

UNDER THE RESOURCE MANAGEMENT ACT 1991

BEFORE THE

Hearing Commissioners for the Christchurch City Council

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

**PLANNING EVIDENCE OF ETHAN ARCHER ON BEHALF OF:
DON & LISA WORTHINGTON (76 PARK TERRACE) AND;
GEORGINA WADDY (REPRESENTING THE UNITS AT 18 SALISBURY STREET)**

DATE

22 January 2021

Introduction

1. My full name is Ethan Vincent Archer. I am a planning consultant employed by Urbis TPD Limited (Urbis) which is a Christchurch based consultancy that provides resource management, transportation planning and traffic engineering related advice.
2. I hold the qualifications of a Bachelor of Science from Victoria University of Wellington (2012) and a Master of Planning from the University of Otago (2014). I am also an intermediate member of the New Zealand Planning Institute.
3. I have over 6 years employment in the field of planning and resource management, based in both Auckland and Christchurch. I have provided planning advice and prepared resource consent applications for a range of private and public sector developments across New Zealand, with projects including retirement villages, large format retail complexes, visitor accommodation, residential developments and healthcare facilities. I have also processed resource consent applications on behalf of the Auckland Council. I therefore have extensive experience in the relation to both the preparation of resource consent applications on behalf of private clients, and the processing of consent applications on behalf of a consent authority.
4. I have been engaged by Don & Lisa Worthington of 76 Park Terrace, and Georgina Waddy, who represents various owners and occupiers of the residential units at 18 Salisbury Street, to prepare a joint statement of evidence in support of their submissions in opposition to the notified resource consent application for a comprehensive care retirement village at 78 Park Terrace, 100-104 Park Terrace and 20 Dorset Street, Christchurch.
5. I have visited the site and its surroundings on several occasions. The last occasion being on 15 January 2021 where, in particular, I evaluated current levels of mid-afternoon sunshine entering the rear yard of 76 Park Terrace.
6. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note 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 (for example in relation to potential land settlement as a result of dewatering the application site).

Background and Scope of Evidence

7. The resource consent application, lodged by Ryman Healthcare Limited, is to establish a comprehensive care retirement village across two sites, being 100-104 Park Terrace and 20 Dorset Street (the 'Bishopspark Site'), which will include a range of assisted-living options, and 78 Park Terrace (the 'Peterborough Site'), which will include independent living apartments. This evidence only relates to the development of the Peterborough Site.
8. Don & Lisa Worthington own 76 Park Terrace, which adjoins the Peterborough Site to the south and west. I prepared a submission on the notified resource consent application on their behalf, opposing the proposal on the Peterborough Site, and specifically:
 - a) The form and height of the buildings located alongside their northern and eastern property boundaries, and;
 - b) Potential noise effects associated with the operation of the proposed driveway alongside the southern side of the 78 Park Terrace site, and;
 - c) The construction effects associated with developing that site.
9. Several submissions in opposition were also made by various owners of the residential units at 18 Salisbury Street, which adjoins the Peterborough Site to the east. In summary, these related to:
 - a) The form and height of the buildings and in particular shading of their properties and visual dominance, and;
 - b) Potential geotechnical issues due to excavation including drawdown settlements due to dewatering, and general disruption; and
 - c) Potential traffic safety issues.
10. I note there that there are issues common to both the submission I prepared on behalf of the Worthingtons, and also those raised in the submission prepared on behalf of 18 Salisbury Street. Subsequent to the submission process, I was engaged by Ms. Waddy to represent 18 Salisbury Street via a joint statement of evidence on behalf of both sets of property owners. I reiterate that this means that this evidence is on behalf of the property owners located both immediately south and immediately east of the Peterborough Site whom I consider to be the most affected of any party in relation to the Peterborough Site proposal – particularly in relation to shading and privacy, as well as construction related effects such as noise and land stability.

11. Noting the parties that I represent; my evidence sets out the following:
 - a) A description of the submitters' properties;
 - b) The parts of the proposal that are relevant to the submitters;
 - c) The District Plan framework that is relevant to the submitters, highlighting the relevant matters of discretion and tensions with permitted baseline and receiving environment analyses;
 - d) An assessment of shading, overlooking and construction-related effects on the amenity of the submitters;
 - e) My conclusions, which are provided as an executive summary in the next section of this evidence.

Executive Summary and Conclusion

12. Ryman Healthcare Limited seeks resource consent to establish a comprehensive care retirement village across two sites, being:
 - a) 100-104 Park Terrace and 20 Dorset Street (the 'Bishopspark Site'), which will include a range of assisted-living options, and;
 - b) 78 Park Terrace (the 'Peterborough Site'), which will include independent apartments.

This evidence only relates to the development of the Peterborough Site.

13. Don & Lisa Worthington own 76 Park Terrace, which adjoins the Peterborough Site to the south and west. Georgina Waddy represents various owners and occupiers of the residential units at 18 Salisbury Street, which adjoins the Peterborough Site to the east.
14. The planning framework for Residential Central City Zone anticipates both high density living and also lower density living, such as the dwelling at 76 Park Terrace and the two-storey townhouses at 18 Salisbury Street. In terms of assessing the potential effects of the proposal on these immediate neighbours, I consider it appropriate to consider these effects against some sort of alternate development option for the site.
15. It is agreed with the Council that there is no useful permitted baseline in order to disregard effects as a starting point for assessing adverse effects of the Peterborough Site development on neighbouring persons. Key District Plan rules that result in this outcome relate to more than two units on a site being a restricted discretionary activity and, even more limiting, a maximum permitted earthworks volume of 20m³.

16. In lieu of a permitted baseline, the approach of both the Applicant and the Council is to assess the proposal against the anticipated environmental outcomes for the zone, particularly with respect to the built form standards. However, the High Court has rejected the use of the ‘anticipated built form’ approach for comparing adverse effects of a proposal¹.
17. The activity status of the proposal is agreed as being restricted discretionary. The relevant District Plan assessment matters are also agreed. Noting these assessment matters, a primary matter of discretion for assessing the proposal is *“whether the developments, while bringing change to existing environments, is appropriate to its context taking into account:...residential amenity for neighbours...”*. Therefore, an analysis of the context of the existing environment is important for determining the magnitude of adverse effects.
18. Noting the issues with ‘permitted baseline’ and ‘anticipated environment’ approaches with this application, and noting the inconsistencies between the District Plan objectives and policies and the rules applicable to the application site, I have compared the effects of the Ryman proposal against two possible alternate site development options being:
- a) An ‘almost permitted’ baseline development involving a number of 2-3 storey townhouses in blocks of two located on a previously subdivided site. The rule that prevents this being a permitted baseline is the 20m³ earthworks rule;
 - b) The Park on the Terrace Apartment towers that were previously located on the site until their demolition following the earthquakes. I note that these towers have been included to an extent as forming part of the context by the Applicant, noting however that the Applicant does not rely on the previous development as forming part of the environment.
19. Compared against these two development scenarios, in my opinion the adverse effects of the proposal on the immediate neighbours relate to shading, overlooking, visual dominance, and construction noise.
20. If the Commissioners consider that a townhouse development is appropriate for comparing adverse effects, then my assessment demonstrates that shading, overlooking and construction effects on the immediate neighbours have not been adequately mitigated and will be significant. Bearing in mind the extent of townhouse development throughout the Residential Central City Zone, I do not think it is an unreasonable development scenario for the site.

¹ *Sydney Street Substation Limited v Wellington City Council* [2017] NZHC 2489

21. If the Commissioners consider that the previous towers development is more appropriate for comparing adverse effects, then my assessment demonstrates that shading, overlooking and construction effects on the immediate neighbours have not been adequately mitigated and will be more than minor.
22. It is my overall opinion that the Ryman proposal, in its current form, should be declined consent.

The Submitters' Sites

23. 76 Park Terrace is located immediately south of the proposed development and contains:
 - a) A two-level dwelling, with a driveway running along the northern side, to a garage at the rear.
 - b) At ground level, the western end of the dwelling contains a living space opening to a conservatory to the north. At the eastern end, a family room opens to a patio and lawn.
 - c) Two bedrooms on the upper level that have windows to the north and east.
 - d) The grounds are landscaped and contain several mature trees thus providing a large, north-facing and sheltered outdoor recreational space that is protected from traffic noise generated by Park Terrace.
24. 18 Salisbury Street is located immediately east of the proposed development and contains eight two-storey townhouses. These are in two rows of four units, with a central parking area between them. The townhouses have windows and outdoor living areas on their northern sides. I also note that these units do not have any windows on the western elevation that face into the Peterborough Site.

The Proposal

25. As mentioned above, this evidence relates specifically to the proposed development of the 'Peterborough Site', which directly adjoins my client's properties on two sides. Key aspects of this development are as follows:
 - a) It will be used solely for independent retirement living with 80 apartment units within two buildings;
 - b) The first building ('Building 7') will have a western wing of seven levels and an eastern wing of five levels;

- c) The second building ('Building 8'), in the leg of the site extending to Peterborough Street, will have four levels;
 - d) There will be 83 car parks, of which 77 will be located in a basement car park, and 6 located at grade along the southern boundary adjacent to 76 Park Terrace;
 - e) Vehicle access will be via a driveway off Park Terrace, running alongside the southern site boundary, before it turns north to enter/exit the basement car park, and then ultimately exit the site to Salisbury Street along the eastern boundary;
 - f) Approximately 32,000m³ of earthworks will be required to excavate the basement car park and to pile to a depth of approximately 13 metres for the building foundations.
 - g) Construction will be undertaken in a staged manner, with the construction on the Peterborough Site commencing prior to work starting on the Bishopspark Site. The construction time is estimated to be 24-36 months for each site, with a total construction timeframe of approximately 40-48 months across both sites. A key stage in terms of construction noise will be the clutch tube piling, which is estimated to take approximately 45 days on the Peterborough Site before excavation of the basement begins.
26. From the above it can be seen that what is proposed is a substantial development and I will detail further in this evidence that it is much greater in scale than what could reasonably be expected to occur on the site under a permitted baseline or, ignoring earthworks rules, an 'almost permitted' development of the site (noting here that the agreed permitted baseline of nil site development is perhaps unrealistic given the objectives, policies and anticipated environmental outcomes for the zone as detailed in the District Plan). Further, in relation to construction time, the proposal will result in long periods of time where the two immediate neighbours will experience adverse effects in relation to both noise and potentially land settlement.

District Plan Assessment Relevant to 76 Park Terrace and 18 Salisbury Street

Zone

27. The application site is zoned Residential Central City in the Christchurch District Plan. Under Objective 14.2.1, Table 14.2.1.1 a) the zone is described 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.

From the above I note that not only is large built form anticipated, but also lower built form within the range of housing types. It follows that both large-scale built form and small-scale built form are equally anticipated, and it follows that any type of development within the zone needs to consider effects on neighbouring development, and this is readily apparent through a review of the assessment matters for resource consents that I will discuss later in this evidence. For now, I record that the properties that I represent need to be afforded amenity protection from neighbouring development – especially when that neighbouring development is at a scale such as that currently proposed.

Objectives and Policies

28. Reviewing the objectives and policies in more detail, Objective 14.2.8 and Policies 14.2.8.1 and 14.2.8.2 refer specifically to the role, built form and amenity for the Central City Residential Zone. They seek a *“predominantly residential environment...including medium to high density living”*. They also seek *“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”*.
29. A key way to achieve this is the specification of differing maximum building heights, depending on the existing predominant character. Furthermore, Policy 14.2.8.2 seeks to
- “prescribe minimum standards which:*
- i. are consistent with higher density living;*
 - ii. protect amenity values for residents and*
 - iii. integrate development with the adjacent and wider neighbourhood”*.

So, while the zone anticipates *“change”* and large-scale development, such development is not actually permitted for the reasons I will discuss below and, in any case, there is the need to protect amenity values for residents, and this protection would especially apply to properties located alongside a given development site.

Operative Rules

30. As part of the District Plan review process in 2015-2016, Ryman Healthcare sought a 20m building height limit for retirement village buildings on this particular site. Urban design evidence in support of

this was provided by Clinton Bird, with the thrust of this being that tall buildings along the edges of parks can have positive urban design outcomes. It was also argued that subject to meeting building setback and recession plane rules, as well as other design considerations, buildings up to 20m would have minor and acceptable overlooking, shading and outlook effects on adjoining property owners/occupiers, including 76 Park Terrace and 18 Salisbury Street.

31. The outcomes of Ryman's submission and supporting evidence for the replacement Christchurch District Plan were:
- a) Retirement village activity is permitted in the Residential Central City Zone (Rule 14.6.1.1 P12);
 - b) The construction of new buildings to be used as a retirement village, and complying with built form standards (e.g. height) require consent as a restricted discretionary activity (Rule 14.6.1.3 RD4), assessed against matters including neighbouring residential amenity, in respect of outlook, privacy etc;
 - c) A maximum height of 20m specifically for buildings for a retirement village on this site. Buildings for other purposes are subject to the maximum height of 14m, which applies to the wider area (Built Form Standard 14.6.2.1).
 - d) New buildings for retirement villages not complying with certain built form standards are also a restricted discretionary activity (Rule 14.6.1.3 RD5) with additional assessment matters in respect of the built form standard not met.
32. The proposed development on the Peterborough Site does not meet the built from standards, in particular:
- a) The western wing of Building 7 (immediately north of 76 Park Terrace) exceeds the height limit within the zone. A 20m height is permitted under Rule 14.6.2.1 whereas 25m is proposed;
 - b) Both Buildings 7 and 8 will project beyond the recession planes as they apply to the boundaries with 76 Park Terrace (Rule 14.6.2.2);
 - c) The eastern wing of Building 7 will project beyond the recession plane as it applies to the boundary with 18 Salisbury Street (Rule 14.6.2.2);
33. These non-compliances mean that the proposal must be assessed against the matters of discretion for retirement villages in 14.15.9, which are as follows:

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.*

34. The proposal must also be assessed against the following matters of discretion:

14.15.27 Building height in the Residential Central City Zone

- a. 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.*
- b. Any effect of increased height on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of buildings.*

- c. *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.*

14.15.28 Daylight recession planes in the Residential Central City Zone

- a. *Any effect on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of buildings.*
- 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.*

35. Of relevance, the proposal also requires resource consent because:

- a) The maximum permitted volume of excavation from a residential site is 20m³. The proposal involves a basement parking area which will require 32,000m³ (Rule 8.9.2.3) – or 1,600 times above what is permitted, and;
- b) Construction noise will not meet the relevant limits in NZS 6803:1999 Acoustics - Construction Noise at both 76 Park Terrace and 18 Salisbury Street (Rule 6.1.6.1.3 RD2).

36. For exceeding the permitted earthworks volume, the proposal must be assessed against the matters of discretion in 8.9.4 of the District Plan, in relation to nuisance and land instability in particular. For construction noise, the proposal must be assessed against the matters of discretion in 6.1.8 of the District Plan.

Permitted Baseline and Receiving Environment Evaluation

37. In my opinion, any evaluation of potential effects of this proposed development needs to properly identify:
- a) The permitted baseline for this site, under both operative District Plan rules and;
 - b) The Canterbury Land and Water Regional Plan rules, and;
 - c) The receiving environment.

These are useful analyses to determine the magnitude of effects of the proposal on the surrounding environment. My analysis of this nature considers four development scenarios as follows:

Scenario 1 - Permitted Baseline

38. The Council Officer, Ms. Armstrong, states in her s42A report that there is no useful permitted baseline as buildings for three or more residential units requires consent (Rule 14.6.1.3 RD2) with specific consideration given to urban design matters through the resource consent process. She also notes that non-residential activities are restricted in their scale to a gross floor area of 40m² (Rule 14.6.1.1 P8 and P9).
39. In my opinion, there is a more restrictive rule in relation to earthworks that would apply to any development of the site. Rule 8.9.2.1 P1 sets a limit for earthworks of 20m³ per site. To put this in perspective, 20m³ is only 1-2 truckloads of soil. To provide an indication of how much this is, a standard residential driveway, say 3m wide and 20m long, cut 200mm deep to provide a basecourse, would require around 12m³ of cut and 12m³ of fill. It is therefore my opinion that it is not the three-unit urban design rule that most limits permitted site development, but the earthworks rule. Either way the outcome is the same, there is no realistic permitted development of the site.
40. Further, I note from the application documents that the site is located over an unconfined aquifer. Therefore, it is also worth noting that under Rules 5.175 and 5.176 of the Canterbury Land and Water Regional Plan, earthworks over an unconfined or semi-confined aquifer of over 100m³ and within 50m of a waterbody (i.e. the Avon River in this case) requires consent. This further limits the scale of development that could occur on the site without resource consent, as basements and/or large foundation works would trigger this rule.

Scenario 2 – Anticipated Development within the Zone

41. Noting the lack of a relevant permitted baseline, Ms Armstrong's notification report relied to a large degree on the 'anticipated built form development', being that which would comply mainly with maximum height, recession plane and setback standards in 14.6.2 of the District Plan, as a baseline for quantifying adverse effects. The approach of various experts engaged by the Applicant is essentially the same.
42. However, I note from Mr Cleary's legal submissions to the earlier notification hearing, and Mr. Pizzey's advice in Appendix L to the s42A Report, that the 'anticipated built form development' approach that was specifically rejected by the High Court in *Sydney Street Substation Limited v Wellington City Council* [2017] NZHC 2489).

Scenario 3 – Townhouse Development

43. In my opinion the closest non-fanciful development scenario to a permitted baseline would be if the site was subdivided into a number of smaller allotments first (which, if there are no earthworks involved, is likely to be a controlled activity that the Council cannot decline), with two townhouses constructed on each site. These townhouses would likely be three storeys high with ground floor garaging, first floor living and second floor bedroom levels². I note that there is no minimum net site area for allotments in the Residential Central City Zone, but allotments must achieve a minimum density of one residential unit per 200m² of site area (Standard 14.6.2.11), which for this 5082m² site, would result in at least 24 units. My later assessment of effects, considers the proposed Ryman development against this 'almost-permitted' development scenario in terms of potential effects on the two immediately neighbouring properties whom I represent.

Scenario 4 – Previous Tower Development

44. It is my opinion that in order to provide a balanced assessment of effects for development on this site, one should also consider a large-scale development – albeit not to consider a built form entirely to the envelope permitted by the built form standards (20m height, recession planes etc) as it is unlikely that a given large scale development proposal would touch the building envelope specified by the various District Plan built form standards in all locations.
45. In the absence of plans for a feasible apartment complex, in my opinion a potentially useful comparison is to consider the previous 'Terrace on the Park Apartments' as a realistic alternative development given that they would likely still be there if it wasn't for the earthquakes. As mentioned earlier, the previous tower development, which consisted of several buildings, were located on the Peterborough site with the tallest building being approximately 31m high. These were constructed in 2000 under resource consent RC982059. Figures 1 and 2 below illustrate this development:

² Similar townhouses at 17 Salisbury Street (these are two-storey) and 444 Hagley Avenue provide examples of likely townhouse development.

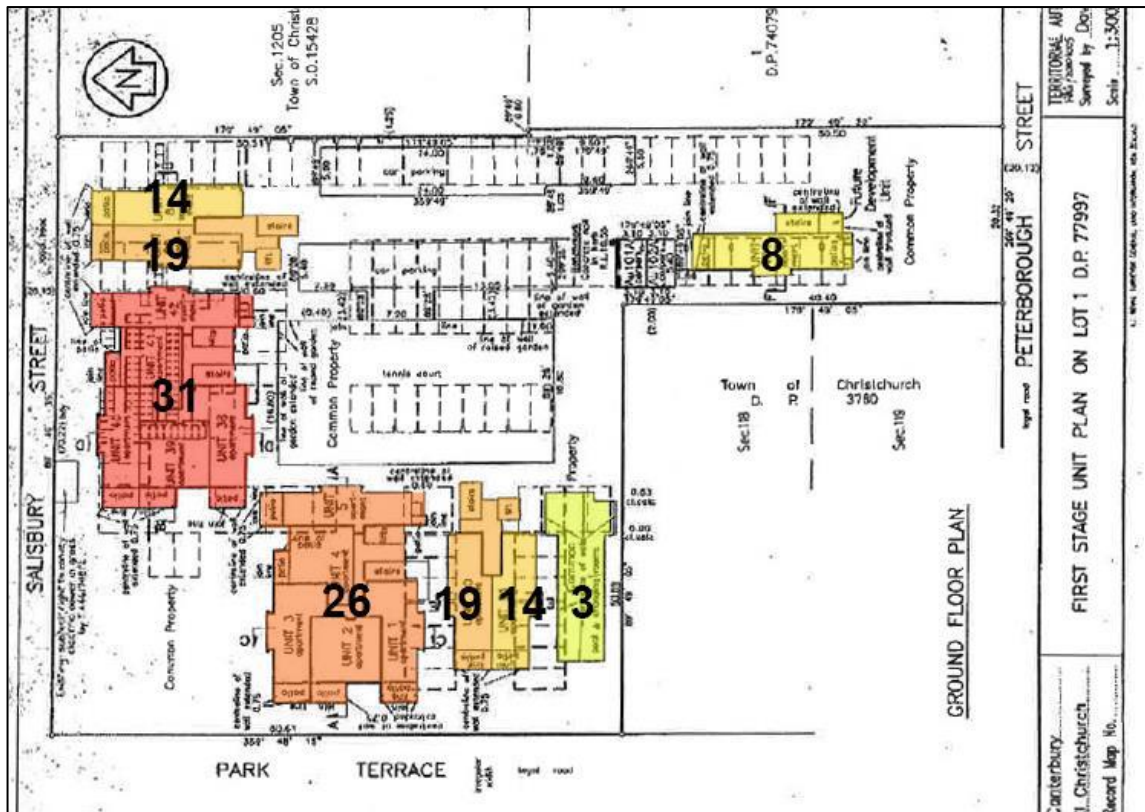


Figure 1: An extract from the property title, modified to illustrate the various approximate heights (in metres) of the ‘Terrace on the Park Apartments’ occupying the site prior to the earthquake. The approximate heights were derived from diagrammatic cross sections on the Unit Title Survey Plans (sourced from Clinton Bird’s Statement of Evidence before the Christchurch Replacement District Plan Independent Hearings Panel dated 14 January 2015)



Figure 2: Photo of the Terrace on the Park Apartments as viewed from the west, before their demolition (sourced from Clinton Bird's Statement of Evidence before the Christchurch Replacement District Plan Independent Hearings Panel, dated 14 January 2015). The heights of each building have been indicated in red, along with the location of the Worthington's house in yellow at the right-hand side of the image.

46. The buildings were damaged in the 2010-2011 Canterbury Earthquakes and were subsequently demolished in 2012. As alluded to in Ms Armstrong's s42A report, these remain as part of the historic context of the site, and I agree that they indicate a scale and character that previously existed in this neighbourhood.
47. I note that as the construction of the previous tower buildings implemented resource consent RC982059, and given that neither the Applicant or the Council have subsequently cancelled this consent, the land use consent remains valid under City Council authorisation. However, I further note that redevelopment of the site under resource consent RC982059 would not be able to be undertaken as of right because it would now be subject to regional consent requirements (as mentioned in paragraph 40. above).

Conclusion with Respect to Permitted Baseline

48. Having evaluated the above scenarios my conclusion is that:
- a) As explained above, there is no useful permitted baseline in order to disregard effects under effects of those activities from consideration under ss95D, 95E and 104(1)(a) of the RMA;
 - b) Scenario 2 (anticipated development within the zone) is likely to be legally incorrect;
 - c) Scenario 3 (2-unit townhouses) is not permitted owing to the earthworks rule and the need for subdivision consent, however it is a realistic development scenario for the Zone and the site, and should still be considered for comparative purposes in terms of effects on neighbouring properties.
 - d) Scenario 4 (reimplementing the previous towers consent) is a possible development comparison in the absence of specific new plans for a non-fanciful tower style of development.
49. Noting the above, the balance of my evidence will:
- a) Provide comment where necessary in relation to my Scenarios 1 and 2 given the weight placed on the anticipated development approach adopted by the Applicant's various experts, and;
 - b) Consider the shading, privacy, construction noise and earthworks effects of the Ryman proposal against what could occur under my Scenario 3 above and, for completeness, my Scenario 4.

Shading Effects from the Proposed Buildings

Clarification of the Identified Non-compliances

50. The western wing of Building 7 will be 25m high (7 storeys), or five metres above the site-specific height limit specifically requested by the Applicant as part of the District Plan review process. This significant breach of the height limit is presented in Figure 3 below:



Figure 3: View looking northwest showing extent of the breach of Building 7's western wing through the 20m height limit.

51. The western wing of Building 7 will also protrude through the recession plane as it applies to the Worthington's northern boundary by a height of 5.3 metres over a length parallel to the boundary of approximately 11 metres. Further, the eastern wing of Building 7 will protrude through the recession plane as it applies to the eastern boundary adjoining 18 Salisbury Street in four places by a height of approximately 1.2m over lengths parallel to the boundary of approximately 5.5m in each place. These breaches are presented in Figure 4 below:

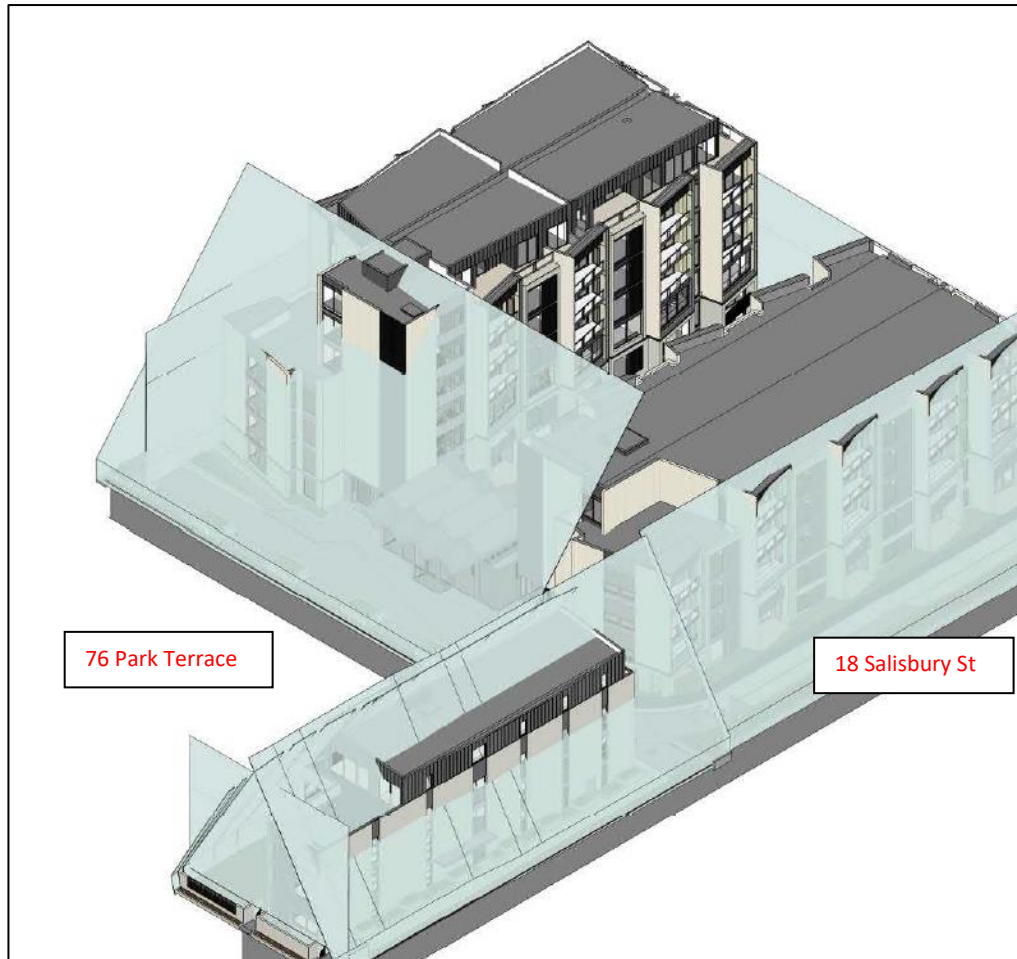


Figure 4: View looking northwest showing extent of the breach of the recession plan on the southern and eastern sides of Building 7.

52. In relation to the outlook from the eastern outdoor yard area of 76 Park Terrace, Figure 5 on the next page shows the extent of the recession plan breach for Building 8. It can be seen that the upper half of the third and fourth levels of Building 8 protrude the recession plane.

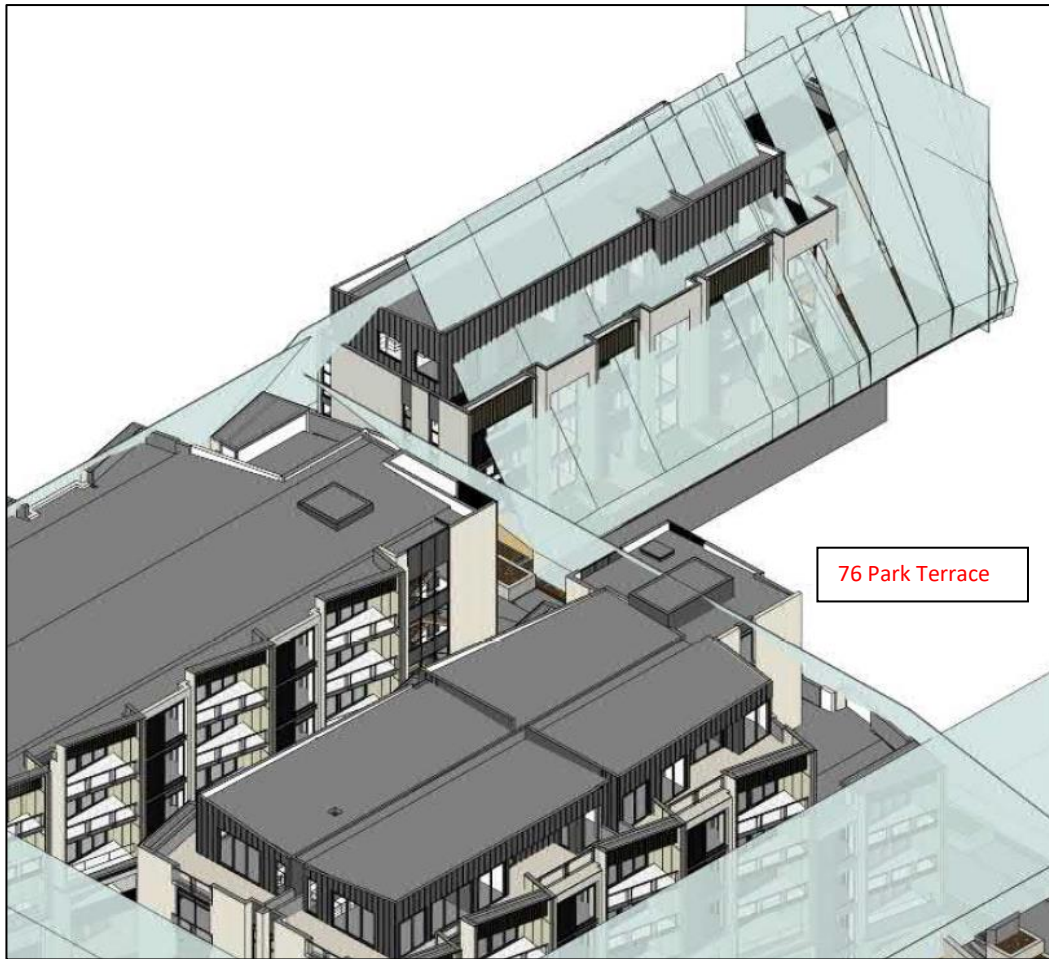


Figure 5: View looking southeast showing the extent of the breach of the recession plan on the western side of Building 8.

53. In relation to these agreed non-compliances, the Applicant has provided shading diagrams to show the shadowing that will be cast by the proposed development on 76 Park Terrace and 18 Salisbury Street. My clients engaged an independent architect, Mr Jason Mill of Pivnice Architecture who is an experienced architectural modeller, to peer review the applicant's shading diagrams and the outcome of this review confirms the Applicant's shading diagrams of the current proposal to be an accurate calculation. In broad terms, it is clear that the development will cause extensive shading on both 76 Park Terrace and 18 Salisbury Street at various times throughout the year.
54. Further to the shading caused by the proposed buildings, the applicant has proposed to plant *Liriodendron tulipifera* trees along the southern boundary, adjoining 76 Park Terrace. The Council's Landscape Architect, Ms Dray, considers in her assessment that these are a large tree and is concerned about the shading that will be caused by them. She recommends that these trees are planted along the northern side of the driveway, rather than the southern side as proposed. Ryman has not accepted

her recommendation. While the Worthingtons support trees being planted along the southern side of the driveway (adjoining their northern boundary) as proposed by Ryman, they have concerns about the species, due to the height which they can grow to (in excess of 30m in New Zealand). They would prefer a native species that grows to 4m-5m in height instead.

55. Reiterate the assessment matters that require consideration of shading effects. To reiterate, consideration of shading effects is a key matter of discretion for this application, as set out in 14.5.9.vi., 14.15.27.b. and 14.15.28.a.

Comparison Against Scenario 2 – Anticipated Environmental Outcome

56. Turning to the evidence of Ms Skidmore on the shading issue, I disagree with the approach she has taken. Her paragraph 197 highlights that her analysis is based on a comparison with the built form standards despite the High Court's decision stating that an anticipated environmental outcome approach is incorrect. I therefore cannot accept her conclusion that "*shading will not diminish the residential amenity at 76 Park Terrace to any noticeable extent, and that adverse shading effects on the amenity of this property will be minor*" because she has considered this against an inappropriate alternate development outcome for the site.
57. I further disagree with her assessment, in her paragraph 185, that 18 Salisbury Street *doesn't have any outdoor living spaces that could be affected by shading (its balconies are covered with a roof and wing walls)*. However, these townhouses also have uncovered ground level patios which will be shaded, as well as the balance of the site between the two rows of residential units.
58. Mr Burns approach also compares the Ryman proposal against the built form standards and is therefore also an incorrect assessment for the reason I have already discussed.

Comparison Against Scenario 3 – Townhouse Development

59. Although I do not have comparative shading diagrams for a development scenario involving a number of three storey townhouses, it is obvious that the shading that will be caused by the proposed development on both 76 Park Terrace and 18 Salisbury Street will be significant in comparison to this development scenario as a result of the increased height of the proposed Ryman buildings. On 18 Salisbury Street in particular, most of the site will be shaded during afternoons throughout the year. In my opinion the shading effects of the Ryman proposal considered against this comparative development scenario, will be significant.

Comparison Against Scenario 4 - Previous Tower Development

60. The applicant has provided shading diagrams which compare the proposed development to the previous tower development. Mr Mill was also briefed by my clients to confirm the accuracy of those undertaken by the applicant, and to provide additional diagrams for:

- Summer solstice – 5pm, 6pm, 7pm (10am, 1pm and 4pm already provided by the applicant), and;
- Spring/Autumn equinox – 8am, 12pm, 5pm (10am, 1pm and 4pm already provided by the applicant).

These diagrams are provided in **Appendix A** to this evidence, along with diagrams showing areas where shading from the proposed development will be worse than the previous tower buildings (red), and where it will be better (green).

61. Except for a small amount of shading at the very eastern end of 76 Park Terrace, the Ryman proposal will not generate additional shading of 76 Park Terrace during mid-summer, over that of the previous tower buildings. Additionally, there will be less shading in the afternoons during the winter and equinox periods. However, shading on 76 Park Terrace will be worse throughout the morning during the winter and spring and autumn equinox periods (a period of up to 6 months). At these times, shading will cover various parts of the Worthingtons' rear yard, extending over the house at its worst on winter mornings. The rear yard is an area of high amenity to the Worthingtons, being located directly off the family room and kitchen and comprising of a tiled patio for outdoor dining, a spa pool, a lawn and high quality, well-maintained landscaping. Given the use of this space as the primary outdoor living area, usable even in winter, and the length of time across the year exposed to this shading, it is my opinion that the additional shading will affect their amenity to a more than minor degree even when considered against the previous tower development.

62. Shading on 18 Salisbury Street from the proposed development will be little different during winter and the equinox periods from that of the previous tower development, where shading extended over most of 18 Salisbury Street in the afternoons. However, in mid-summer where the rear half of 18 Salisbury Street (containing a row of four townhouses with outdoor living areas on their northern sides) was unshaded by the previous tower development, these will now also be shaded throughout the afternoon from 4pm onwards (as well as the front four units). Again, it is my opinion that the additional shading will affect their amenity to a more than minor degree even when considered against the previous tower

development, and given that these are the only outlooks and outdoor living spaces for these townhouses.

Privacy Effects from the Proposed Buildings

63. As illustrated in Figures 6 and 7 on the next page:

- a) The proposed western wing of Building 7 is directly north of 76 Park Terrace. This will comprise three apartments above ground level with windows facing south over 76 Park Terrace, and at the upper levels, windows from lobbies facing south over 76 Park Terrace.
- b) The eastern wing of Building 7 is directly west of 18 Salisbury Street. This will comprise 15 apartments above ground level that contain windows and balconies directly facing and overlooking 18 Salisbury Street.
- c) The proposed Building 8 is directly west of 76 Park Terrace. This will comprise a total of 8 apartments above ground level with windows and balconies facing west over 76 Park Terrace.



Figure 6: View looking northwest showing windows and balconies facing 76 Park Terrace and 18 Salisbury from the proposed buildings (sourced from the application documents).



Figure 7: View looking northeast indicating windows and balconies facing 76 Park Terrace from the proposed buildings (sourced from the application documents).

64. Furthermore, Figure 8 below (also contained in **Appendix A**) illustrates the scale of the buildings in comparison to the submitters' properties. Figure 8 shows how the built form of the Ryman proposal completely dominates the neighbouring buildings – remembering that the zone anticipates both type of development within it.



Figure 8: Salisbury Street and Park Terrace elevations showing the proposed buildings alongside the submitters' properties (prepared by Jason Mill of Pivnice Architecture and contained in **Appendix A**).

Comparison Against Scenario 2 – Anticipated Environmental Outcome

65. In relation to proposed Building 8 that overlooks the eastern boundary of 76 Park Terrace, Ms Skidmore states that *“Building B08. includes apartments with an orientation towards this property with glazing and balconies facing the property... there will be some overlooking from the upper levels of Building B08, given the location of the dwelling at 76 Park Terrace towards the front of the property and its primary orientation to the north and west, I consider adequate separation is provided to ensure resulting adverse amenity effects will be minor.”* In making this assessment Ms Skidmore seems to ignore that the primary outdoor living area is actually on the eastern side of the dwelling structure at 76 Park Terrace.
66. In relation to 18 Salisbury Street, Ms Skidmore considers, in her paragraph 184, that *“Given the characteristics of the townhouses and Building B07, I do not consider the Proposed Village will result in overlooking that will diminish the amenity of this property.”* In reading her evidence it is appears to me that she has predicated this opinion based on a comparison against built form standards which, for the case law reason I have already discussed, is an incorrect approach.

67. Mr Burns, in his paragraph 146, in relation to the privacy effects of Building 7 overlooking the northern boundary of 76 Park Terrace, comments that *“the mature tree planting along the boundary and proposed planting will also help to interrupt views from 76 Park Terrace towards the southern end of Building B07.”*. While I agree that they might, this assessment ignores the aggravated shading effects that the proposed boundary trees will have on shading over 76 Park Terrace. I reiterate here that the Worthingtons are opposed to the species of trees proposed to be located along their northern site boundary for shading reasons.

Comparison Against Scenario 3 – Townhouse Development

68. In this scenario, and depending on site layout, a number of three-storey townhouses could face each boundary against 76 Park Terrace and 18 Salisbury (4-8 units along the southern boundary with 76 Park Terrace, 4-8 units along the western boundary with 76 Park Terrace, and 6-8 units along the eastern boundary with 18 Salisbury Street. Importantly, any overlooking would be from a lower height compared to the proposed development.
69. While I accept that this development scenario would still generate privacy effects upon 76 Park Terrace, these effects are likely to be exacerbated with the Ryman proposal owing to the increased height of buildings and reduced building setbacks at the upper levels (again noting the recession plane intrusions). The Worthingtons consider the effects upon their privacy and amenity to the key rear yard of their site to be more than minor.
70. Ms Skidmore, in her paragraph 194 accepts that Building 7 within the proposed Ryman development includes *“windows from the lounge and kitchen area that face the neighbouring property”* however, in relation to 76 Park Terrace she adds that *“the primary orientation of the apartments is to the west, looking out to Park Terrace and Hagley Park beyond. With the separation and vegetation along the neighbour’s boundary, and in the context of the inner-city residential environment, I consider undue overlooking will be avoided”*. I again note the incorrect assessment approach of Ms Skidmore (and Mr Burns in his paragraph 148 for that matter) with respect to this issue, and reiterate that a townhouse development would not generate the same sort of privacy effect.

Comparison Against Scenario 4 – Previous Tower Development

71. The proposed western wing of Building 7 will contain three apartments above ground level with windows facing south over 76 Park Terrace, compared to the four apartments with the tower

development. Therefore, there will be less overlooking from the north into 76 Park Terrace than the historic situation.

72. However, the proposed Building 8 to the east will have a total of 8 apartments above ground level with windows and balconies facing west over 76 Park Terrace. The old Block E in this location only had one apartment above ground level with windows facing west. Therefore, the proposed building will result in much more overlooking.
73. In relation to overlooking to 18 Salisbury Street, the previous tower buildings contained 9 units above ground level in Blocks B and C which had windows facing east over 18 Salisbury Street. The proposed eastern wing of Building 7 will contain 15 apartments above ground level that contain windows and balconies directly facing and overlooking 18 Salisbury Street. Therefore, the proposed buildings will result in more overlooking over both 76 Park Terrace and 18 Salisbury Street, and in particular their outdoor living areas.

Views of Building 7 from 76 Park Terrace

74. A further issue is the views of the proposed Ryman buildings from 76 Park Terrace. Noting that the dwelling on this site predominantly faces north, the key issue is the view of the proposed lift core and stairwell.
75. I note from paragraph 329 of Ms Skidmore's evidence that Ms Schroder, the Council's urban design expert, expresses the opinion that *"the scale of the lift shaft area in the eastern portion of the southern end of the building (projecting through the recession plane) will result in a moderate impact on the outdoor living space and north-facing first floor rooms of 76 Park Terrace. She also considers that "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"*.
76. In her paragraph 331 Ms Skidmore adds that *"Despite the sensitive transition created by the stepping down of the building form, I consider the overall vertical scale of the building form means Building B07 will give rise to low (minor) visual dominance effects on the dwelling at 76 Park Terrace and its outdoor terrace to the rear of the dwelling. As noted above, I understand Ryman intends to propose a darker and more recessive colour for the lift shaft area, reducing the visual dominance of this element to a certain extent. I support the change."*

77. Mr Burns, in his paragraph 89 states that *“This upper-level form exhibits relatively blank walls that emphasise the over height condition and appear visually dominant. I understand Ryman intends to propose a darker and more recessive colour for the lift shaft area, and I support that change.”* Further, in his paragraph 147, he accepts that *“increased visual dominance from the stair core is likely to occur and further articulation and colour change could be considered in mitigation.... I understand Ryman intends to propose a darker and more recessive colour for the lift shaft area, and I support that change”*.
78. We are not clear whether or not the current plans show any changes supported by Mr Burns as Ryman have not engaged with the Worthingtons since the notification hearing despite our offer to them to do so. Without further details of this, I do not consider that what is currently shown on the development plans will effectively mitigate the visual dominance that will be experienced by the Worthingtons.

Construction Noise Effects from the Proposed Buildings

79. As explained earlier, construction will be undertaken in a staged manner, with the construction of the Peterborough Site commencing prior to work starting on the Bishopspark Site. The construction time is estimated to be 24-36 months for each site, with a total construction timeframe of approximately 40-48 months across both sites.
80. A key stage in terms of construction noise will be the clutch tube piling, which is estimated to take approximately 45 days on the Peterborough Site before excavation of the basement begins. Then approximately 32,000m³ of earthworks will be required to excavate the basement car park. This is well in excess of the permitted volume of 20m³ for a residential site (noting that the site is in one title and also allowing for ‘permitted earthworks under the building platforms’). Assuming a truck and trailer capacity of 14m³, this is over 2,300 truckloads of removed material, resulting in 4,600 truck trips to and from the site.

Comparison Against Scenario 3 – Townhouse Development

81. Noting that a townhouse development is highly unlikely to involve any sort of basement construction (which is not permitted in any case) and unlikely to involve large scale concrete and/or steel construction, it is readily apparent that construction-related effects from the proposal on both 76 Park Terrace and 18 Salisbury Street, and construction generated noise in particular, will be significant. compared to a development scenario involving a number of two or three storey townhouses. The quantum of this effect relates not only to the volume of the noise source, but also the duration that construction is likely to occur.

82. The Worthingtons lived through the demolition process for the previous apartment towers and therefore have first-hand experience of the quantum of noise, vibration, dust and traffic effects as a result of that process. I attach as **Appendix B** to this evidence as statement from the Worthingtons that discusses their experiences. They consider the effects of the demolition activity on their amenity to have been significant and see the scale of the current proposal, and the proximity to their boundaries, being a situation that will likely repeat their experiences from the demolition process. In my opinion, it remains readily apparent that the scale of the proposed development, and consequential noise and construction related effects, are well beyond the permitted baseline or even my townhouse development scenario.

Comparison Against Scenario 4 –Previous Tower Development

83. It is accepted that the reconstruction of the Park on the Terrace buildings, or something broadly similar, would require a similarly large scale of construction. Therefore, I do accept the broad proposition that, for this development scenario comparison only, noise effects might be similar. However, there will remain differences in potential noise emissions particularly as a result of the construction methodology used for a given development.
84. Noting her advice that that sheet piling will not be used with this proposal, the evidence of Ms. Wilkening of Marshall Day Acoustics Limited confirms that the proposed works still will not meet the relevant limits in NZS 6803:1999 Acoustics - Construction Noise at both 76 Park Terrace and 18 Salisbury Street, specifically during the proposed clutch tube piling works. It is expected that these properties will be exposed to this noise, exceeding the limits, for a period of 4 days each. Noise during the remainder of the construction period is expected to comply with the relevant limits.
85. To try reduce the effects of the piling works on the neighbours, Ms. Wilkening recommends, in her paragraph 10, the *“use of perimeter and movable site barriers where effective, and the use of low noise construction methodologies such as drilled piling rather than vibratory or impact piling.”* She adds in her paragraph 43 that *“The main noise source of the piling rig is the diesel engine, which is at a height of approximately 2 metres... I recommend using absorptive noise shields behind the piling rig engines to reduce noise generation and have included them in my predictions in addition to the site barrier.”*
86. I again note the selection of a clutch tube piling system by the applicant instead of sheet piling, however I am not convinced that this system, even if combined with some sort of movable noise barrier at a

height of up to 2m, will be effective at mitigating noise emissions to a compliant or otherwise acceptable level at the boundaries of my clients' immediately neighbouring properties.

87. Having viewed videos of how this piling system is implemented³, I note that it will still involve a large track mounted excavator being located close to the internal site boundaries, and that the piling system appears to require a hydraulic motor operating at the top of the digger boom to rotate the auger located inside the piling tube. Ground mounted noise shields will not 'hide' all noise sources associated with this piling system. It is not clear if Ms. Wilkening has assessed this aspect of the piling methodology.
88. Ms. Wilkening recommends that a construction management plan be implemented to mitigate noise effects to a suitable level. However, my clients' experience with the demolition of the towers is that such a document is wholly ineffective in controlling the noise that actually occurs, and that the Council is equally ineffective about enforcing such a plan.
89. In my opinion, the noise related information provided by the Applicant to date, and the heavy reliance on a noise management plan to mitigate construction noise effects on the neighbours, are not enough to demonstrate that potential noise effects have been suitably mitigated. Overall, it is my opinion that the Ryman proposal will generate adverse construction noise related effects on the amenity of the residential use of the immediately neighbouring properties that are more than minor.

³ https://www.youtube.com/watch?v=2ctfnD41Zic&ab_channel=Georocfor
https://www.youtube.com/watch?v=8zxcldbAkpA&ab_channel=RobitGroup

Geotechnical Effects from the Proposed Buildings

90. My clients are also concerned that the dewatering required to create the basement parking level on the Peterborough Site has the potential to cause land sinkage on neighbouring sites and subsequent risk of building damage. In relation to this issue, I note from the outset that this matter is beyond my field of expertise and I only provide general comments based on the evidence of others.
91. I note from the evidence of Mr Mitchell's paragraph 99.8 that *"Mr Malan notes that the potential for instability of adjacent land caused by the Proposed Village will be mitigated by the design of the retention system. The presence of continuous propping in both the temporary and permanent cases will provide a very stable and robust system that does not have a credible risk of causing instability of adjacent land. Ryman have also proffered conditions requiring pre- and post-construction building condition surveys for adjacent property owners."* My reading of this is that it relates more to land subsidence as a result of inadequate propping rather than land sinkage issues from dewatering.
92. I also note the geotechnical evidence of Mr Aramowicz on behalf of other submitters who own and reside at 15 Salisbury Street. He critiques the excavation and construction methodology and provides his opinion that the proposed construction works on the Bishopspark Site *"presents an unacceptably high risk of construction-related subsidence and damage to adjacent property"* (his paragraph 98). Given the similarities with in the construction methodology for the Peterborough Site, this suggests that geotechnical effects from the proposed construction on the Peterborough Site have not been adequately considered and avoided or mitigated, and damage to adjacent properties including 76 Park Terrace and 18 Salisbury Street could occur. More information on potential land subsidence effects as a result of site dewatering is necessary.

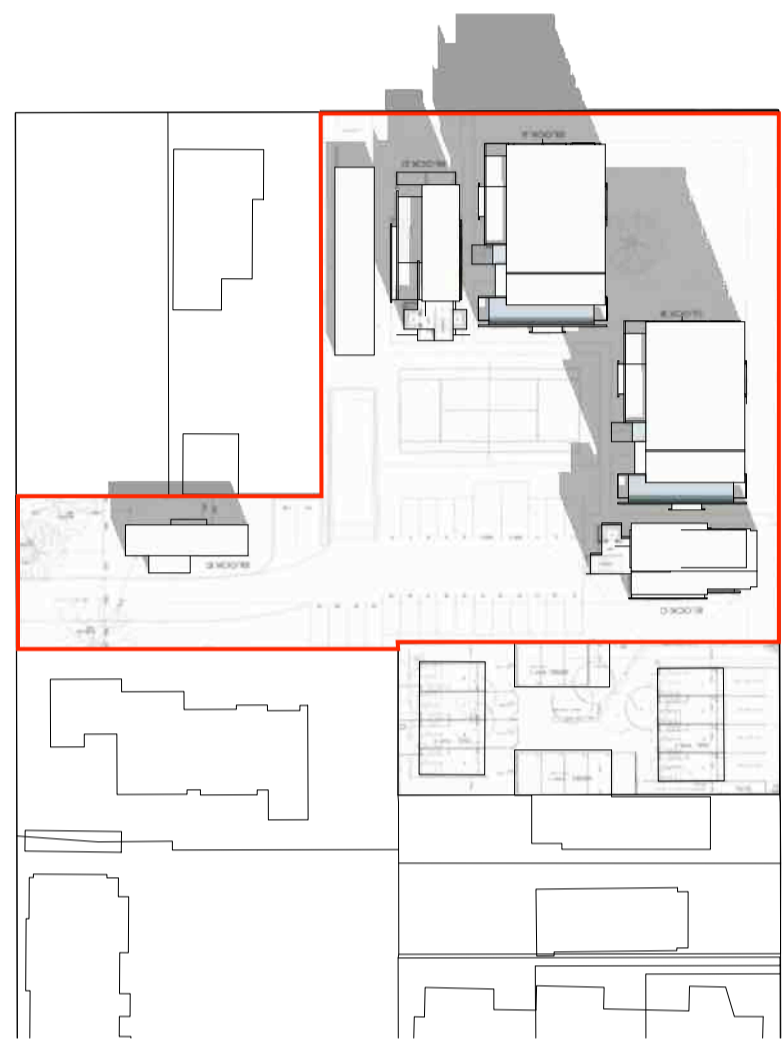


Ethan Archer

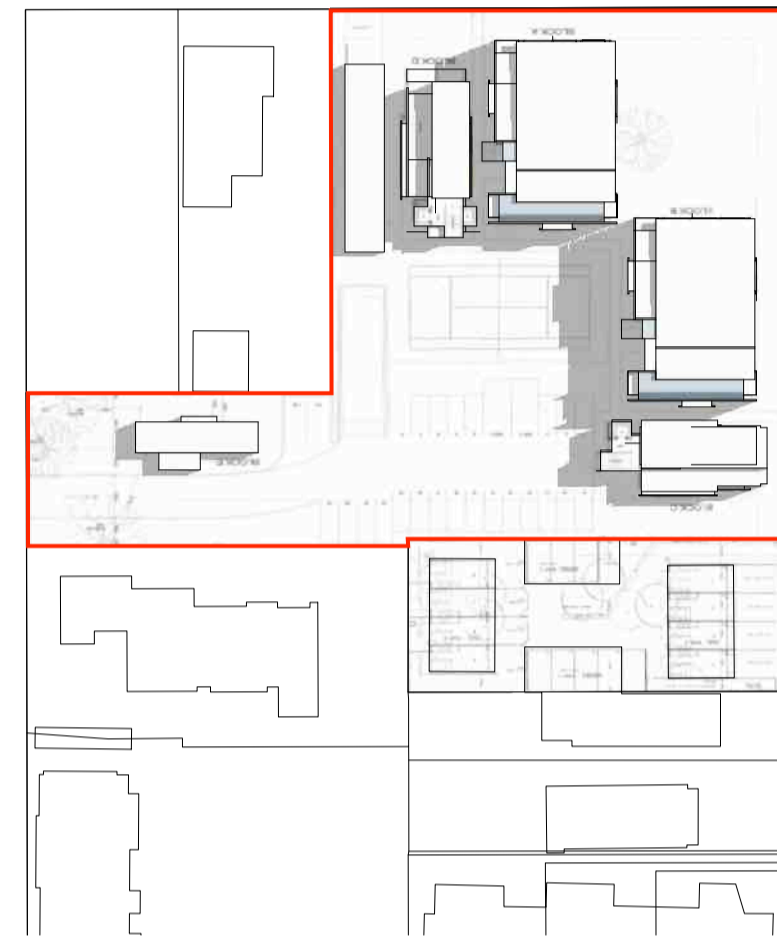
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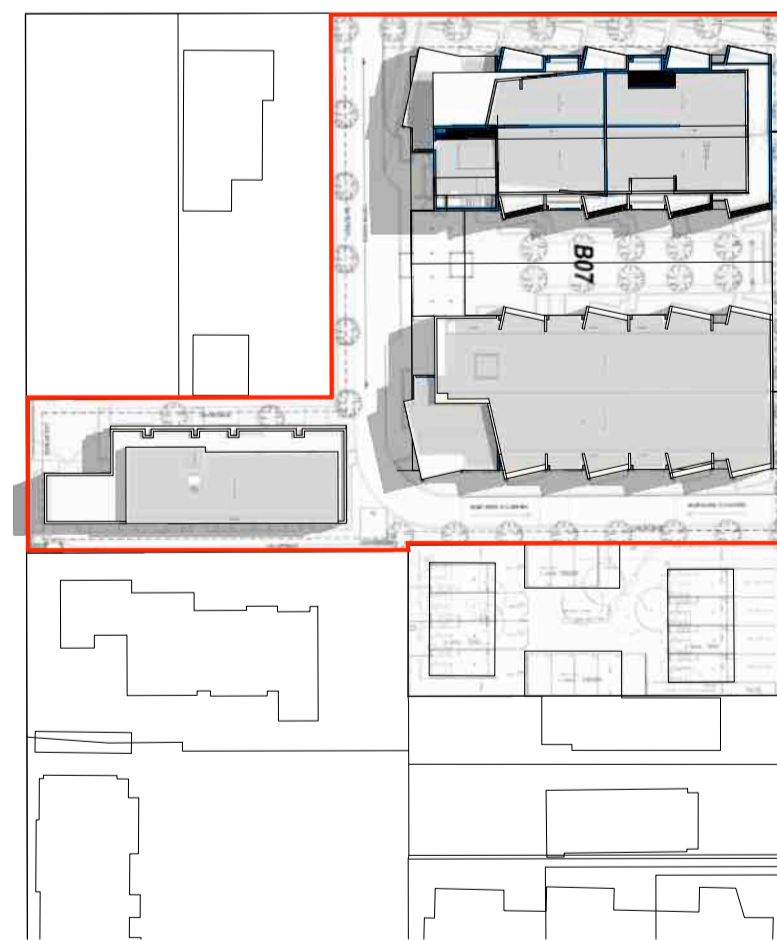


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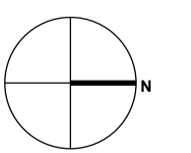
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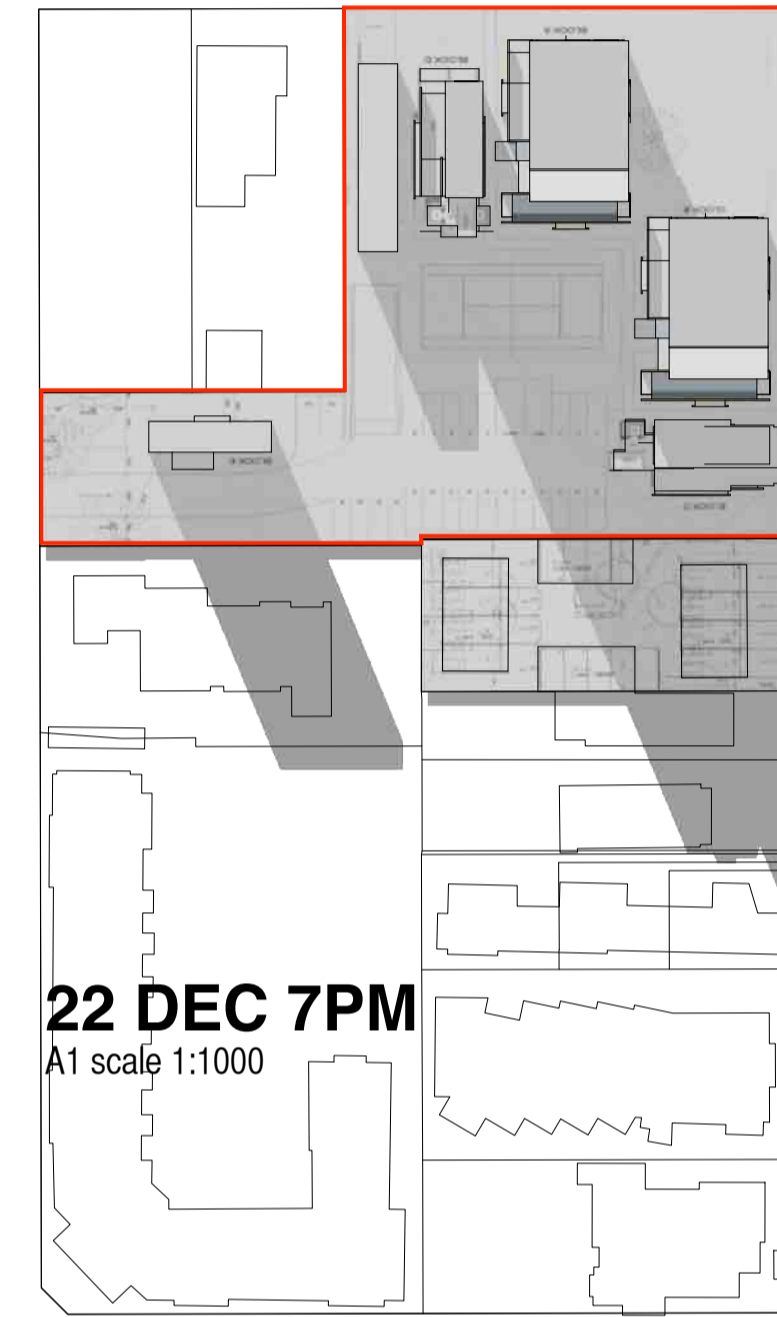
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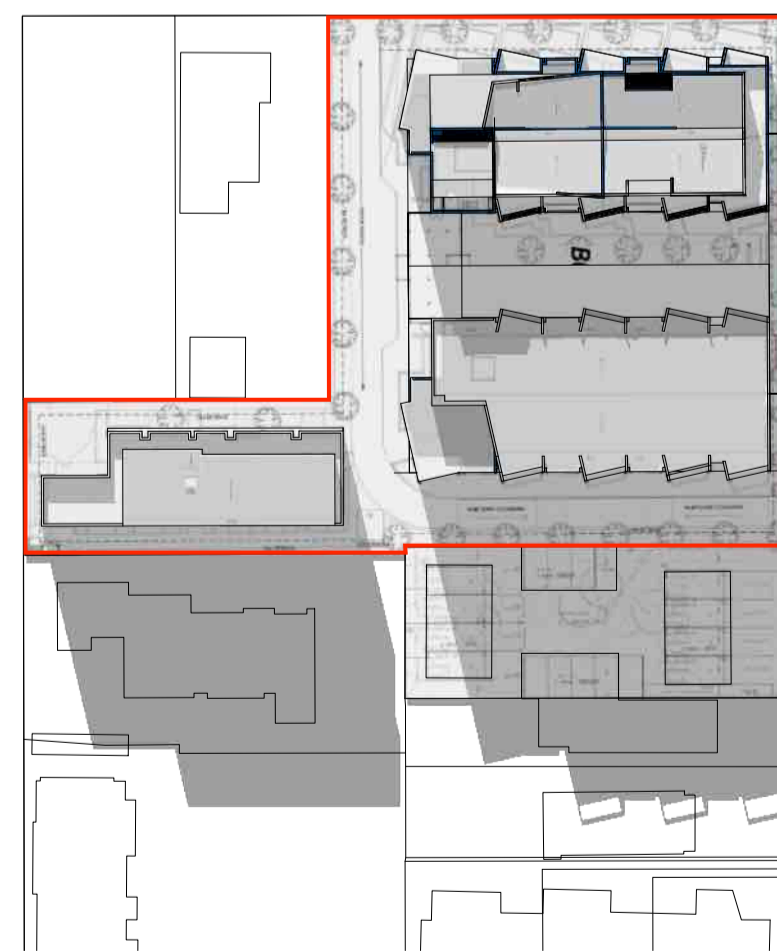


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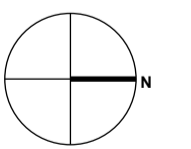
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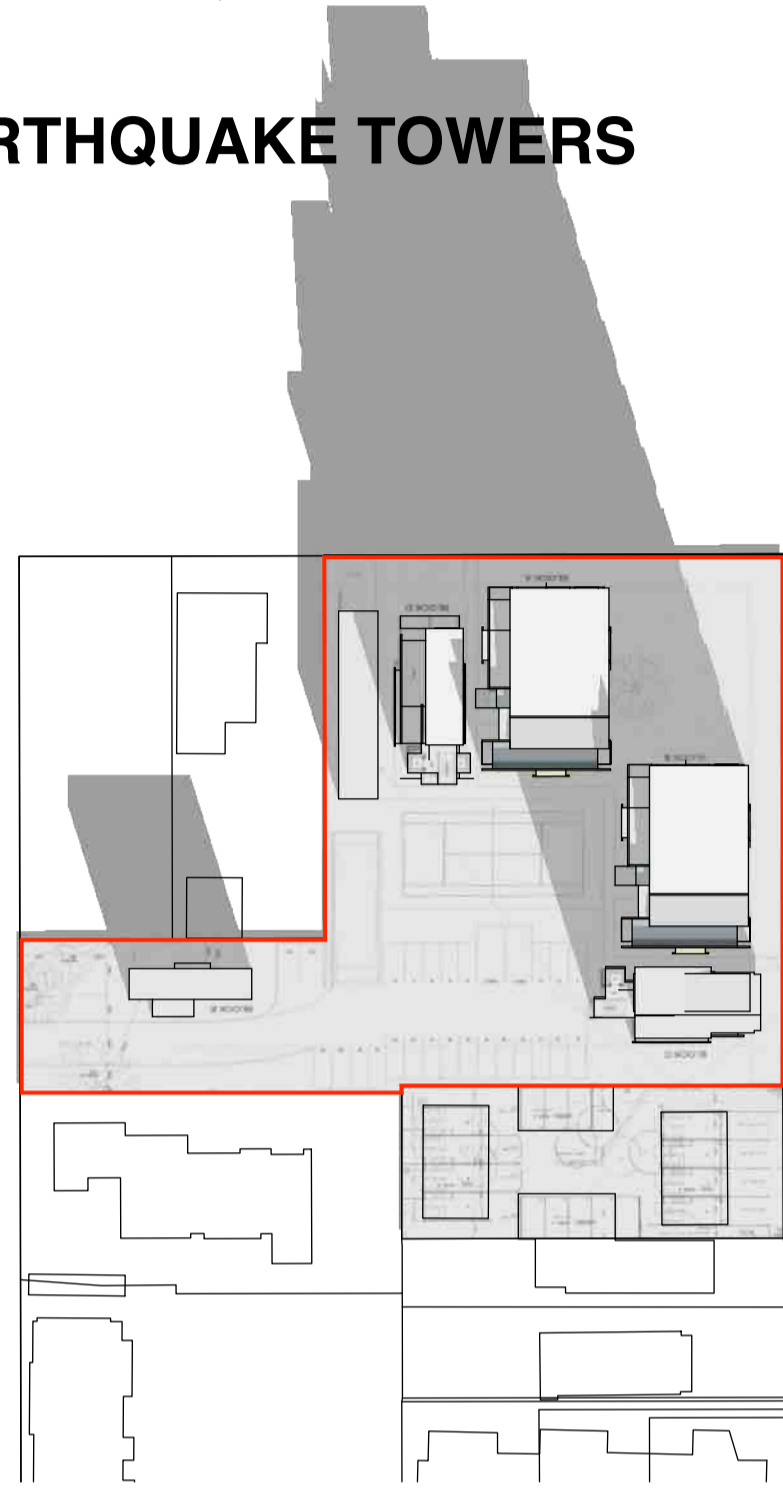


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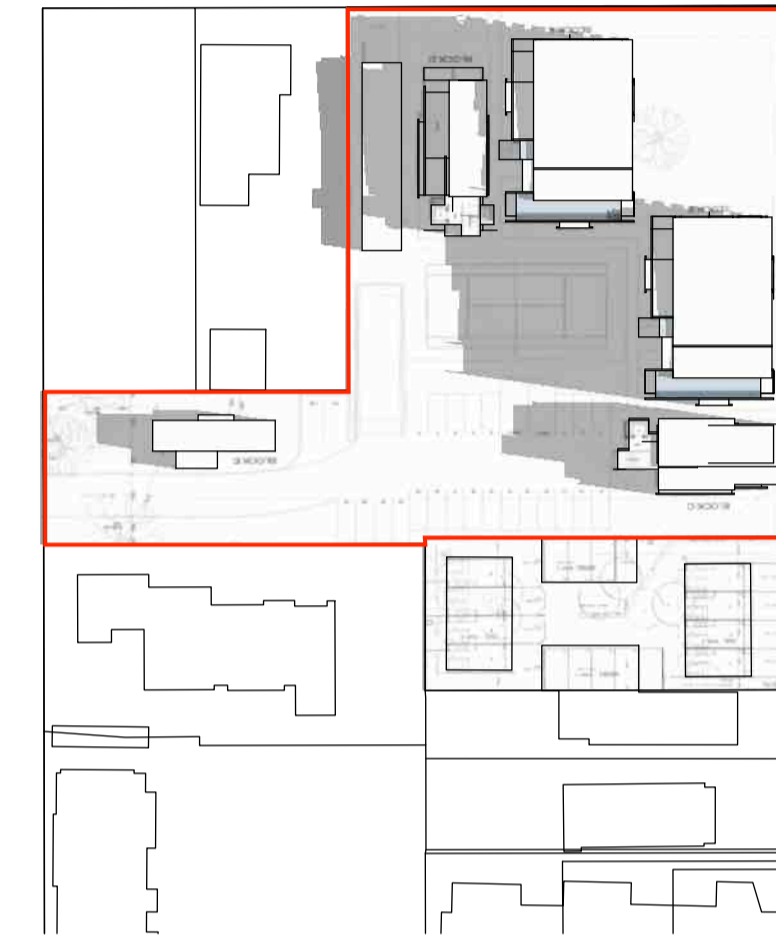
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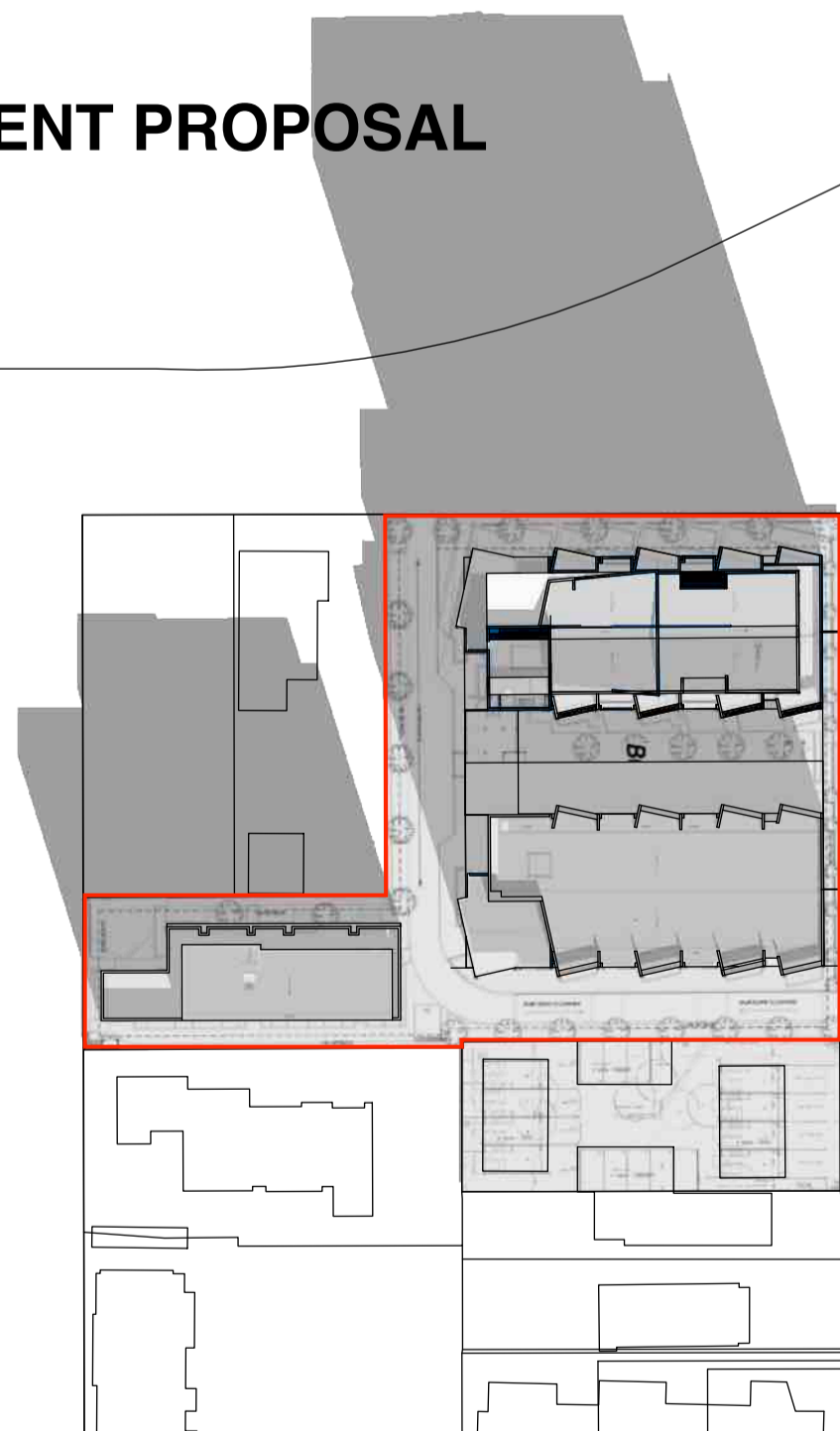


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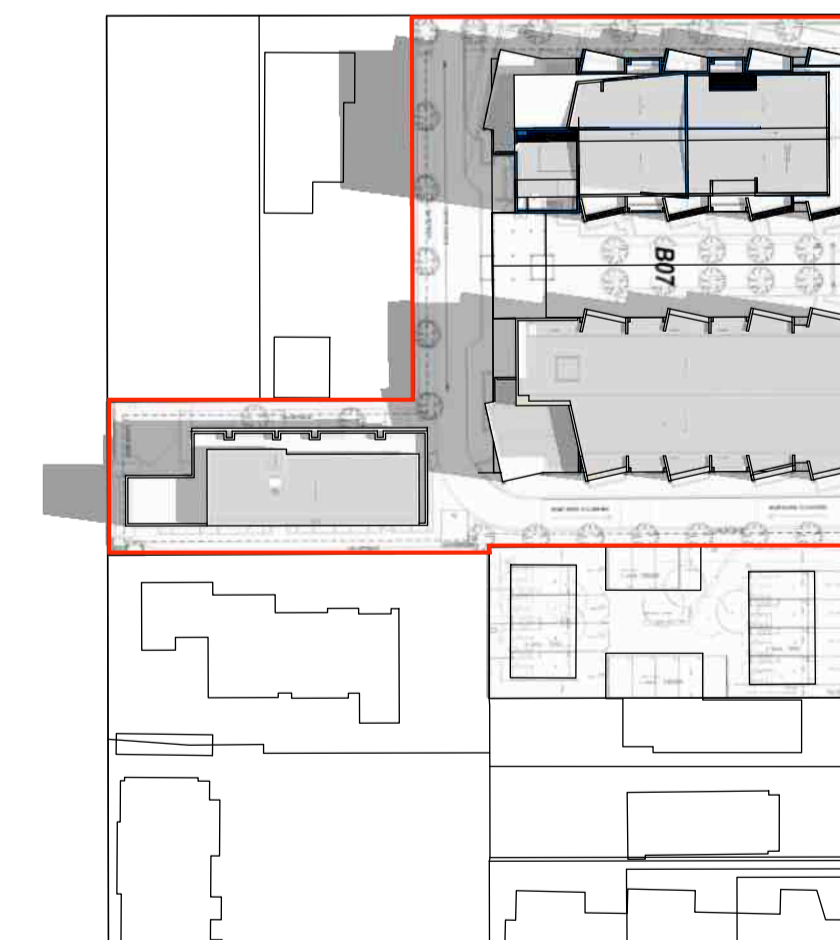
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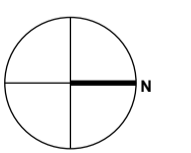
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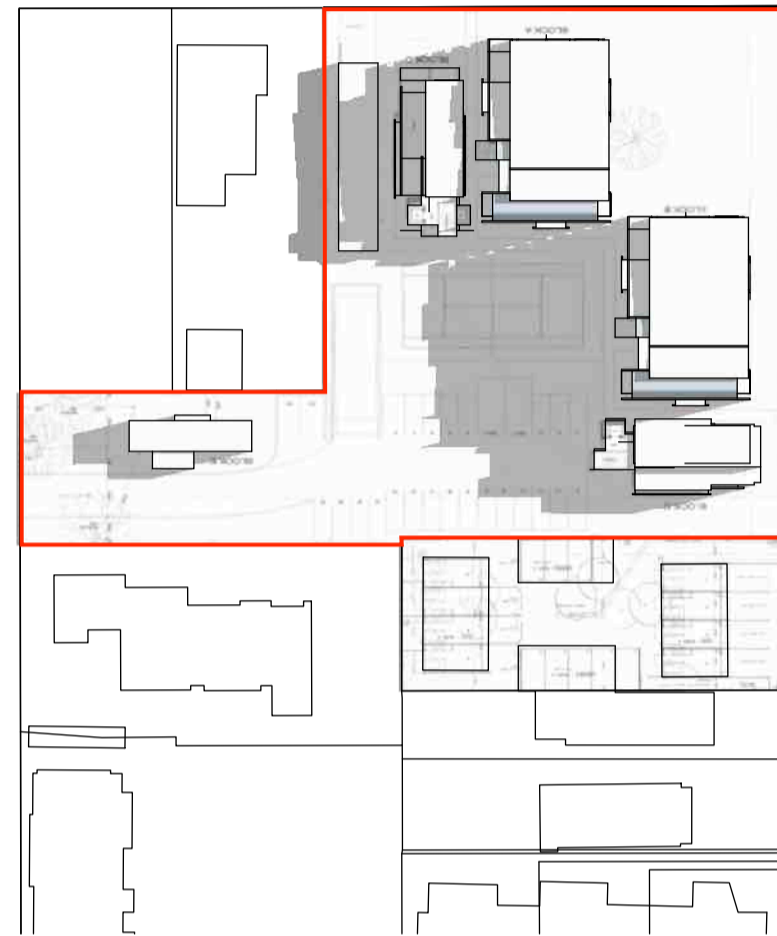


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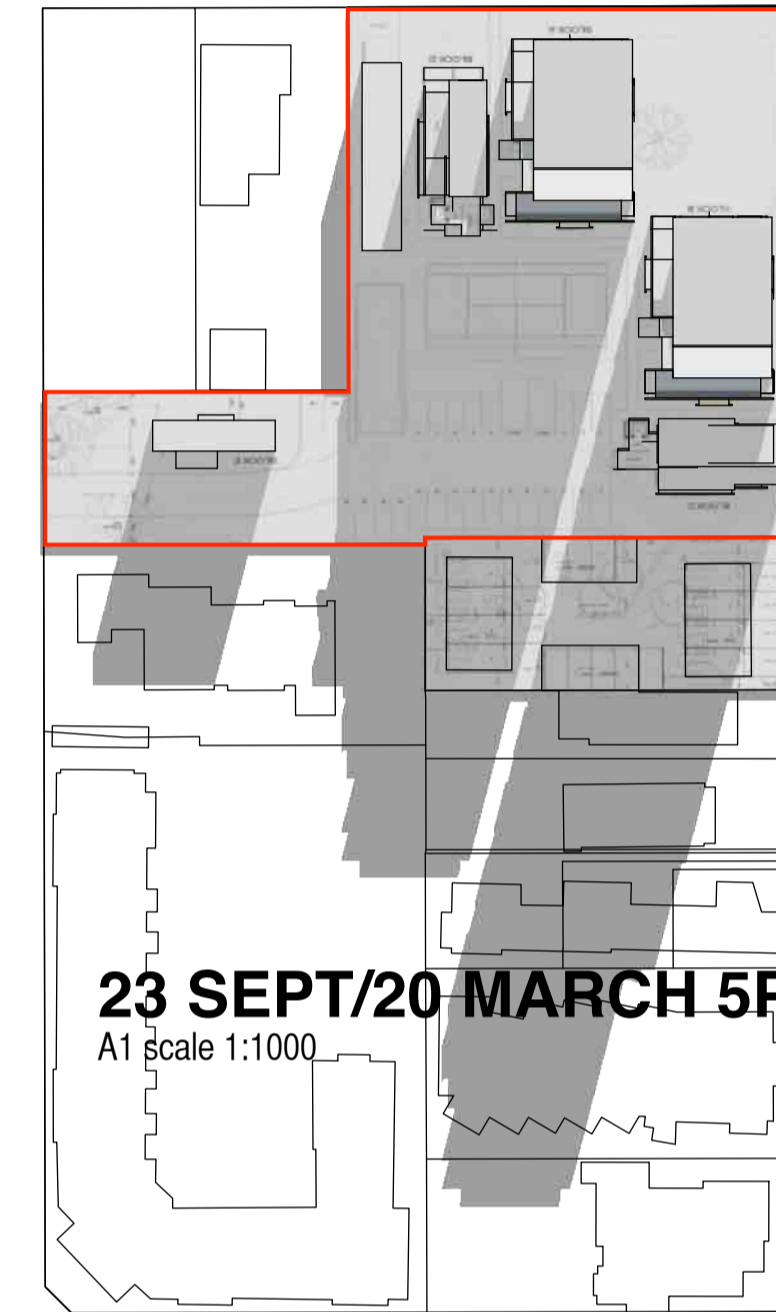
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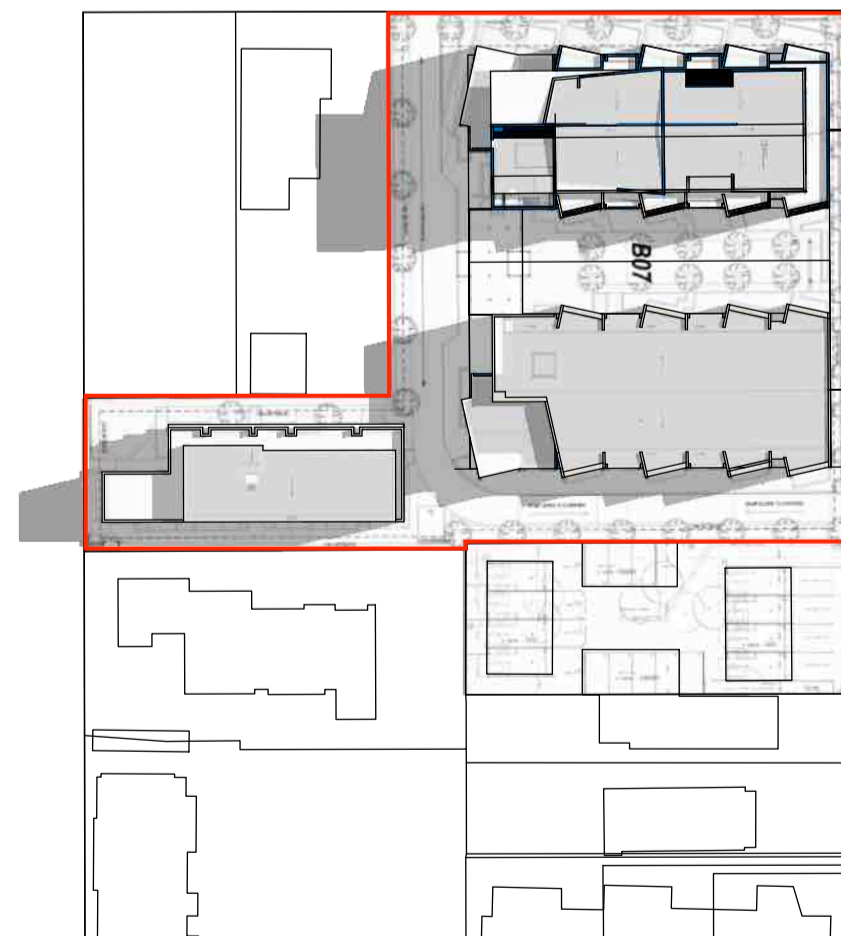


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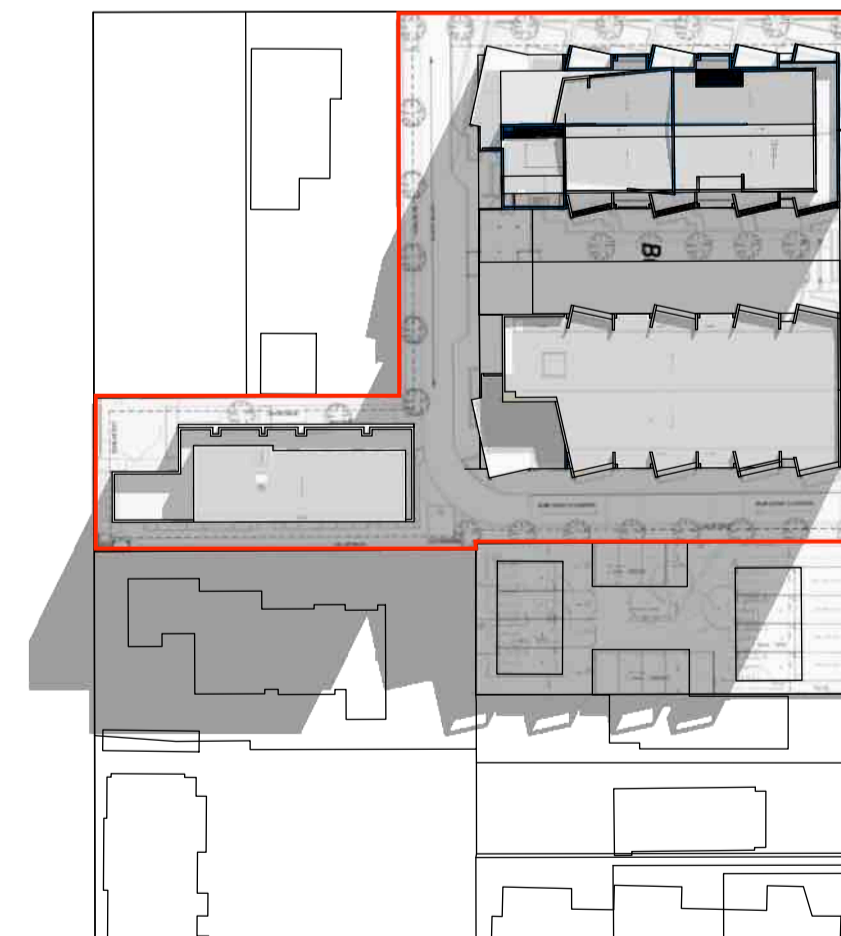


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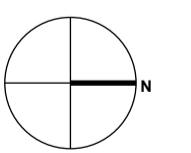
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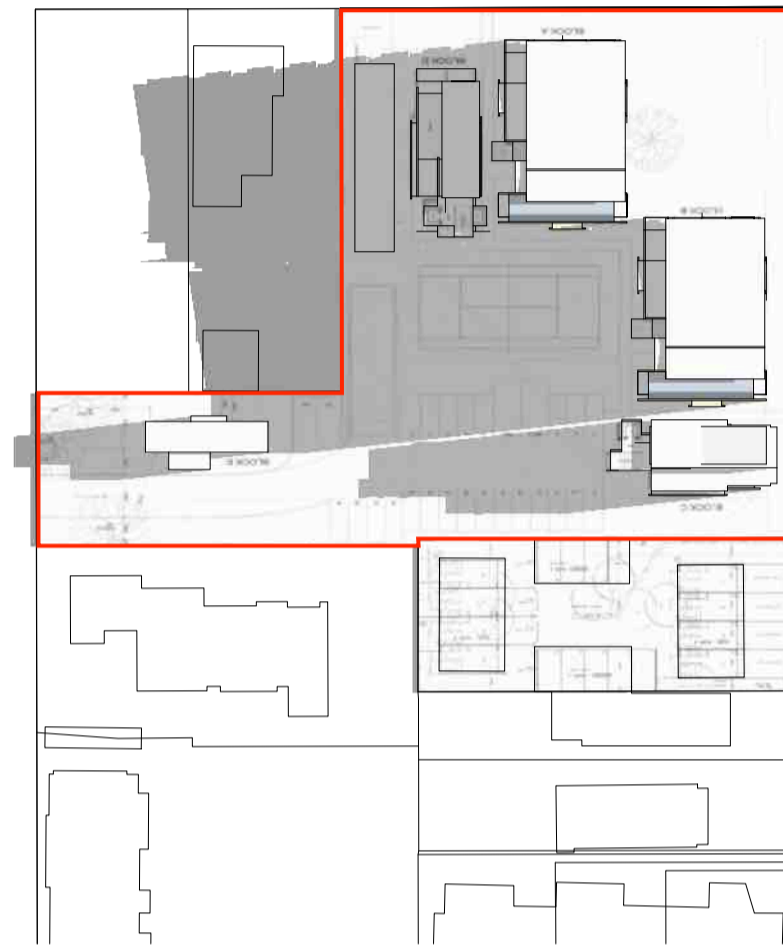


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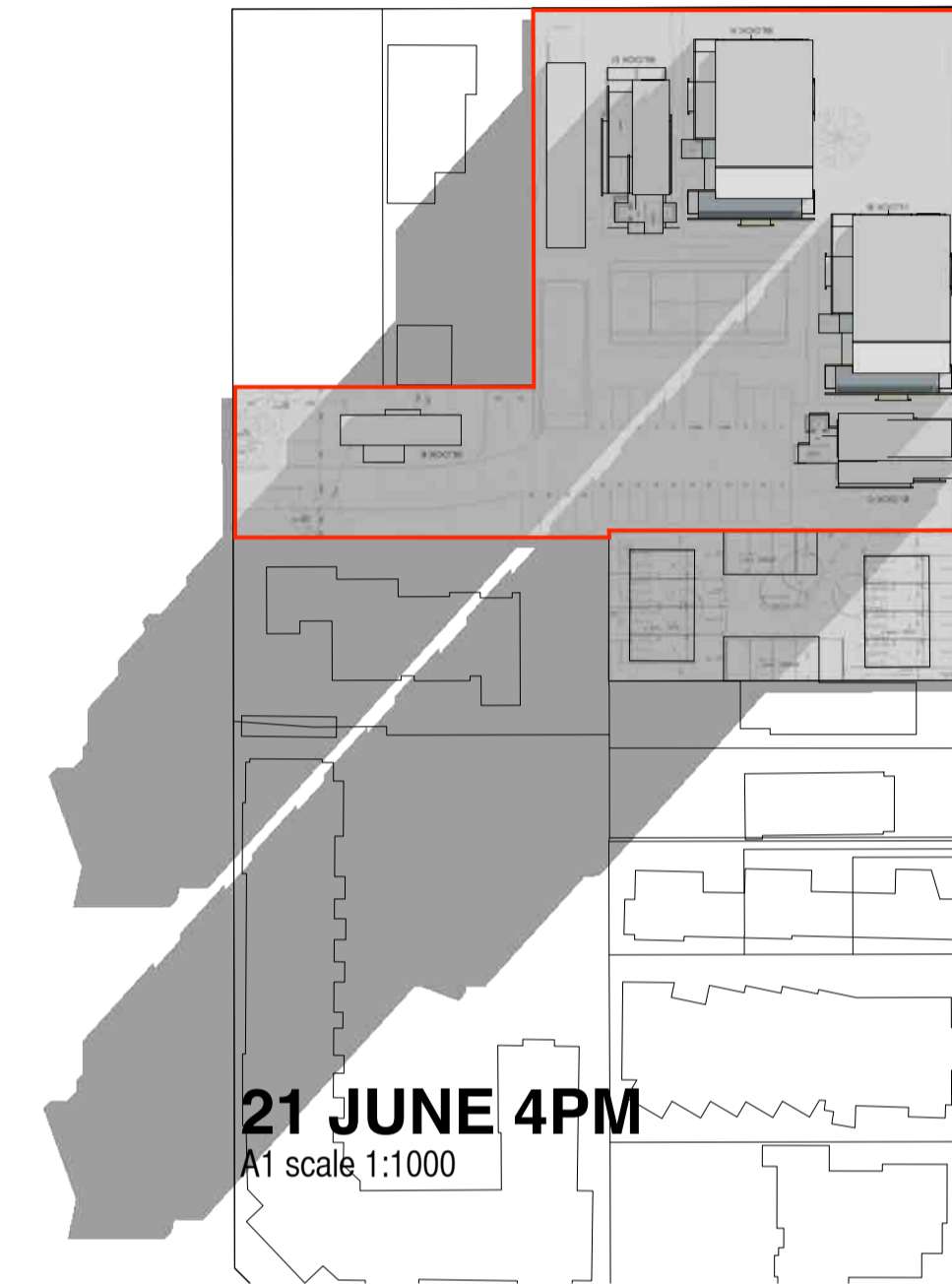
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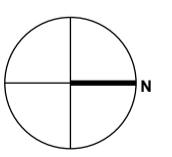
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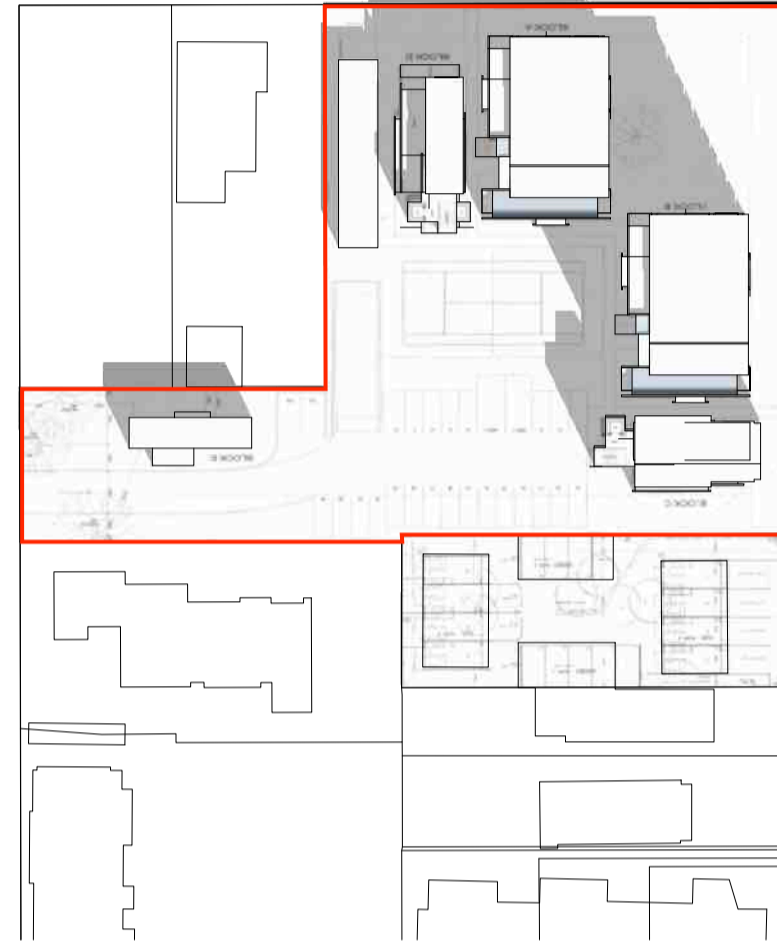


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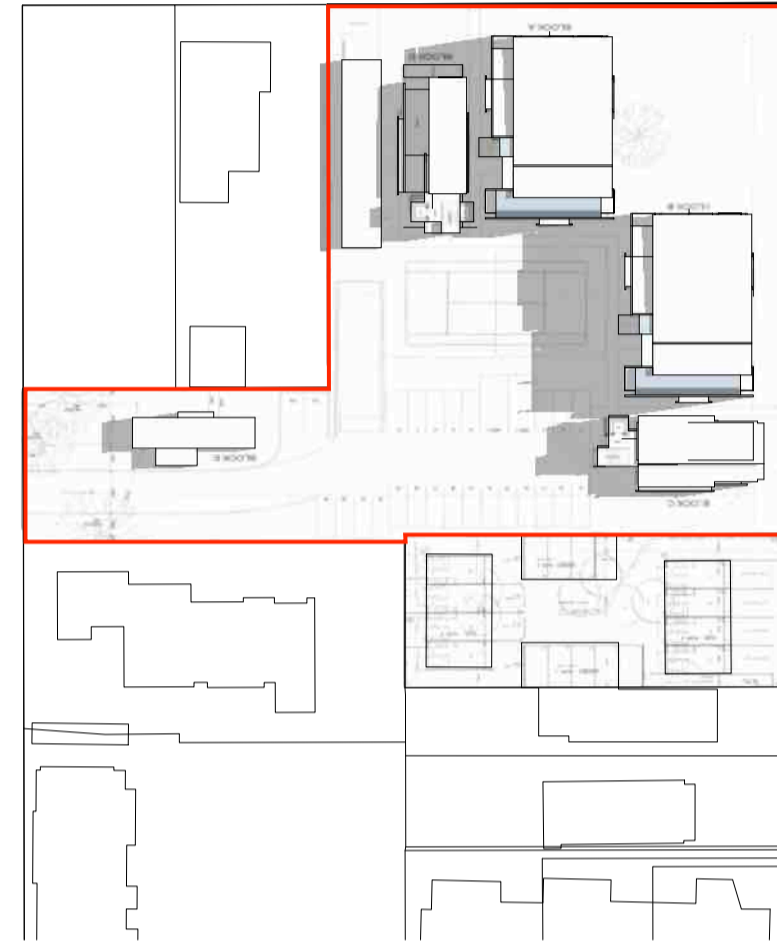


EARLY/LATE SUMMER

PRE EARTHQUAKE TOWERS



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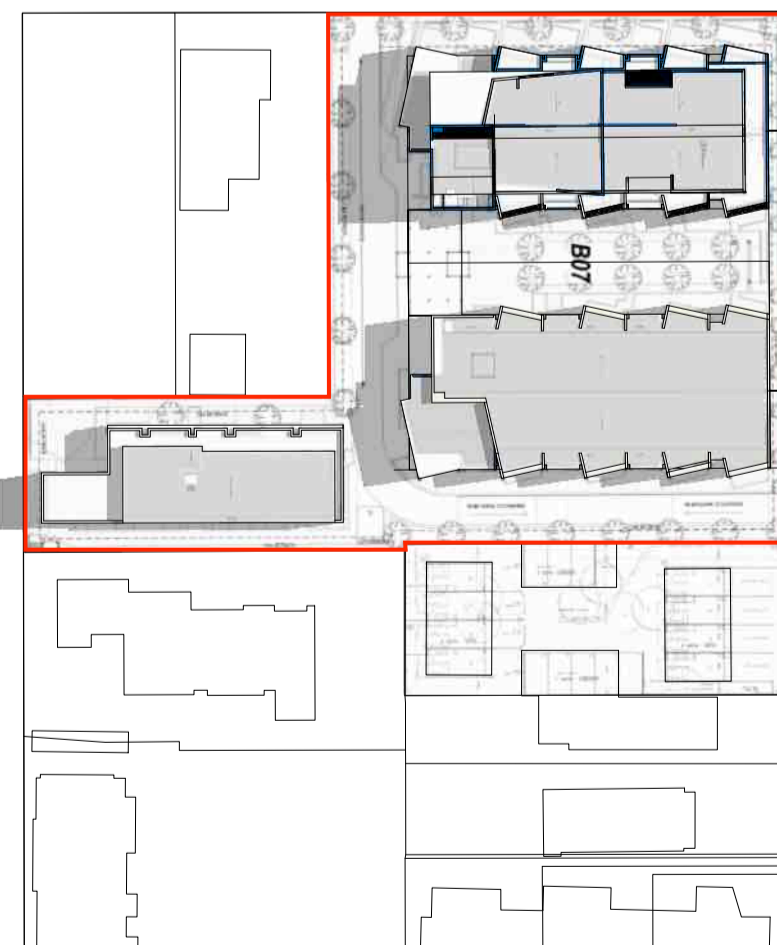


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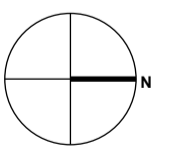
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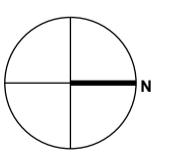




PRE EARTHQUAKE TOWERS



CURRENT PROPOSAL



CURRENT PROPOSAL



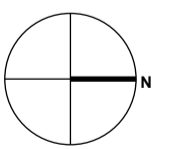
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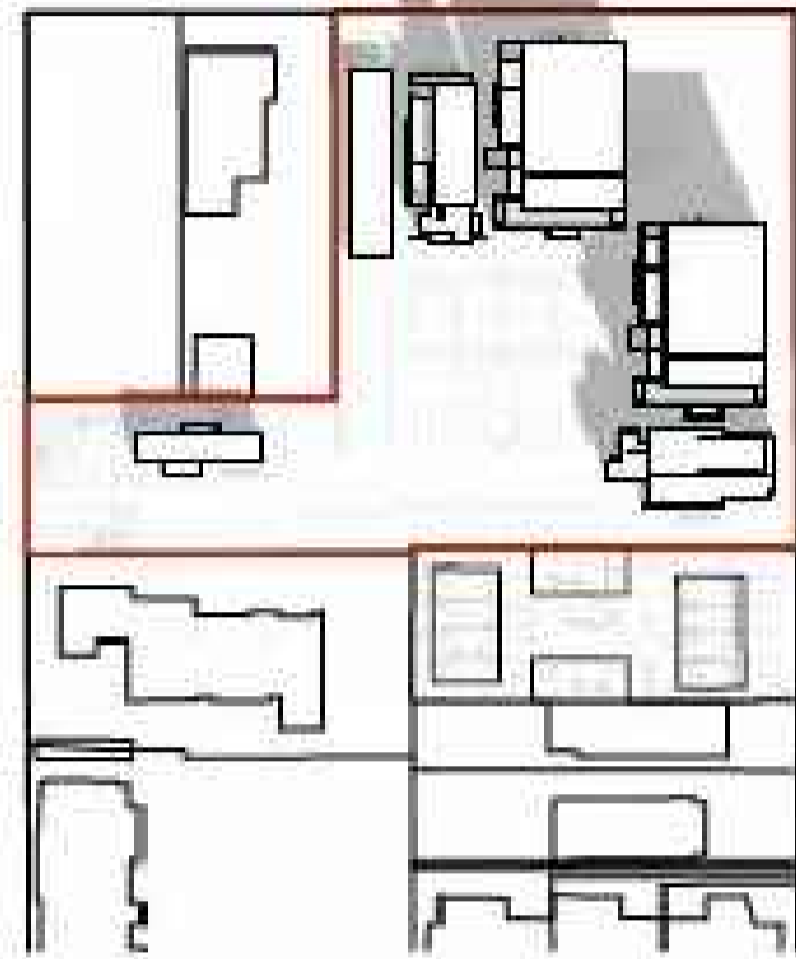
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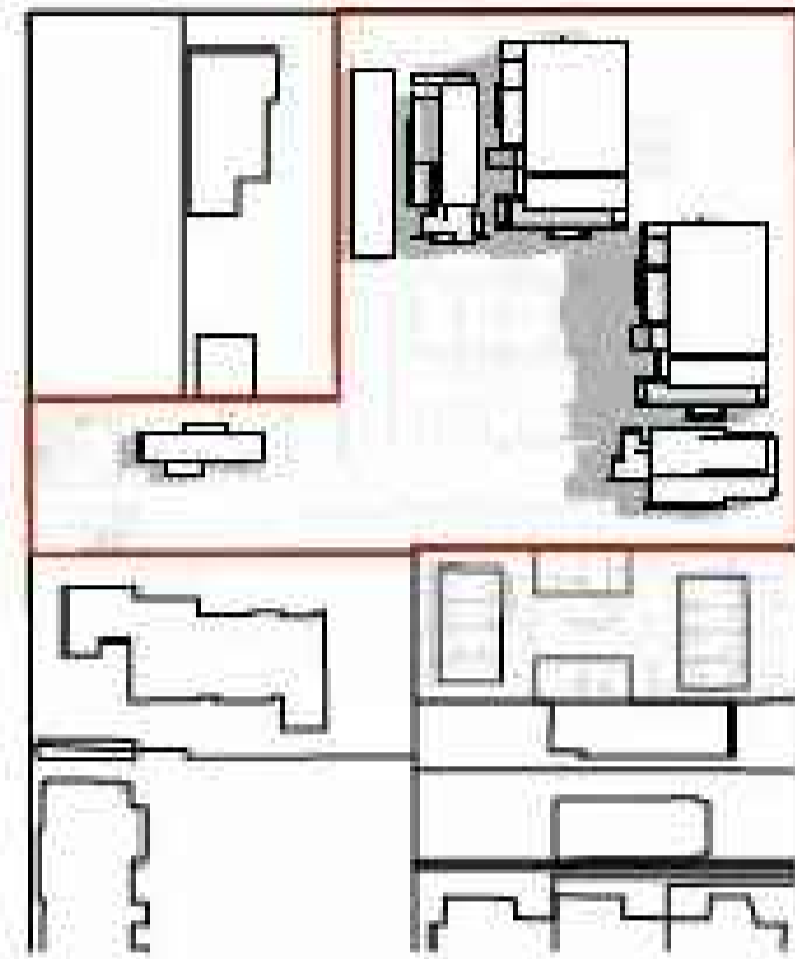


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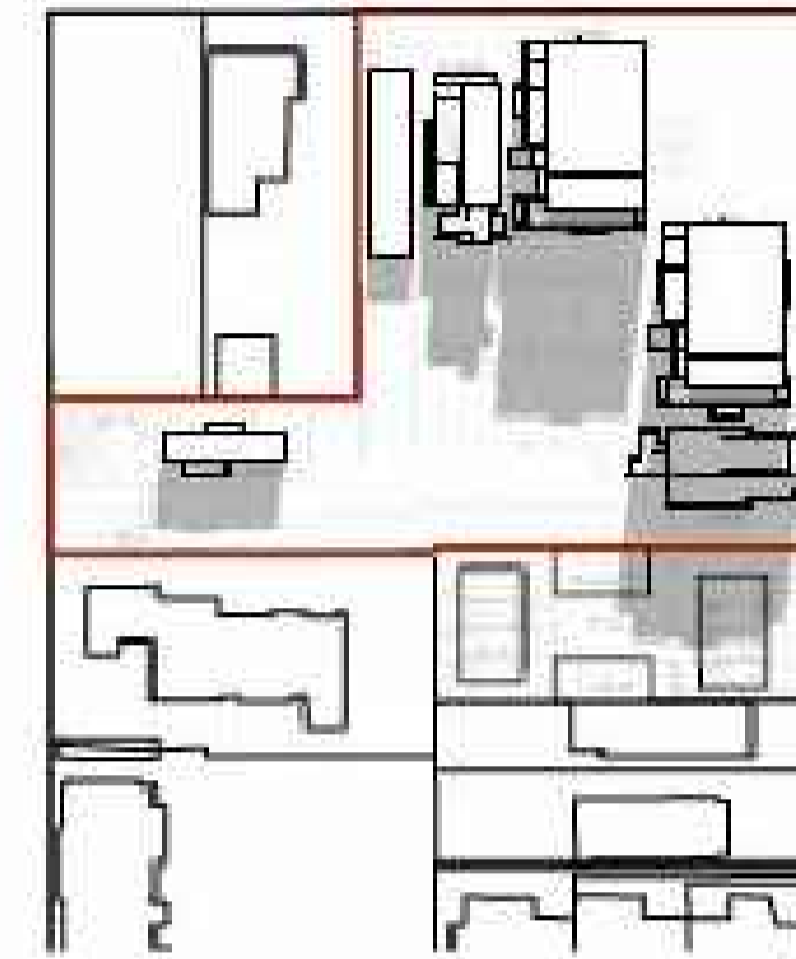
PRE EARTHQUAKE TOWERS



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CURRENT PROPOSAL



22 DEC 10AM
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22 DEC 1PM
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22 DEC 4PM
A1 scale 1:1000

Urbis TPD Limited
Level 1, 30 Southwark Street,
Christchurch 8145



Rev	Date	Description
V1	18/01/2021	Shading Diagrams- Summer Solstice AM

General Notes

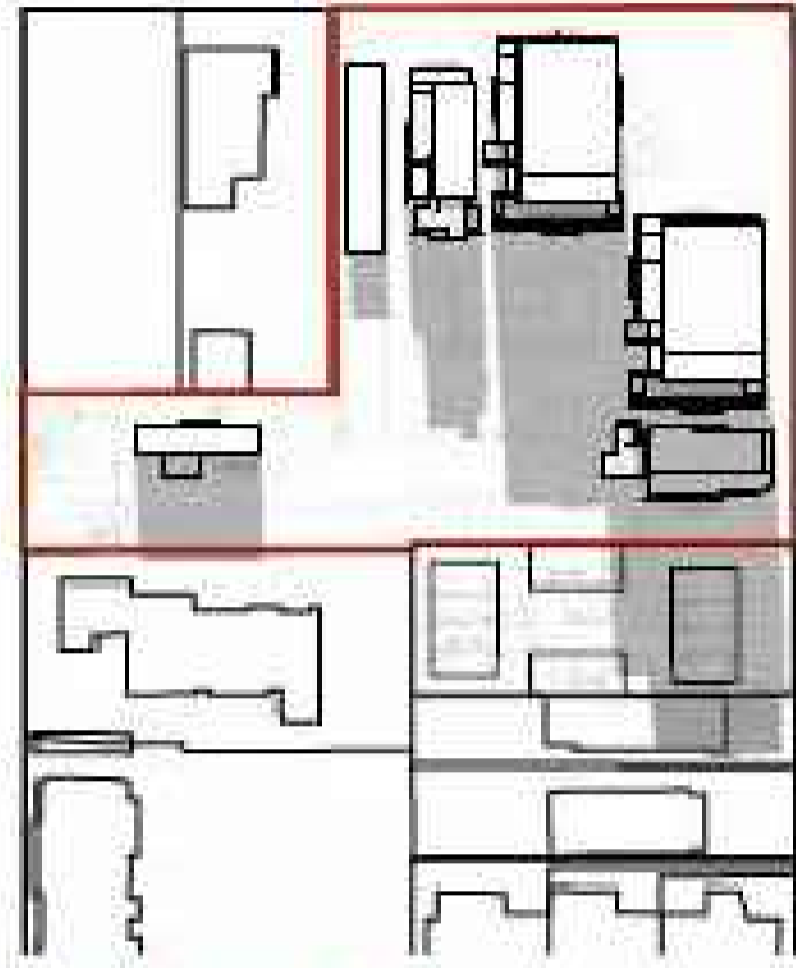
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Summer Solstice AM
Dated: 13 January 2021
Sheet No.: A.01
Issue: 2

- Areas of worse shading than previous buildings
- Areas of better shading (ie. no shading) than previous buildings

Date:	18/01/2021
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Checked by:	Ray Edwards
Scale:	1:1000@A3
Sheet:	1 of 5
Job No.:	424002

SUMMER SOLSTICE

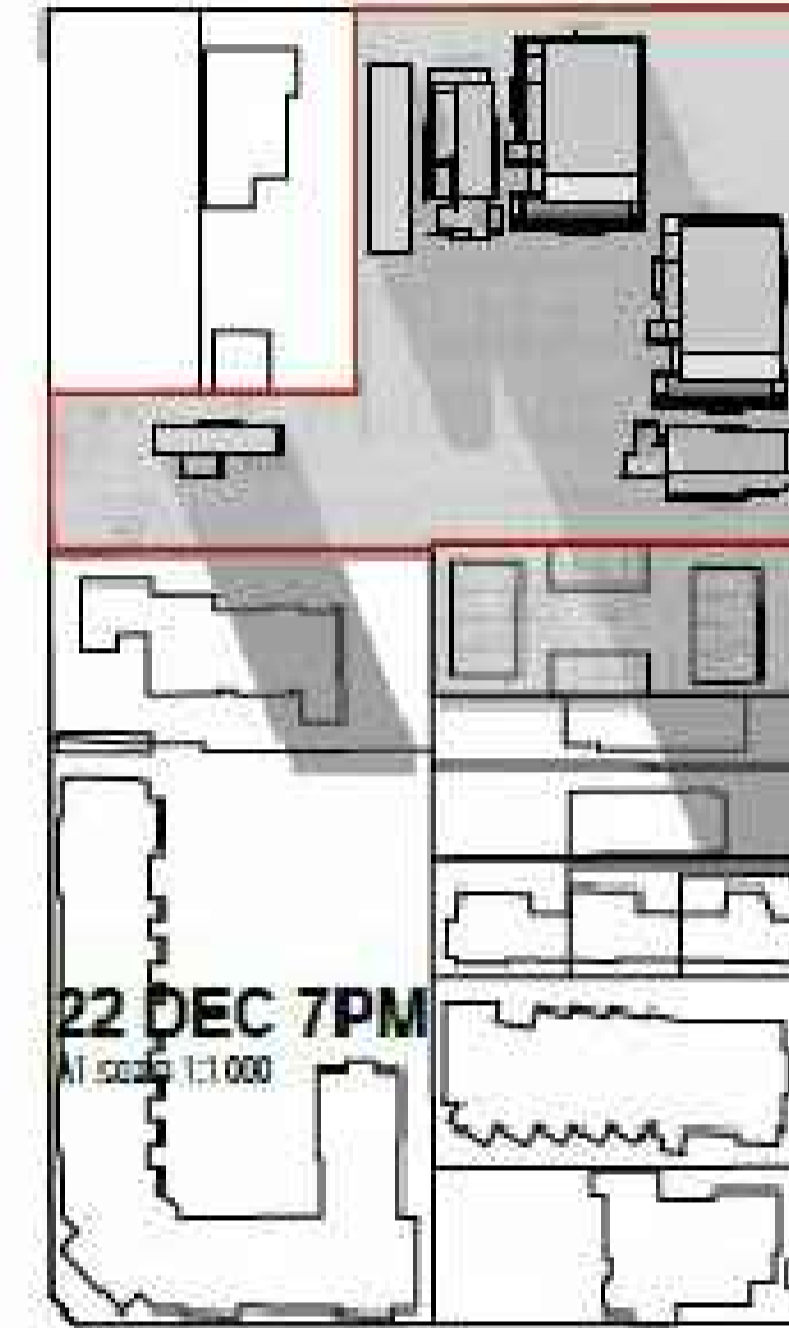
PRE EARTHQUAKE TOWERS



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22 DEC 6PM
At scale 1:1000



22 DEC 7PM
At scale 1:1000

CURRENT PROPOSAL



22 DEC 5PM
At scale 1:1000



22 DEC 6PM
At scale 1:1000



22 DEC 7PM
At scale 1:1000



Urbis TPD Limited
Level 1, 30 Southwark Street,
Christchurch 8145



Rev	Date	Description
V1	18/01/2021	Shading Diagrams- Summer Solstice PM

General Notes

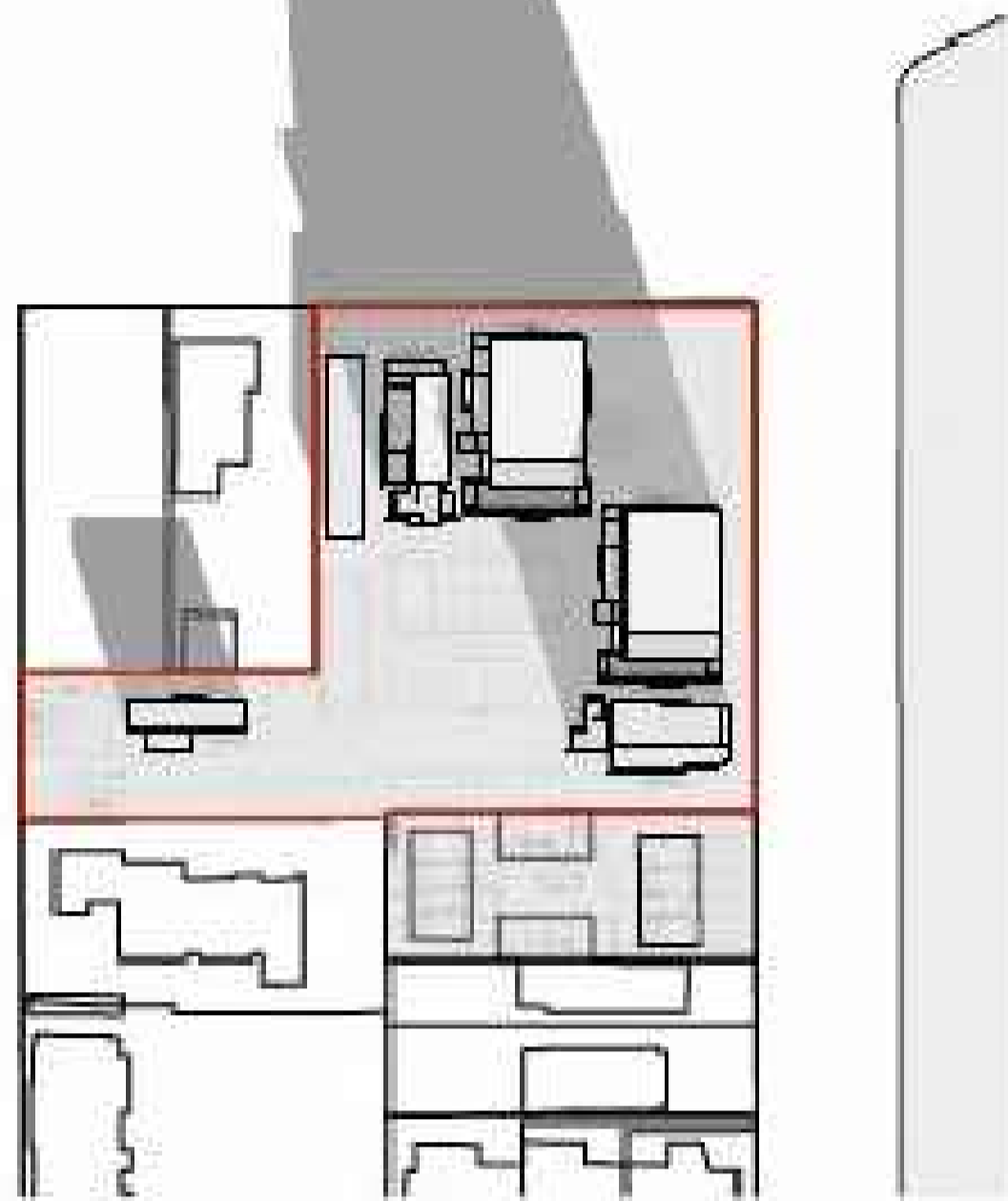
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Date:	18/01/2021
Drawn by:	Nikita Arya
Checked by:	Ray Edwards
Scale:	1:1000@A3
Sheet:	2 of 5
Job No.:	424002

SPRING EQUINOX

PRE EARTHQUAKE TOWERS



23 SEPT 8AM
A1 scale 1:1000



23 SEPT 10AM
A1 scale 1:1000

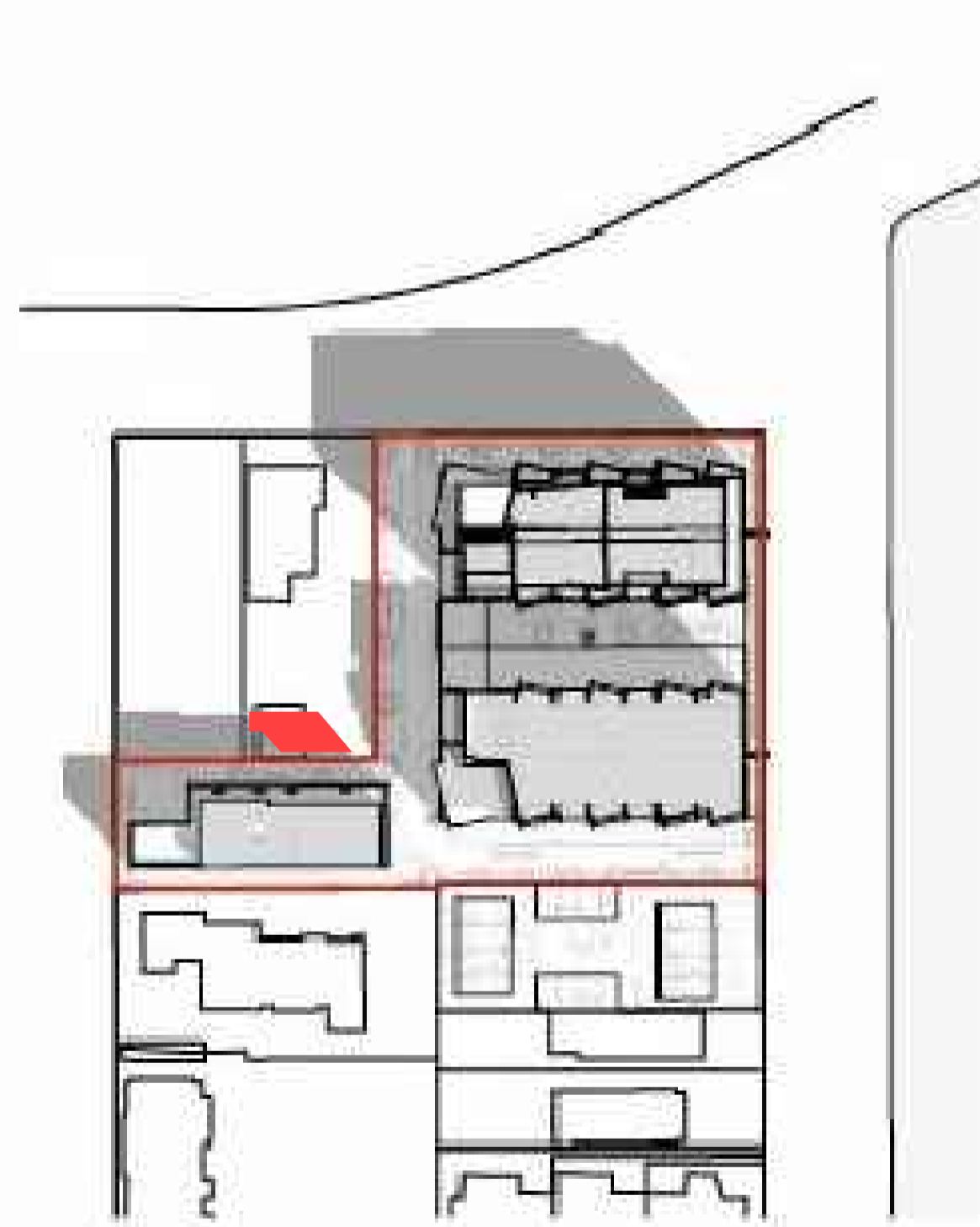


23 SEPT NOON
A1 scale 1:1000

CURRENT PROPOSAL



23 SEPT 8AM
A1 scale 1:1000



23 SEPT 10AM
A1 scale 1:1000



23 SEPT NOON
A1 scale 1:1000

Urbis TPD Limited
Level 1, 30 Southwark Street,
Christchurch 8145



Rev	Date	Description
V1	18/01/2021	Shading Diagrams- Spring Equinox AM

General Notes

Sourced from:
Pivnice Ltd
Christchurch Sun Study
Summer Solstice AM
Dated: 13 January 2021
Sheet No.: A.03
Issue: 2

- Areas of worse shading than previous buildings
- Areas of better shading (ie. no shading) than previous buildings

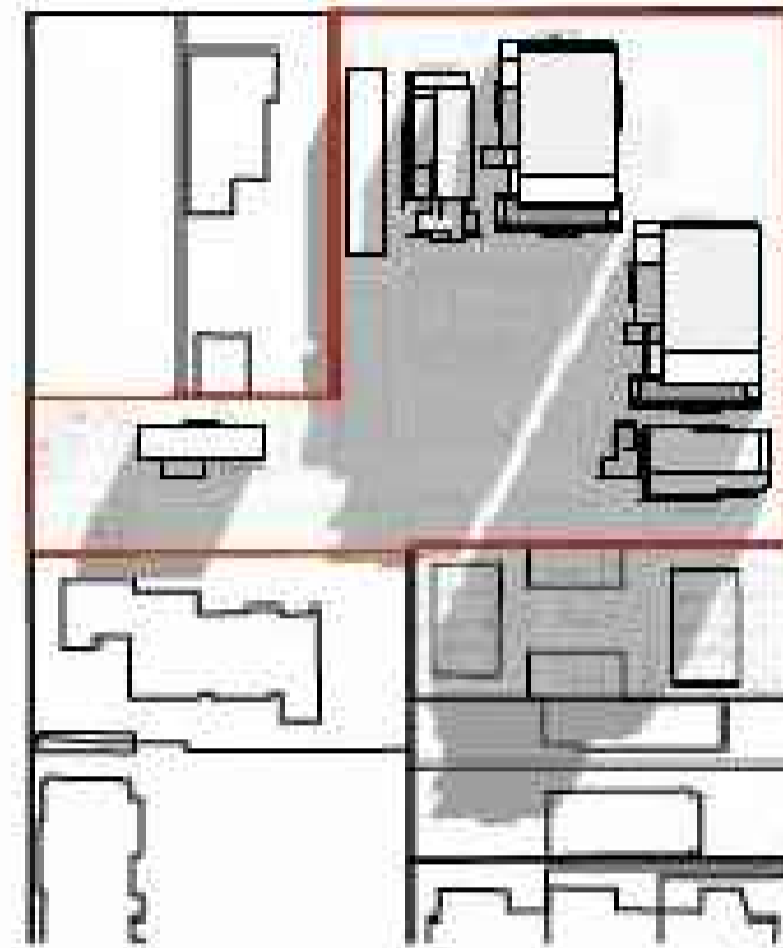
Date:	18/01/2021
Drawn by:	Nikita Arya
Checked by:	Ray Edwards
Scale:	1:1000@A3
Sheet:	3 of 5
Job No.:	424002

SPRING EQUINOX

PRE EARTHQUAKE TOWERS



23 SEPT 1PM
At scale 1:1000



23 SEPT 4PM
At scale 1:1000



23 SEPT 5PM
At scale 1:1000

CURRENT PROPOSAL



23 SEPT 1PM
At scale 1:1000



23 SEPT 4PM
At scale 1:1000



23 SEPT 5PM
At scale 1:1000



Urbis TPD Limited
Level 1, 30 Southwark Street,
Christchurch 8145



Rev	Date	Description
V1	18/01/2021	Shading Diagrams- Spring Equinox PM

General Notes

Sourced from:
Pivnice Ltd
Christchurch Sun Study
Summer Solstice AM
Dated: 13 January 2021
Sheet No.: A.04
Issue: 2

-  Areas of worse shading than previous buildings
-  Areas of better shading (ie. no shading) than previous buildings

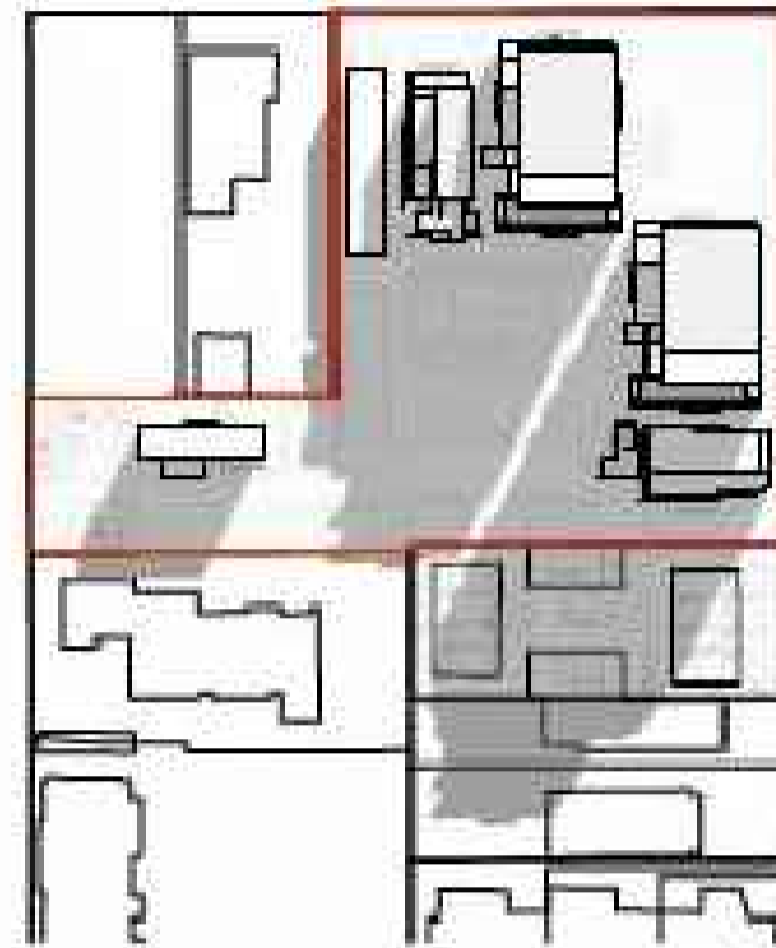
Date:	18/01/2021
Drawn by:	Nikita Arya
Checked by:	Ray Edwards
Scale:	1:1000@A3
Sheet:	4 of 5
Job No.:	424002

SPRING EQUINOX

PRE EARTHQUAKE TOWERS



23 SEPT 1PM
At scale 1:1000



23 SEPT 4PM
At scale 1:1000



23 SEPT 5PM
At scale 1:1000

CURRENT PROPOSAL



23 SEPT 1PM
At scale 1:1000



23 SEPT 4PM
At scale 1:1000



23 SEPT 5PM
At scale 1:1000

Urbis TPD Limited
Level 1, 30 Southwark Street,
Christchurch 8145



Rev	Date	Description
V1	18/01/2021	Shading Diagrams- Winter Solstice

General Notes

Sourced from:
Pivnice Ltd
Christchurch Sun Study
Summer Solstice AM
Dated: 13 January 2021
Sheet No.: A.05
Issue: 2

- Areas of worse shading than previous buildings
- Areas of better shading (ie. no shading) than previous buildings

Date:	18/01/2021
Drawn by:	Nikita Arya
Checked by:	Ray Edwards
Scale:	1:1000@A3
Sheet:	5 of 5
Job No.:	424002

Ryman Peterborough Site 78 Park Terrace

RMA/2020/673 Christchurch City Council

To Whom it May Concern,

I am Georgi Waddy, owner of 4/18 Salisbury St, and I speak on behalf of owners 1-8/18 Salisbury Street:

Annie and Don McLean

Georgi Waddy and William Davidson

Kieran and Penny Moffat

Tom Davies and Lorna Dianne Davies

Joanna and Andrew Craw

As a group we are very concerned over the publicly notified resource consent application for the development of a Ryman retirement village at 78 Park Terrace site.

Effects of the Proposal

We believe the effects outlined below have a greater impact on us than has been described by the applicant in their assessment of environmental effects.

Shading

Although some updated shade drawings were submitted by the applicant and distributed by CCC on 6/1/2021, both these and the original shading diagrams do not represent the potential shading effects past 4 and 5pm.

We have now undergone our own investigations to create shade drawings past 4pm, in order to better understand the potential effects of the shading. The result of these shows that on every day of the year after 4pm, light is blocked by the proposed buildings which would ordinarily reach the properties at 18 Salisbury Street.

This is an important period to consider as during the year this is the time when residents enjoy the courtyards at the north of their properties for gatherings, barbeques, drying washing, gardening or just sitting in the sun and enjoying their private outdoor spaces.

The layout of these properties means that the North Facing courtyards run straight off the living areas and consequently extend the outdoor living space, all have their own gardens, some with lawns others with decking, they are the first view you see when you walk into the apartments, however without sunshine they become less inviting and undesirable courtyards to enjoy.

Overlooking /Privacy

The current proposal for both the B07 buildings on the Peterborough site overlook all of our apartments. There will no longer be any privacy in our courtyards as residents in the proposed buildings will be able to look directly into these areas. These are the only private areas and our only outdoor living areas , the enjoyment of these outdoor spaces will be directly affected by the proposal.

Similarly, our view to the West from these courtyards will be dominated by the site of the proposed buildings. This, combined with the previously mentioned loss of sunlight and privacy and light spill, will result in the loss of use of the courtyard areas of our properties.

This greatly concerns us as residents who either work in the city or from home and enjoy sunshine at the end of a working day. We wouldn't use this space if there was no sunshine and if neighbours were peering over us from the buildings.

At no stage has the applicant sought to undertake site visits on our properties or had conversations with us in order to better understand the effects that the proposal has on us.

Effects During Construction

We understand that the development is estimated to be up to a four-year project and that while the Peterborough site will be constructed first, both building sites and construction will directly affect the amenity of our homes on a daily basis for these four years.

The combination of traffic noise and odours, vibration, construction noise and dust has the potential to cause damage to our properties if unmanaged. While the applicant has suggested a construction management plan to control these the likely result is that enforcement of this will prove impossible over the extended duration of construction.

This will affect our expected amenity within our own homes as well as in the outdoor areas as previously mentioned.

On a day-to-day basis we will need to clean all house surfaces (windows,

walls, decks) and vehicles, wash down all hard surfaces in the courtyard area, garage and common car turning areas. Clothes won't be able to be left out in the morning to dry as is previously done.

On a weekly basis the whole house will need washing to mitigate dust which will fill our homes and make them very uninviting and unlivable.

Noise and vibration will affect those residents who work from home most especially, it will be tiring and mentally straining listening to construction work daily over a long period. The vibrations will be constant memories of past earthquakes and affect both our well-being and mental states.

Traffic

We are concerned about the parallel driveways from the Ryman proposed building and our access and see this as having the potential for conflict and collisions at the exits onto Salisbury.

We would like to see a consultative process with the residents at 18 Salisbury Street regarding this concern.

Summary

Overall, as owners of the adjacent property we believe that potential impact of the proposal on our amenity is much greater than was assessed by the applicant in regards to the potential shading, loss of privacy, construction effects and traffic.

We feel this development is out of scale for this residential zone and will have a serious impact on the amenity of ours and surrounding properties, we would like to see a more compatible low-rise design that sits aesthetically in this environment rather than dominates and shades it.

TO: *Hearing Commissioners for the Christchurch City Council*

IN THE MATTER OF:

*An application by Ryman Healthcare Limited for resource consent
to establish and operate a comprehensive care retirement village
78 Park Terrace, Christchurch*

BY: *Don & Lisa Worthington
76 Park Terrace, Christchurch*

DATE: *21 January 2021*

Dear Sir/Madam

I am Don Worthington, My wife, Lisa, and I are co-owners of our home located at 76 Park Terrace along with my daughter, Lauren McKellow, and her husband, Thomas. We have reviewed Ryman's submittals and our own analysis, based upon this information, contend:

Ryman's project will have a significant and long term negative effect our home and our neighborhood.

An analysis of how the project impacts our property has been submitted to the Council, on our behalf, by Ethan Archer at Urbis TPD.

History of Ownership

We have a strong emotional and financial investment in the property and the surrounding neighborhood

Lisa and I purchased 76 Park Terrace in 2005. We were drawn to the property because of its recognizable heritage

- The home was built by England Brothers in 1913 in the Arts and Crafts style
and
- The iconic neighborhood with an eclectic blend of architectural styles.

At the time of our purchase the house and grounds had been neglected for many years and both were in considerable disrepair. We spent:

- Two Years, and
and

- Three Million Dollars

....to completely restore the building to its original condition. Extreme care was taken to preserve the original character of the home. Our goal was to build a comfortable family home and to restore a part of Christchurch's history.

This home was built for a family. It consists of four bedrooms with our breakfast room/solarium facing East to catch the morning sun. We created an outdoor space including a large patio - with dining area and spa - and garden so that we can live outside, in privacy, away from the noise and bustle of Park Terrace.

We believe Ryman's proposal will adversely effect 76 Park Terrace in the following manner:

Scale/Dominance

The massive scale of the proposed development violates the Council's height and recession planes and is MASSIVE and dense. It will dominate our house and the neighborhood.

I have enclosed one attachment, an architects elevation drawing, which displays the scale of the project relative to its surroundings.

The home at 76 Park Terrace is almost 3 stories tall but the proposed project will loom over our house on two sides and will completely change the character of our home and the neighborhood. Single family homes like ours will look completely out of place and I will be personally saddened by the loss of the character of an iconic Christchurch neighborhood.

Shading

Excessive height and ignoring recession planes has significant effects beyond being surrounded by looming wall of buildings. Our home will be shaded for the six months when it needs it most - during the morning through midday and during the winter (see enclosed shading 20 March to 23 Sept).

The windows of our home are primarily oriented to the East and North. The rooms most effected by the shading are our lounge, formal dining room, 3 of the four bedrooms - including the master bedroom, breakfast room/solarium, plus the outdoor garden and dining area.

Privacy

The proposed four story structure directly adjacent to our property (#8 to the east) will not only deprive our property of winter's morning sun. This building replaces a two story, single family structure. The building will have a wall of windows and balconies viewing directly down onto our property. It will deprive our breakfast room/solarium and outdoor area of any privacy.

Traffic

The develop has plans for approximately 90 parking spaces. This indicates Ryman intends significant car traffic in addition to the contractor traffic needed to service a retirement building (e.g. food, linens, medical...etc)

Adverse Effects of Construction

The size/magnitude of the proposed construction will have a significant adverse effect on our home. We base this belief, in part, with our experience with the demolition of the apartment tower blocks which were demolished in 2014 as a result of earthquake damage.

Noise: Created by removal of existing foundation, installing foundation piles, and the process of construction. We do not believe this noise can be properly remediated.

Massive Earthworks: Ryman proposal includes massive earthwork. Large Trucks and heavy equipment caused an incredible amount of dust and noise.

Dust: A large construction project of this size generates an incredible amount of dust. Our experience is Dust remediation is, at best, inadequate and windows, walls and all horizontal surfaces will be covered in dust for the duration of construction.

Vibration: During the demolition our house vibrated constantly during the entire demolition process at 78 and we expect the same while the foundations are being worked on

Soils Subsidence: Construction of an underground parking will require removal of a ground water. We are concerned of permanent damage to our property's hardscape (driveway, walls, patio...etc) and the houses foundation.

Conclusion

Ryman's proposed development will have a long term negative impact on our property, 76 Park Terrace, and the surrounding neighborhood.

A multiple building, three story, townhouse development is a more appropriate form of development for 78 Park Terrace as it would diminish the adverse effects on neighboring properties and would be in closer alignment to the Council's already established permitted baseline.

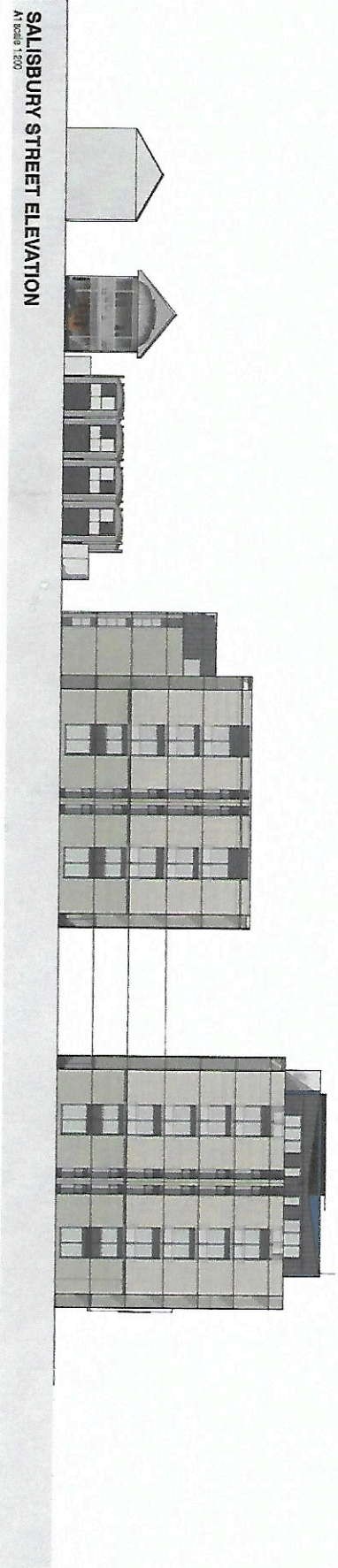
Sincerely,

Lisa and Don Worthington

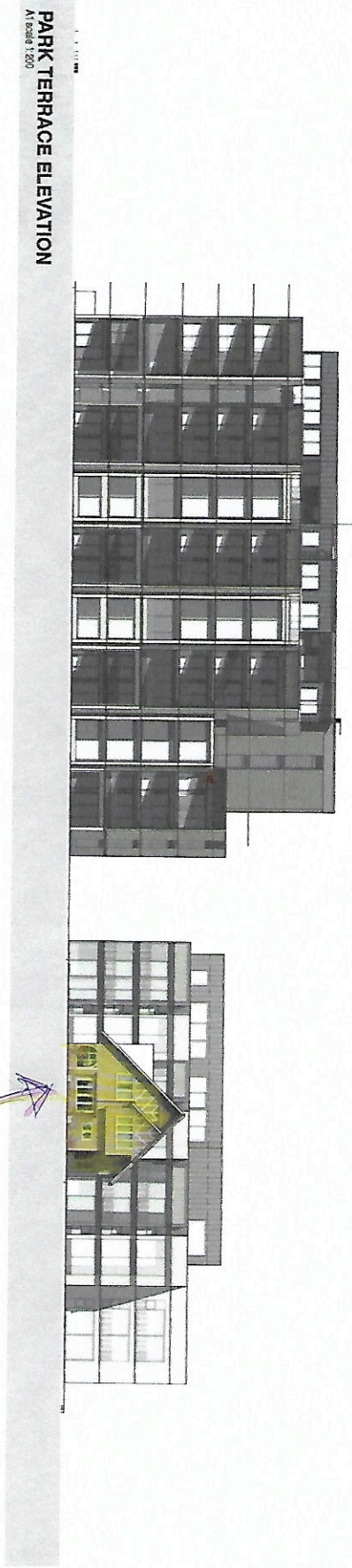
Mob#: 022-6550-6244

email: transpacific.farms@gmail.com

CURRENT PROPOSAL



SALISBURY STREET ELEVATION
At scale 1:200



PARK TERRACE ELEVATION
At scale 1:200

our house
76 Park Terrace



PROJECT
CHICHAM SUN STUDY
CHICHESTER, UK

DATE
August 2019

DESIGNER
Pivance Ltd

ELEVATIONS
3

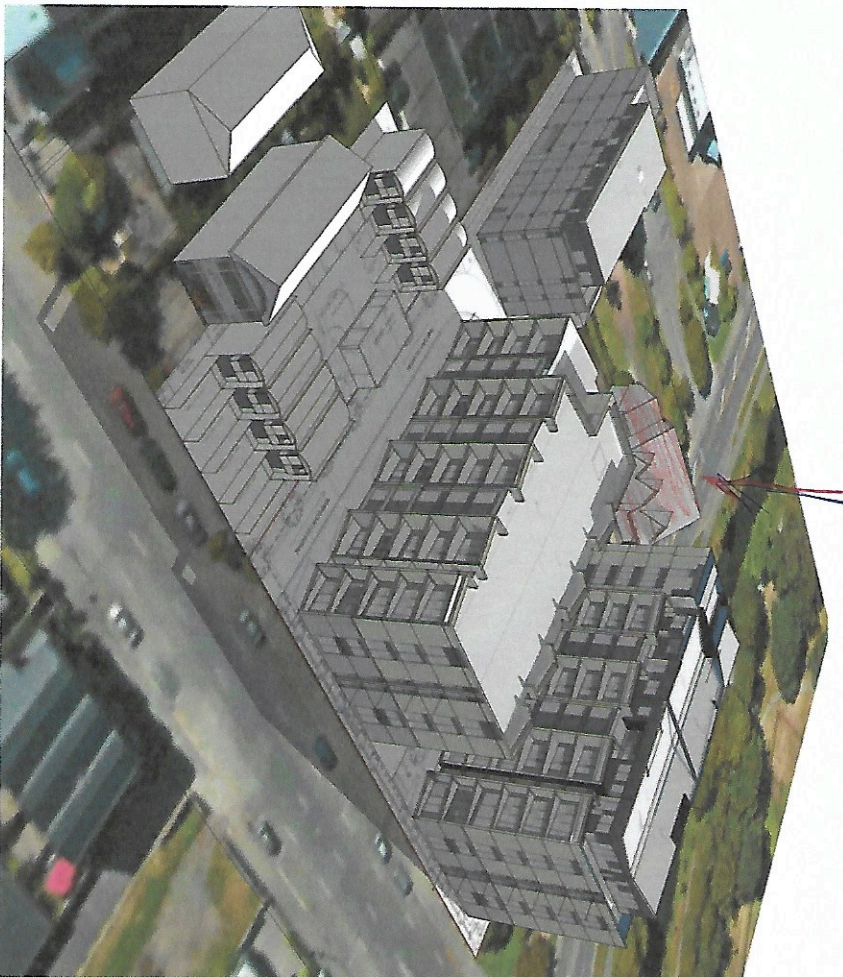
SCALE
1:200/1:50

NO. OF SHEETS
A.03

Carhouse



PRE EARTHQUAKE TOWERS



CURRENT PROPOSAL

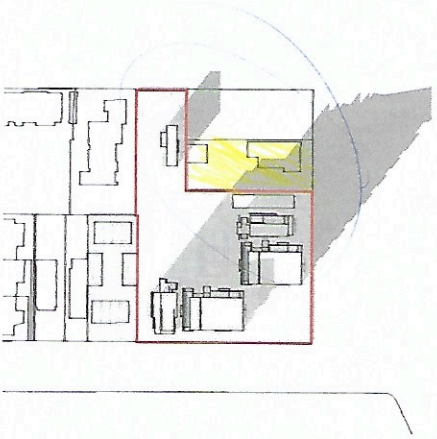


Project:
ORION SUN STUDY
1000 WILSON AVE

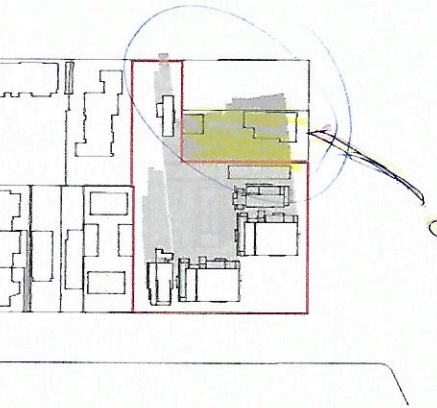
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 DRAWING TITLE: **SECTION**
 NO. **20** OF **20** SCALE: **1/8" = 1'-0"**
 DRAWING NO: **130901102** SHEET NO: **A-27**

WINTER SOLSTICE

PRE EARTHQUAKE TOWERS

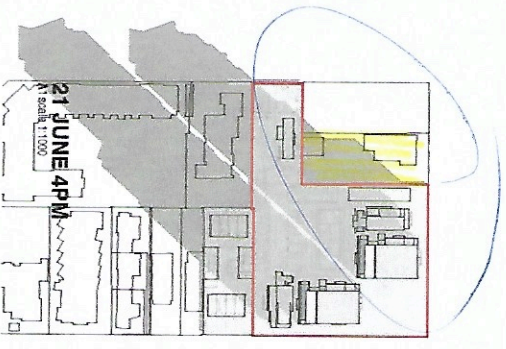


21 JUNE 10AM
At scale 1:1000



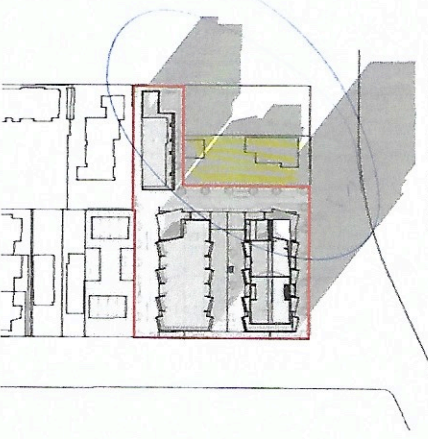
21 JUNE 1PM
At scale 1:1000

Darkness

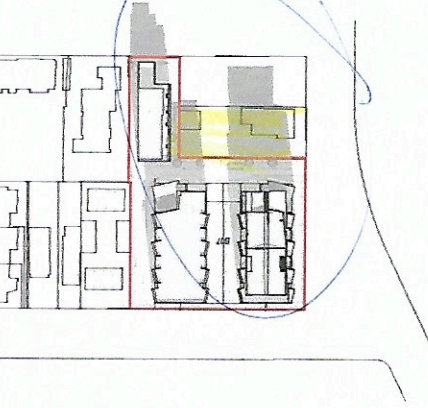


21 JUNE 4PM
At scale 1:1000

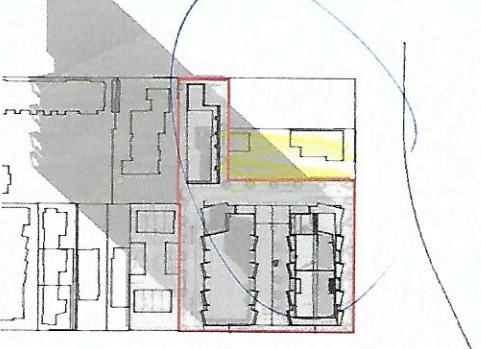
CURRENT PROPOSAL



21 JUNE 10AM
At scale 1:1000



21 JUNE 1PM
At scale 1:1000



21 JUNE 4PM
At scale 1:1000

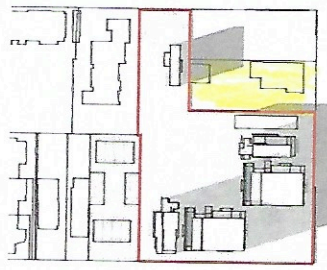


Project: **WINTER SOLSTICE**
Client: **CHORUS**

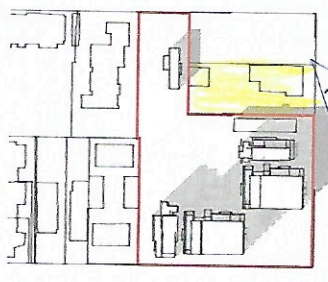
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Date: **20/12/2011**
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PRE EARTHQUAKE TOWERS

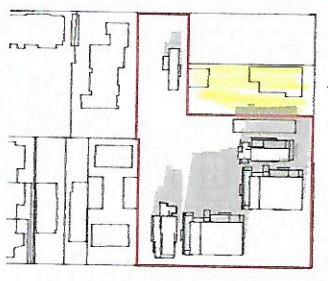
23 SEPT/20 MARCH 8AM
At scale 1:1000



23 SEPT/20 MARCH 10AM
At scale 1:1000



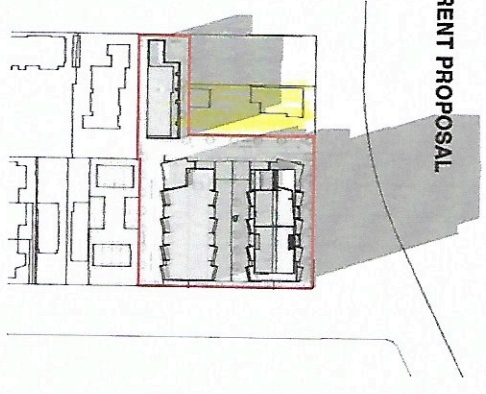
23 SEPT/20 MARCH NOON
At scale 1:1000



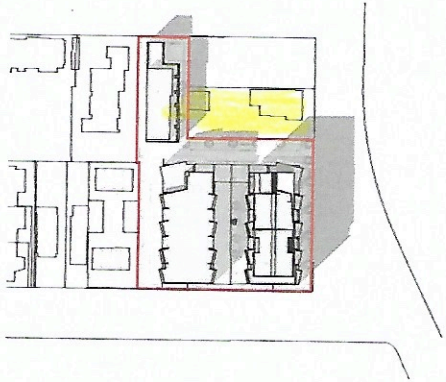
Our house

CURRENT PROPOSAL

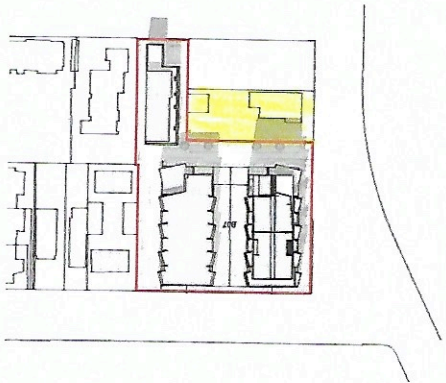
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At scale 1:1000



23 SEPT/20 MARCH 10AM
At scale 1:1000



23 SEPT/20 MARCH NOON
At scale 1:1000



PIVNICE LTD
 CIVIL ENGINEERING STUDY
 CHRISTCHURCH, NZ

PROJECT NO: 1507/20
 APPROVED BY: [Signature]
 DATE: 24/09/2020
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: A:03

18, Jan,2020

Subject: Testimony of Lisa and Don Worthington concerning 76 Park Terrace 2014 experience with building tear down next door on Ryman's proposed site (78 Park Terrace)

Dear Sir/Madam:

Due to noise and severe vibration, we chose not to live in the house at that time and let our son and his two friends live there rent free to keep an eye on the house. We could not rent the house as no one would live there with the noise, dust and vibration.

We visited on occasion and witnessed the shaking of the house, noise and saw the dust coating everything inside and out. The construction started before allowable hours and finished after. I witnessed work and noise until 7:30pm on occasion. We also witnessed work on Saturday and Sunday being done.

We had damage to the boundary wall and to the front wall. We witnessed one of the trucks using our driveway to back in and turn around and hit the driveway pillar. We talk to the company Ward Construction about it. First, they denied it, but we told them we witnessed it, then they said they would fix it. They never fixed anything they damaged even after we requested again.

Noise levels were above allowed, and nothing was done about it. The shaking of the house was the worst of it and quite unnerving. It was impossible to keep the house and windows clean for this year or so during the period of work. The company promised to take care of things including cleaning but never followed through.

This experience makes us feel very concerned about a 4 year plus build period planned by Ryman next door since we had such a horrible experience. **In our experience, a lot of promises are made by the builder and the council but there is no follow through.**

We are concerned we will have an un-useable house again for four years due to noise, vibration and dust with no recourse for damage.

Thank you for your consideration.

Respectfully,



Lisa Worthington



H Don Worthington

SUBJECT: AFFECT OF CONSTRUCTION AT 78 PARK TERRACE UPON 76 PARK TERRACE

DATE: 18 January, 2021

Dear Sir/Madam

We, the undersigned lived in the house located at 76 Park Terrace while the apartment towers located at 78 Park Terrace (Directly North of 76) were being demolished and removed. The apartments were demolished by Ward Construction around 2014. Due to the noise, dust and vibration the owners could not live in the property and allowed us to live there with no rent in order to safeguard the house.

During the demolition, which took 12 to 14 months, the house was almost uninhabitable due to:

NOISE: Demolition of the towers was incredibly noisy as was removal of the waste.

TRAFFIC/HEAVY EQUIPMENT: Trucks and heavy equipment moved in and out of the site from an access point adjacent from our house. They caused an incredible amount of noise and dust and were a hazard to our ingress and egress and on several occasions completely blocked access to our driveway by parking vehicles in front of it. Our masonry front gate was damaged by a truck. Ward did not repair as promised.

DUST: During this time the amount of dust created was almost unbelievable. It coated windows, walls, all surfaces. There was some very limited, ineffective dust abatement procedures but dealt with the dust produced by trucks.

VIBRATION: The house shook constantly. Our house vibrated during the entire process but especially when the foundations were being worked on. The constant shaking of the house created numerous small cracks in the drywall, floors, window and door joins. It also caused doors and cabinetry to become misaligned. No compensation was offered by Ward.

WORKING HOURS. Construction hours often stretched from Monday through Friday and often on Saturday from 7:30 AM to 6:00 PM and oftentimes longer....especially in the Summer and when the demolition neared completion. Occasionally work was being done on Sunday too. We complained the hours were exceeding their permit but Ward did not change behavior. The Noise, dust and vibration seemed ever present and it was especially troubling for Charlotte, a nurse at Christchurch hospital who worked varying day and night shifts.

Based upon our experience we believe 76 Park Terrace will be significantly affected. In an adverse way, by the proposed construction proposed by Ryman at 78 Park Terrace. Work involving the foundations and underground parking where noise, vibration and dust are especially destructive. In addition, we are told Ryman intends for construction to occur over a 4 year period. If true, it would be untenable to live a 76 Park Terrace for that long a period if conditions were the same as we experienced.

Please feel free to contact any of us if you have any questions.

Sincerely,

Charlotte Earl



Max Worthington



Chris Spiertz

