suzanne.richmond@ccc.govt.nz](mailto:suzanne.richmond@ccc.govt.nz). The alternative contact is Gareth Wright, 941 8026 or [gareth.wright@ccc.govt.nz](mailto:gareth.wright@ccc.govt.nz).
- The applicant should not commence or should cease work on a given area if the works proposed in that area change from those in the approved consent documentation. Any variation must be discussed with the Christchurch City Council's Heritage Team Leader (or nominee), who in consultation with the Council's Resource Consents Unit will determine an appropriate consenting response. Five working days should be allowed for this process. Failure to discuss changes with the Council's Heritage Team may constitute a breach of the conditions of this consent. Amended plans and information showing these changes, may be required to be submitted to the Heritage Team Leader, Christchurch City Council (or nominee) for certification prior to work on that area commencing or resuming.
- The intention of the photographic record condition is to maintain a record of the works with a focus on the areas of the heritage item and heritage setting undergoing change rather than individual elements. The same camera positions should be used for all photo sets before, during and after the works to enable comparison. Photographs should be of printable quality, at least 1440 pixels by 960 pixels for a 4"x 6" print at a minimum resolution of 240 PPI. They should be labelled with the position on site or in relation to the site, date and photographer's name, and submitted with a plan showing photograph locations. Photos should be submitted electronically, either by email (noting that Council's email data transfer limit is 20MB per email), or via a file transfer website such as [wettransfer.com](http://wettransfer.com) or [dropbox.com](http://dropbox.com) to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz).

- Date stamping or marking is important to clearly distinguish replicated or introduced old features and new areas of fabric from heritage fabric so changes to the heritage item can be readily understood in the future. The dating of new or introduced fabric may be undertaken by a number of permanent means. It is recommended that a builder's pencil or small steel plate with the date is used on masonry or timber. A permanent marker pen may be used on steel elements, but not masonry or timber as the marking may deteriorate. Marking should generally be in unobtrusive locations where elements are proposed for reinstatement. Dates may be prominent in some cases when used for commemorative purposes such as over the entrance to acknowledge major works to a building or a new wing. **In the case of the entry/pergola to the chapel, the new structure should be dated in a visible location to acknowledge the date of the works to the chapel alongside the chapel's construction date, for example: "1927 20[XX]"**.
- All works should be carried out with regard to the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (ICOMOS New Zealand Charter 2010).
- All works to be undertaken on the repair and replacement of heritage fabric should be undertaken by tradespeople experienced in working with such fabric.

Suzanne Richmond, Heritage Advisor

Updated 27/11/2020

Reviewed by Gareth Wright, Heritage Advisor

# Appendix F Arborist Report

RMA 2020 673 & RMA 2020679

Ryman Healthcare Limited

100-104 Park Terrace, 78 Park Terrace

Land use consent application for the construction, operation and maintenance  
of a comprehensive care retirement village

---

STATEMENT OF EVIDENCE OF JOHN DAVID THORNTON

ON BEHALF OF CHRISTCHURCH CITY COUNCIL

DATED 3 December 2020

---

## **TABLE OF CONTENTS**

INTRODUCTION .....	1
SUMMARY .....	3
DESCRIPTION OF THE PROPOSAL .....	3
100-104 PARK TERRACE - BISHOPS PARK SITE.....	5
78 PARK TERRACE .....	6
APCONSULTING ARBORICULTURAL IMPACT ASSESSMENT...7	
PROPOSED TREE PLANTING ON THE SITES.....8	
FURTHER INFORMATION REGARDING TREE PLANTING.....11	
RESPONSE TO SUBMIITTERS .....	12
PROPOSED CONDITIONS.....	12
CONCLUSION .....	14

---

## Introduction

1. My full name is John David Thornton. I am the Environmental Consents Arborist based in the Parks Unit of the Christchurch City Council (Council). I am here providing an assessment of the Arboricultural aspects of the proposed developments, as an input to the Council Planners report regarding the applications for the two Park Terrace sites, 78 Park Terrace and 100 - 104 Park Terrace.
2. I hold a Bachelor of Arts in Political Science from Victoria University (1990) and a Post Graduate Diploma in Parks, Outdoor Recreation and Tourism Management from Lincoln University (1997). I have completed WINTEC Arboricultural Courses in: Tree Assessment (Twice); Amenity Tree Valuation (Twice); Hazard Tree Analysis (Twice); Tree Biomechanics; RMA Report Writing; Designing Treed Landscapes; Contract Procurement; Contract Monitoring; Entomology; Plant Pathology (2001 to 2020)
3. I have 21 years of experience working for the Christchurch City Council dealing with and managing protected trees. Currently I am the only staff employed full time in this area, and from 2006 until 2009 I was the sole staff member dealing with protected trees for the city. I personally surveyed approximately 1000 trees for addition to the former City Plan as Scheduled Notable Trees from 1998 to 2000, when initially employed by the City Council. I have also assessed trees for protection by consent notice on approximately 1500 subdivision sites from 2002 to 2015, and written approximately 2500 tree reports.
4. In 2015 and 2016 I appeared before the Independent Hearings Panel (IHP) while contributing to the Sub Chapter 9.4 Significant and other Trees, of the District Plan Review. I also worked on constructing the council Christchurch Tree Evaluation Method (CTEM) in its early stages.
5. I have attended training in Crime Prevention through Environmental Design (CPTED).
6. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions

that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

7. The key documents I have used in forming my view while preparing this brief of evidence are:
  - a. The Application prepared by Ryman Healthcare (March 2020), including the Arboricultural Impact Assessment report by AP Consulting on the Common Lime T271 /Tree ID Number 3300.
  - b. The Urban Design, Landscape and Visual Effects Assessment prepared by Rebecca Skidmore (March 2020).
  - c. The Landscape Concept Plans for both sites prepared by Design Squared (11 May 2020).
  - d. The Landscape Management Plan prepared by Design Squared (14 May 2020).
  - e. The Urban Design Section 92 Response prepared by Rebecca Skidmore (7 July 2020).
  - f. The further Section 92 Response prepared by Design Squared regarding Raised Tree Planter Design Assessment (24 June 2020).
  - g. Additional Tree planting plans for both sites prepared by Design Squared Landscape Architects and the Raised Tree Planter Design Assessment (23 June 2020).
  - h. Further Information received from Mitchell Daysh (17 November 2020).
  - i. Fastigate Oak Case Study prepared by Design Squared Landscape Architects (9<sup>th</sup> November 2020).
8. My focus is to comment on Arboricultural related matters, particularly in relation to the work within the dripline and pruning of a Significant Tree Common Lime T271 /Tree ID Number 3300, existing tree removals, and in relation to tree and amenity planting and the ongoing management of the proposed trees. Also to provide some comment in relation to the raised tree planters which are designed to give additional tree container capacity while sitting on top of the proposed basement carpark podium.
9. I have visited 78 Park Terrace in May 2020 to assess the Common Lime T271 /Tree ID Number 3300 and viewed other vegetation on the site. Most of the vegetation on the 100 Park Terrace Site has already been removed by the applicants to my knowledge.



## **Summary**

10. The proposal is to establish a comprehensive care retirement village across the Bishops Park Site (100 Park Terrace) and Peterborough Site (78 Park Terrace). The proposal is described in detail in Section 2 of the application.
11. The proposed activity requires resource consent in relation to pruning of a Significant Common Lime tree and any works within the dripline of a Significant Common Lime tree.
12. This report also responds to submissions in relation to tree matters, partly pertaining to the lack of diversity in the choice of purely exotic species for the proposed tree planting.

## **Description Of The Proposal**

13. The Peterborough Site contains a significant tree (a Common Lime tree) which is to be retained, however there will be some works within the dripline of the tree, and crown lifting. Several other mature trees that were protected under a former Resource Consent, and formerly assisting with the residential context of the site, are to be removed or have already been removed.
14. A series of detailed drawings have also been provided which detail the construction and planting methodology for three differing styles of engineered raised tree planters and tree pits, in relation to the position of the underlying basement car park.
15. Tree schedules have been provided, detailing proposed tree varieties, and the estimated 10-year height. The Landscape Management Plan (LMP) specifies a minimum height that the trees are to be grown and maintained at, which corresponds with the estimated 10-year height indicated within the tree schedules.
16. Key aspects of the proposal in relation to trees are;
  - 16.1 Proposed tree planting methods are as follows;
    - a) In-ground tree pits – conventional tree pits in natural ground.
    - b) Tree planter over podium – tree is containerised over podium slab.

- c) Tree and Garden Planter over Podium – tree and garden bed are containerised over the podium slab, with there being additional capacity provided for tree roots.
- d) Dorset Street boundary trees are to be planted in Stratavault Cell tree pits to provide additional root capacity (Further information has provided 9<sup>th</sup> November 2020)

16.2 Tree planters around the periphery of the site range from 800mm to approximately 2.5m in width. A variety of volumes are proposed for the tree planting beds and containers, however generally 3m<sup>3</sup> is provided per tree, with the exception of the internal tree planting beds on the Peterborough site which are provided at 2m<sup>3</sup>.

16.3 Proposed tree species for the perimeter tree plantings include large growing species such as *Ulmus carpinifolia* 'Variegata', *Fagus sylvatica* 'Dawyck Purple', *Ginkgo biloba* 'Fastigiata', *Liriodendron tulipifera* 'Fastigiata', *Quercus robur* 'Fastigiata' and *Liriodendron tulipifera*. In addition, the smaller growing *Magnolia grandiflora* 'Blanchard' and 'Teddy Bear' are proposed for the boundary shared with 76 Park Terrace.

16.4 The usual mature height of all these trees would be approximately 15 - 20+ m, except for the Magnolia species. The Fastigate English Oak trees commonly have a canopy spread of 4.0m, while the proposed non-fastigated species have a canopy spread of up to 15m or greater depending on various environmental and genetic factors.

### **100-104 Park Terrace - Bishops Park Site**

- 17. On the 100 Park Terrace site there were existing trees, and council records showing they were protected by Resource Consent (though the time of the consent was well before the RMA and

the original consent documentation could not be located), including the Copper Beech that was the only one of the large trees to be retained, but subject to onsite relocation. This was a large tree to be transplanted, and as Beech species are notorious for declining severely if their roots are disturbed too much, relocating it would have been a difficult undertaking which may well not have succeeded.

18. Unless done very carefully and using sufficiently large machinery for the job, as well as using the right methodology, the chances of it succeeding were not high. There is no mention of how this problematic transplantation was to be carried out in the application. A far preferable solution in my opinion would have been to design around the tree and leave it in place.
19. Some of the other trees that were located on this site included Cabbage Trees, a Sycamore, an English Oak, Narrow Leaved Lacebark and Small leaved Kowhai. There appeared to be nothing mentioned in the application about mitigation for these trees being removed.
20. The English Oak tree was a Notable tree under the previous City Plan, but was not included in the current District plan Schedule. It had also been present in the protected tree list for this part of the city, prior to the amalgamation of smaller boroughs etc in the Christchurch City Council in 1989. When included in the City plan of 1995 it scored an impressive 54 points, in a matrix system which only required 30 points to become a Notable Tree.

Proposed new tree planting on the site.

21. I do have some concerns also about the ability of the Maidenhair (*Ginkgo biloba*) trees to grow on the Westwood Terrace frontage, where the beds are an average 1300 mm in width. Also the trees on the Dorset Street frontage (only 800mm provided in width), and the Park Terrace frontage, as the trees are shown located right against the front fence.
22. The size of some of the tree containers appear fairly small, particularly for the standalone tree planter over podium which seems to be only approximately 1 m<sup>3</sup> in soil volume. This size may not be feasible for providing enough capacity for large tree species, in the longer term. If the size was increased by another 1 m<sup>3</sup> or more it would be a definite improvement.
23. Many of the trees have rather small soil volumes provided in the containers, which will restrict their growth and are not likely therefore to reach their normal potential size/heights. As an

example, the Maidenhair trees and Tulip trees along the boundaries of 100 Park Terrace will be quite restricted, with little space to grow naturally.

## **78 Park Terrace**

24. The Common Lime tree is a very mature specimen tree and is estimated to be at least 80-85 years old, but may possibly be older. I observed some historic pruning wounds from removed limbs that have healed over well. It has no serious defects and appears to be structurally sound and have a healthy looking foliage in the canopy.
25. A number of medium and larger trees that are located on the site and easily visible from surrounding streets and nearby neighbours are to be (or have been) removed., the removal of these trees is a loss to the local environment, and reduces the amenity for local neighbours and users of nearby public spaces, in my opinion. Especially the Incense Cedar (*Calocedrus decurrens*), a former Notable Tree in the City Plan.
26. The Incense Cedar is cabled to the Common Lime with a horizontal cable, and to a concrete block in the ground to the north of the Cedar. This cabling was done when the site was developed in the mid 1990's, due to some excavation around the Cedar, which was thought might destabilise the tree at the time. So for a limited time it was cabled to the Lime tree and the concrete block, until the root system stabilised itself.
27. However this cabling was never removed, and was the reason it was marked down for 'Structure' in the District Plan tree assessment, and so was not included in the Scheduled Tree lists. The root system should have easily recovered by that time and the cable subsequently removed by the owners, and it then would have been included in the current district plan as a Significant Tree.

## **APConsulting Arboricultural Impact Assessment**

28. The assessment of the Common Lime tree in the Arborist report is quite accurate in my opinion and agree with the rating of Fair for Form and for Health in general, though perhaps I would say the tree is between Good and Fair in terms of its health, displaying good colouration of its

- foliage in aerial photographs where the canopy is in full leaf, and in its growth pattern which remains quite vigorous.
29. The APConsulting Arboricultural Impact Assessment report gives some written information but a scale plan made a lot more sense to see what going on with regard to the building footprint, the piles placement and the basement location. One part of the APConsulting report says the building walls are going to be out of the drip line but in another it says the basement construction will happen inside the dripline. Further more detailed plans of the work around the tree were later provided.
  30. The recommendation to prune the tree after the piling work is done is a bit unusual i.e. "To mitigate the potential effects of contact with the tree by construction plant, to the northern aspect of the crown during the clutch piling installation, it is recommended that maintenance pruning be carried out as necessary, on completion of the clutch piling installation.."
  31. Normally its the case that if it has been identified that limbs will certainly be impacted by piling equipment then the limbs would be carefully and cleaning removed prior to the work taking place, and thus avoiding smashed, broken limbs from the piling work while it takes place.
  32. My main concern regarding the Common Lime however, is the close proximity of the construction work, and in particular the installation of the underground basement within approximately 5-6 metres of the base of the tree, which is very close for a tree of this size and age. The building footprint is estimated to be 6.2 metres from the tree base at the closest point.
  33. The root mass of the tree will be extensive by now, due to the long period it has had open ground around it, and the roots will extend well beyond the dripline if has followed the typical growth pattern of trees of this size and species. The canopy of the tree should not be adversely affected by the work, apart from possible minor damage from the tall piling machinery, if the machinery is operated carefully around the tree.
  34. However, It is the intrusion on the root system by the excavation close to the trunk that is the more significant issue not the canopy damage The previous development had buildings well away from the protected trees that were on the site then, but this is coming very close to the last remaining Scheduled Tree on the entire site, as both the former Scheduled Red Beech and Incense Cedar will be removed as part of the proposal.

35. In my opinion it is very likely that the tree will suffer too much root damage from this proposed development work and will eventually go into a spiral of decline, which it may well not recover from. Common Lime species do have the ability to withstand some root disturbance and are relatively hardy trees, but this will be a radical change of the tree's current below and above ground environment.
36. I also note that at the last meeting with applicants it was agreed that a Ground Penetrating Radar scan was to be carried out around the Common Lime tree to ascertain where the major roots lay and the extent of the root system. This information does not seem to have been supplied by the applicants yet.

### **Proposed tree planting on the sites.**

37. I do have some concerns about the size of the tree species (*Quercus robur* 'Fastigiata') and the size of the containers on the Salisbury Street frontage, and the 2.0 metre setback provided for these trees. I think that there may not be enough room for the trees canopies to grow to their usual potential size, and it will be quite a restrictive space provided for them.
38. There is also still some uncertainty about the eventual height of the trees. The Planting Plans gives "Estimated 10 year Height". The Landscape Management Plan specifies that the 10 year "minimum" height is to be maintained as the minimum height, and must not be topped unless they exceed the specified minimum height. For example the Planting Plan shows the Fastigiata Oaks on Salisbury St to have an Estimated 10 year height of 8.0m.
39. I have concerns that if the trees are to be continually topped and maintained at 8m (for example) this will impact on their growth form, health and vitality. They certainly will not be able to reach their full potential height if this topping is carried out, and there are certain drawbacks to this practice.
40. These include the point that the regrowth which replaces any limbs removed via topping of trees tends to be structurally weaker than the original growth, as well as more untidy in appearance. Also as the hormone Auxin, which controls the growth rate of trees, is located in the top of the tree, if not done very carefully, removal of the top produces out of control

- regrowth, as the hormone is no longer present. This results in an unkempt looking upper section of the tree.
41. Along with council Landscape Architect Jennifer Dray, and also to an extent council Principal Adviser Urban Design Ms Schroder, I have concerns with the constrained space allowed for the Fastigiata Oaks, to the point where the foliage will be in direct contact with the building.
  42. My concerns are that this will prompt both the overly severe pruning of these trees, in which case their form and possibly their upper structural integrity will be compromised, and possibly even complaints will lead to the removal of these trees. This will then significantly reduce the amenity value provided by the trees, for the public and the neighbours.
  43. The basement car park extends almost to the boundaries of the Peterborough Site, creating limitations for tree planting across the site. Building setbacks further limit room for tree establishment and growth in the long term.
  44. On the Dorset Street frontage a row of four upright purple European Beech are proposed situated on the northern side of the apartments, to be planted in Stratavault Cell tree pits to provide additional root capacity. Topping of these trees will potentially compromise their form and structural integrity will be compromised. I consider that a larger setback is required to accommodate these trees.
  45. The applicant have proposed to Strata Cell beneath the adjacent asphalt path to provide a greater volume of soil for the trees. They claim that although narrow, additional soil volume can be provided longitudinally running east to west. I agree this would be of some benefit for the Beech trees.
  46. On the Park Terrace frontage the outdoor living areas are separated by landscape beds and hedging, with Variegated Elm trees located on the western edge of each courtyard. These trees are to be planted in a tree and garden raised planters over the carpark basement podium. English Beech trees are to be planted either side of the vehicle entrance also in raised planters. Also a Scarlet Oak is to be located in the north-western most corner of the site.
  47. All of these proposed trees are destined to be managed to a constant height of 8m, regardless of their usual mature heights. I think that the pruning of all these trees to maintain them at an

8.0m height limit will appear unnatural, as trees in a more natural environment grow to a variety of heights and canopy widths. As does Landscape Architect Jennifer Dray, I think that there is space to provide more conventional tree pits to allow the large Oak and Beech trees to mature to their full size.

48. The Salisbury Street frontage is to be planted with a line of Fastigate Oak trees in tree and garden raised planters over the carpark basement podium, and are to be maintained at an estimated height of 8.0m. The trees will be planted within an approximately 1.1m wide raised bed, when taking into account the width of the external wall of the planter bed.
49. The Fastigate Oak tree commonly attains a canopy diameter of 4-6m when allowed room for growth. This tree is described as a vigorous grower with a deep root system. The mature height of these trees is unusually 10-12m.
50. The Landscape Management Plan supplied details the maintenance which is to be undertaken with respect to the proposed trees, which are to be trimmed annually. The plan also specifies that *“trees must not be topped unless they exceed the specified minimum height, and there is a desire to maintain the minimum height by the client”*. This leads to the assumption that the proposed trees are likely to be managed in such a way that they are maintained at 8.0m height.

### **Further Information Regarding Tree Planting**

51. Further information was received from Design Squared (9th November 2020) - *“Fastigate Oak Case Study”*, which drew a comparison between a pair of Fastigate Oak trees planted in central median berms on Centaurus Road and the proposed tree planting on the Salisbury Street frontage of the Peterborough site.
52. However, the Centaurus Road trees do not appear to provide a useful comparison to the Salisbury Street trees, as the Centaurus Road trees are growing in a natural tree pit, with additional capacity for tree roots to access the soil under the road. The proposed Salisbury Street trees are to be containerised.
53. Mr Gordons comment also is that while a root volume of approximately 3m<sup>3</sup> may give most trees a viable chance of establishing successfully, this volume is unlikely to be adequate to



provide for long term growth and development (over 50 years for example). In Mr Gordon's opinion, it is poor arboricultural practice to plant trees with a natural mature height of 15m or more, and then prune to maintain constantly at 8.0m in height. A better practice would be to provide trees that grow to a maximum height of 8.0m.

54. With regards to the proposed Salisbury Street Fastigiata Oaks, it is Mr Gordon's opinion that a 1.1m wide planting bed would not provide adequate room for the tree canopy (even with regular pruning), nor would there be adequate width to provide for the mature trunk of the tree at its base, which could potentially reach up to 1.0m diameter. A landscape bed of a minimum 3.0m width would be required to sustain these trees over a 50 year growth period. I am in agreement with Mr Gordon's comments, and consider that the proposed methodology for tree planting on the Salisbury Street frontage of the Peterborough site is unlikely to sustain suitable tree growth over a long period (such as 50 years).
55. I note however that the latest planting plans received for the Peterborough Street site show increased planting container sizes of 4m<sup>3</sup> on the Park Terrace frontage where the Variegated Elm trees are located. This increase in container size would be an improvement on the original 3m<sup>3</sup> volume proposed.

## **Response To Submitters**

### Tree Removal

56. I consider that the removal of a number of existing large trees detracts from the existing environment, and reduces the amenity for both neighbours and users of nearby public spaces.

### Proposed Tree Planting.

57. I have made comment above on the proposed tree planting. In general, in this era it is not considered good arboricultural practice to plant trees with a natural mature height of 15m or more, and then prune to maintain constantly at 8.0m in height. The practice of topping council owned trees in Christchurch City was phased out in the 1970's by the City Arborist Walter Fielding-Cotterell to my knowledge.

### Lack of Native Species

58. In response to one submitter I do think that the lack of any native species being planted on the sites is lacking in balance as providing only exotic species is rather monocultural.

## **Proposed Conditions**

59. I recommend the following conditions in addition to those contained in the applicants Draft Consent Conditions, Ryman Healthcare Limited, 78, 100 - 104 Park Terrace And 20 Dorset Street, Christchurch.

59.1 The applicant is to appoint a suitably experienced and qualified Arborist that is contained in the council approved Arborist, list to monitor and supervise all works within the dripline of the protected Common Lime tree Unique Tree ID Number 3300 /District Plan Number T271 for the duration of the proposed work: See Approved Arborists at <https://ccc.govt.nz/consents-and-licences/resource-consents/general-rules-and-information/protected-trees-and-guidelines/>

59.2 The protective fencing is to be positioned to maximise the tree protection area, whilst allowing a safe work area for the works to occur. The appointed arborist is to determine the exact position of the fencing in consultation with the project manager, but it should be set at the maximum possible practicable distance while still allowing the work to proceed.

59.3 All soil excavation within the dripline area is to occur under the direction and supervision of the appointed Arborist.

59.4 Excavation should take place carefully, and any roots will be identified and protected from damage, as the work occurs. This can involve a combination of manual excavation and probing. Any use of machinery will be at the discretion of the appointed Arborist.

59.5 When soil is cleared around any tree roots they are not left exposed for an extended time (no more than 1 hour), and they shall be protected from desiccation and damage by the use of damp Hessian or bidim, or good quality topsoil, as specified by the appointed Arborist. The Appointed Arborist shall be responsible for this.

59.6 That if any roots encountered at the levels to be excavated have to be severed, they be severed cleanly with pruning secateurs or a hand saw, and no ripping or breaking of roots is to occur. All root pruning is to be carried out by the appointed Arborist.

- 59.7 Care should be taken to avoid damage to roots over 25mm diameter. Roots over 25mm in diameter at point of severance shall only be severed with the approval of the Christchurch City Council Arborist.
- 59.8 Following any excavations, backfilling shall take place at the earliest opportunity, and prior to backfilling, any protective material over the roots should be removed. The backfill material should be of sufficient quality to allow for the continued growth/health of the root system.
- 59.9 To avoid damage to roots, reinstatement of soil shall not occur except carefully by hand whenever feasible.
- 59.10 To avoid contact of raw concrete with root mass during the infill of the clutch piling, it is recommended that the top 2 metres of the piles be lined with a heavy grade PVC or similar impervious material.
- 59.11 Postholes for the Peterborough Street road boundary fence posts are to be lined with plastic or similar impervious material to create a barrier between tree roots and raw concrete. Exploratory digging should be used to locate any major roots in the proposed posthole locations.
- 59.12 That any pruning of the Scheduled Common Lime Unique ID Number 3300 /T271 to enable clearance from heavy machinery used for sheet piling, or due to canopy damage from the operation of the machinery, is to be carried out by a competent arborist to a minimum Standard of the Australian Standard- AS 4373-2007 "Pruning of Amenity Trees", or British Standard BS 3998: 2010 "Recommendations - Tree Work".
- 59.13 The maximum diameter of any live limb removed is to be up to 100 mm at the point of removal.
- 59.14 The Salisbury Street trees should be allowed to grow within 3.0m wide planter beds to a height of 12m in perpetuity.
- 59.15 On the Park Terrace frontage of the Bishops Park site, provide for larger species that can reach their full mature height of a minimum 15m to be grown in conventional in-ground tree pits on either side of the driveway.
- 59.16 On the Park Terrace frontage of the Peterborough site, provide conventional in-ground tree pits on either side of the driveway and at the Park Terrace/Salisbury Street corner to allow the proposed large Oak and Beech trees to mature to their full dimensions.

## **Conclusion**

60. The Common Lime tree is a very mature specimen tree and is estimated to be at least 80-85 years old, but may possibly be older. My concern regarding the Common Lime, is the close proximity of the construction work, and in particular the installation of the underground basement within approximately 5-6 metres of the base of the tree, which is close for a tree of this size and age.
61. The root mass of the tree will be extensive by now, due to the long period it has had open ground around it, and the roots will extend well beyond the dripline if has followed the typical growth pattern of trees of this size and species.
62. There is a concern that the proposed tree planting methodology will not be adequate to sustain the proposed trees in the longer term, and that on the Salisbury Street frontage in particular, there will be a conflict regarding the sizable trees proposed to be grown within a very constrained space.
63. I consider that the limited number of tree varieties proposed for planting on the sites does not reflect the surrounding trees in the landscape, and that a mix of exotic and native species would be preferable. I think that the pruning of trees to maintain them at an 8.0m height limit is not good arboricultural practice and consider that they will appear unnatural. Trees in a more natural environment grow to a variety of heights and canopy widths

John Thornton

Arborist Environmental Consents

Policy & Advisory Team

Parks Unit

03 941 8011 027 213 0206

Email: [John.Thornton@ccc.govt.nz](mailto:John.Thornton@ccc.govt.nz)

# **Appendix G Environmental Health Report**

# MEMO

---

**To:** Louisa Armstrong, Senior Planner, Resource Consents Team

**From:** Isobel Stout, Senior Environmental Health Officer, Environmental Health Team

**Date:** 17 August, 2020

**Re: RMA/2020/673 and 679 at 78 and 100 PARK TERRACE – ENVIRONMENTAL HEALTH REPORT**

---

## Scope

1. This application relates to the proposal for the construction and operation of a retirement village complex.
2. I understand that the proposal is a restricted discretionary activity under the relevant plans and therefore the purpose of this memo is to comment on the potential environmental health effects for the purposes of a decision on notification.

## Noise

3. Noise is expected to be the principal adverse environmental health effect that could be generated by the activity.
4. Noise matters fall into four areas:-
5. **Construction noise and vibration** is inevitable on a project of this size that requires dewatering, sheet piling and lots of excavation. Rule 6.1.6.1.3 RD2 makes non compliance with the NZS6803:1999 Acoustic Standard for Construction Noise a restricted discretionary activity.
6. I do expect that there will be times that the parameters of the construction noise standard cannot be complied with owing to the proximity of residential dwellings.
7. The applicant plans to manage this with a comprehensive noise and vibration management plan and I would endorse this measure as the best way to manage the adverse effects of this temporary phase. I would expect the consent holder to ensure that there are reliable communication channels between all parties and constantly seek ways of reducing the noise and vibration impact.
8. **Noise from the village**, once it is completed, is expected to be minimal as typically the greatest source of noise on such a site is resident's vehicles moving around and these will all be contained in the basements.
9. **External plant and equipment** such as heating and ventilation plant can be designed and installed so as to comply with all the District Plan noises standards and with proper maintenance these sources should not pose compliance issues.

10. **Acoustic insulation** from road traffic noise on the collector roads Park Tce and Salisbury St is also required. The apartments that lie within 20m of the nearest marked traffic lane of both Park Tce and Salisbury St will need to be acoustically insulated. The applicant has sought to provide evidence of compliance at the time of building consent.

### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health**

11. The NESCS matters have been comprehensively addressed in the combined PSI/DSI that covers all the land involved across the two locations for this project.
12. In both land areas the soil disturbance that is going to be necessary to construct the villages is a restricted discretionary activity.  
As the project includes basement car parking at both sites a great deal of on site material will have to be excavated and disposed of and this is effectively going to remediate the sites at the same time.
13. For this reason I don't believe that the project requires a full Remediation Action Plan and agree with the assessment that a Contamination Site Management Plan will be sufficient. The framework for that CSMP is included in the DSI.

### **Conclusion**

1. Noise from the construction phase of the project can be controlled in consultation with neighbours in order to provide the best possible environment in the changing circumstances. Once completed, the activity will be able to provide a suitable inner city residential environment both on site and off site.
2. Issues relating to the handling of any contaminated soils can be controlled through a site specific contaminated materials site management plan.

Isobel Stout

**Senior Environmental Health Officer**  
**ENVIRONMENTAL HEALTH TEAM**

# Appendix H Landscape Report



RMA 2020 673

Ryman Healthcare Limited

100-104 Park Terrace, 20 Dorset Street

Land use consent application for the construction, operation and maintenance  
of a comprehensive care retirement village

---

STATEMENT OF EVIDENCE OF JENNIFER GERALDINE DRAY

ON BEHALF OF CHRISTCHURCH CITY COUNCIL

DATED 2 December 2020

---

## **TABLE OF CONTENTS**

INTRODUCTION .....	1
SUMMARY .....	3
DESCRIPTION OF THE PROPOSAL .....	3
DESCRIPTION OF THE RECEIVING ENVIRONMENT .....	5
ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS .....	6
FURTHER INFORMATION IN RELATION TO TREE PLANTING.....	13
RESPONSE TO SUBMIITERS.....	14
ASSESSMENT OF PROPOSED CONDITIONS.....	16
ADDITIONAL RECOMMENDATIONS.....	16
CONCLUSION .....	17

---

## INTRODUCTION

1. My full name is Jennifer Geraldine Dray. I am Team Leader of the Parks and Landscape Team within the Technical Services and Design Unit at the Christchurch City Council (Council). I am here providing an assessment of the landscape and visual amenity as an input to the officers' report in relation to the application to extend an existing quarry.
2. I am a registered Landscape Architect, and hold a Bachelor of Science in Physical Geography from Canterbury University and a Bachelor of Landscape Architecture from Lincoln University. I gained Registration from the New Zealand Institute of Landscape Architects (NZILA) in 2006. I am also qualified in the field of Crime Prevention through Environmental Design (CPTED) with my most recent training being an Advanced CPTED Workshop in 2018. I have worked for the Council for 20 years and have held a senior Landscape Architect Position for the last 14 years, becoming team leader in September 2020.
3. My work is mostly centred on both landscape design and landscape assessment. I have been involved in reviewing many landscape and visual assessments for Council involving applications relating to both residential and commercial zoned land, as well as rural developments and developments within areas of outstanding natural landscape (ONL) around the Port Hills and Banks Peninsula. In 2015 I appeared before the Independent Hearings Panel (IHP) while contributing to the Rural Chapter 17 of the District Plan Review.
4. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
5. The key documents I have used, or referred to, in forming my view while preparing this brief of evidence are:
  - a. The Application prepared by Ryman Healthcare (March 2020).
  - b. The Urban Design, Landscape and Visual Effects Assessment prepared by Rebecca Skidmore (March 2020).

- c. The Landscape Concept Plans for both sites prepared by Design Squared (11 May 2020).
  - d. The Landscape Management Plan prepared by Design Squared (14 May 2020).
  - e. The Urban Design Section 92 Response prepared by Rebecca Skidmore (7 July 2020).
  - f. The further Section 92 Response prepared by Design Squared regarding Raised Tree Planter Design Assessment (24 June 2020).
  - g. Additional Tree planting plans for both sites prepared by Design Squared Landscape Architects and the Raised Tree Planter Design Assessment (23 June 2020).
  - h. Isometric views prepared by Warren and Mahoney and additional Visual Simulations from various viewpoints.
  - i. Further Information received from Mitchell Daysh (17 November 2020).
  - j. Fastigate Oak Case Study prepared by Design Squared Landscape Architects (9<sup>th</sup> November 2020).
6. I have visited both sites accompanied by Council's Planner Louisa Armstrong and Council's Principal Advisor Urban Design Josie Schröder, who is to comment more fully on urban design matters. Council arborist John Thornton is to comment on tree related matters, particularly in relation to the work within the dripline and pruning of a significant tree, and other tree removals. Mr Thornton is also to provide comment in relation the raised tree planters which are designed give additional tree container capacity while sitting on top of the proposed basement carpark podium, and I rely in these comments.
7. I have been asked to provide comment in relation to landscape matters, particularly to ascertain the likely degree of adverse effects on the environment. In addition to the degree of landscape and visual effects, this landscape review will also address more generally the landscape related aspects of this proposal in relation to tree and amenity planting and the maintenance and management of the proposed trees.

## **SUMMARY**

8. The proposal is to establish a comprehensive care retirement village across the Bishops Park Site (100 Park Terrace) and Peterborough Site (78 Park Terrace). The proposal is described in detail in Section 2 of the application.
9. The sites are zoned Residential Central City, which has been developed to contribute to Christchurch's liveable city values. Providing for a range of housing types, including attractive, high density living opportunities, the zone utilises the potential for living, working, and playing in close proximity to the commercial centre of the city. The character, scale and intensity of non-residential activities is controlled in order to mitigate effects on the character and amenity of the inner-city residential areas.
10. The proposed activity is classified as a residential activity. The proposal requires resource consent for a restricted discretionary activity under rules relating to building height, recession planes, road boundary building setback and minimum building setbacks from internal boundaries. In addition, the proposal requires resource consent in relation to earthworks, signs, access design, heritage items, pruning of a significant tree and any works within the dripline of a significant tree.
11. This report also responds to submissions in relation to landscape and visual amenity matters, and makes comment on the Draft Consent Conditions received from the applicant. I also make a number of recommendations related to tree planting to assist with the integration of the development into the surrounding site context.

## **DESCRIPTION OF THE PROPOSAL**

12. The proposal is to construct, operate and maintain a comprehensive care retirement village at 100 – 104 Park Terrace and 20 Dorset Street ("Bishops Park Site") and 78 Park Terrace ("Peterborough Site"), Christchurch. A full description of the proposal is described within the AEE which I adopt for these comments.
13. Of particular relevance to this landscape review is a proposed basement spanning almost the entire area of both the Bishops Park Site, and the Peterborough Site, potentially impacting on the ability to successfully establish trees within engineered treepits. The ability to establish

large trees on the perimeter and internally within the site is considered by both myself and Ms Schröder as an important element in addressing the existing site context, and contributing to visual amenity beyond both of the sites in terms of mitigating the visible scale of the buildings, and providing amenity at street level.

14. The Peterborough Site contains a significant tree (a Common Lime tree) which is to be retained, however there will be some works within the dripline of the tree, and crown lifting. I understand that several other mature trees that were protected under a former Resource Consent, and formerly assisting with the residential context of the site, are to be removed or have already been removed.
15. A summary of the proposed tree and landscape planting is also provided within the Landscape Concept Plans, and within the Tree Planting Plans and Tree Planter Set-out Plans prepared by Design Squared Landscape Architects. The Tree Planter Set-out plans also provide volumes of tree planting areas.
16. A series of detailed drawings have also been provided which detail the construction and planting methodology for three differing styles of engineered raised tree planters and tree pits, in relation to the position of the underlying basement car park. I rely also on the comments of CCC Arborist Mr John Thornton, and more latterly in relation to further information, I rely also on the comments of CCC Arborist Mr Laurie Gordon.
17. Tree schedules have been provided, detailing proposed tree varieties, and the estimated 10-year height. The Landscape Management Plan (LMP) specifies a minimum height that the trees are to be grown and maintained at, which I understand corresponds with the estimated 10-year height indicated within the tree schedules.
18. A further detailed description of the proposal is included within the assessment below, however other key aspects of the proposal are;
  - 18.1 Proposed tree planting methods are as follows;
    - a) In-ground Treepits – conventional tree pits in natural ground.
    - b) Tree Planter over Podium – tree is containerised over podium slab.

- c) Tree and Garden Planter over Podium – tree and garden bed are containerised over the podium slab, with there being additional capacity provided for tree roots.
- d) Dorset Street boundary trees are to be planted in Stratavault Cell treepits to provide additional root capacity (Further information has provided 9<sup>th</sup> November 2020)

18.2 Tree planters around the periphery of the site range from 800mm to approximately 2.5m in width. A range of volumes are proposed for the tree planting beds and containers, however generally 3m<sup>3</sup> is provided per tree, with the exception of the internal tree planting beds on the Peterborough site which are provided at 2m<sup>3</sup>.

18.3 Proposed tree species for the perimeter tree plantings include large growing species such as *Ulmus carpinifolia* 'Variegata', *Fagus sylvatica* 'Dawyck Purple', *Ginkgo biloba* 'Fastigiata', *Liriodendron tulipifera* 'Fastigiata', *Quercus robur* 'Fastigiata' and *Liriodendron tulipifera*. In addition, the smaller growing *Magnolia grandiflora* 'Blanchard' and 'Teddy Bear' are proposed for the boundary shared with 76 Park Terrace. With the exception of the *Magnolia* which grows to approximately 5.0m at maturity, the natural height of all these trees would be approximately 15-20m. The fastigate trees commonly have a canopy spread of 4.0m, while the proposed non-fastigated species have a canopy spread of up to 15m.

## DESCRIPTION OF THE RECEIVING ENVIRONMENT

- 19. Both sites are located in Central Christchurch with extensive frontages onto Park Terrace. The sites are separated by Salisbury Street. The Avon River is located across the other side of Park Terrace, and Hagley Park is situated adjacent, containing foot paths that both afford views onto the sites and providing amenity for the application sites. There are public footpaths on both sides of Park Terrace, Salisbury Street, Peterborough Street and Dorset Street, which are adjoining the sites.
- 20. The area immediate to the Peterborough Site is largely residential, with the surrounding neighbourhood consisting mostly of single unit residential dwellings and two to three storey townhouses. The surrounding streets are lined with trees, and the residential properties generally display established gardens composed of mature trees and plantings. There is a large Council owned grassed berm along the Park Terrace boundary of the site, contained a grouping of established street trees and amenity planting.

21. The Bishops Park site sits within a large residential block, with a commercial area located more to the north, and directly adjacent to the east of the site. A fuller description of the site context is provided by the applicant within the Urban Design Assessment and I adopt this description for the purposes of this review.
22. In terms of the surrounding site context I defer to the comments prepared by both Ms Skidmore and Ms Schröder. In general landscape terms, while increasing residential intensity has reduced the available area for established gardens and large tree species, the Avon River and Hagley Park still remains an important contributor to the overall treed environment and natural character of the surrounding neighbourhood.

### **ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS**

23. The matters of discretion under 14.15.9 (Retirement villages) provide useful guidance in assessing the effects of the proposal. The relevant landscape matters fall broadly into site context, visual quality, street interface, residential amenity for neighbours and CPTED. I will defer to Ms Schroder who on this occasion is providing comments in relation to CPTED matters.
24. For the purposes of this review, I will focus my comments on landscape related matters for each site individually, and also comment more generally on the proposed tree planting methodology which is relevant in the context of the adequacy of the tree planting for assisting with visual amenity and surrounding context, and their capacity to provide landscape amenity in perpetuity.
25. I rely on the landscape plans and planting plans provided by the applicant for these comments, and the LMP which details the proposed tree maintenance, construction methodology of the raised planter boxes, and other aspects of general tree and plant maintenance.
26. I will use the effects ratings for the Landscape and Visual Effects contained within the New Zealand Institute of Landscape Architects (NZILA) Best Practice Note 10.1 – Landscape Assessment and Sustainable Management. These ratings can be compared with the more commonly used RMA effects ratings where ‘Very High’ and ‘High’ equates to ‘Significant’ and the NZILA rating of ‘Moderate’ has been divided into 3 levels which encompass ‘More than



Minor' or 'Minor'. The NZILA rating of 'Low' and Very Low' equates to 'Less than Minor' (See Figure 1 below).

NZILA Rating	Extreme	Very High	High	Moderate			Low	Very Low	Negligible
				Moderate-High	Moderate	Moderate-Low			
RMA Effects Equivalent	Unacceptable	Significant		More than Minor		Minor	Less than Minor		Indiscernible

Figure 1 Comparative Scale of Degree of Effects.

### Bishops Park Site

27. A number of medium and large-scale trees that were formerly growing on the site and visible from surrounding streets and adjacent neighbours are to be (or have been) removed. In my opinion, the removal of these trees detracts from the existing environment, reduces the ability of the proposal to respond to the existing context, and reduces the amenity for both neighbours and users of nearby public spaces.
  
28. The basement car park extends almost to the boundaries of the Bishops Park Site, creating limitations for tree planting across the site. Building setbacks further limit room for tree establishment and growth in the long term. Proposed tree planting on the Bishops Park Site are as follows;
  
29. Park Terrace frontage. A line of variegated Elm trees are proposed with a Plane tree in the north western most corner. The smaller *Magnolia grandiflora* 'Teddy Bear' are to line the driveway on the southern side shared with 90 Park Terrace, and on the opposite side of the driveway entrance. These trees are to be planted at 2.0m in height within conventional tree pits and are to be maintained at a height of 8m (except for the *Magnolia*). The Elm trees are capable of growing to approximately 15m and the Plane tree is capable of growing to 25m or more at maturity.
  
30. The original proposal was for larger tree species to line either side of the driveway on Park Terrace, creating an entrance experience while responding to the surrounding park-like treescape. I consider that there would be adequate space and there are still opportunities to provide for larger species "gateway" trees on either side of the driveway, which would provide

- a more suitable response to the surrounding environment, and diversify the tree planting strategy on the Park Terrace frontage.
31. Building B02 encroaches on the 4.5 m setback at the Park Terrace boundary. Given the proximity of these trees to the B02 Apartments, shading is likely to be a concern for the residents, and the trees are unlikely to be allowed to grow to their full height.
  32. These trees will add to streetscape amenity, and to the visual amenity of Hagley Park users, however, however I do not consider that the tree planting proposal currently provides an adequate response to the surrounding treed landscape, nor does it adequately assist to integrate the proposal into the surrounding neighbourhood. Overall I consider that the adverse effects of the proposal for Park Terrace and Hagley Park users to be Moderate-Low.
  33. Westwood Terrace frontage. Fastigate *Ginkgo* trees are proposed for this boundary. They are to be grown in tree and garden planters that average 1300mm in width, over the basement car park podium, within very close proximity to the building elevation. These are a large tree, so regular tree pruning will be required given the space constraints, and conflict will likely arise for the residents. However, given the less visually sensitive nature of this boundary, the visual effects are likely to be Low.
  34. Boundary shared with residences at 13 to 17 Salisbury Street. On this boundary (with the exception of 6/17 Salisbury Street), *Liriodendron tulipifera* 'Fastigiata' are proposed to be planted in tree and garden planters over the basement car park podium. This is the northern boundary of the residential dwellings. These are a very large tree and the proposal is to maintain them at 8.0m in height. There is likely to be shading issues for these residences. The trees will require frequent pruning. I recommend that these trees be replaced with trees that grow to a natural mature height of 6.0m.
  35. Dorset Street frontage. Building B03 encroaches on the 2m setback from the Dorset Street boundary. A row of four upright purple European Beech are proposed situated on the northern side of the apartments, to be planted in Stratavault Cell tree pits to provide additional root capacity. It is likely that space constraints and lack of daylight penetration on the northern elevation will result in conflict for the residents of these apartments. These trees are required to maintain a quality street interface and residential amenity for the street users. Topping of

these trees will potentially compromise their form and structural integrity will be compromised. I consider that a larger setback of 3.0m is required to accommodate these trees. However, given the relatively short extent of the building elevation presented to Dorset Street, overall the effects are likely to be Moderate-Low.

36. The heritage Dorset Street flats are likely to be impacted by the northern elevations of BO1 East and West apartment wings which have a height of approximately 14m. Fastigate Ginkgo trees are proposed for this boundary, to be grown in tree and garden planters that appear to be approximately 1.0m in width. It is unlikely that these trees will attain an adequate height to provide useful mitigation for these buildings, or to provide a vegetated backdrop to the heritage flats. I consider that a larger setback of 3.0m is required to accommodate these trees. Overall the effects are likely to be Moderate-Low.
37. 90 Park Terrace. *Magnolia grandiflora* 'Teddy Bear' are to line the driveway on the southern side shared with 90 Park Terrace. These tree species were agreed upon in consultation with the neighbouring resident, are to be planted within tree pits in a conventional landscape bed. They are an appropriate smaller tree (approximate 4-6m mature height) for a residential boundary, and are unlikely to cause issues with shading. They are also proposed to be planted to each side of the Park Terrace vehicle entrance, and in my view will not be an appropriate species to create a "gateway" experience or respond to surrounding landscape context.

#### Peterborough Site

38. The Peterborough Site has two key street interfaces at Salisbury Street and Park Terrace and a further narrow frontage on Peterborough Street. The protected Common Lime tree is situated on the southern end of the site, alongside the Peterborough Street boundary. Construction is likely to come within close proximity to this tree. I defer to Mr Thornton's comments regarding this tree.
39. The basement car park extends almost to the boundaries of the Peterborough Site, creating limitations for tree planting across the site. Building setbacks further limit room for tree establishment and growth in the long term. As discussed earlier, the tree planting is a critical element in addressing the existing site context, and contributing to visual amenity beyond the site, assisting to mitigate the visible scale of the buildings, given the scale of development on

the Peterborough Site. This is particularly the case with regards to the Park Terrace and Salisbury Street frontages. Proposed tree planting for the Peterborough Site is as follows;

40. Park Terrace frontage. The western wing of the BO7 apartment building presents its long side to the Park Terrace frontage. The outdoor living areas are separated by landscape beds and hedging, and punctuated by a Variegated Elm tree on the western edge of each small courtyard. These trees are to be planted in a tree and garden raised planters over the carpark basement podium. English Beech trees are to be planted either side of the vehicle entrance also in raised planters, and a Scarlet Oak is to be planted in the north-western most corner of the site. These tree varieties were provided as a response to discussions with Council regarding a more appropriate reflection of the Hagley Park and Avon River park-like treescape.
41. All of these proposed trees are to be managed to a height of 8m, regardless of their natural mature heights. I also consider that the pruning of all these trees to maintain them at an 8.0m height limit will appear unnatural. Trees in a more natural environment grow to a variety of heights and canopy widths. I consider that there is space and opportunity to provide conventional tree pits to allow the large Oak and Beech trees to mature to their full dimensions. This would provide a more suitable response to the surrounding context and provide more meaningful mitigation or building height and bulk on this elevation.
42. The Elm trees are likely to mostly establish in their planter boxes however are also likely to suffer from space constraints. Shadowing caused by these trees to the western side of these apartments and outdoor living areas will likely be an issue for the residents of these apartments.
43. The CCC owned pocket park on the Park Terrace/Salisbury Street corner contains established trees and garden beds and will provide some landscape mitigation for the proposal. Hagley Park users are at a distance from the site, and views are tempered by intervening trees. Overall I consider that the adverse effects of the proposal for Park Terrace and Hagley Park users to be Moderate - Low.
44. Boundary shared with 76 Park Terrace. *Liriodendron tulipifera* are proposed to be planted on this shared boundary. They are a large tree, and are proposed to be grown in 4.5m<sup>3</sup> tree planters within approximately 2m of the northern fence line. There are likely to be issues with shading

- of these trees. I recommend that these trees be planted along the northern side of the driveway.
45. Salisbury Street frontage. The permitted 20m building height rule is to be infringed on this boundary. Residential properties are located immediately opposite the proposed development, on the north side of Salisbury Street. The western and eastern wings of the BO7 apartment building are located 2.0m from the road boundary and are separated by a common plaza/courtyard which fronts on to Salisbury Street. The perimeter of the courtyard lawn is to be planted with a double row of Maple 'Jeffers Red', in small tree planter boxes over the basement carpark podium. This courtyard will provide a break in the building elevation, and will also provide some depth to the tree planting, benefitting the street interface.
46. The Salisbury Street frontage is to be planted with a line of Fastigate Oak trees in tree and garden raised planters over the carpark basement podium, and are to be maintained at an estimated height of 8.0m. The cross section provided on sheet SK109 of the landscape plans details the proposed landscape treatment at this frontage and the respective levels of the landscape bed directly adjoining the footpath, and the raised bed which sits adjacent to the apartment building. The trees will be planted within an approximately 1.1m wide raised bed, when taking into account the width of the external wall of the planter bed. The trees themselves are likely to be positioned within approximately 700-800mm of the northern elevation of the apartment building. The Tree Planter Set-out plan provides the combined volume for each planter bed, being 33m<sup>3</sup> on the western end and 22m<sup>3</sup> on the eastern end.
47. The Fastigate Oak tree commonly attains a canopy diameter of 4-6m when allowed room for growth. This tree is described as a vigorous grower with a deep root system. The mature height of these trees is 30m.
48. The Landscape Management Plan supplied by the applicant details the maintenance which is to be undertaken with respect to the proposed trees, which are to be monitored and trimmed annually. The LMP also specifies that *"trees must not be topped unless they exceed the specified minimum height, and there is a desire to maintain the minimum height by the client"*. This leads to the assumption that the proposed trees are likely to be managed in such a way that they are maintained at 8.0m height. I will defer to comments from Mr Thornton regarding this, however

understand that the reduction of large tree species can affect their vitality and structural integrity.

49. As is the case with the Park Terrace frontage, I also have concerns with regards to the likely lack of daylight penetration to the northern elevation of these apartments, combined with the very constrained space to the point where the foliage will be in direct contact with the building. My specific concerns are that severe pruning, or topping, of these trees will be required, in which case their form and structural integrity will be compromised. The removal and replacement of dead or dying trees may prove difficult to accomplish without damaging the buildings and retaining structures. The resultant time lag until new trees have established will have consequent effects on the street interface and the residential amenity for the neighbours. I consider that a larger setback of 3.0m is required to accommodate these trees.
50. I have also considered what mitigation and amenity these trees would provide should they successfully mature to 8.0m in height at perpetuity. The public footpath is directly adjacent to the site boundary. The trees would likely provide sufficient amenity to footpath users, by providing a filtered screening of the building elevation while serving to reduce the building scale. From further afield, I do not consider that these trees will function adequately to fully mitigate the scale of the development from the Salisbury Street frontage. I consider that these trees must be allowed to reach a mature height of at least 12m in perpetuity to adequately mitigate the adverse effects of the proposal on street scene and landscape amenity. Overall I consider that the adverse effects of the proposal for users and residents of Salisbury Street to be Moderate-High.

#### Hagley Park and Avon River

51. Both sites have a frontage onto Park Terrace, which comprises the eastern edge of Hagley Park. The Peterborough Site in particular has a corner position and a strong visual relationship with Hagley Park. The treed landscape of Hagley Park and the Avon River provides a high degree of landscape amenity and natural character to the immediate area, and is greatly valued by the City's occupants.

52. Both sites will be visible from the Hagley Park path and from the public footpath adjacent to Avon River. During the winter months when the leaves have dropped, the proposal will also be visible from within the Park.
  
53. Specimen tree planting has been proposed by the applicant for the Park Terrace frontage of both sites to create a suitable interface and vegetated edge to the Sites and to contribute to the site amenity rather than fully screening views to the proposed buildings<sup>1</sup>. In my opinion, the proposed tree planting methodology will not be adequate to mitigate any potential adverse effects to the landscape amenity and natural character of Hagley Park and the Avon River. I consider that additional planting of a range large tree specimens (capable of growing to a minimum 15m in height at maturity) is required on the Park Terrace frontage of both sites, and that at least half of these trees be allowed to mature to their full height.

#### **FURTHER INFORMATION IN RELATION TO TREE PLANTING**

54. Further information was received from Design Squared (9th November 2020) - "*Fastigiata Oak Case Study*", which drew a comparison between a pair of fastigiata Oak trees planted in central median berms on Centaurus Road and the proposed tree planting on the Salisbury Street frontage of the Peterborough site. I took advice from Mr Laurie Gordon (Arboricultural Advisor, CCC) and rely on this advice for my comments in regards to the Fastigiata Oak Case Study. As a general comment, the Centaurus Road trees do not appear to provide a useful comparison to the Salisbury Street trees, as the Centaurus Road trees are growing in a natural tree pit, with additional capacity for tree roots to access the soil under the road. The proposed Salisbury Street trees are to be containerised.
  
55. The comments provided by Design Squared are based on an assumption that the Centaurus Road trees are pruned regularly. I am advised by Mr Gordon that these trees have never been pruned, and also that one tree in particular displays unusually exceptional growth form.
  
56. Mr Gordons comment also is that while a root volume of approximately 3m<sup>3</sup> may give most trees a viable chance of establishing successfully, this volume is unlikely to be adequate to

---

<sup>1</sup> R.A Skidmore S92 Response 7 July 2020 para 8

provide for long term growth and development (over 50 years for example). In Mr Gordon's opinion, it is poor arboricultural practice to plant trees with a natural mature height of 15m or more, and then prune to maintain constantly at 8.0m in height. A better practice would be to provide trees that grow to a maximum height of 8.0m.

57. With regards to the proposed Salisbury Street Fastigiata Oaks, it is Mr Gordon's opinion that a 1.1m wide planting bed would not provide adequate room for the tree canopy (even with regular pruning), nor would there be adequate width to provide for the mature trunk of the tree at its base, which could potentially reach up to 1.0m diameter. A landscape bed of a minimum 3.0m width would be required to sustain these trees over a 50 year growth period.
58. I am in agreement with Mr Gordon's comments, and consider that the proposed methodology for tree planting on the Salisbury Street frontage of the Peterborough site is unlikely to sustain suitable tree growth over a long period (such as 50 years).

## **RESPONSE TO SUBMITTERS**

59. There were a total of 137 submissions in relation to this application of which 94 were in support and 41 were in opposition. One submission was neutral towards the application and one did not state a position.
60. Reasons supporting the application include many references to the visual impact of the development being in keeping with the area, the provision of high quality buildings and landscaping, and the height of proposed buildings being similar in height to existing tall buildings along Park Terrace.
61. Reasons for opposing the application related to the height of the development not being in keeping with the residential environment, negative impacts on Hagley Park and the Avon River, the removal of existing large trees, the proposed basement precluding the ability of large trees to grow to their normal size, trees in containers will struggle to survive, insufficient space for trees to survive in 2m strip (Salisbury Street frontage/Peterborough site), building setbacks generally, loss or residential coherency and amenity, impacts on Dorset Street streetscape and Dorset Street flats, inadequate space for landscaping to be established along Dorset Street, the visual bulk, mass and design of the buildings facing Salisbury Street, limited landscaping



throughout the development, landscaping choices being unsustainable and inadequate, bulk and visual character of the development dominating the area, no native species are proposed to enhance biodiversity, greater spaces between buildings required to ensure views through the site, not enough trees to offset the building scale, lack of green space, loss of open space and “retreat” qualities of Hagley Park and the Avon Rover promenades, lack of openness and pleasant sunny ground within the development, and the visual impact of the reflective white walls.

62. Tree Removal. I consider that the removal of several existing large trees detracts from the existing environment, reduces the ability of the proposal to respond to the existing context, and reduces the amenity for both neighbours and users of nearby public spaces.
63. Proposed Tree Planting. I have made comment above on the proposed tree planting. In general, I understand that it is not good arboricultural practice to plant trees with a natural mature height of 15m or more, and then prune to maintain constantly at 8.0m in height.
64. Visual Bulk of Proposed Buildings and Proposed Setbacks. I have made comment that the proposed 8.0m tree height will not be adequate to mitigate the proposal, particularly on the Park Terrace and Salisbury Street frontages of the Peterborough Site, and the Park Terrace and Dorset Street frontages of the Bishops Park Site. I consider that the proposed trees on the Salisbury Street frontage should be allowed to mature to a minimum height of 12m in perpetuity, and that on the Park Terraces frontages, a selected number of trees should be allowed to mature to their full natural height.
65. I consider that on the site perimeters that interface with streets, the building setbacks should be increased to adequately provide a landscape planting bed that is a minimum 3.0m in width. I consider that the proposed trees on the Salisbury Street frontage should be allowed to mature to a minimum height of 12m in perpetuity.
66. Impact on Hagley Park and Avon River. In my opinion, the proposed tree planting methodology will not be adequate to mitigate any potential adverse effects of the proposed development on the landscape amenity and natural character of Hagley Park and the Avon River. I consider that additional planting of a range large tree specimens (capable of growing to a minimum 15m in

height at maturity) is required on the Park Terrace frontage of both sites, and that at least half of these trees be allowed to mature to their full height.

## **ASSESSMENT OF PROPOSED CONDITIONS**

67. These comments are in relation to Draft Consent Conditions. Conditions 43 to 46 comprise the landscape conditions and address the provision of a Planting Plan and a Planting, Implementation and Maintenance Strategy, the establishment of planting within the first planting season following the completion of each stage, and the replacement of trees that have perished with specimens at a minimum height of 4.5m. I consider that these conditions are all appropriate, however have made some additional recommendations below.

## **ADDITIONAL RECOMMENDATIONS**

68. As follows;

68.1 The building setbacks on the Dorset Street frontage of the Bishops Park site and the Salisbury Street frontage of the Peterborough site should allow for a 3.0m minimum width tree planting bed.

68.2 The Salisbury Street trees be allowed to grow within 3.0m wide planter beds to a height of 12m in perpetuity.

68.3 On the Park Terrace frontage of the Bishops Park site, provide for larger species that can reach their full mature height of a minimum 15m to be grown in conventional in-ground tree pits on either side of the driveway.

68.4 On the Park Terrace frontage of the Peterborough site, provide conventional in-ground tree pits on either side of the driveway and at the Park Terrace/Salisbury Street corner to allow the proposed large Oak and Beech trees to mature to their full dimensions.

68.5 On the Park Terrace frontages generally, provide additional planting of a range large tree specimens (capable of growing to a minimum 15m in height at maturity), and that at least half of these trees be allowed to mature to their full height.

68.6 On the boundary shared with residences at 13 to 17 Salisbury Street (with the exception of 6/17 Salisbury Street), *Liriodendron tulipifera* 'Fastigiata' trees be replaced with trees that grow to a natural mature height of 6.0m.

68.7 On the Boundary shared with 76 Park Terrace, the proposed *Liriodendron tulipifera* to be planted along the northern side of the driveway.

## CONCLUSION

69. The approach to building massing and density of development on the site is generally appropriate to the location, and additional amenity has been added within the site and for the benefit of the street interface by way of tree and landscape planting. However, for me the question remains regarding the adequacy of the proposal to establish the proposed tree planting in perpetuity. I consider that the proposed trees are a critical element in addressing the existing site context, and assisting to mitigate the visible scale of the buildings with respect to neighbours and users of public space, given the scale of development.

70. There is a real concern for me that the proposed tree planting methodology will not be adequate to sustain the proposed trees in perpetuity, and that on the Salisbury Street frontage in particular, there will be a real conflict regarding the sizable trees proposed to be grown within a very constrained space. I have also suggested that certain building setbacks be increased to allow more favourable conditions for trees to establish and mature in perpetuity.

71. I also consider that the limited number of tree varieties proposed for the Park Terrace frontage of both sites does not respond adequately to the Hagley Park and Avon River context. The proposal is to mostly maintain these trees to a standard maximum 8m in height<sup>2</sup>. This approach will not provide an appropriate response to existing context, and will appear unnatural. In addition, I understand that the pruning of these trees to maintain them at an 8.0m height limit is not good arboricultural practice. Trees in a more natural environment grow to a variety of

---

<sup>2</sup> Ms Schroder also refers to this in her evidence, and considers that the "standardised" approach to tree heights is less appropriate than a "contextual" approach which allows trees to reach their full mature height and spread.

heights and canopy widths. For this reason I have recommended that a selection of trees on these frontages be allowed to grow to their full natural height and spread.

Jennifer Geraldine Dray  
Team Leader Parks and Landscapes  
Technical Services and Design Unit  
Christchurch City Council  
Email: Jennifer.dray@ccc.govt.nz  
Direct Dial: 941-8734

## **Appendix I Applicant's Conditions**

**DRAFT CONSENT CONDITIONS**  
**RYMAN HEALTHCARE LIMITED**  
**78, 100 - 104 PARK TERRACE AND 20 DORSET STREET, CHRISTCHURCH**

**General**

1. The construction, operation and maintenance of a comprehensive care retirement village at 100 – 104 Park Terrace and 20 Dorset Street (Lot 1 DP 46511, Lot 1 DP 46369, Lot 2 DP 13073, Pt Res 23 Town of Christchurch and Pt Town Res 25 City of Christchurch), and 78 Park Terrace (Lot 1 DP 77997), shall be undertaken in accordance with the information and plans submitted with the resource consent application dated 27 March 2020, including responses to requests for further information from the Christchurch City Council in accordance with section 92 of the Resource Management Act 1991. The Approved Consent Documents have been entered into Council records as RMA/2020/673 and RMA/2020/679.
2. All of the conditions of this resource consent apply to the construction, operation and maintenance of a comprehensive care retirement village at 100 – 104 Park Terrace and 20 Dorset Street, and 78 Park Terrace, unless the conditions specifically refer to them only applying to an individual site.
3. The consent holder shall keep a copy of this consent, and all required management plans, on-site at all times and shall ensure that all contractors engaged to undertake works authorised by this resource consent are made aware of the conditions of this resource consent relevant to their work area and the measures required for compliance with the conditions.
4. Pursuant to section 125 of the Resource Management Act 1991, this resource consent lapses five years after the date it commences unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.

**Earthworks and Construction Management**

5. All earthworks on the site shall be carried out in accordance with a Construction Management Plan ('CMP'), which shall include an Erosion, Sediment and Dust Control Plan ('ESDCP'). The CMP ESDCP shall be based upon the draft plan submitted as part of the resource consent application, and shall be submitted to the Christchurch City Council for certification at least 10 working days prior to any earthworks commencing on the site. The CMP ESDCP shall be prepared by a suitably qualified and experienced person, and include a design certificate that the proposed erosion and sediment controls are appropriately designed.

The best practice principles, techniques, inspections and monitoring for erosion and sediment control in the CMP ESDCP shall be in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury (<http://esccanterbury.co.nz/>). The CMP ESDCP shall include (but is not limited to):

- a. A site description (i.e. topography, vegetation, soils etc);

- b. Details of proposed activities;
- c. A locality map;
- d. The identification of environmental risks including erosion, sediment and dust control, spills, wastewater overflows, dewatering, and excavation and disposal of material from contaminated sites;
- e. Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of runoff;
- f. A programme of works including a proposed timeframe and completion date;
- g. Emergency response and contingency management;
- h. Procedures for compliance with resource consents and permitted activities;
- i. Procedures for environmental monitoring and auditing, including frequency;
- j. Record of corrective actions or solutions implemented;
- k. Procedures for updating the CMP ESDCP;
- l. Procedures for training and supervising staff in relation to environmental issues; and
- m. Contact details of key personnel responsible for on-site environmental management and compliance.

*Note:*

*The Christchurch City Council Infrastructure Design Standard (Clause 3.8.2) contains further detail on Environmental Management Plans.*

- 6. The CMP ESDCP shall be implemented on site throughout the construction of the comprehensive care retirement village. No earthworks shall commence on site until:
  - a. The measures identified in the CMP ESDCP have been installed; and
  - b. An Engineering Completion Certificate (IDS – Part 3, Appendix VII), signed by an appropriately qualified and experienced engineer, is completed and presented to Christchurch City Council. This certificate is to certify that the erosion and sediment control measures have been properly installed in accordance with the CMP ESDCP.
- 7. The consent holder shall ensure any change in ground levels on the site due to earthworks shall not cause a ponding or drainage nuisance to neighbouring properties.
- 8. The consent holder shall ensure any change in ground levels on the site due to earthworks shall not affect the stability of the ground or fences on neighbouring properties.
- 9. The consent holder shall ensure that all open areas on the site shall be adequately stabilised as soon as practicable to limit sediment mobilisation.

*Note:*

*In accordance with the condition above earthworks on the site shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include the use of waterproof covers, geotextiles or aggregate cover that has obtained a density of more than 80% of a normal pasture sward.*

- 10. The consent holder shall ensure that any local roads, shared accesses, footpaths, landscaped areas or service structures that are damaged as part of the construction works authorised under this resource consent, are reinstated to their pre-construction standard and as specified in the Construction Standard Specifications (and at the expense of the consent holder).

The consent holder shall, in consultation with the Christchurch City Council, undertake a baseline survey of the condition of all local roads, shared accesses, footpaths, landscaped areas or service structures to be used as part of the construction works, prior to the commencement of construction works authorised as part of this resource consent, in order to provide a benchmark for the potential remedial works that may be required.

11. The consent holder shall ensure that footpaths and local roads to, and from, the site remain clean of debris and tracked material at all times. Footpaths and roads shall be regularly checked by the consent holder, and swept if any debris and tracked material is deposited as a result of the construction works.

### **Contaminated Material**

12. A Site Management Plan, prepared in accordance with the Framework Site Management Plan submitted with the resource consent application, shall be submitted to Christchurch City Council for certification at least 10 working days prior to earthworks commencing on the site.

The Site Management Plan shall include, but not be limited to, the following information:

- a. Pre-works testing;
  - b. General earthworks procedures for contaminated soils and material to manage potential exposure to workers and the public;
  - c. Dust controls for the management of contaminated soils and material;
  - d. Asbestos-specific health and safety controls for the site;
  - e. Unexpected contamination and contingency procedures; and
  - f. Monitoring procedures.
13. Any contaminated soils and materials removed from the site must either be (i) disposed of at a facility whose waste acceptance criteria permit the disposal, or (ii) encapsulated on site (e.g. beneath buildings, roads or landscaped areas).
  14. Within three months of the completion of earthworks on the site, a Site Validation or Works Completion Report (as appropriate) shall be prepared and submitted to the Christchurch City Council. The report shall include as a minimum:
    - a. Volumes of materials moved on site;
    - b. Details of any variations to the site works set out in the Site Management Plan;
    - c. Details of any discharges to the environment during the earthworks;
    - d. Details of any contingency measures employed during the earthworks;
    - e. Photographic evidence of the site works;
    - f. Evidence the objectives of the final site capping and / or remediation have been met with regard to high density residential land use; and
    - g. Evidence of the disposal of any soils off site to an authorised facility.

The report shall be written in accordance with the Ministry for the Environment Guidelines for Reporting on Contaminated Sites in New Zealand (Revised 2011). In the event that contaminated soils and materials are encapsulated on site in accordance with condition 13, the Site Validation or Works Completion Report shall also include a Long Term Management Plan that documents the ongoing management controls to be implemented by the consent holder.



## **Construction Traffic**

15. All construction work shall be carried out in accordance with a Construction Traffic Management Plan ('CTMP') to minimise the local traffic effects of construction works. The CTMP shall be based upon the draft plan submitted as part of the resource consent application, and shall be submitted to the Christchurch City Council for certification at least 10 working days prior to any construction works commencing on site. The CTMP shall be prepared by a suitably qualified and experienced person.

The CTMP shall include, but not be limited to:

- a. Construction dates and hours of operations;
  - b. Truck route diagrams for the local road network;
  - c. Contractor parking arrangements;
  - d. Temporary traffic management signage; and
  - e. Details of site access / egress over the construction period.
16. All loading and unloading of trucks with excavation or fill material shall be carried out within the site.

## **Construction Noise and Vibration**

17. All construction work shall be carried out in accordance with a Construction Noise and Vibration Management Plan ('CNVMP') to minimise the noise and vibration effects of construction works. The CNVMP shall be based upon the draft plan submitted as part of the resource consent application, and shall be submitted to the Christchurch City Council for certification at least 10 working days prior to any construction works commencing on site. The CNVMP shall be prepared by a suitably qualified and experienced person.

The CNVMP shall include, but not be limited to, the following information:

- a. Construction noise and vibration levels from key equipment to be utilised on site;
- b. Identification of the premises where there exists the potential for noise / vibration effects;
- c. Description and duration of the works, anticipated equipment and the processes to be undertaken;
- d. Hours of operation, including specific times and days when construction activities causing noise / vibration would occur;
- e. Mitigation options where noise / vibration levels are predicted or demonstrated to approach or exceed the relevant limits in the Christchurch District Plan. Specific noise / vibration mitigation measures must be implemented which may include but not limited to: (i) acoustic screening, (ii) time management procedures and (iii) alternative excavation / construction method technologies;
- f. The process for erecting temporary construction noise barriers where appropriate;
- g. Schedule and methods for monitoring and reporting on construction noise / vibration;
- h. Details of noise / vibration monitoring to be undertaken or in the event of any complaints received;
- i. Implementation of a complaint management system with contact numbers for key construction staff responsible for the implementation of the CNVMP and complaint

- investigation and including procedures for maintaining contact with stakeholders, notifying of proposed construction activities and handling of noise / vibration complaints;
- j. The process for notifying the owners and occupiers of adjacent buildings prior to construction activities commencing on the site; and
  - k. Training procedures for construction personnel.

### **Pre and Post Construction Building Condition Surveys**

- 18. Earthworks on site shall not commence on site until proof of an approved building consent covering all retaining walls shown on the plans approved as part of this resource consent is provided to the Christchurch City Council.
- 19. Where a pre-construction building condition survey is required by these consent conditions, the consent holder shall request in writing the approval of the owners of identified properties to undertake an initial condition and photographic survey. The consent holder shall send copies of each of the requests to the Christchurch City Council, Team Leader Compliance via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)
- 20. The consent holder shall engage a suitably qualified and experienced person to undertake a survey of the properties within 20 metres of where excavation will occur on the site, where the property owner has given their written approval.
- 21. If the property owner does not respond within four weeks of the request in condition 20 being made, the consent holder need not undertake a survey of that property.
- 22. The survey shall assess the current condition of the exterior and interior of the buildings on the properties identified in condition 20 (any additional properties to be surveyed at the consent holder's discretion). The methodology to be utilised by the consent holder shall be documented and provided to the Christchurch City Council, Team Leader Compliance prior to the surveys being undertaken.
- 23. A copy of each survey shall be made available to those property owners who participate in the survey and request a copy of the results.
- 24. Within twelve weeks of the completion of the construction works a follow up survey of each property surveyed shall be carried out (at the consent holder's cost) where the property owner has given their written approval. The purpose of these surveys is to assess any damage caused by the excavation and construction activities at the site. Provided the consent of any landowner is obtained, the consent holder shall be responsible for any repairs, reinstatement or other works to surveyed buildings that can be reasonably attributed to construction activity.

### **Significant Tree – 78 Park Terrace**

- 25. The consent holder is to appoint a suitably qualified and experienced arborist to monitor and supervise the works within the dripline of the Common Lime Tree (ID Number 3300 / Christchurch District Plan Number T271) for the duration of the works at 78 Park Terrace.

26. Prior to earthworks commencing at 78 Park Terrace, a meeting shall be held on site so that the protection measures for the Common Lime Tree can be discussed between the council arborist, the appointed arborist and relevant contractors who will be working on the site in proximity to the tree. At the meeting, the following will be agreed:
  - a. Areas for storing and / or stockpiling materials, spoil and equipment;
  - b. Procedures for protection of roots within the dripline of the Common Lime Tree (e.g. exposure of roots and protection measures, severing methodology and backfilling of exposed areas); and
  - c. Correct procedures when working around the Common Lime Tree.
27. Temporary protective fencing is to be erected to isolate the Common Lime Tree before any construction works occur around, or adjacent to, the tree. The fencing shall be retained in place for the duration of the construction works, and shall not be removed or moved without the prior approval of the council arborist. If the fencing is damaged, the site manager will be responsible for repairing it at the earliest opportunity.
28. No heavy machinery is to be driven within the dripline of the Common Lime Tree, unless on existing hard surfaces, or on load bearing mats or sheets designed to spread loading forces.
29. No materials or machinery / vehicles are to be stored / parked within the dripline of the Common Lime Tree during the construction work, including excavated soil, chemicals or building materials.
30. Notice boards, cables and other services shall not be attached to any part of the Common Lime Tree.
31. Postholes for the Peterborough Street road boundary fence posts are to be lined with plastic or similar impervious material to create a barrier between tree roots and raw concrete. Exploratory digging should be used to locate any major roots in the proposed posthole locations.
32. Any pruning of the Common Lime Tree to enable clearance from heavy machinery used for the basement retention system, or due to canopy damage from the operation of the machinery, is to be carried out by the appointed arborist to the Australian Standard- AS 4373-2007 "*Pruning of Amenity Trees*", or British Standard BS 3998: 2010 "*Recommendations - Tree Work*". The maximum diameter of any live limb removed is up to 100 mm at the point of removal.

## **Heritage**

33. At least 10 working days prior to the commencement of works at 100 – 104 Park Terrace and 20 Dorset Street, the consent holder shall submit a Temporary Protection Plan ('TPP') for the repair of the former Bishops Chapel (Heritage ID: 1035) for certification by the Christchurch City Council. The TPP shall be prepared by a suitably qualified and experienced person and shall be based upon the draft plan submitted as part of the resource consent application.

The TPP shall include, but not be limited to, the following information:

- a. A specific methodology for the removal and storage of exterior and interior heritage elements;
- b. Procedures for dust suppression from construction and works to the heritage building;

- c. Measures for fire protection;
  - d. Measures for security; and
  - e. A methodology for preparation of the exterior surface of the chapel if this is required (where any heritage fabric is remaining in situ).
34. The measures in the TPP shall ensure that the former Bishops Chapel is repaired to the extent that it can be utilised as a non-denominational prayer centre and meeting room as part of the comprehensive care retirement village on the site.
35. Prior to commencement of works, the consent holder's heritage professional shall hold a site briefing of all lead contractors and supervising staff to communicate the significance of the building, the consent conditions and the requirements of the TPP. The consent holder shall notify the Heritage Team Leader, Christchurch City Council of the date and time of the meeting at least three working days before the meeting.
36. The consent holder shall provide written confirmation to the Heritage Team Leader, Christchurch City Council stating that the initial setup of the TPP has been implemented and inspected on site (including methodologies for removal and storage of heritage fabric) by a suitably qualified and experienced person before any other works commence. Following the initial implementation of the TPP, the consent holder's heritage professional shall regularly monitor the TPP to ensure that appropriate measures are being taken by the contractors at each stage of construction and advise contractors if any additional protection is required.
37. All works to the former Bishops Chapel, and within the heritage setting of the former Bishops Chapel (Heritage ID: 470), shall be overseen by a suitably qualified CPEng structural engineer and heritage professional appointed by the consent holder.
38. No building works within the heritage setting of the former Bishops Chapel must proceed beyond the foundation stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Heritage Team Leader, Christchurch City Council that the works completed have been completed in accordance with the approved plans.
39. A registered surveyor or licensed cadastral surveyor, engaged by the consent holder, must provide written certification to the Heritage Team Leader, Christchurch City Council that the heights of the buildings within the heritage setting of the former Bishops Chapel, as completed have been completed in accordance with the approved plans.
40. If the proposed access ramp is to be attached to the heritage fabric of the former Bishops Chapel, at least 10 working days prior to the commencement of works to the chapel, the consent holder's heritage professional and engineer shall submit for certification to the Heritage Team Leader, Christchurch City Council, details of the methodology for fixing the ramp to the chapel.
41. A digital photographic record of the works to the heritage building and heritage setting is to be undertaken by the consent holder's heritage professional, before, during, and after the completion of the works. The photographic record of the works in the heritage setting shall include affected views to and from the heritage item. The record must be lodged with the Heritage Team Leader, Christchurch City Council for their records within three months of the completion of the work.

42. New or introduced materials, works or reconstructed elements shall be recorded and date marked to indicate the time of their installation. The form and location of the visible dating of the new entry / pergola structure is to be agreed with the Heritage Team Leader, Christchurch City Council prior to its installation.

### **Landscaping**

43. The proposed landscaping shall be established in accordance with the Landscape Plan labelled **X** as part of the Approved Consent Document.
44. Prior to the relevant buildings in any stage passing their final building inspection, the consent holder shall provide the Christchurch City Council with a detailed Planting Plan and a Planting, Implementation and Maintenance Strategy for the site at least 10 working days prior to any earthworks commencing on site. The Planting Plan and a Planting, Implementation and Maintenance Strategy shall be prepared by a suitably qualified and experienced professional.
- a. The final landscape plan and specifications;
  - b. Planting schedules, detailing the specific planting species, the number of plants / trees to be provided, locations and height/Pb sizes;
  - c. Annotated sections with key dimensions to illustrate that adequate widths and depths are provided for tree pits / planter boxes; and
  - d. A management / maintenance programme.
45. The proposed landscaping shall be established on site for each stage of building works within the first planting season (extending from 1 April to 30 September) following the final, passed building inspection for each relevant stage of building works.
46. Should any of the trees to be planted along the street frontage boundaries of the site not survive, the consent holder shall procure and plant replacement specimens at a minimum height of 4.5 m.

*Note:*

*This condition shall continue to apply for the duration that the comprehensive care retirement village exists on the site. It is intended to ensure that any trees that perish along the street frontage of the site are replaced with specimens that are appropriately sized in order to retain the amenity of the site and the surrounding streetscape.*

### **Traffic**

47. Prior to occupation of the village, the consent holder shall provide a pedestrian crossing across Salisbury Street as shown in [add final drawing number].
48. Plans for the construction of the pedestrian crossing across Salisbury Street shall be lodged with the Christchurch City Council at least 20 working days prior to the commencement of construction of the crossing. These plans are to be subject to acceptance by the Traffic Engineer, Christchurch City Council (or their nominee) prior to construction. All works are to be in accordance with Christchurch City Council's Construction Standard Specifications.

*Note:*

*The consent holder may be required to obtain approval from the Waikura / Linwood – Central – Heathcote Community Board for the establishment of the pedestrian crossing across Salisbury Street.*

**Stormwater**

49. Prior to undertaking any site works, the applicant shall obtain written confirmation from the Christchurch City Council that the construction and operational phase stormwater discharges have been accepted under the Christchurch City Council's stormwater network discharge consent or confirm that separate resource consents from Environment Canterbury have been obtained.

**Water Supply**

50. Prior to the occupation of residential units on the site sufficient water supply and access to water supplies for fire-fighting shall be made available to all residential units via Council's urban fully reticulated system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).

## **Appendix J – Location of submitters in the immediate area**





## **Appendix K – Objectives and Policies**

#### 14.2.1 Objective - Housing supply

- a) An increased supply of housing that will:
  - I. enable a wide range of housing types, sizes, and densities, in a manner consistent with Objectives [3.3.4\(a\)](#) and [3.3.7](#);
  - II. meet the diverse needs of the community in the immediate recovery period and longer term, including social housing options; and
  - III. assist in improving housing affordability.

##### 14.2.1.1 Policy - Housing distribution and density

- a) Provide for the following distribution of different areas for residential development, in accordance with the residential zones identified and characterised in Table 14.2.1.1a, in a manner that ensures:
  - I. new urban residential activities only occur in existing urban areas or in greenfield priority areas identified in Map A of the Canterbury Regional Policy Statement;
  - II. high density residential development in the Central City, that achieves an average net density of at least 50 households per hectare for intensification development;
  - III. medium density residential development in and near identified commercial centres in existing urban areas where there is ready access to a wide range of facilities, services, public transport, parks and open spaces, that achieves an average net density of at least 30 households per hectare for intensification development;
  - IV. a mix of low and medium residential density development in greenfield neighbourhoods, that achieves a net density (averaged over the Outline development plan) of at least 15 households per hectare;
  - V. greenfield land that is available for further residential development up to 2028;
  - VI. low density residential environments in other existing suburban residential areas and in the residential areas of Banks Peninsula, and in small settlements are maintained, but limited opportunities are provided for smaller residential units that are compatible with the low density and township suburban environment; and
  - VII. within Banks Peninsula, limited low density residential development adjacent to existing residential townships and small settlements, that complements the surrounding environment, is able to be efficiently serviced by public infrastructure and in some limited circumstances private infrastructure; and is in locations not subject to significant risks to life safety and property damage from natural hazards.

Table 14.2.1.1a

Residential Suburban Zone	<p>Provides for the traditional type of housing in Christchurch in the form of predominantly single or two storeyed detached or semi-detached houses, with garage, ancillary buildings and provision for gardens and landscaping.</p> <p>The changing demographic needs and increasing demand for housing in Christchurch are provided for through a range of housing opportunities, including better utilisation of the existing housing stock. A wider range of housing options will enable a typical family home to be retained, but also provide greater housing stock for dependent relatives, rental accommodation, and homes more suitable for smaller households (including older persons).</p>
Residential Suburban Density Transition Zone	<p>Covers some inner suburban residential areas between the Residential Suburban Zone and the Residential Medium Density Zone, and areas adjoining some commercial centres.</p> <p>The zone provides principally for low to medium density residential development. In most areas there is potential for infill and redevelopment at higher densities than for the Residential Suburban Zone.</p>
Residential Medium Density Zone	<p>Located close to the Central City and around other larger commercial centres across the city. The zone provides a range of housing options for people seeking convenient access to services, facilities, employment, retailing, entertainment, parks and public transport.</p> <p>The zone provides for medium scale and density of predominantly two or three storey buildings, including semi-detached and terraced housing and low-rise apartments, with innovative approaches to comprehensively designed, high quality, medium density residential development also encouraged.</p> <p>Residential intensification is anticipated through well-designed redevelopments of existing sites, and more particularly through comprehensive development of multiple adjacent sites. Zone standards and urban design assessments provide for new residential development that is attractive, and delivers safe, secure, private, useable and well landscaped buildings and settings.</p>
Residential Central City Zone	<p>Located within the Central City, the Residential Central City Zone has been developed to contribute to Christchurch's liveable city values. Providing for a range of housing types, including attractive, high density living opportunities, the zone utilises the potential for living, working and playing in close proximity to the commercial centre of the city. The</p> <p>character, scale and intensity of non-residential activities is controlled in order to mitigate effects on the character and amenity of the inner city residential areas.</p>

Residential New Neighbourhood Zone	<p>The Residential New Neighbourhood Zone generally includes new areas of greenfield land where large-scale residential development is planned. The zone will allow a wide range of residential house types and section sizes to provide for a wide spectrum of household sizes and affordable housing. People will therefore be able to remain within the neighbourhood throughout their lifetime as they move to housing types that suit their life stage. These areas are intended to achieve higher overall residential densities than traditionally achieved in suburban developments.</p>
Residential Banks Peninsula Zone	<p>Includes urban and suburban living, commuter accommodation and the small harbour settlements.</p> <p>The zone includes the settlements of Lyttelton and Akaroa which each have a distinctive urban character. Lyttelton has a more urban atmosphere and a distinct urban-rural boundary. The residential areas are characterised by small lot sizes and narrow streets. Akaroa is a smaller settlement characterised by its historic colonial form and architecture, relatively narrow streets, distinctive residential buildings and well-treed properties. Akaroa is a focal point for visitors to the region and the district. The character of these two settlements is highly valued and the District Plan provisions seek to retain that character. Opportunities for residential expansion around Lyttelton and Akaroa are constrained by the availability of reticulated services and land suitability.</p> <p>The smaller settlements around Lyttelton harbour provide a variety of residential opportunities. Residential areas at Cass Bay, Corsair Bay, Church Bay and Diamond Harbour offer a lower density residential environment with relatively large lots. Each settlement differs as a reflection of its history, the local topography, the relationship with the coast and the type of residential living offered.</p> <p>Non-residential activities that are not compatible with the character of the Residential Banks Peninsula Zone are controlled in order to mitigate adverse effects on the character and amenity of the area.</p>
Residential Hills Zone	<p>Covers all the living environments that are located on the slopes of the Port Hills from Westmorland in the west to Scarborough in the east. It provides principally for low density residential development that recognises the landscape values of the Port Hills, including opportunities for planting and landscaping, and control of reflectivity of roof finishes in order to blend buildings into the landscape. Provision is made for a range of housing options that will enable a typical family home to be retained, but also provide greater housing stock for dependent relatives, rental accommodation, and homes more suitable for smaller households (including older persons). Provision is also made for a range of appropriate non-residential activities.</p>
Residential Large Lot Zone	<p>Covers a number of areas on the Port Hills where there is an existing residential settlement that has a predominantly low density or semi-rural character as well as the Akaroa Hillslopes and rural residential areas of Samarang Bay and Allandale on Banks Peninsula.</p>

Residential Small Settlement	Covers the many small settlements on Banks Peninsula, as well as the settlements of Kainga and Spencerville to the north of Christchurch. Lot sizes within the settlements are typically larger than urban areas reflecting their existing character and providing a lower density semi-rural living environment, with the exception of Kainga, where smaller lots are provided for. New development is consolidated in and around existing settlements. Control of roof reflectivity seeks to blend buildings into the rural landscape.  Non-residential activities that are not compatible with the character of the settlements are controlled in order to mitigate adverse effects on amenity and the environment of the settlements.
Residential Guest Accommodation Zone  (Proposed Plan Change 4)	Comprises a number of sites situated in residential locations that were previously either zoned or scheduled for guest accommodation purposes in earlier district plans and continue to be used for guest accommodation. The zone provides for the ongoing operation, intensification or redevelopment of these established activities, compatible with the character and amenity of adjoining residential zones.

#### 14.2.1.3 Policy - Residential development in the Central City

- a) To restore and enhance residential activity in the Central City by:
- a) providing flexibility for a variety of housing types which are suitable for a range of individual housing needs;
  - b) providing for a progressive increase in the residential population of the Central City in support of Policy 14.2.1.1.a.ii.;
  - c) assisting in the creation of new inner city residential neighbourhoods and the protection of amenity of inner city residential neighbourhoods; and
  - d) encourage the comprehensive redevelopment of sites that are no longer required for non-residential purposes.

### 14.2.4 Objective - High quality residential environments

1. High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.

#### 14.2.4.1 Policy - Neighbourhood character, amenity and safety

- a) Facilitate the contribution of individual developments to high quality residential environments in all residential areas (as characterised in Table 14.2.1.1a), through design:
- I. reflecting the context, character, and scale of building anticipated in the neighbourhood;
  - II. contributing to a high quality street scene;
  - III. providing a high level of on-site amenity;

- IV. minimising noise effects from traffic, railway activity, and other sources where necessary to protect residential amenity;
- V. providing safe, efficient, and easily accessible movement for pedestrians, cyclists, and vehicles; and
- VI. incorporating principles of crime prevention through environmental design.

#### 14.2.4.2 Policy - High quality, medium density residential development

- a) Encourage innovative approaches to comprehensively designed, high quality, medium density residential development, which is attractive to residents, responsive to housing demands, and provides a positive contribution to its environment (while acknowledging the need for increased densities and changes in residential character), through:
  - I. consultative planning approaches to identifying particular areas for residential intensification and to defining high quality, built and urban design outcomes for those areas;
  - II. encouraging and incentivising amalgamation and redevelopment across large-scale residential intensification areas;
  - III. providing design guidelines to assist developers to achieve high quality, medium density development;
  - IV. considering input from urban design experts into resource consent applications;
  - V. promoting incorporation of low impact urban design elements, energy and water efficiency, and life-stage inclusive and adaptive design; and
  - VI. recognising that built form standards may not always support the best design and efficient use of a site for medium density development, particularly for larger sites.

#### 14.2.8 Objective - Central City residential role, built form and amenity

- a) A predominantly residential environment offering a range of residential opportunities, including medium to high density living, within the Central City to support the restoration and enhancement of a vibrant city centre;
- b) A form of built development in the Residential Central City Zone that enables change to the existing environment, while contributing positively to the amenity and cultural values of the area, and to the health and safety, and quality and enjoyment, for those living within the area.

##### 14.2.8.1 Policy - Building heights

- a) Provide for different maximum building heights in areas of the Residential Central City Zone with some areas requiring a reduced height compatible with the existing predominant character.

##### 14.2.8.2 Policy - Amenity standards

- a) Prescribing minimum standards for residential development which:

- I. are consistent with higher density living;
- II. protect amenity values for residents;
- III. integrate development with the adjacent and wider neighbourhood;
- IV. provide for a range of current and future residential needs; and
- V. recognise cultural values.

#### 5.2.1.1 Objective - Natural hazards

- a) The Objective for this chapter is Objective 3.3.6 in Chapter 3 Strategic Directions.

#### 3.3.6 Objective - Natural hazards

- a) New subdivision, use and development (other than new critical infrastructure or strategic infrastructure to which paragraph b. applies):
  - I. is to be avoided in areas where the risks from natural hazards to people, property and infrastructure are assessed as being unacceptable; and
  - II. in all other areas, is undertaken in a manner that ensures the risks of natural hazards to people, property and infrastructure are appropriately mitigated.
- b) New critical infrastructure or strategic infrastructure may be located in areas where the risks of natural hazards to people, property and infrastructure are otherwise assessed as being unacceptable, but only where:
  - I. there is no reasonable alternative; and
  - II. the strategic infrastructure or critical infrastructure has been designed to maintain, as far as practicable, its integrity and form during natural hazard events; and
  - III. the natural hazard risks to people, property and infrastructure are appropriately mitigated.
- c) There is increased public awareness of the range and scale of natural hazard events that can affect Christchurch District.
- d) The repair of earthquake damaged land is facilitated as part of the recovery.

#### 5.2.2.2.1 Policy - Flooding

- a) Map hazard risk for the Flood Management Area based on:
  - I. a modelled 0.5% AEP (1 in 200-year) rainfall event plus a 5% AEP (1 in 20-year) tide event plus 250mm freeboard; OR a modelled 5% AEP (1 in 20-year flood event) plus a 0.5% AEP (1 in 200-year) tide event plus 250mm freeboard; OR 11.9m above Christchurch City Council Datum (the maximum 200-year tidal contour) plus 250mm freeboard; whichever is the greater; and
  - II. allowance for 1 metre of sea level rise and an increase in rainfall intensity by 16% through to 2115 as a result of climate change; and

- III. a maximum buffer extension of the modelled rainfall event areas by 60 metres in a north/south and east/west direction.
  - b) In the High Flood Hazard Management Area:
    - I. provide for development of a residential unit on residentially zoned land where the flooding risk is predominantly influenced by sea-level rise and where appropriate mitigation can be provided that protects people's safety, well-being and property from unacceptable risk; and
    - II. within the Specific Purpose (Ōtākaro Avon River Corridor) Zone, provide for structures in accordance with Policy 13.14.2.1.8.
    - III. in all other cases, avoid subdivision, use or development where it will increase the potential risk to people's safety, well-being and property.
  - c) Avoid activities locating where they could undermine the integrity of the Waimakariri River primary stopbank system, and restrict activities locating where they could undermine the integrity of the Waimakariri River secondary stopbank system.
  - d) Maintain the flood storage capacity and function of natural floodplains, wetlands and ponding areas, including the Hendersons Basin, Cashmere Stream Floodplain, Hoon Hay Valley, Cashmere-Worsleys Ponding Area, Cranford Basin and Lower Styx Ponding Area<sup>1</sup>.
  - e) Except for filling required to meet minimum floor levels, ensure that filling in urban areas at risk of flooding in a major flood event does not transfer flooding risk to other people, property, infrastructure or the natural environment.
  - f) Reduce potential flood damage by ensuring floor levels for new buildings or additions to buildings, except those unlikely to suffer material damage, are above flooding predicted to occur in a major flood event, including an allowance for appropriate freeboard.
- <sup>1</sup> This policy does not foreclose compensatory storage being provided for where filling is required.

#### **5.2.2.3.1 Policy - Management of liquefaction risk**

- a) Map the Liquefaction Management Area based on a district-wide assessment of where damaging liquefaction is more likely to occur.
- b) Provide for rezoning, subdivision, use and development on flat land where liquefaction risk has been appropriately identified and assessed, and can be adequately remedied or mitigated.

#### **6.8.2.1 Objective - Signage**

- a) Signage collectively contributes to Christchurch's vitality and recovery by:
  - I. supporting the needs of business, infrastructure and community activities;
  - II. maintaining public safety; and



- III. enhancing the visual amenity values and character of the surrounding area, building or structures.

#### **6.8.2.1.3 Policy - Managing the potential effects of signage**

- a) In considering Policies 6.8.2.1.1 and 6.8.2.1.2, ensure that the size, number, height, location, design, appearance and standard of maintenance of signs:
  - I. do not detract from, and where possible contribute to, the character and visual amenity of the surrounding area and public realm;
  - II. integrate within the façade of the building, do not detract from the integrity of the building design, and maintain the building as the primary visual element;
  - III. are in proportion to the scale of buildings and the size of the site; and
  - IV. enhance the Central City.

#### **7.2.1 Objective - Integrated transport system for Christchurch District**

- a) An integrated transport system for Christchurch District:
  - I. that is safe and efficient for all transport modes;
  - II. that is responsive to the current recovery needs, future needs, and enables economic development, in particular an accessible Central City able to accommodate projected population growth;
  - III. that supports safe, healthy and liveable communities by maximising integration with land use;
  - IV. that reduces dependency on private motor vehicles and promotes the use of public and active transport;
  - V. that is managed using the one network approach.

#### **7.2.1.3 Policy - Vehicle access and manoeuvring**

- a) Provide vehicle access and manoeuvring, including for emergency service vehicles, compatible with the road classification, which ensures safety, and the efficiency of the transport system.

#### **7.2.1.4 Policy - Requirements for car parking and loading**

- a) Outside the Central City:
  - I. Require car parking spaces and loading spaces which provide for the expected needs of an activity in a way that manages adverse effects.
  - II. Enable a reduction in the number of car parking spaces required in circumstances where it can be demonstrated that:
    - A. the function of the surrounding transport network and amenity of the surrounding environment will not be adversely affected; and/or
    - B. there is good accessibility by active and public transport and the activity is designed to encourage public and active transport use; and/or

- C. the extent of the reduction is appropriate to the characteristics of the activity and its location; and/or
  - D. the extent of the reduction will maintain on-site parking to meet anticipated demand.
- a) Within the Central City:
- I. Enable activities to provide car parking spaces and loading spaces, whilst minimising any adverse effects on the efficiency and safety of the transportation networks, including public transport, to the extent practicable.
  - II. Manage the development of commercial car parking buildings and parking lots within the Central City so that they:
    - A. support the recovery of the Central City;
    - B. are easily accessible for businesses within the Central City;
    - C. minimise any adverse effects on the efficiency and safety of the transportation networks of all users, to the extent practicable;
    - D. protect the amenity values of the Central City;
    - E. reduce the need for activities to provide their own on-site parking;
    - F. do not significantly adversely affect the demand for public transport to, from or within the Central City.
  - III. Allow for temporarily vacant sites to be used for car parking areas within the Central City until 30 April 2018.

#### **7.2.1.5 Policy - Design of car parking areas and loading areas**

- a) Require that car parking areas and loading areas are designed to:
- I. operate safely and efficiently for all transport modes and users;
  - II. function and be formed in a way that is compatible with the character and amenity values of the surrounding environment; and
  - III. be accessible for people whose mobility is restricted.

#### **8.2.4 Objective - Earthworks**

- a) Earthworks facilitate subdivision, use and development, the provision of utilities, hazard mitigation and the recovery of the district.

##### **8.2.4.1 Policy - Water quality**

- a) Ensure earthworks do not result in erosion, inundation or siltation, and do not have an adverse effect on surface water or groundwater quality.

##### **8.2.4.4 Policy - Amenity**

- a) Ensure, once completed, earthworks do not result in any significant shading, visual impact, loss of privacy or other significant detractor from the amenity values enjoyed by those living or working in the locality.

#### **9.3.2.1.1 Objective - Historic heritage**

- a) The overall contribution of historic heritage to the Christchurch District's character and identity is maintained through the protection and conservation of significant historic heritage across the Christchurch District in a way which:
  - I. enables and supports:
    - A. the ongoing retention, use and adaptive re-use; and
    - B. the maintenance, repair, upgrade, restoration and reconstruction;

of historic heritage; and

- II. recognises the condition of buildings, particularly those that have suffered earthquake damage, and the effect of engineering and financial factors on the ability to retain, restore, and continue using them; and
- III. acknowledges that in some situations demolition may be justified by reference to the matters in Policy 9.3.2.2.8.

#### **9.3.2.2.3 Policy - Management of scheduled historic heritage**

- a) Manage the effects of subdivision, use and development on the heritage items, heritage settings and heritage areas scheduled in Appendix 9.3.7.2 and 9.3.7.3 in a way that:
  - I. provides for the ongoing use and adaptive reuse of scheduled historic heritage in a manner that is sensitive to their heritage values while recognising the need for works to be undertaken to accommodate their long term retention, use and sensitive modernisation and the associated engineering and financial factors;
  - II. recognises the need for a flexible approach to heritage management, with particular regard to enabling repairs, heritage investigative and temporary works, heritage upgrade works to meet building code requirements, restoration and reconstruction, in a manner which is sensitive to the heritage values of the scheduled historic heritage; and
  - III. subject to i. and ii., protects their particular heritage values from inappropriate subdivision, use and development.
- b) Undertake any work on heritage items and heritage settings scheduled in Appendix 9.3.7.2 in accordance with the following principles:
  - I. focus any changes to those parts of the heritage items or heritage settings, which have more potential to accommodate change (other than where works are undertaken as a result of damage), recognising that heritage settings and Significant (Group 2) heritage items are potentially capable of accommodating a greater degree of change than Highly Significant (Group 1) heritage items;

- II. conserve, and wherever possible enhance, the authenticity and integrity of heritage items and heritage settings, particularly in the case of Highly Significant (Group 1) heritage items and heritage settings;
- III. identify, minimise and manage risks or threats to the structural integrity of the heritage item and the heritage values of the heritage item, including from natural hazards;
- IV. document the material changes to the heritage item and heritage setting;
- V. be reversible wherever practicable (other than where works are undertaken as a result of damage); and
- VI. distinguish between new work and existing heritage fabric in a manner that is sensitive to the heritage values.

## **Appendix L Legal Advice**

## Legal Services Unit – Corporate Services

# Memo

*Legal Privilege Applies*

*Not to be distributed without approval of Head of Legal Services*

---

Date: 10 December 2020

From: Brent Pizzezy (Senior Legal Counsel)

To: Louisa Armstrong (Senior resource consent planner)

---

### “Anticipated built form development” for AEE for RMA/2020/673 and 679 – Park Tce – LEX22411

#### Purpose of memo

1. You have requested me to assess whether the approach that you took to the “anticipated built form development” as being relevant to your assessment of adverse effects in the notification report is correct.
2. I have read the report and the letter from Anthony Harper that challenged that assessment. I broadly agree with the critique in the Anthony Harper letter and advise you to place more weight on neighbourhood and context in your effects assessment for the substantive decision. I have also seen the email from Chapman Tripp for the applicant dated 30 October in which the applicant’s solicitors describe some reasonable points relevant to the weight that could be placed on the “anticipated built form development” as a result of the framework of objectives, policies and provisions in the Plan. Those are all relevant considerations for your planning assessment.
3. I here confirm my opinion that a retirement village is a residential activity in terms of the District Plan and in terms of the Resource Management Act (RMA).

#### Residential activity in the RMA

4. At the date that the application was lodged the RMA provided in s120(1A) that there was no right of appeal to the Environment Court against a decision that relates to a residential activity as defined in s95A(6).
5. The Resource Management Amendment Act 2020 changed that from 30 September 2020, deleting the prohibition on appeals if those appeals relate to residential activity and nothing else (s37(1) of the Amendment Act).

6. The savings provisions in the Amendment Act are in the s104 amendment to Schedule 12 of the RMA. It inserts new clause 20 into Schedule 12. Clause 20 provides that the amendment to s120(1A) removing the bar on appeals for “residential activity” applies only to applications lodged after section 37(1) of the Amendment Act coming into force.
7. Accordingly, the bar to appeals still applies to this application if it is an application for “residential activity and nothing else”.
8. The s95A(6) definition of residential activity was

*(6) In subsection (5), residential activity means an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration, or use of 1 or more dwellinghouses on land that, under a district plan, is intended to be used solely or principally for residential purposes.*

9. “Dwellinghouse” is defined in the RMA as  
**dwellinghouse** means any building, whether permanent or temporary, that is occupied, in whole or in part, as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but does not include the land upon which the residence is sited
10. This proposed activity is on land intended to be used for residential purposes. The purpose of the retirement village is to provide residences and associated services for people in retirement. That appears to fit within the RMA definition of “residential activity”.

## Approach to District Plan interpretation

11. The principles for interpretation of a subordinate RMA planning instrument are well settled. The Court is guided by the Interpretation Act 1999, particularly s5 which requires a purposive interpretation. The Court of Appeal in *Powell*<sup>1</sup> stated:

*“While we accept it is appropriate to seek the plain meaning of a rule from the words themselves, it is not appropriate to undertake that exercise in a vacuum. As this Court made clear in Rattray, regard must be had to the immediate context (which in this case would include the objectives and policies and methods set out in s20) and, where any obscurity or ambiguity arises, it may be necessary to refer to the other sections of the Plan and the objectives and policies of the Plan itself. Interpreting a rule by a rigid adherence to the wording of the particular rule itself would not, in our view, be consistent with the judgment of this Court in Rattray or with the requirements of the Interpretation Act.”*

12. In *Re McKenzie District Council*<sup>2</sup> the Court added that in addressing subordinate legislation, where the examination of the immediate context of the Plan may leave some uncertainty, it is permissible to consider provisions in light of the purpose they fulfil in the authorising

<sup>1</sup> *Powell v Dunedin City Council* [2005] NZRMA 174(CA)

<sup>2</sup> *Re McKenzie District Council* [2019] NZEnvC 56 at 3[40] – [49]

legislation (in this case the RMA). Similarly, the fact that a District Plan is to give effect to an RPS can make the latter of some relevance in the interpretation of the former.

13. In *Nanden v Wellington City Council*<sup>3</sup> the High Court set out the following “fundamental issues of policy” where there are competing interpretations of Plan provisions:
- (a) it is desirable for an interpretation to be adopted which avoids absurdity or anomalous outcomes;
  - (b) it is also desirable for an interpretation to be adopted which is likely to be consistent with the expectation of property owners; and
  - (c) practicality of administration by City Council officers is also an important consideration.”

## Residential activity in the District Plan

14. You have asked for advice as to whether retirement village activity is “residential activity” as defined in the District Plan. I consider that it is.

15. The definition of “residential activity” in the Plan is:

*Residential activity*

*means the use of land and/or buildings for the purpose of living accommodation. It includes:*

*a. a residential unit, boarding house, student hostel or a family flat (including accessory buildings);*

*b. emergency and refuge accommodation; and*

*c. sheltered housing; but*

*excludes:*

*d. guest accommodation;*

*e. the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site; and*

*f. accommodation associated with a fire station.*

*(Proposed Plan Change 4)*

16. My understanding is that the purpose of the retirement village is to provide living accommodation in a manner that is suitable for the needs of the retired occupants. The list of some specified activities that are included within the definition includes some activities for which there are other services provided to occupants with the living accommodation. A student hostel for example, which is included in the list, may include an office, separate study spaces, provide counselling services, cleaning services, and separate dining facilities. Emergency and refuge accommodation may also provide those services associated with the living accommodation. They are still within the definition of “residential activity”.
17. Accordingly, the provision of associated services to retired people who are using land for living accommodation does not necessarily cause the activity to be non-residential activity in nature.
18. It is certainly not a commercial activity, which is defined as

<sup>3</sup> *Nanden v Wellington City Council* [2000] NZRMA 562 (HC)



*means retail activities, offices and commercial services. It excludes industrial activities, high technology industrial activities and heavy industrial activities.*

19. Commercial service “means a business providing personal, property, financial, household, private or business services to the general public”. The services provided in the proposed activity to the retired residents of the site are not services to the general public.
20. The objective and policy context supports the interpretation that a retirement village is residential activity.
21. Objective 14.2.1 is

*14.2.1 Objective - Housing supply*

- a. *An increased supply of housing that will:*
  - i. *enable a wide range of housing types, sizes, and densities, in a manner consistent with Objectives 3.3.4(a) and 3.3.7*
  - ii. *meet the diverse needs of the community in the immediate recovery period and longer term, including social housing options and*
  - iii. *assist in improving housing affordability.*
22. Policy 14.2.1.8 is specifically focussed on housing of a type that is commonly called a retirement village, without using that term:

*14.2.1.8 Policy - Provision of housing for an aging population*

- a. *Provide for a diverse range of independent housing options that are suitable for the particular needs and characteristics of older persons throughout residential areas.*
  - b. *Provide for comprehensively designed and managed, well-located, higher density accommodation options and accessory services for older persons and those requiring care or assisted living, throughout all residential zones.*
  - c. *Recognise that housing for older persons can require higher densities than typical residential development, in order to be affordable and, where required, to enable efficient provision of assisted living and care services.*
- Note: This policy also implements Objective 14.2.2.*
23. The activity described in 14.2.1.8 as being provided throughout residential areas - *comprehensively designed and managed, well-located, higher density accommodation options and accessory services for older persons and those requiring care or assisted living* – is the type of accommodation option proposed in this application, under the policy heading “*Provision of housing for an aging population*”.
  24. I consider that this objective and policy context makes it relatively clear that retirement village activity is a type of residential activity.

25. The definition of “retirement village” is:

*Retirement village*

*means any land, building or site that:*

- a. *is used for accommodation predominantly for persons in their retirement, or persons in their retirement and their spouses or partners; and*

- b. *satisfies either of the following:*
    - i. *it is registered as a retirement village under the Retirement Villages Act 2003 or will be so registered prior to it being occupied by any resident; or*
    - ii. *it is a rest home within the meaning of s58(4) of the Health and Disability Services (Safety) Act 2001; and*
  - c. *includes not less than two residential units; and*
  - d. *may include any or all of the following facilities or services for residents on the site:*
    - i. *a care home within a retirement village;*
    - ii. *a hospital within a retirement village;*
    - iii. *nursing, medical care, welfare, accessory non-residential and/or recreation facilities and/or services.*
26. Retirement villages are “accommodation”, meaning residential living accommodation, and associated facilities or services for the occupants. It is activity that has the character of residential activity and is, by Policy 14.2.1.8, encouraged to establish throughout all residential zones.
27. However, I note that despite retirement villages being, in my opinion, a type of “residential activity”, they are also a specific category of activity that is addressed in the Plan rules for the Residential Central City zone separately from residential activity. That means in relation to permitted activities in 14.6.1.1 and RDA for example that:
- P1 residential activity is subject to built form standards;
  - P12 permits “activity associated with a retirement village” – being activity of a residential nature and associated services – and specifies that the built form standards do not apply to it;
  - New building for a retirement village is expressly separated in P12 from the activity of a retirement village and is deemed to be a restricted discretionary activity under 14.6.1.3 RD4 and RD5;
  - Under 14.6.1.3 RD4 and RD5 buildings for a retirement village that comply with specified built form standards are subject solely to a restriction on discretion for retirement villages as a whole (14.15.9) whereas if they do not comply with those built form standards the restrictions on discretion include those for the standards not met.

## Context for consideration of the anticipated environment

28. There is no relevant permitted baseline for the site assessed in the application or officer’s report. Buildings for a retirement village require restricted discretionary resource consent and multi-unit developments require restricted discretionary consent with assessment of urban design matters (14.6.1.3).
29. 14.6.1.1 P12 provides that the built form standards in 14.6.2 do not apply to the buildings for retirement villages unless specified in 14.6.1.3 RD4 and RD5.
30. The notification report identifies that the proposed activity requires consent under 14.6.1.3 RD5, which applies to a retirement village building that does not meet one or more of the following built form standards:
- i.14.6.2.1 Building height

- ii.14.6.2.2 Daylight recession planes
- iii.14.6.2.3 Road boundary building setback
- iv.14.6.2.4 Minimum building setbacks from internal boundaries
- v.14.6.2.12 Water supply for firefighting

31. The Council's discretion is limited to
- a. Retirement villages – Rule 14.15.9

And as relevant to the built form standard that is not met:

- b. Building height – Rule 14.15.27.
  - c. Daylight recession planes – Rule 14.15.28.
  - d. Street scene and access ways – Rule 14.15.29.
  - e. Minimum building setbacks from internal boundaries – Rule 14.15.30.
  - f. Water supply for firefighting – Rule 14.15
32. The notification report identifies that the built form standards for height, recession planes, street scene and setbacks are breached.
33. If those standards had not been breached, the activity would be a restricted discretionary activity under 14.6.1.3 RD4, with discretion limited to “a. retirement villages – Rule 14.15.9”.
34. The assessment of urban design matters under 14.15.9 is wide ranging:
- a. *Whether the developments, while bringing change to existing environments, is appropriate to its context taking into account:*
    - i. *engagement with, and contribution to, adjacent streets and public open spaces, with regard to:*
      - A. *fencing and boundary treatments;*
      - B. *sightlines;*
      - C. *building orientation and setback;*
      - D. *configuration of pedestrian entrances;*
      - E. *windows and internal living areas within buildings; and*
      - F. *if on a corner site is designed to emphasise the corner*
    - ii. *integration of access, parking areas and garages in a way that is safe for pedestrians and cyclists, and that does not visually dominate the development, particularly when viewed from the street or other public spaces;*
    - iii. *retention or response to existing character buildings or established landscape features on the site, particularly mature trees, which contribute to the amenity of the area;*
    - iv. *appropriate response to context with respect to subdivision patterns, visible scale of buildings, degree of openness, building materials and design styles;*
    - v. *incorporation of Crime Prevention Through Environmental Design (CPTED) principles, including effective lighting, passive surveillance, management of common areas and clear demarcation of boundaries and legible entranceways;*
    - vi. *residential amenity for neighbours, in respect of outlook, privacy, noise, odour, light spill, and access to sunlight, through site design, building, outdoor living space and service/storage space location and orientation, internal layouts, landscaping and use of screening;*
    - vii. *creation of visual quality and interest through the separation of buildings, variety in building form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour; and*

- viii. where practicable, incorporation of environmental efficiency measures in the design, including passive solar design principles that provide for adequate levels of internal natural light and ventilation.*
35. Those matters of discretion do not on their face envisage assessment against an “anticipated environment” based on the maxed-out development that complies with the built form standards. A number of the assessment matters presume that the urban design assessment is not adopting any type of baseline. The overall assessment under (a) is whether the development is “*appropriate to its context*”. This assessment must mean that compliance with built form standards may not be appropriate in all contexts.
36. The matters that it directs to be “taken into account” when doing that assessment include: sightlines through the site; building orientation; setback from streets and open spaces; retention of existing buildings and landscape features or trees; appropriate response to context with respect to visible scale of buildings and degree of openness; separation of buildings and variety of building forms; and residential amenity for neighbours, in respect of outlook, privacy, and access to sunlight, through site design, building location and orientation.
37. Those matters that must be taken into account indicate that limits on activities that would otherwise comply with the built form standards may be appropriate in some contexts in order to achieve urban design outcomes.
38. These wide ranging matters of assessment indicate that activity that complies with the relevant built form standards may not be appropriate in all contexts.

## Policy context

39. Policy 14.2.1.1(a)(ii) seeks a scale of residential development that ensures:
- High density residential development in the [Central City](#), that achieves an average [net density](#) of at least 50 households per hectare for intensification development*
40. Built form standards must be enabling in order to achieve that density of development.
41. Table 14.2.1.1(a) characterises the Residential Central City Zone as follows:
- Located within the [Central City](#), the Residential Central City Zone has been developed to contribute to Christchurch's liveable city values. Providing for a range of housing types, including attractive, high density living opportunities, the zone utilises the potential for living, working and playing in close proximity to the commercial centre of the city. The character, scale and intensity of non-residential activities is controlled in order to mitigate effects on the character and amenity of the inner city residential areas.*
42. Policy 14.2.1.3 - Residential development in the Central City is:
- a. To restore and enhance [residential activity](#) in the [Central City](#) by:*

- (i) *providing flexibility for a variety of housing types which are suitable for a range of individual housing needs;*
- (ii) *providing for a progressive increase in the residential population of the [Central City](#) in support of Policy [14.2.1.1.a.ii](#);*
- (iii) *assisting in the creation of new inner city residential neighbourhoods and the protection of amenity of inner city residential neighbourhoods; and*
- (iv) *encourage the comprehensive redevelopment of [sites](#) that are no longer required for non-residential purposes.*

43. The policy of both assisting creation of new residential neighbourhoods, and also protection of the amenity of inner city residential neighbourhoods, supports an interpretation in which the built form standards are not used as a baseline. They are relevant, but so is the existing character and amenity.

44. As noted above, a specific policy relevant to retirement villages in residential areas is:

**14.2.1.8 Policy - Provision of housing for an aging population**

- a. *Provide for a diverse range of independent housing options that are suitable for the particular needs and characteristics of [older persons](#) throughout residential areas.*
- b. *Provide for comprehensively designed and managed, well-located, higher density accommodation options and [accessory](#) services for [older persons](#) and those requiring care or assisted living, throughout all residential zones.*
- c. *Recognise that housing for [older persons](#) can require higher densities than typical residential development, in order to be affordable and, where required, to enable efficient provision of assisted living and care services.*

45. That policy explains in part why retirement villages in the central city residential zone require resource consent assessment of urban design. It is to provide for comprehensively designed, affordable housing that is suitable for the needs of older people.

46. That policy does not support an interpretation of the Plan in which built form standards are used as a type of permitted baseline for the anticipated design of a retirement village.

47. The specific objective and policies of the Central City Residential area are:

**14.2.8 Objective - Central City residential role, built form and amenity**

- a. *A predominantly residential environment offering a range of residential opportunities, including medium to high density living, within the [Central City](#) to support the restoration and enhancement of a vibrant city centre;*
- b. *A form of built development in the Residential Central City Zone that enables change to the existing environment, while contributing positively to the amenity and cultural values of the area, and to the health and safety, and quality and enjoyment, for those living within the area.*

#### **14.2.8.1 Policy - Building heights**

- a. Provide for different maximum building heights in areas of the Residential Central City Zone with some areas requiring a reduced height compatible with the existing predominant character.

#### **14.2.8.2 Policy - Amenity standards**

- a. Prescribing minimum standards for residential development which:
- (i) are consistent with higher density living;
  - (ii) protect amenity values for residents;
  - (iii) integrate development with the adjacent and wider neighbourhood;
  - (iv) provide for a range of current and future residential needs; and
  - (v) recognise cultural values.

48. The built form standards enable change; however, the above objective and policies do not support an interpretation in which they are used as a type of permitted baseline. The range on residential opportunities sought for the Central City include medium and high density living, and the Plan enables change, but not with a blind eye to the qualities and amenity of the existing environments.
49. Policy 14.2.8.2 suggests that the built form standards may be regarded as minimum standards that protect amenity values for residents; however, the wide ranging urban design assessment of retirement villages is also a mechanism to achieve that outcome.

### Caselaw and other guidance

50. Commissioner Tony Hughes-Johnson QC made the decision on an application for a multi-unit development in Merivale Lane (RMA/2020/204) in the Residential Medium Density zone. A live issue in that case was the extent to which the built form standards provide a guide to the density of development that the objectives and policies for that zone sought.
51. The Commissioner there did turn his mind to the existing character of the existing neighbourhood and also sought guidance from the Plan as a whole. In that case he placed more weight on what was anticipated by the Plan, than on the character of the existing environment. He summarised this in the notification report as (4.32):

*Clearly a starting point for the examination of urban design is to have regard to the scale and character of what is proposed. But the issue of scale cannot be examined in a vacuum. It must be examined in the context of what is permitted by the provisions of the Plan. ... I must proceed with my assessment on the basis of the provisions of the Plan, not on the basis of an examination of scale and character in a vacuum.*

52. He took into account the policy framework, in particular policy 14.2.1.1(a)(iii), as guiding that assessment.
53. A legal review of that decision agreed that that approach was open to him.
54. Relevant factors in that case included (para 4.65 of the Commissioner's decision):

- (i) Policy 14.2.1.1A iii speaks of the development achieving an average net density of at least 30 households per hectare for intensification development. He notes that no upper limit is included and, if one had been intended, he would have expected that upper limit to have been stated.
- (ii) He noted that Policy 14.2.1.1A ii provides for high density residential development in the Central City that achieves an average net density of at least 50 households per hectare. He raises the question as to whether this in some way constrains the upper limit of development in relation to medium density residential development and notes that the Association says that it does. He does not believe that the policy can be read as in any way constraining the level of development for medium density residential development.
- (iii) The Commissioner identifies that the relevant policy needs to be read alongside Table 14.2.1.1a, which includes the reference to residential intensification in the Residential Medium Density zone being anticipated through well designed redevelopments of existing sites and more particularly through comprehensive development of multiple adjacent sites.

55. He notes that the *Powell* decision requires this. He then notes, importantly, that the table states:

*“Zone standards and urban design assessments provide for new residential development that is attractive, and delivers safe, secure, private, usable and well landscaped buildings and settings.”*

56. He considered that the table reinforced the correctness of the view that density is controlled by the built form standards.

*“One cannot read the build form standards, which give rise to permitted developments, as being at odds with any policy in the Plan. The policy must be read as being consistent with what is anticipated in the build form standards contained in the relevant rules.”*

57. The legal review of the Commissioner’s decision affirmed that the existing physical environment cannot be ignored. Character of development anticipated for the surrounding area is relevant. Patterns of development in the surrounding area were a relevant consideration and were considered by the Commissioner. He did not ignore the existing character. He placed more weight on what was anticipated by the Plan.

58. That approach provided more recognition of the existing environment than what is done here.

59. The Commissioner was aware of and referred to the *Sydney St Substation* decision, and was clearly comfortable that it did not change the approach that he took there.

60. In *Sydney St Substation v Wellington City Council*<sup>4</sup> the construction of a new office block next to a heritage building was a RDA in respect of “design, external appearance, and siting”, and “placement of building mass”. The Central City Design Guide was part of the District Plan. The design guide referred to the importance of context and settings for heritage buildings.

---

<sup>4</sup> [2017] NZHC 2489.

61. The planner stated the following in the s42A report [53]:

*While there is no permitted baseline with respect to the construction of a new building in the Central Area, it is noted that the District Plan does anticipate (subject to design criteria), a certain level of development on such sites. On the subject site, the District Plan anticipates a building of up to 35.4 metres in height from ground level, with 75% mass across the site (subject to design, external appearance and siting). In this instance whilst the proposed building has a maximum height of 39.4 metres (along the Lambton Quay elevation), the building volume of 32,422m<sup>3</sup> equates to a mass of only 53% across the site compared with 75% anticipated by the District Plan. ... Figure 2 and 3 below shows an anticipated development model under the District Plan (height and mass) against the development proposed, provided by the applicant. Whilst it is acknowledged that the following figures provide a rudimentary representation of a building, it does demonstrate that a building mass and bulk greater than that proposed can be reasonably anticipated for the site. The following assessment of effects is made with the scale of development anticipated by the District Plan in mind.*

62. And [59]:

*Given the anticipated level of development on the site (a building 35.4m high with a mass of 75%), it is considered that adverse effects in terms of building placement, shading of public space, and bulk and dominance effects of the proposal are comparable. I consider that through setbacks, height contrast and building articulation, the proposal development is consistent with G3.1 - G3.8 and G3.12*

63. And with regard to the concerns of the Council's heritage expert [62]:

*While Ms Smith's comments regarding the impact on the substation building are noted, the District Plan sets an anticipated building height limit of 35.4m for the site.... On balance, taking into account the anticipated scale of development for the subject site, the design modifications undertaken during the design review process, the setback of the building, and the consent conditions offered by the applicant, I consider that the overall likely and potential effects of the proposal on historic heritage of the substation building over and above that anticipated by the District Plan to be no more than minor.*

64. And at [64], the High Court highlights the passages from the decision where the extent of the breach is relied on by the planner as relevant to the assessment.

65. The Court held that it was wrong to use that "anticipated development model" in relation to the urban design RDA that was concerned with design, external appearance, siting, placement and building mass [72]. Under the urban design rule, it was *relative or contextual* height that was importance.

*[73] It is therefore (in my respectful view) overly simplistic and potentially wrong to judge r 13.3.4 matters (and the matters covered by the CADG) by reference to a 35.4m baseline. Indeed to use that baseline when considering the CADG risks rendering the "over-arching" CADG requirement to consider the relationship between a proposed development and its specific context, meaningless. ..*



[91] *As will be evident from my analysis above, however, I have formed the view that the focus in the report on the “anticipated development model” insofar as r 13.3.4 matters are concerned was misplaced<sup>5</sup>. There can be little doubt that this focus was a major influence on the conclusion reached that the adverse effects on the environment were only minor. In my view the extent of that influence necessarily calls into question the correctness of the decision not to publicly notify ECL’s application.*

## The assessment in the officer’s report

66. The officer’s report states:

*Anticipated built form development*

*Section 95D(b) allows the effects of activities permitted by the District Plan or an NES to be disregarded (the “permitted baseline”). The District Plan allows for the activity associated with a retirement village as a permitted activity however this does not include any new buildings or alteration or addition to existing buildings. New buildings or alterations or addition to existing buildings for a retirement village are a restricted discretionary activity.*

67. I agree. There is not a relevant permitted baseline.

*The applicant has provided shadow diagrams that show the extent of shading provided by a structure built to the 14m height limit (Bishopspark Site) or 20m height limit (Peterborough Site) and complying with height in relation to boundary controls (setbacks and recession planes) for comparing the adverse effects of the proposal particularly in relation to building height and shading effects. Although not a ‘permitted baseline’, it represents the maximum building bulk anticipated under the built form standards. As such, it must be applied with some caution as in reality a development is unlikely to maximise the built form standards along every boundary, particularly given the size of the subject sites and their irregular boundaries (Bishopspark in particular).*

68. I agree that it is not a permitted baseline, that it represents the maximum building bulk anticipated in any context under the built form standards, and that there ought to be caution in applying it.

*Before considering the anticipated built form development in my assessment of effects below it is first important to establish that it is appropriate to do so in the circumstances of this application. **In my opinion it is appropriate to use the built form standards as a guide to the built outcome sought by the objectives and policies for the Residential Central City Zone (i.e.: the built form standards should not be used in a vacuum and must be viewed in the overall context of the Plan objectives and policies).** As the Plan anticipates the Central City to contain the most intense level of activity and highest residential densities, facilitates multi-storey buildings and sets height rules specific to each location, **I consider it is both logical and reasonable to make such comparisons with the anticipated built form development.** The Plan clearly anticipates that sites in the Central City contain buildings, even though new buildings for a retirement village could not be a permitted activity on these sites. **For the above reasons I am of the view***

<sup>5</sup> *The matters with which r 13.3.4 are concerned (namely design, external appearance, siting and placement of building mass) are matters which potentially affect the “environment”.*

***that an appropriate approach to the assessment of shading effects (over-height building and recession plane breaches) involves a consideration of the level of built form anticipated by the built form standards. The effects of height and recession plane intrusions on neighbours is assisted by having regard to this Central City context and the objectives and policies of the Plan.***

69. I agree with the first highlighted passage in that the built form standards can be used as a guide to the built outcome that the objectives and policies are intending to enable, but this is subject to assessment of the specific context. The urban design assessment matters indicate that compliance with those standards may not be appropriate in all contexts.
70. The approach described in the second and third highlighted passages is in effect describing an approach in which built form standards – which, as indicated by the urban design assessment matters, may not be appropriate in all contexts – are used as a kind of permitted baseline for assessment of effects. I do not consider that to be a correct approach to assessment of effects in this case.
71. The AEE in the officer’s report then expressly uses the maximum height and recession plane built for standards as a baseline when assessing the effects of the proposed activity. The officer’s conclusions about whether adverse effects are minor, more than minor or less than minor appear to be driven by consideration of the degree to which the proposal breaches that “baseline”.
72. For the reasons described above I consider that approach is not supported by the manner in which these provisions are framed in the District Plan.
73. I agree with the Anthony Harper letter critique that the approach in the officer’s report is of the nature that the High Court considered unlawful in *Sydney St Substation*.
74. I expect that the Court would reasonably make the same comments here with regard to the extent of reliance in the officer’s report on “anticipated built form development”. That consideration can reasonably be referred to in the officer’s report, and some weight placed on it, but not to the exclusion of all other considerations.
75. It is not appropriate to use it as a baseline for assessment of effects.
76. The amount of weight to place on it depends on the assessment of the objectives and policies and other context. I have expressed some views on those above, suggesting that it would be reasonable to conclude for this application, in this zone, that little weight be placed on the “*anticipated development model*” or “*anticipated built form development*”. However, I agree with the suggestions in the Chapman Tripp email of 30 October that the following contextual matters are also relevant to weight:
- Objective 14.2.8(b) envisages built development in the Residential Central City Zone that enables change to the existing environment.
  - Policy 14.2.8.2 explicitly states that, in the Central City residential zone, minimum standards have been prescribed to “protect amenity values for residents”.
  - Rule 14.6.1.RD4(b) precludes limited or public notification of new retirement village buildings that meet the relevant built form standards. There is therefore a presumption

that the effects arising from a compliant building do not warrant involvement of other parties;

- Rule 14.15.9(1) opens with “whether the developments, while bringing change to existing environments, is appropriate to its context taking into account...”. The retirement villages matter of discretion therefore anticipates change, but directs an assessment of appropriateness, based on context. The planning provisions and the related expectations of change are highly relevant context.
- Rule 14.15.9(1)(6) requires an assessment of residential amenity for neighbours, including outlook, privacy and access to sunlight. As the built form standards have been prescribed to protect those values, they provide guidance for an assessment of appropriateness. There may of course be neighbours with unusual characteristics that mean the built form standards are not a useful guideline;
- The “anticipated environment” concept may have lesser relevance to the broader landscape, visual and urban design matters relevant under Rule 14.15.9(1)(1-5 and 7). However, the planning context remains a relevant consideration, given change is anticipated in this zone.

Brent Pizze  
Senior Legal Counsel  
Legal Services Unit  
Extension 5550