

Before the Hearings Commissioners at the Christchurch City Council

under: the Resource Management Act 1991

in the matter of: an application by Ryman Healthcare Limited for resource consent to establish and operate a comprehensive care retirement village at 100-104 Park Terrace and 20 Dorset Street, and 78 Park Terrace, Christchurch

between: Ryman Healthcare Limited
Applicant

and: Christchurch City Council
Consent Authority

Summary of evidence of Louisa Ruth Armstrong on behalf of Christchurch City Council

Dated: 28 January 2021

1. My name is Louisa Armstrong and I am a Senior Planner at the Christchurch City Council.
2. This is a summary of the s42a report, which I have taken as read, outlines a number of errors in that report, responds where necessary to submissions and provides general conclusions of the proposal.

Corrections to the s42a report

3. I agree with Dr Mitchell that there is an additional non compliance that was incorrectly omitted from the s42a report, this being non compliance with Rule 6.1.6.1.3 (RD2). This rule is breached given that construction noise from the site could exceed the relevant limits in NZS 6803:1999 Acoustic Standard for Construction Noise at times. The applicant's noise consultant, Ms Siri Wilkening and Council's Senior Environmental Health Officer, Ms Isobel Stout, both also agree with this additional non compliance. The applicant notes that the exceedances of the relevant limits will be limited in duration to approximately four days, at a small number of receivers immediately adjacent to the site. Such exceedances would occur for a few days adjacent to neighbouring properties as construction of the piles moves along the perimeter. Ms Stout is of the opinion that the best way to manage this temporary noise exceedance is through a comprehensive noise and vibration management plan, and to ensure that there are reliable communication channels between parties. I accept the advice provided by Ms Stout, and consider given the small number of days that the exceedance will occur, the effects on neighbouring properties would be acceptable.
4. Paragraph 113 of the s42a report when referring to the property at 6/17 Salisbury Street states 'I also note this property has no windows which face directly into the application site'. This statement is an error as an s127 was granted for this site which allowed windows to be added to the northern facade at ground level to serve the kitchen/dining/living room, and first floor to serve a bedroom and bathroom. The windows at ground floor level face into the application site, albeit the corner of the application site, and I accept that the mass of the proposed building (B01) may appear visually dominant when viewed from these windows. At first floor level, the windows on the northern elevation serve a bathroom and bedroom and have a sill height greater than 1.6m above the finished floor level. This property is separated by a 3.5m wide access from the subject site. The proposed development will have an impact on the visual amenity and outlook from this residential unit. However, I consider this to be acceptable given the size and location of the windows, the boundary walls, adjacent access strip, the Residential Central City zoning of the site and the Plan's expectations for a greater scale of buildings and density of development in this location.

Response to submissions

5. A number of submissions have raised concerns about the exceedances of the District Plan rules. I agree with Dr Mitchell that these are not an absolute of whether a proposal is appropriate or not, and are not bottom lines for residential development in the zone.
6. Concern has been raised by a number of the Dorset Street flat owners regarding the impact of the proposal on the heritage values of their properties. I agree with Dr Mitchell that neither the relevant matters of discretion or the objectives and policies of the District Plan anticipate an assessment of effects of an activity outside the extent of a heritage item or setting. Given

this, there is no specific matters of discretion available that require consideration of significant heritage features in the wider environment.

7. Many of the submitters have concerns around the scale and character of the proposal, adverse effects on residential amenity and that the density is inappropriate for the area. I acknowledge that the proposal will result in a substantial change to the residential character of the area, however accept the advice of Ms Schroder that the scale, form and approach to building massing and density of the development is considered to be generally appropriate in the context of the outcomes sought by the District Plan as detailed in my s42a report.
8. The inadequacy of the landscaping has also been raised by several submitters. As commented on by Ms Dray overall additional amenity has been added within the site and for the benefit of the street interface by way of tree and landscape planting. There remains a concern that while revised tree species on the Salisbury Street frontage will likely thrive more successfully, and will provide enhanced amenity at street level, they are unlikely to provide a similar level of visual amenity from further afield.
9. The provision of basement car parking has raised concerns regarding land stability and potential for damage to properties. I have taken advice from Yvonne McDonald on this who concludes that the proposed conditions will mitigate the land stability effects of the development and reduce the potential for subsidence or damage to structures to very low levels.
10. Additionally, I note that some submitters are concerned with the length of construction. However, conditions are recommended such that the temporary construction activities would be suitably managed in order to minimise nuisance for neighbours. I also note that residents will move into the village once the first buildings are completed, thus adding an extra imperative that the construction effects are minimised.
11. Mr Facey and others have concerns over trucks using the Dorset Street access. The applicant has provided a condition that a traffic controller would be used when trucks are exiting this entrance and Mr Calvert has advised that this would address safety concerns previously raised.
12. Various submitters also raised concern over the future use of the village and the possibility of it reverting to residential dwellings. This to be speculative and the future use of the site is not a relevant consideration for the current proposal.
13. The application of the built form standards and the anticipated development model approach has been discussed throughout the hearing and raised by submitters. Council received a legal opinion on this which is attached as Appendix L to the s42a report. Based on this advice I consider 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 following provides further context on the outcomes that the District Plan is seeking to achieve:

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. These 'minimum standards' are considered to refer to the built form standards.

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 from a compliant building do not warrant involvement of other parties.

Rule 14.15.9 (1) opens with 'whether the development, 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.

14. There were also a number of submissions in support of the proposal and I agree with some of their assertions including the location of the site being appropriate, the high quality design, the restoration of the heritage item, the provision of basement car parking and increasing the population in the central city.

Assessment of effects summary

15. Paragraphs 51 – 253 of the s42a report provide a full assessment of environment effects relevant to the applicable objectives and policies, matters of discretion and informed by the various experts. This is summarised below and refers to amendments where necessary.

Residential character and amenity

16. There is a high degree of alignment in respect to the assessment of the proposal between Ms Schroder, Ms Skidmore and Mr Burns with some exceptions. I agree with Ms Schroder who considers that there are considerable positive impacts of the proposal, particularly in regard to the activity and density of residential activity within the Central City location.
17. I accept the advice from Ms Schroder that the scale, form, approach to building massing and density of development on the Sites is generally appropriate to the location, and that the overall architectural quality and street interfaces generally is high, with some exceptions.
18. I accept Ms Schroders advice and consider there will be adverse impacts on visual amenity and overshadowing of western neighbours located on the 2nd and 3rd floors at 15 Peterborough Street and effects on the Dorset Street Flats.
19. In regard to the Salisbury Street interface, I accept Ms Schroders advice that this elevation has a good level of engagement and that the facades are well articulated in respect of materials and glazing but with minimal modulation until the top floor setback and what is considered a less quality interface when compared to other street interfaces.
20. Building B07 has been amended in so far as the applicant now proposes a darker and more recessive colour for the lift shaft area and I accept the advice of Ms Schroder who considers

this change is positive. I also accept Mr Schrodgers concerns regarding the northern elevation of building B02 in respect to users of public space.

21. 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. I accept the advice of Ms Dray who considers that overall additional amenity has been added within the site and for the benefit of the street interface by way of tree and landscape planting; and the landscaping and recent amendments will generally reflect the context and character of the area and will contribute to a high quality street scene with one exception, that being the trees species to be provided on the Salisbury Street frontage of building B07 of the Peterborough site.
22. In terms of CPTED, access and safety (where related to urban design) environmental and site efficiencies, these matters have been well resolved.

Significant Tree

23. Concerned was previously raised with the basement works within close proximity of the significant tree on the Peterborough Site. As discussed by Mr Thornton, the GPR scan which was recently carried out has revealed less root mass than one would normally expect in proximity to the base of a Common Lime tree of this age. I accept the advice of Mr Thornton who considers that the proposed site work should have less of an impact on the tree than originally anticipated and is now acceptable subject to conditions.

Heritage

24. Ms Richmond has considered that overall the works to the heritage item will have positive effects and the works in the heritage setting will have adverse effects which can be mitigated via the proposed conditions to a minor level and I accept this advice. With regard to the Dorset Street flats, I agree with Dr Mitchell that neither the relevant matters of discretion or the objectives and policies of the District Plan anticipate an assessment of effects of an activity outside the extent of a heritage item or setting. Given this, there is no specific matters of discretion available that require consideration of significant heritage features in the wider environment. I do accept however that they form part of the context and character of the neighbourhood.

Traffic

25. The village complies with the majority of the traffic related rules in the District Plan with the exception of the width of the access points on Peterborough Street and vehicle loading provision for the Peterborough Site. Mr Calvert considers the width of the vehicle crossings for the Peterborough Site is acceptable given the one way nature of this access. The loading provisions for the Peterborough Site requires a loading vehicle to block internal circulation while loading. Given the frequency of occurrence and availability of queuing space, Mr Calvert has advised that this arrangement is acceptable.
26. Mr Calvert has agreed that if on site manoeuvring cannot be provided then reversing onto Dorset Street from this access with the use of a Traffic Controller is considered to be appropriate given the nature, frequency and use. Mr Calvert considers restricting the use of Westward Terrace for construction traffic to be appropriate and that there are no traffic or transport issues that would adversely affect the safety or efficiency of the transport network. I accept the advice of Mr Calvert.

Construction Effects

27. The construction period will be for a considerable length of time, Mr Calvert, Ms McDonald and Ms Stout, relevant to their areas of expertise, consider that the associated effects will be largely acceptable due to the staging of the earthworks, the compliance required with the Construction Management Plan, Construction Transport Management Plan and Construction Noise Vibration Management Plan. I also note that the applicant has confirmed that the total construction period does not represent a period of maximum construction effort on the site, such that construction works will be moved around both sites during this period and intensity of construction activity will change as the buildings are established.
28. With regard to geotechnical conditions, I accept the advice of Ms McDonald that the proposed conditions will mitigate the land stability effects of the development and reduce the potential for subsidence or damage to structures to very low levels.

Objectives and Policies of the District Plan

29. The s42a report provides a detailed assessment of the relevant objectives and policies of the District Plan. I consider that in an overall sense, the application is not contrary to outcomes sought by the above objectives and policies of the District Plan. The proposed activity and density is appropriate within this Central City neighbourhood, however I recognise that there is tension between the existing context, amenity values and the scale and design of the new development.

National Policy Statement on Urban Development (2020)

30. Regard must be had to the NPS Urban Development and the provisions relating to car parking and the scale of development around city centre zones are relevant. Specifically Policy 3 requires district plans to enable building heights and density of urban form to release 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 the city centre zones. I have not given the NPS significant weight in the consideration of this application as a plan change to give effect to it has not been prepared or notified. However, it is a relevant consideration and regard has been given to it.

Recommended Conditions

31. A set of proposed consent conditions were provided in the s42a report and these have been reviewed and further updated by the applicant. These changes and additions are generally agreed with by the Council with a number of exceptions. We are happy to provide a full review of these conditions and provide these to the Commissioners if appropriate.

Conclusion

32. Overall, the proposal will result in a considerable change to the area, however I consider that the proposal is generally appropriate in the context of the surrounding area and the high density development anticipated through the objectives and policies, and the built form standards that give effect to these.
33. Having considered all the relevant matters, I am still of the opinion that consent should be granted subject to conditions.

