

Before the Hearings Commissioners at 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 and rebuttal evidence of **Philip Hunter Mitchell** on behalf of Ryman Healthcare Limited

---

Dated: 28 January 2021

---

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

chapmantripp.com  
T +64 9 357 9000  
F +64 9 357 9099

PO Box 2206  
Auckland 1140  
New Zealand

Auckland  
Wellington  
Christchurch



**SUMMARY AND REBUTTAL EVIDENCE OF PHILIP HUNTER MITCHELL  
ON BEHALF OF RYMAN HEALTHCARE LIMITED**

- 1 My full name is Philip Hunter Mitchell. My qualifications and experience are set out in my statement of evidence dated 6 January 2021. I repeat the code of conduct statement contained in my statement of evidence.
- 2 My evidence on behalf of Ryman Healthcare Limited (*Ryman*) addresses the following matters in detail:
  - 2.1 The statutory planning framework that applies to the Proposed Village;
  - 2.2 The key potential environmental effects associated with the construction and operation of the Proposed Village;
  - 2.3 Matters raised in submissions relevant to my expertise;
  - 2.4 My response to the Officer's Report by Ms Armstrong;
  - 2.5 An assessment of the Proposed Village against the relevant requirements of section 104 of the Resource Management Act 1991 (*RMA*); and
  - 2.6 My commentary on the recommended resource consent conditions.
- 3 Following the preparation of my evidence I have also reviewed the planning evidence of Mr Archer and Ms Clay on behalf of some submitters. I provide a response to their evidence later in this summary statement. I also respond to the submission of Mr and Mrs Goodland regarding the potential redevelopment of their property at 5 Salisbury Street, as set out in Ms Goodland's letter to the Commissioners dated 22 January 2021 and expand upon the District Plan provisions applicable to land stability associated with earthworks, given the evidence of Mr Aramowicz and subsequent discussions between the geotechnical specialists.
- 4 I also provide some further recommendations regarding proposed consent conditions.
- 5 Overall, I have concluded in my evidence that the Proposed Village will be consistent with the outcomes sought in the relevant objectives and policies, particularly those in the Christchurch District Plan (*District Plan*) and I can see no planning impediment to granting consent to this application.
- 6 With respect to the recommended consent conditions, further refinements have been made to these since the filing of my evidence – in response to further discussions with the Council and

matters raised in the evidence on behalf of submitters. I discuss these changes later in this summary statement, noting that a “final version” will be provided at the conclusion of the hearing. In summary, I consider that the proposed consent conditions are comprehensive and provide a robust framework for managing the potential effects associated with construction and operation of the Proposed Village.

### **Statutory Planning Framework**

- 7 The Site is zoned Residential Central City in the District Plan. The zone seeks to provide for a range of housing types, including attractive, high density living opportunities. The expectation for higher density development is also evidenced by, amongst other things, the 14 m height standard that applies to the Bishopspark Site, and the 20 m height standard that applies specifically to the Peterborough Site.
- 8 Objective 14.2.8, which applies to residential development in the Central City, provides further context regarding the specific planning expectations for the Residential Central City Zone. It seeks a predominantly residential environment offering a range of residential opportunities, including medium to high density living, within the Central City to support the restoration and enhancement of a vibrant centre. Further, it expects built development in the 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.
- 9 The activity status of the Proposed Village under the District Plan is restricted discretionary (see paragraph 24 of my evidence) and is not disputed by any of the planning witnesses. Resource consent is required for the following:
  - 9.1 Buildings on both sites that infringe the height, daylight recession planes and setback standards for the Residential Central City Zone;
  - 9.2 The establishment of signage along the frontage with Park Terrace;
  - 9.3 A vehicle crossing that infringe the relevant transport design standard (Peterborough Site only);
  - 9.4 Heritage upgrade works for earthquake strengthening of the former Bishop’s Chapel, as well new buildings within the heritage setting of the chapel (Bishopspark Site only);
  - 9.5 Earthworks;
  - 9.6 Exceedances of the construction noise standards; and

- 9.7 Works within the dripline and pruning of a significant tree (Peterborough Site only).
- 10 As set out in paragraphs 29 and 30 of my evidence consent, as a restricted discretionary activity, is also required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
- 11 I note, as does Mr Hills, that Mr Facey considers that Rule 7.4.3.4(b)(iv) applies to the Proposed Village and requires vehicles to manoeuvre in a forward direction onto and off a site. I note that Rule 7.4.3.4(b)(iv) only applies to an access to a heavy vehicle bay required by Rule 7.4.3.3. Under that rule (which refers to Appendix 7.5.3), no heavy vehicle bays are required for residential activities. Accordingly, I do not agree with Mr Facey that this standard applies to the Proposed Village.
- 12 Ms Armstrong and I agree on the resource consents required for the Proposed Village.
- 13 The relevant matters of discretion in the District Plan for the consideration of the resource consents required for the Proposed Village are set out in full in Appendix B to my evidence and summarised in paragraphs 27 and 28 of that statement.
- 14 Appendix C of my evidence evaluates the objectives and policies of the District Plan in detail. I am happy to take the Commissioners through those provisions, if that would assist, noting that I do address some aspects in more detail later.

#### **Assessment of Effects**

- 15 I provide a summary of the key potential environmental effects associated with the construction and operation of the Proposed Village, as relevant to the matters of discretion available under the District Plan, in paragraphs 33 to 111 of my evidence, which I now summarise.

#### ***The Existing Environment***

- 16 The existing environment around the Site has been described in detail in the evidence of other witness, notably the evidence of Ms Skidmore and Mr Burns. I do not propose to repeat their evidence in my summary, except to note that the surrounding environment is starting to transition via a diversification of housing stock and increase in density.
- 17 There are a range of building heights in the area - including the seven level apartment building at 15 Peterborough Street, the six level apartment building at 108 Park Terrace, the six level commercial building at 123 Victoria Street and the five level hotel at 155 Victoria Street. There are also a range of other residential

buildings of a lower scale. In my opinion, the transition that is currently occurring in the area aligns with the expectations for the area in the District Plan - including Objective 14.2.8 (which relates to the Residential Central City Zone), but also for the wider Central City area bounded by the "Four Avenues".

- 18 As noted by Ms Armstrong in the Officer's Report, the Peterborough Site was also previously occupied by the 'Terrace on the Park' apartments, with the tallest building on the site being 31 metres in height (as I noted in paragraph 35 of my evidence). I raise that issue, not because it has any statutory relevance, noting also that any existing use rights have expired, but simply to highlight that the Peterborough Site has previously been seen as one that can accommodate a large scale development.

***Permitted Baseline***

- 19 It is agreed between the planning witnesses that there is no permitted baseline in the District Plan relevant to this Proposed Village.

***Retirement Use***

- 20 Retirement village uses are permitted activities in the Residential Central City Zone in accordance with Rule 14.6.1.1 (P6) and it is, only the buildings that require consent. This is relevant in light of some submissions having questioned whether the Site is an appropriate location for a retirement village (see paragraph 43 of my evidence), while some submitters have also asserted that the Proposed Village is more akin to a hotel or hospital rather than a retirement village.
- 21 I set out the definition of "retirement village" in paragraph 44 of my evidence, and concluded in paragraphs 44 and 45 that:
- 21.1 The Proposed Village fits comfortably within this definition and the primary purpose of the Proposed Village is to provide a variety of accommodation options for persons in their retirement, and consistent with all of Ryman's retirement villages, the Proposed Village will be registered as a retirement village under the Retirement Villages Act 2003 prior to it being occupied.
- 21.2 Notwithstanding that some submitters have expressed concern that the additional facilities to be provided as part of the Proposed Village mean that it is more akin to a commercial operation, again, I disagree. Clause (d) of the definition of a retirement village clearly anticipates that retirement villages, such as this Proposed Village, can have supporting non-residential and / or recreational services and facilities on site. In relation to this Proposed Village, the non-residential and / or recreational services and facilities will include a swimming pool, gymnasium, theatre, library, hair

salon and a shop that sells incidentals. All of these services and facilities are typical of the comprehensive care retirement villages developed by Ryman and are incorporated within the retirement village definition - noting also that they are facilities that are not providing commercial services to the wider public.

**Relevance of Built Form Standards**

- 22 With respect to the overall planning context for the Site, the built form standards in the District Plan provide some important context with respect to the scale and degree of building that could be anticipated to occur in the Residential Central City Zone (see paragraph 47 of my evidence). The applicable standards are listed in paragraphs 47.1 – 47.5 my evidence – noting that there are different building height standards for different parts of the Site, which is reflective of Policy 14.2.8.1 of the District Plan as it applies to the Residential Central City Zone.
- 23 Any retirement village which complies with the built form standards is a restricted discretionary activity under Rule 14.6.1.3 (RD4) of the District Plan, and while the Council would be required to consider a range of potential effects on the environment – including effects on the wider streetscape and the residential amenity of adjacent neighbours – public or limited notification would not be required (see paragraph 48 of my evidence). In my opinion, the built form standards provide very helpful guidance on the scale of building development that would generally be considered to be appropriate.
- 24 I address the built form standards later in this summary, when I respond to the evidence of Ms Clay and Mr Archer.

**Actual and Potential Effects**

- 25 As I note at paragraph 52 of my evidence, the key potential effects of the Proposed Village under the relevant matters of discretion in the District Plan fall into the following broad categories:
- 25.1 Residential amenity and urban design effects;
  - 25.2 Heritage effects;
  - 25.3 Transportation effects;
  - 25.4 Construction effects; and
  - 25.5 Arboricultural effects.
- 26 My evidence addresses these matters in some detail, based on the conclusions of the various technical witnesses (see paragraphs 54 - 107 of my evidence). My conclusions regarding

effects are set out in paragraphs 108 - 111, which I reproduce below.

**Summary of Environmental Effects**

- 108 *Based on the technical evidence on behalf of Ryman, the information provided with the AEE, and the technical reviews in Council Officer's Report, it is my opinion that the Proposed Village is appropriate use development within the Residential Central City Zone, and will provide for the diversification of the available housing stock in the community in response to the changing population demographics in Christchurch.*
- 109 *Consistent with the conclusion of Ms Armstrong in the Council Officer's Report, I agree that the Proposed Village will bring considerable change to the area – but note that the District Plan anticipates change in the Residential Central City Zone due to its expectation for higher density living environments. There will be changes in shading and new substantial buildings relatively close to some properties which are immediately adjacent to the Site and who have enjoyed the amenity of a vacant site neighbour for some time. But I consider that these effects are, overall, in line with what is would be expected at this location.*
- 110 *In response to the comments from Ms Armstrong, Ms Dray and Ms Schroder, Mr Dixon has proposed changes to the tree planting strategy that he is satisfied addresses those concerns.*
- 111 *Overall, the actual or potential environmental effects associated with the construction and operation of the Proposed Village can be appropriately avoided, remedied, or mitigated through the consent conditions that are proposed by Ryman (and which are largely agreed with the Council).*

**Response to Submissions**

- 27 At paragraphs 112 to 124 of my evidence, I provide a summary of the matters of concerns raised in submission relevant to my expertise. The key planning issues raised by submissions are:
- 27.1 Height, daylight recession planes, and setback standards;
  - 27.2 Use of Westwood Terrace;
  - 27.3 Insufficient information with the application;
  - 27.4 Issues with notification; and
  - 27.5 Consistency with the District Plan.

- 28 My conclusions in respect of each of these is as follows:
- 28.1 The built form standards are not an absolute determinant of whether a proposal is appropriate or not and Ms Skidmore and Mr Burns conclude that the height and bulk-related effects of the Proposed Village are acceptable and in line with what is anticipated in this area. The built form standards are not bottom lines for residential development in the Residential Central City Zone and should be used as a guide to inform the effects assessment. In my opinion, the Proposed Village has been designed to be sensitive to its surrounding environment. Each interface with neighbours and street frontages has been carefully considered and design solutions adopted for the particular context, as discussed in detail in the evidence of Ms Skidmore and Mr Burns.
- 28.2 Concerns regarding the utilisation of Westwood Terrace during construction of the Proposed Village are resolved because it is not now proposed to use Westwood Terrace for construction activities, and a condition has now been included to confirm this. The use of Westwood Terrace once the village is operational has been addressed by Mr Hills and is addressed in the proposed conditions, as discussed later.
- 28.3 For the reasons set out in paragraphs 118 and 119 of my evidence, I consider that sufficient information has been provided to provide an understanding of the potential effects of the Proposed Village.
- 28.4 Notwithstanding the views expressed about the adequacy of consultation, the application has been publicly notified and any members of the public have been able to express their opinions and have them considered by the Commissioners. Ryman has also conducted four public open days and had discussions with a number of neighbouring property owners. In that regard, I am satisfied that the effects of the Proposed Village, including those raised in submissions, have been comprehensively addressed.
- 28.5 In respect of consistency with the District Plan, my conclusion is that the Proposed Village is consistent with the objectives and policies of the District Plan. I return to this aspect when addressing the evidence of Ms Clay and Mr Archer.

**Response to Council Officer's Report**

- 29 I largely concur with Ms Armstrong's assessment and the only matters that are not yet fully resolved relate to the drafting of a relatively small number of conditions. I return to this later.



**Section 104 RMA Assessment**

30 I evaluate Section 104 matters in paragraphs 126 to 155 of my evidence, which I now summarise.

***Actual and Potential Effects***

31 My summary of the actual and potential effects of the Proposed Village on the environment that are to be had regard to under section 104 of the RMA is provided in paragraphs 50 to 111 of my evidence. I have also summarised my conclusions in this regard in paragraph 26 above.

32 Overall, I reiterate that in my opinion the Proposed Village represents an appropriate use within the Residential Central City Zone. While it will bring considerable change to the area, such change is anticipated in the Residential Central City Zone. There will be some shading and overlooking effects at some properties immediately adjacent to the Site, but I consider that these effects are, overall, in line with what is expected at this location under the District Plan (see paragraph 130 of my evidence).

***Relevant Planning Documents***

33 The relevant statutory planning document to the consideration of the Proposed Village are discussed in paragraphs 132 to 142 of my evidence, as well as analysed in detail in Appendix C to my evidence.

***National Policy Statement on Urban Development (NPSUD) (2020)***

34 Ms Armstrong notes that a plan change has not yet been prepared by the Canterbury Regional Council or the Council to give effect to the NPSUD, such that she does not consider that significant consideration should be given to the NPSUD – other than to note the direction in Policy 6(b) that the planned urban built form may involve significant changes to an area, and those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people.

35 I agree with Ms Armstrong that the NPSUD will largely be delivered through plan changes to regional policy statements and district plans. However, I would caution against dismissing its applicability until such time as a plan change is proposed by the Council. The NPSUD is intended in part to drive urban environments such as Christchurch towards providing for additional building height and density. This particularly applies in locations such as Park Terrace, which is close to civic and public amenities, commercial premises and is well-connected to public transport and where the existing zoning already encourages high density living.

36 In my opinion, the Proposed Village is consistent with, and gives effect to, the development expectations of the NPSUD as it provides

for a diversification of housing stock and increased density in the Residential Central City Zone.

- 37 One point that I do wish to make relates to discussions during the hearing about the potential for there to be building heights of 6 metres in and around Christchurch.
- 38 The relevant policy in the NPSUD is Policy 3, which states (noting that the NPSUD defines Christchurch City as being a “tier 1” urban environment) **[emphasis added]**:

**Policy 3:** *In relation to tier 1 urban environments, regional policy statements and district plans enable:*

- (a) ***in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and***
- (b) *in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and*
- (c) ***building heights of least 6 storeys within at least a walkable catchment of the following:***
  - (i) *existing and planned rapid transit stops*
  - (ii) ***the edge of city centre zones***
  - (iii) *the edge of metropolitan centre zones; and*
- (d) *in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:*
  - (i) *the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
  - (ii) *relative demand for housing and business use in that location.*

- 39 I note that the policy refers to buildings that are at least 6 storeys high in the central city, meaning that I anticipate future plan changes will need to make further accommodations for height if the NPSUD is to be given effect to.

**Canterbury Regional Policy Statement (RPS)**

- 40 In my opinion, the RPS is of limited relevance to the consideration of the resource consent applications for the Proposed Village given that the District Plan has given effect to its overarching directives. That is, the District Plan is considered to implement the outcomes sought by the RPS with respect to the integration of land use and

infrastructure, and the recovery and rebuilding of Greater Christchurch.

- 41 In line with the analysis provided in the AEE, I consider that the Proposed Village is consistent with the relevant objectives and policies of the RPS.

***Christchurch District Plan***

- 42 An assessment of the relevant District Plan provisions is detailed in Appendix C to my evidence, and as mentioned, I am happy to work through those details if it would assist. The key conclusions from my assessment include:

42.1 The Proposed Village will provide an increase in the supply of housing and provide variety of housing types that are available for the elderly population and will provide residential living options for the elderly;

42.2 The Proposed Village is located within an area that is identified for residential development, and which accords with the overall high-density residential development sought for the Central City – noting also that the District Plan recognises that retirement villages may require higher densities than typical residential developments;

42.3 The Proposed Village will have some shading and overlooking effects for some immediately adjacent properties. However, based on the low scale of effects that will be generated, and the expectation for changes in the character and density of the Residential Central City Zone, it is my opinion that the amenity values of the surrounding area will be appropriately protected;

42.4 The Proposed Village has been comprehensively designed and will provide a high level of amenity for residents. It will also provide a range of housing options and amenities for the elderly population, allowing for residents to change their living arrangements as their care needs change over time;

42.5 The retirement village will be of a character and scale that is appropriate for the area; and

42.6 The Proposed Village will provide a high-quality street scene along the adjacent roads through the design of the buildings and the (revised) tree planting strategy recommended by Mr Dixon. Further, CPTED principles have been considered in the overall master planning of the Proposed Village by Warren and Mahoney, which is reflected in the orientation of buildings towards the street.

43 Overall, my analysis concludes that the construction and operation of the Proposed Village will be consistent with the overall outcomes sought by the District Plan that are relevant to the determination of this application as a restricted discretionary activity (see paragraphs 140 to 142 of my evidence).

**Part 2 Considerations**

44 Although a consent authority is generally no longer required to consider Part 2 of the RMA beyond its expression in the relevant statutory planning documents, I provided an assessment against Part 2 of the RMA in accordance with Schedule 4(2)(1)(f) of the RMA.

45 With respect to section 5 of the RMA, I consider that the Proposed Village will enable people and communities to provide for their social, economic, and cultural wellbeing through providing purpose-built accommodation for the elderly. The Proposed Village will not affect the safeguarding of the life-supporting capacity of air, water, soil, and ecosystems. However, several measures are proposed as part of the construction of the retirement village to assist in ensuring that the potential environmental effects of the Proposed Village are appropriately avoided, remedied, or mitigated (see paragraph 149 of my evidence).

46 In relation to section 6 of the RMA, I conclude that the Proposed Village will protect the historic heritage from inappropriate development and that appropriate consideration has been given to the management of the potential risks from natural hazards on the Site (see paragraph 150 – 152 of my evidence).

47 With regards to section 7 of the RMA, my view is that the Proposed Village will enable the efficient use of natural resources (being land) via the development of an integrated residential development on a Site that enables the accommodation of an elderly population. The Proposed Village has also been designed to ensure the amenity values and the quality of the environment will be maintained (see paragraphs 153 and 154 of my evidence).

48 I am unaware of any issues that arise in respect of section 8 of the RMA (see paragraph 155 of my evidence).

49 Overall, my opinion is that the Proposed Village will promote the sustainable management of natural and physical resources in accordance with Part 2 of the RMA.

**Response to Planning Evidence**

50 I have reviewed the planning evidence of Ms Clay and Mr Archer, and provide my response to the matters they raise as follows.

### **Evidence of Ms Clay**

- 51 Ms Clay has presented planning evidence on behalf of Centro Roydvale Limited, who are in the process of developing a five storey hotel at 155 Victoria Street (the hotel), which adjoins Peterborough site.
- 52 Paragraphs 10 -23 of Ms Clay’s evidence address the Officer’s Report, and in paragraphs 24 – 41 she goes on to assess the matters of discretion that apply under Rule 14.15.9 of the District Plan – this being the matter of discretion that relates to retirement villages throughout Christchurch. Those assessments by Ms Clay place significant emphasis on the fact that there is no permitted baseline relevant to this Proposed Village (which is not in dispute) and that as a result the Officer’s Report has placed too much weight on the built form standards that apply to the Residential Central City Zone. I do not agree with Ms Clay’s assessment, and because the issue has been raised in questions from the Commissioners, I will address that matter in some detail.
- 53 Firstly, and as set out in paragraph 47 of my evidence, the applicable built form standards are:
- 53.1 Building height – 14m (Bishopspark Site) and 20m (Peterborough Site);
  - 53.2 Daylight recession planes – recession plane envelopes apply 2.3 m above internal boundaries and at angles determined from Appendix 14.16.2C, with exceptions for boundaries abutting an access lot or access strip (e.g. Westwood Terrace) and where buildings on adjoining sites have a common wall;
  - 53.3 Road boundary building setback – 4.5m (Park Terrace) and 2m (Dorset Street);
  - 53.4 Building setback from internal boundaries – 1.8 m, with some exceptions for an access lot or access strip, accessory buildings, where buildings on adjoining sites have a common wall, and basements; and
  - 53.5 Minimum balcony or window setback – balconies or windows of a living area at first floor or above generally shall not be located within 4 m of an internal boundary of a site.
- 54 My overall assessment of how the built form standards are to be applied is set out in paragraphs 47, 49 and 114 of my evidence, where I state [**emphasis added**]:

47 *With respect to the overall planning context for the Site, **the built form standards in the District Plan provide some important context with respect to the scale and degree of***

**retirement village that could be anticipated** to occur in the Residential Central City Zone. The applicable standards are: ....

....

49 .... In effect, I consider the **built form standards assist in providing a general understanding of the degree of change that is anticipated in, and around Park Terrace** – noting that any proposal will **still require an assessment of potential effects on adjacent properties and the surrounding environment.**

...

114 As will be appreciated, **the built form standards are not an absolute determinant of whether a proposal is appropriate or not** and Ms Skidmore and Mr Burns conclude that the height and bulk-related effects of the Proposed Village are acceptable and in line with what is anticipated in this area. **The built form standards are not bottom lines for residential development in the Residential Central City Zone.**

55 I remain of that opinion, but, as Mr Hinchey explained in his opening submissions, their application is particularly nuanced, as I will now attempt to explain.

56 The starting point of my assessment is Objective 14.2.8 of the District Plan and associated Policies 14.2.8.1 and 14.2.8.2 (as set out in Appendix C of my evidence), which relate to the role, built form and amenity expectations for the Residential Central City Zone. They state [**emphasis added**]:

**Objective 14.2.8 – Central City Residential Role, Built Form, and Amenity**

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

**Policy 14.2.8.1 - Building heights**

- a. **Provide for different maximum building heights** in areas of the Residential Central City Zone **with some areas requiring a**

**reduced height** compatible with the existing predominant character.

**Policy 14.2.8.2 - Amenity standards**

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

57 I make the following preliminary points:

- 57.1 The objective clearly contemplates medium to high density living in the Central City;
- 57.2 The objective also seeks to enable change to the existing environment, providing that the change contributes positively to the amenity of the area;
- 57.3 The “reduced height” required in some areas of the Residential Central City Zone (Policy 14.2.8.1) is 11 metres, and this does not apply along Park Terrace, where the default built form height standard is 14 metres, as shown in Figure 1 below, noting that Rule 14.6.1.3 specifies that the site-specific built form height standard for the Peterborough Site is 20 metres;
- 57.4 As Mr Hinchey stated, the only logical interpretation is that the “minimum standards” referred to in Policy 14.2.8.2 are the built form standards; and
- 57.5 Those standards are intended to protect amenity values for residents.



**Figure 1: Built Form Building Height Standards for the Central City**

58 Further in this regard, Mr Hinchey’s legal submissions (at paragraph 39.4) and my evidence (at paragraph 48), observe that Rule 14.6.1.3 (RD4) stipulates that while the Council is required to assess a range of environmental effects when considering a retirement village that complied with the built form standards, neither public nor limited notification is required. In my opinion, this sends a strong signal to readers of the District Plan that such a scheme would be considered to protect the amenity values of adjacent residents.

59 Also in respect of Rule 14.6.1.3 (RD4), the matters of discretion all need to be considered in the context of:

*Whether, the developments, while bringing change to existing environments, is appropriate to its context taking into account [a range of environmental factors]*

noting also that those various environmental factors are only matters to be taken into account and are not generally expressed in absolute terms. Instead, for example, they refer to matters such as “appropriate responses to context with respect to .... visible scale of buildings” and “residential amenity for neighbours ....”.



60 Rules 14.15.27 and 14.15.28 (as set out in Appendix B of my evidence) specify the matters of discretion associated with buildings in the Residential City Centre Zone that do not meet the Building Height and Daylight Recession Planes, respectively. I reproduce them both below.

***Building height – Rule 14.15.27***

- 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.*

***Daylight recession planes – Rule 14.15.28***

- 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.*

61 Importantly, in my opinion, both these rules contemplate a weighing of specified environmental effects against the necessity (in terms of efficiency, cost-effectiveness and practical use of the site) of the exceedance of the respective built form standard.

62 I observe, as I did in paragraph 48 of my evidence, that a retirement village proposal that exceeds the built form standards remains to be considered as a restricted discretionary activity via Rule 14.6.1.3 (RD5), rather than defaulting to either fully discretionary or even non-complying activity status.

63 Overall, whilst none of the above provisions are “king hits” in terms of the application of the built form standards, when looked at in the round, I consider them to provide sound guidance as to what is generally considered to be appropriate on a particular site. Also, as noted earlier, the design in this case does not use the standards as a starting point or as a baseline. Rather, rather they were part of the package of contextual considerations that were weighed and considered as the design developed.

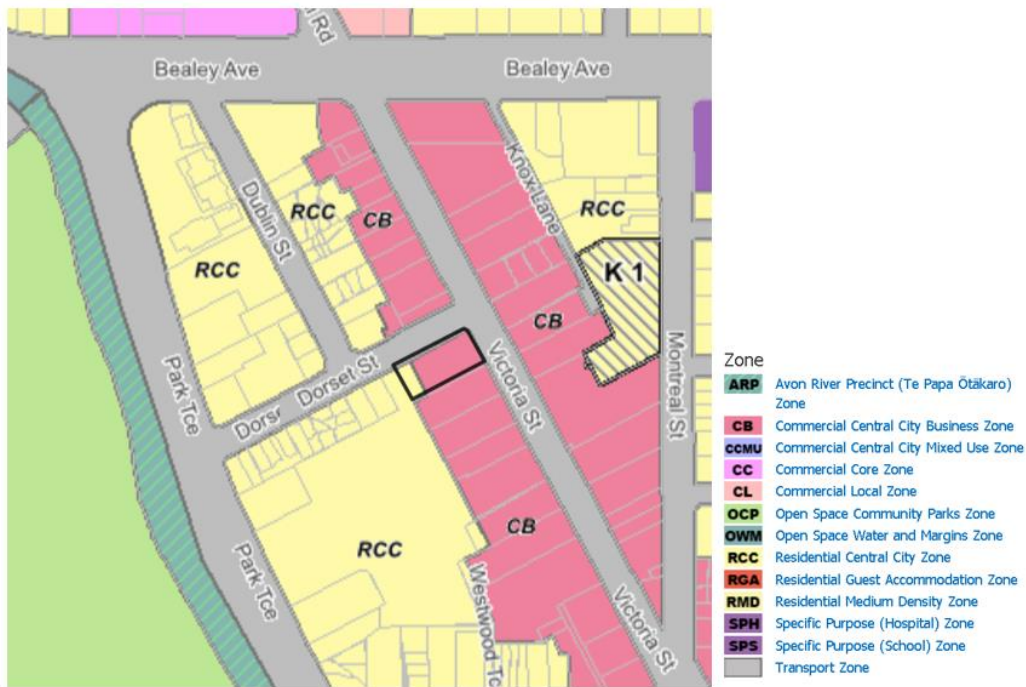
- 64 On a related point, Ms Clay states (at paragraph 28 of her evidence):

*... I have witnessed the ongoing redevelopment of the area post the 2010 and 2011 earthquakes, my overall observation being that the vast majority of sites within the residentially zoned NW quadrant of the Four Avenues are fully developed, and unlikely to change significantly for the immediately foreseeable future ....*

- 65 Obviously, no one can predict what will or will not happen in the future, however, what is able to be confidently stated, is that the District Plan clearly contemplates an intensification of residential activity in the Central City generally, and at these sites specifically. That approach is also reinforced by the NPSUD, as I explain in paragraphs 132 – 136 of my evidence.
- 66 The subsequent sections of Ms Clay’s evidence deal with her assessment of the effects of the Proposed Village and addresses a range of technical matters (such as urban design, landscape, construction noise and geotechnical matters). I am not qualified to comment on that evidence and defer to the statements by the various technical witnesses called by Ryman. The only comment I do make is that while the hotel site is predominantly within the Commercial Central City Business Zone, the western portion of the hotel site which directly abuts Ryman’s Peterborough site is in the Residential Central City Zone, as shown on Figure 2 on the next page.
- 67 I am unable to recall why the western end of the hotel site has been zoned for residential use, and can only observe that, in practical terms, this zoning serves to provide a planning buffer between the residential activities on the Ryman site and the commercial activities on the neighbouring Victoria Street site.

***Evidence of Mr Archer***

- 68 Mr Archer’s evidence is prepared on behalf of Mr and Mrs Worthington, who own the home at 76 Park Terrace and Ms Waddy of 18 Salisbury Street.
- 69 Mr Archer’s evidence begins by addressing the lack of a permitted baseline and the role of the built form standards, and, as such, traverses much of the same ground as Ms Clay. I do not, therefore, address those matters again.
- 70 The balance of Mr Archer’s evidence addresses a range of alternative development scenarios for the Ryman site and comments on a range of effects of the Proposed Village. I do not consider his assessment of alternative scenarios to be particularly helpful. Firstly, because they are not the proposal being considered at this hearing, and, secondly, because they bear no obvious similarity to what I consider the District Plan contemplates.



**Figure 2: Zoning of the Hotel Site and Surrounds**

71 As with Ms Clay’s evidence, I am not qualified to comment on the technical aspects of Mr Archer’s assessment of the environmental effects of the Proposed Village.

***Submission of Mr and Mrs Goodland – 5 Salisbury Street***

72 The letter from Ms Goodland explains that their property is currently vacant, and that to meet the District Plan’s density requirements, they will need to build three houses on the property.

73 The point I have been asked to make is simply that any residential development at 5 Salisbury Street will require a resource consent, given the requirements of the District Plan, as follows:

73.1 Under Rule 14.6.2.1 (P1) of the District Plan, residential activities in the Residential Central City Zone are permitted activities, but only if they satisfy the built form standards in Rule 14.6.2, or unless they are classified as controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.6.1.2, 14.6.1.3, 14.6.1.4, 14.6.1.5 or 14.6.1.6.

73.2 Under built form standard Rule 14.6.2.11, the minimum residential site density to be achieved is not less than one residential unit for each 200m<sup>2</sup> of site area.

73.3 Given that the property at 5 Salisbury Street has an area of 881m<sup>2</sup>, at least 4 residential units would be required under Rule 14.6.2.11.

73.4 Under Rule 14.6.1.3 (RD2), the construction of 3 or more residential units on a site in the Residential Central City Zone is a restricted discretionary activity.

74 Accordingly, the development of 5 Salisbury Street is not permitted, because the combination of site density requirements and the number of residential units required, mean that any residential development of that property will require resource consent.

### **Land Stability / Earthworks Provisions in the District Plan**

75 Set out below is a summary of the District Plan that relate to earthworks / geotechnical matters at the boundary of the site:

76 As set out in Appendix A and summarised in paragraph 24 of my evidence, there is no contention that resource consent is required for earthworks on both sites as a **restricted discretionary activity** under Rule 8.9.2.3 (RD1) – due to earthworks exceeding 20 m<sup>3</sup> per site.

77 As set out in Appendix B of my evidence, the relevant matters of discretion are listed under Rule 8.9.4. Matters related to land stability are contained in Rule 8.9.4.3 and are as follows [**emphasis added**]:

- a. **Whether the earthworks affect the stability of adjoining land and its susceptibility to subsidence or erosion upon excavation taking place.***
- b. The extent of any alteration to natural ground levels in the vicinity and, consequently, to the height and bulk of buildings that may be erected on the site.*
- c. Whether the earthworks affect the future development potential of land for permitted activities, taking account of the nature of filling material proposed and the degree of compaction.*

78 One matters of discretion related to “nuisance” in Rule 8.9.4.1 is also potentially relevant (as set out in Appendix B of my evidence). It states [**emphasis added**]:

- f. **The extent to which any adverse effects from noise and vibration associated with earthworks and land improvement can be avoided or mitigated, and the effectiveness of any methods to mitigate such effects.***

79 The objective and policy framework that applies to land stability associated with earthworks is as follows [**emphasis added**]:

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

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

#### **8.2.4.3 Policy - Benefits of earthworks**

*Recognise that earthworks are necessary for subdivision, use and development, the provision of utilities, hazard mitigation and the recovery of the district.*

#### **8.2.5 Objective - Earthworks health and safety**

*People and **property are protected during**, and subsequent to, **earthworks**.*

##### **8.2.5.1 Policy - Land stability**

***Avoid earthworks that will create a significant risk to people and property through subsidence, rockfall, cliff collapse, erosion, inundation, siltation or overland flows.***

##### **8.2.5.2 Policy - Nuisance**

*Subject to Policy 8.2.4.3, **ensure that earthworks avoid more than minor adverse effects on the health and safety of people and their property**, and do not generate continuous or persistent noise, vibration, dust or odour nuisance.*

- 80 Importantly, in my opinion, the District Plan does not apply a “no risk” approach to managing land stability, which I interpret Mr Aramowicz’s evidence to be saying. Furthermore, the directive provisions that refer to risks / adverse effects being avoided, only apply to risks that are significant and effects that are more than minor.
- 81 I am satisfied that the proposed conditions (as amended since my evidence was prepared and as I discuss next) address land stability issues to the point that any risk to adjacent property will be reduced to very low levels, consistent with the provisions of the District Plan.

#### **Recommended Conditions**

- 82 A revised set of consent conditions is attached to this summary statement as **Appendix A** – which reflect further agreement between Ryman and the Council on the measures proposed to avoid, remedy or mitigate the potential effects of the Proposed Village, together with some matters that have been given further consideration by Ryman.
- 83 I make the following comments in relation to the proposed conditions contained in Appendix A of this document, noting also that Mr Malan has proposed an amendment to the location of the basement wall on the Bishopspark site to address the concerns addressed by Mr Aramowicz:
- 83.1 Condition 5 has been amended to provide a mechanism within the Construction Management Plan to address the matters that have been discussed over the last several days between Mr Malan, Mr Aramowicz and Ms McDonald.
- 83.2 Condition 18 has been amended as recommended by Ms Wilkening to acknowledge that construction noise at occupied

buildings shall, as far as practicable, comply with the relevant construction noise limits in the District Plan. In addition, further clarification is provided in Condition 19 regarding the requirements for acoustic screening around the boundaries of the Site, also as recommended by Ms Wilkening;

- 83.3 Conditions 20 – 26 have been amended to reflect that the pre- and post-construction property condition surveys should involve land and structures, and not just buildings;
- 83.4 Condition 45 has been reinstated and provides for the replacement of the Common Lime Tree should it die within 10 years;
- 83.5 Condition 59 has been deleted and Condition 62 has been reinstated. It provides for a revised landscape plan to be submitted to the Council for certification that ensures that tree species can be established in the available space and are allowed to reach their natural form and height. The revised landscape plan is to be based upon the updated plan that has been prepared by Design Squared; and
- 83.6 New Conditions 64 to 66 clarify the need to:
- (a) Design a pedestrian crossing facility to improve the safety of pedestrians crossing Salisbury Street,
  - (b) Undertake an independent road safety audit of the detailed design of the access points to the site from Park Terrace / Dorset Street, as well as the design of the pedestrian crossing facility on Salisbury Street, and
  - (c) Complete the Salisbury Street pedestrian crossing before the Village is occupied.
- 83.7 In response to the questioning of Mr Hills, Condition 67 has been amended to require services vehicles accessing via Dorset Street to approach from Park Terrace and to enter going forwards and exit in reverse. The condition also requires the use of a "spotter", as recommended by Mr Facey.
- 83.8 A new condition 68 is proposed that requires rubbish trucks to operate only between 7am and 7pm, and for them to avoid the use or tonal reversing alarms, as recommended by Ms Wilkening, but noting that Ryman is proposing a more conservative 7pm cut-off for the rubbish trucks rather than the 11pm recommended by Ms Wilkening.

#### **Conclusion**

- 84 In my opinion, the Proposed Village offers an opportunity to develop a high quality, purpose built, secure, comprehensive care retirement

village across two unique Sites within the well-established residential community of Central Christchurch that is close to existing infrastructure and amenities.

- 85 The Proposed Village has been designed to integrate with the surrounding residential environment. Built form standards are generally met. The effect of the breaches are generally negligible or low. The effects of the village more generally will be appropriate in the context of the character of the surrounding environment and the development expectations for the area.
- 86 The Proposed Village will result in significant positive effects by providing a much-needed retirement village within the established community of central Christchurch, and economic benefits through creating construction and operational jobs and demand for services.
- 87 I have also concluded that the Proposed Village will be consistent with the outcomes sought in the relevant objectives and policies of the District Plan.
- 88 In my opinion there is no planning impediment to granting consent to these applications.

**Philip Mitchell**  
**28 January 2021**

## **APPENDIX A**

### **REVISED CONDITIONS**

All changes from the section 42A report version are shown in redline, with the changes referred to in my summary statement being **redlined and high-lighted in green.**



## General

1. The construction, operation and maintenance of a comprehensive care retirement village at 100 – 104 Park Terrace and 20 Dorset Street (Lot 1 DP 46511, Lot 1 DP 46369, Lot 2 DP 13073, Pt Res 23 Town of Christchurch and Pt Town Res 25 City of Christchurch), and 78 Park Terrace (Lot 1 DP 77997), shall be undertaken in accordance with the information and plans submitted with the resource consent application dated 27 March 2020, including responses to requests for further information from the Christchurch City Council in accordance with section 92 of the Resource Management Act 1991. The Approved Consent Documents have been entered into Council records as RMA/2020/673 and RMA/2020/679 pages X to X.
2. All of the conditions of this resource consent apply to the construction, operation and maintenance of a comprehensive care retirement village at 100 – 104 Park Terrace and 20 Dorset Street, and 78 Park Terrace, unless the conditions specifically refer to them only applying to an individual site.

Notwithstanding the above, any management plans required under the conditions of this resource consent may apply to works at 100 – 104 Park Terrace and 20 Dorset Street, and 78 Park Terrace, or may solely apply to an individual site depending on the programme of works proposed by the consent holder.

3. The consent holder shall keep a copy of this consent, and all required management plans, on-site at all times and shall ensure that all contractors engaged to undertake works authorised by this resource consent are made aware of the conditions of this resource consent relevant to their work area and the measures required for compliance with the conditions.
4. Pursuant to section 125 of the Resource Management Act 1991, this resource consent lapses five years after the date it commences unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.

## Earthworks and Construction Management

5. All ~~filling and excavation work~~ construction activities on site shall be carried out in accordance with ~~a the Ryman Healthcare Ltd 78 and 100 104 Park Terrace, 20 Dorset Street, Christchurch~~ Construction Management Plan (CMP). The CMP shall be based upon the draft Ryman Healthcare Limited Construction Management Plan submitted as part of the resource consent application and ~~The~~ CMP shall ensure that any potential effects arising from construction activities on the site are effectively managed.

The CMP shall include a monitoring and contingency framework, prepared by a suitably qualified geotechnical engineer, for the construction of basements adjacent to the boundaries of the site, that:

- a. Identifies structures on adjacent properties / boundaries that will be located close to the construction of the basements;
- b. Establishes a methodology for the monitoring of the performance of the basement construction along a road or vacant boundary in the first instance;

c. Requires the preparation of a report to the Christchurch City Council of the results of the monitoring of the basement construction at the location identified in (b) above, and any recommendations for the refinement of the construction methodology of the basements at other locations that will be close to structures on adjacent properties / boundaries.

No earthworks shall occur ~~unless and~~ until the finalised CMP, with contact details of construction and supervision contacts included, has been submitted to the Council (via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)), reviewed and ~~certified~~ accepted by Christchurch City Council's Subdivision Engineer.

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

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

The CMP ES~~D~~CP shall include (but is not limited to):

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

*Note:*

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

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

**Note:**

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

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

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

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

### **Contaminated Material**

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

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

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

The report shall be written in accordance with the Ministry for the Environment Guidelines for Reporting on Contaminated Sites in New Zealand (Revised 2011). In the event that contaminated soils and materials are encapsulated on site in accordance with condition 14, the Site Validation or Works Completion Report shall also include a Long Term Management Plan that documents the ongoing management controls to be implemented by the consent holder.

### Construction Traffic

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

The CTMP shall be based upon the draft plan submitted as part of the resource consent application, and shall be submitted to the Christchurch City Council for certification at least 10 working days prior to any

construction works commencing on site. The CTMP shall be prepared by a suitably qualified and experienced person.

The CTMP shall include, but not be limited to:

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

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

### Construction Noise and Vibration

18. Construction noise at occupied buildings shall, as far as practicable, comply with the relevant construction noise limits in Tables 2 and 3 of NZS 6803:1999 Acoustics – Construction Noise in accordance with the Christchurch District Plan.

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

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

- a. Construction noise and vibration levels from key equipment to be utilised on site;
- b. Identification of the premises-occupied buildings where there exists the potential for noise / vibration effects to exceed the relevant limits in the Christchurch District Plan;
- c. Description and duration of the works, anticipated equipment and the processes to be undertaken;
- d. Hours of operation, including specific times and days when construction activities causing noise / vibration would occur;
- e. Mitigation options where noise / vibration levels are predicted or demonstrated to approach or exceed the relevant limits in the Christchurch District Plan. Specific noise / vibration mitigation measures must be implemented which may include but not limited to shall include, but not necessarily be limited to, (i) acoustic screening along the boundaries of the site which has a minimum surface mass of 6.5 kg/m<sup>2</sup> and a minimum height of 2.4 m, (ii) time management procedures and (iii) alternative excavation / construction method technologies;
- f. The process for erecting temporary construction noise barriers where appropriate;
- g. Schedule and methods for monitoring and reporting on construction noise / vibration;
- h. Details of noise / vibration monitoring to be undertaken or in the event of any complaints received;
- i. Implementation of a complaint management system with contact numbers for key construction staff responsible for the implementation of the CNVMP and complaint

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

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

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

### Significant Tree – 78 Park Terrace

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

28. Prior to earthworks commencing at 78 Park Terrace, a meeting shall be held on site so that the protection measures for the Common Lime Tree can be discussed between the council arborist, the appointed arborist and relevant contractors who will be working on the site in proximity to the tree. At the meeting, the following will be agreed:
  - a. Areas for storing and / or stockpiling materials, spoil and equipment;
  - b. Procedures for protection of roots within the dripline of the Common Lime Tree (e.g. exposure of roots and protection measures, severing methodology and backfilling of exposed areas); and
  - c. Correct procedures when working around the Common Lime Tree.
29. Temporary protective fencing is to be erected to isolate the Common Lime Tree before any construction works occur around, or adjacent to, the tree. The fencing shall be retained in place for the duration of the construction works, and shall not be removed or moved without the prior approval of the council arborist. If the fencing is damaged, the site manager will be responsible for repairing it at the earliest opportunity.
30. The protective fencing is to be positioned to maximise the tree protection area, whilst allowing a safe work area for the works to occur. The appointed arborist is to determine the exact position of the fencing in consultation with the project manager, but it should be set at the maximum possible practicable distance while still allowing the work to proceed.
31. All soil excavation within the dripline area is to occur under the direction and supervision of the appointed Arborist.
32. Excavation should take place carefully, and any roots will be identified and protected from damage, as the work occurs. This can involve a combination of manual excavation and probing. Any use of machinery will be at the discretion of the appointed Arborist.
33. When soil is cleared around any tree roots, they are not to be left exposed for an extended time (no more than 1 hour), and they shall be protected from desiccation and damage by the use of damp Hessian or bidim, or good quality topsoil, as specified by the appointed Arborist. The Appointed Arborist shall be responsible for this.
34. If any roots encountered at the levels to be excavated have to be severed, this should be carried out to the satisfaction of the appointed Arborist. All root pruning is to be carried out by the appointed Arborist.
35. Care should be taken to avoid damage to roots over 25mm diameter. Roots over 25mm in diameter at point of severance shall only be severed with the approval of the Christchurch City Council Arborist.
36. Following any excavations, backfilling shall take place at the earliest opportunity, and prior to backfilling, any protective material over the roots should be removed. The backfill material should be of sufficient quality to allow for the continued growth/health of the root system.
37. To avoid damage to roots, reinstatement of soil shall not occur except carefully by hand whenever feasible.

38. To avoid contact of raw concrete with root mass during the infill of the clutch piling, it is recommended that the top 2 metres of the piles be lined with a heavy grade PVC or similar impervious material.
39. No heavy machinery is to be driven within the dripline of the Common Lime Tree, unless on existing hard surfaces, or on load bearing mats or sheets designed to spread loading forces.
40. No materials or machinery / vehicles are to be stored / parked within the dripline of the Common Lime Tree during the construction work, including excavated soil, chemicals or building materials.
41. Notice boards, cables and other services shall not be attached to any part of the Common Lime Tree.
42. Postholes for the Peterborough Street road boundary fence posts are to be lined with plastic or similar impervious material to create a barrier between tree roots and raw concrete. Exploratory digging should be used to locate any major roots in the proposed posthole locations.
43. Any pruning of the Common Lime Tree to enable clearance from heavy machinery used for the basement retention system, or due to canopy damage from the operation of the machinery, is to be carried out by the appointed arborist to the Australian Standard- AS 4373-2007 "Pruning of Amenity Trees", or British Standard BS 3998: 2010 "Recommendations - Tree Work". The maximum diameter of any live limb removed is up to 100 mm at the point of removal.
44. The maximum diameter of any live limb removed is to be up to 100 mm at the point of removal.
45. Should the Lime Tree die within 10 years of the development commencing on the site it shall be replaced with the same or similar species which is a minimum of 3.5m high at the time of planting and 5 further replacement trees on the site or in the local area on council land (road or reserve), with the location and species to be confirmed by the Council arborist at the time.

## Heritage

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

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

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



- e. A methodology for preparation of the exterior surface of the chapel if this is required (where any heritage fabric is remaining in situ). ~~The engineering report references sandblasting and high pressure water blasting of surfaces. Sandblasting is not considered an appropriate conservation technique and is not to be used as it can damage the heritage fabric.~~ Significant care must be taken with any water sand blasting that is required to the brick substrate to avoid damage to heritage fabric, ~~for example, beginning with low pressure (garden hose pressure) and increasing the pressure slowly if required with constant monitoring.~~ Water blasting is not considered appropriate on the exterior surface of the chapel.
48. The measures in the TPP shall ensure that the former Bishops Chapel is repaired to the extent that it can be utilised as a non-denominational prayer centre and meeting room as part of the comprehensive care retirement village on the site.
49. Prior to commencement of works, the consent holder's heritage professional shall hold a site briefing of all lead contractors and supervising staff to communicate the significance of the building, the consent conditions and the requirements of the TPP. The consent holder shall notify the Heritage Team Leader, Christchurch City Council of the date and time of the meeting at least three working days before the meeting.
50. The consent holder shall provide written confirmation to the Heritage Team Leader, Christchurch City Council stating that the initial setup of the TPP has been implemented and inspected on site (including methodologies for removal and storage of heritage fabric) by a suitably qualified and experienced person before any other works commence. Following the initial implementation of the TPP, the consent holder's heritage professional shall regularly monitor the TPP to ensure that appropriate measures are being taken by the contractors at each stage of construction and advise contractors if any additional protection is required.
51. A copy of the conditions of this consent, the amended Temporary Protection Plan (TPP), and a full copy of the approved consent application and plans, are to be kept on site at all times, form part of the induction process, and are to be made available to and adhered to by all contractors and subcontractors undertaking work in connection with this consent.
52. All works to the former Bishops Chapel, and within the heritage setting of the former Bishops Chapel (Heritage ID: 470), shall be undertaken by suitably qualified tradespeople, and overseen by a suitably qualified CPEng structural engineer and heritage professional appointed by the consent holder.
53. No building works within the heritage setting of the former Bishops Chapel must proceed beyond the foundation stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Heritage Team Leader, Christchurch City Council that the works completed have been completed in accordance with the approved plans.
54. A registered surveyor or licensed cadastral surveyor, engaged by the consent holder, must provide written certification to the Heritage Team Leader, Christchurch City Council that the heights of the buildings within the heritage setting of the former Bishops Chapel, as completed have been completed in accordance with the approved plans.
55. If the proposed access ramp is to be attached to the heritage fabric of the former Bishops Chapel, at least 10 working days prior to the commencement of works to the chapel, the consent holder's heritage

professional and engineer shall submit for certification to the Heritage Team Leader, Christchurch City Council, details of the methodology for fixing the ramp to the chapel.

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

## Landscaping

The proposed landscaping shall be established in accordance with the Landscape Plan labelled X as part of the Approved Consent Document (page XX), except as specified in the conditions below.

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

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

62. A revised Landscaping Plan, based upon the Landscape Plan prepared by Design Squared and labelled X, shall be prepared by the Consent Holder's Landscape Architect for certification by the Head of Resource Consents, Christchurch City Council Head of Resource Consents (or nominee). The purpose of this condition the revised Landscape Plan shall be is to ensure that the tree species and methodology that can be established in the available space and are allowed to reach their natural form and height. The revised Landscape Plan shall address the following matters: following is required to meet this condition:

#### Bishopspark Site

Two large tree species capable of reaching 15 metres at maturity along the Park Terrace frontage shall be allowed to grow to their natural height and form. This is in addition to the trees to be provided either side of the driveway.

The provision of a tree on either side of the Park Terrace access capable of reaching a minimum of 15m in height and are to be grown in conventional tree pits.

The Dorset Street frontage shall be planted with a tree species with a mature height of 6 metres which can be established in the available space and able to reach their natural form and height.

The boundary shared with 2 to 18 Dorset Street shall be planted with tree species that are capable of reaching a mature height of 8 metres and shall be allowed to grow to their natural height and form.

The boundary shared with 13 to 17 Salisbury Street shall be planted with medium sized tree species that are capable of reaching a mature height of 8 metres and shall be allowed to grow to their natural height and form.

#### Peterborough Site

The Oak and Beech Trees along the Park Terrace frontage shall be allowed to grow to their natural height and form. The tree on the Park Terrace / Salisbury Street corner, and the tree to be planted either side of the Park Terrace access shall be allowed to grow to their natural height and form.

Trees shall be provided along the northern side of the access adjacent to Building B07 and not along the southern side adjacent to the property at 76 Park Terrace.

The Salisbury Street frontage shall be planted with tree species that are capable of reaching a mature height of 7-13 metres which can be established in the available space and shall be allowed to grow to their natural form and height.

#### Traffic

63. Westwood Terrace shall not to be used as an access for earthworks or during construction for the development.

64. The consent holder shall design a pedestrian crossing facility (in the form of a kerb build out or similar) to improve the safety of pedestrians crossing Salisbury Street in the vicinity of Westwood Terrace.

65. The consent holder shall arrange for an independent road safety audit of the detailed design of the access points to the site from Park Terrace and Dorset Street, as well as the design of the pedestrian crossing facility on Salisbury Street. The audit shall be undertaken in accordance with the 'Road Safety Audit Procedures for Projects Guidelines, May 2013'.

A copy of the road safety audit shall be provided to the Christchurch City Council. Any audit recommendations and design changes arising from the detailed design road safety audit shall be agreed with the Christchurch City Council prior to construction being undertaken.

66. The pedestrian crossing facility on Salisbury Street shall be constructed prior to the occupation of Building B01 at 100 – 104 Park Terrace and 20 Dorset Street

67. Service vehicles accessing the site via Dorset St shall approach from the west (i.e. from Park Terrace) and reverse on to the site so they can exit enter the site in forward gear and exit in reverse. The consent holder shall also utilise a spotter to manage the exiting of service vehicles onto Dorset Street. This These requirement shall be detailed in all contract arrangements with service providers to the site and shall be reflected in signage at this access.

68. Rubbish trucks shall only access the site during the period between 7am and 7pm and shall avoid the use of tonal reversing alarms.

### Stormwater

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

### Water Supply

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

### Noise

71. The consent holder shall provide the Christchurch City Council with a design report (prior to construction) and a design certificate (prior to occupation) prepared by a suitably qualified acoustics specialist stating the design proposed for each building is capable of meeting the applicable noise standard in Rule 6.7.2.1 of the District Plan.

### Advice notes:

i) *Monitoring*

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

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

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

- ii) This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the Building Act 2004. Please contact a Building Consent Officer (ph: 941 8999) for advice on the building consent process.
- iii) This site may be an archaeological site as defined and protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the HNZPTA as any place in New Zealand where there is physical evidence of pre-1900 occupation, regardless whether the site is known or not, recorded in the NZAA Site Recording Scheme or not, or listed with Heritage New Zealand or the local council. Authority from Heritage New Zealand is required for any work that affects or may affect an archaeological site. **Please contact the Heritage New Zealand regional archaeologist on 03 363 1880 or [archaeologistcw@heritage.org.nz](mailto:archaeologistcw@heritage.org.nz) before commencing work on the land.**

#### *Heritage*

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

over the entrance to acknowledge major works to a building or a new wing. **In the case of the entry/ pergola to the chapel, the new structure should be dated in a visible location to acknowledge the date of the works to the chapel alongside the chapel's construction date, for example: "1927 20[XX]"**.

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