

BEFORE THE CHRISTCHURCH CITY COUNCIL

Under:

The Resource Management Act 1991

In the matter of:

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

STATEMENT OF MARY CLAY

1. My name is Mary Clay.
2. I am the Principal Planner at Avanzar Consulting, a specialist planning and traffic engineering consultancy based in Christchurch.
3. I have a BSc (Geography), from Canterbury University and a MAppIsc (Environmental Management) from Lincoln University, and am a Fellow of the Royal Geographical Society.
4. I have 20 years of planning experience, gained at both territorial authorities and private practice, both here in New Zealand and overseas. As a significant component of my work is within the Christchurch City area, I am very familiar with the Christchurch District Plan and other relevant statutory documents.
5. I have prepared this document on behalf of Centro Roydvale Ltd, who are the owners and developers of the land known as 155 Victoria Street, which adjoins the Ryman Healthcare development. Resource consent for 155 Victoria Street was granted by the CCC in 2019 for a five storey hotel. Centro Roydvale Ltd is concerned about the effect of the proposed Ryman development on its property and others in the vicinity.
6. I have focused my assessment on the components of the proposal that immediately affect Centro Roydvale, however, I have considered the application as a whole, in order to be able to look at effects in an overall and holistic manner. This has included a consideration of the effects of the proposed development on the neighbourhood environment in its entirety.
7. I am familiar with the resource consent application documentation associated with the proposal, the evidence presented on behalf of Ryman and additional documentation from other submitters and experts, including the evidence of Mr. Aramowicz on behalf of the owners of 15 Salisbury Street.
8. I have also reviewed as a series of photovisualisations prepared by Andrew Huxtable of Glasson Huxtable Landscape Architects, which are included as Appendix A to this evidence.

CODE OF CONDUCT

9. I am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note (2014), and have complied with the Code in preparing this evidence. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SECTION 42A REPORT

10. I have read the reporting officer's s42A report and concur with her assessment of the restricted discretionary status of the activity.
11. I am however concerned with her conclusions regarding the actual and potential effects of the proposal, and in particular, the approach adopted towards an assessment of effects, which, in

my view, is an over-simplified approach which has resulted in incorrect conclusions being reached.

Deficiencies in reporting officer's assessment

12. The reporting officer firstly examines the discretion available under Section 104(2) whereby a consent authority may disregard an adverse effect of an activity on the environment if the Plan or national environmental standard permits an activity with that effects. While she notes that residential activity is permitted in this zone subject to built-form standards, she concludes, that it is reasonable to consider that most, if not all proposed activities would require a resource consent. I agree that there is no permitted baseline of any relevance when compared to the effects associated with the Ryman development.

13. The reporting planner also notes in her assessment, that although her draft s95 report used the built form standards of the District Plan as a guide to assessing effects, she has now received advice from Council's lawyer (Mr. Pizzey) confirming the incorrectness of such an approach. She goes on to add that her assessment of effects has taken into account this legal advice.

14. In reviewing Ms Armstrong's assessment, it appears that despite her recognition that the anticipated built form approach that she utilised at the s95 stage was incorrect, she has continued to carry out her assessment in this manner throughout. There are many examples of this approach throughout her report; one example relating to 155 Victoria Street being her para 109:

'The hotel currently being constructed at 28 Dorset Street and 155 Victoria Street and the property at 149 Victoria Street have submitted that the proposal will adversely affect their amenity. With regard to the partially constructed hotel, Ms Schroder considers the impacts of the proposed building which breaches the recession plane at roof level, compared to one anticipated by the Plan, to be minimal and further, given the general transience of hotel patrons, any visual effects or impacts of shading to be low. I agree with Ms Schroder on this.'

15. Yet another example is where the reporting planner notes in para 102 that:

'the additional height over that of the built form standard is unlikely to be perceptible from the southern outlook of the windows due to the angle of sight'.

16. The reporting planner's reliance on a (non-existent) permitted baseline throughout the report is problematic. In this instance, drawing conclusions regarding change being *'unlikely to be perceptible'*, on a permitted baseline that doesn't exist, causes errors to be made in the conclusions reached.

17. It occurs again in para 108 where effects on neighbouring commercial properties on Victoria Street are discounted due to being readily perceptible. Instead, it is my view that building B03 will have a significant effect on the neighbouring properties to the east. While it is noted that some of the commercial buildings do not face towards the west, and understandably focus to the Victoria Street corridor, it is nonetheless important that any future buildings constructed to

the west have acceptable effects on adjoining sites. Merely discounting effects on commercial properties as being less sensitive does not take into account the individual needs of businesses, inhabitants, occupiers and visitors to those sites, whether they be temporary (hotel visitors) or permanent (such as office workers, long stay guests etc).

18. I echo Ms Schroder's concerns regarding the loss of mature planting from the site, and would note that it would be unlikely that any tree of stature would thrive in the locations (above a basement and within planter boxes) proposed by the applicant. Large stature trees are therefore unlikely to successfully be established on the site.
19. I am concerned with Ms Armstrong's comments in para 147 where she notes that the Council owned pocket park on the corner of Park Terrace and Salisbury Street which contains established trees and garden beds which will provide some landscape mitigation for the proposal. It is my view that reliance on trees located outside the site as mitigation is incorrect.
20. There is much discussion within the s42A report regarding landscaping, the use of planter boxes for unsuitably sized trees, and the proposal to limit tree heights. To me, all the landscaping complexities indicate overdevelopment of the site. I also note that Ms Dray is concerned that 'the proposed tree planting methodology will not be adequate to sustain the proposed trees in perpetuity and that on the Salisbury Street frontage in particular, there will be a real conflict regarding the sizeable trees proposed to be grown within a very constrained space' (para 70). Ms Armstrong effectively minimises these concerns with yet another reference to (in para 156), the 'plans allowance for a greater scale of buildings and density of development in this location
21. In conclusion, there appears to be a pattern within the planner's report, of failure to adequately consider the Council's own expert advice, and of an enthusiasm for minimising and disregarding effects that are actually significant. In my view, health and safety aspects of an application in particular are of key importance, and this failure to address these issues is extremely concerning. Despite her report, which identifies a number of more than minor effects, including those relating to overshadowing and loss of privacy, she concludes that *'these effects overall are considered to be acceptable given the high density anticipated for the central city as informed through the objectives and policies and bulk and location standards for this zone.'*
22. I disagree with her conclusions in this regard, and consider that the multiple effects described within the officers report, as well as within Council expert reports on landscape, urban design, trees and traffic, indicate an overdevelopment of the site, and a design that has not been mitigated to the extent that consent should be granted.
23. This continual failure to assess effects compared with the existing and future context of the site and a reliance on a concept of 'anticipated effects' is unhelpful and does not allow correct conclusions to be drawn. Procedure-wise, I am also concerned with the reporting officer's

reliance on the aspect of existing neighbouring developments as effective mitigation against what are in some cases quite significant effects.

MATTERS OF DISCRETION

24. Key to the assessment of appropriateness of the proposed development is Rule 14.15.9, which is specific to the assessment of retirement village developments within the majority of the Residential Zones. Rule 14.15.9 provides:

14.15.9 Retirement villages

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1. *Whether the developments, while bringing change to existing environments, is appropriate to its context taking into account:*
 1. *fencing and boundary treatments;*
 2. *sightlines;*
 3. *building orientation and setback;*
 4. *configuration of pedestrian entrances;*
 5. *windows and internal living areas within buildings; and*
 6. *if on a corner site is designed to emphasise the corner;*
2. *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;*
3. *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;*
4. *appropriate response to context with respect to subdivision patterns, visible scale of buildings, degree of openness, building materials and design styles;*
5. *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;*
6. *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;*
7. *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*
8. *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.*
1. *Where the site is within the Akaroa Heritage Area, the matters set out in Rule 9.3.6.3.*
2. *For the avoidance of doubt, this is the only matter of discretion that applies to retirement villages.*

25. Somewhat confusingly, Note 2 says that for the avoidance of doubt, Rule 14.15.9 is the only matter of discretion that applies to retirement villages. Looking at the application documentation, provisions of the District Plan, the s 42A Report and the evidence, it appears

to be accepted that there a range of other matters of discretion to be considered. These include matters of discretion in respect of breaches of, amongst others, the height, recession plane, earthworks and noise rules of the District Plan.

26. The introduction to Rule 14.15.9 refers to change to existing environments. I accept of course that this contemplates a degree of development on the Bishopspark site, development that could realistically include an appropriately scaled retirement village that is compatible with the surrounding area. This is in recognition of the historical use of the site for this very same purpose over many decades, a historical use which must be of some relevance to context.

27. The reference in the introduction to "existing environments", requires a real world or realistic assessment of the receiving environment. I understand from cases such as the Court of Appeal decision in *Queenstown Lakes District Council v Hawthorn Estates* it to be necessary to not only assess the receiving environment as it currently is, but also to seek to predict what changes may occur as a result of activities permitted by the District Plan, and also activities that may be enabled by consents granted, but not yet implemented.

28. As noted above, I am very familiar with the site and surrounding environment. 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. This includes, for example, redevelopment of a number of sites on Dublin, Dorset and Salisbury Streets to provide for, predominantly 2-3 storey apartment blocks of a relatively modest scale/footprint. I note that the development currently being constructed at 108 Dorset Street is larger but is proposed to contain only five large luxury apartments, thus resulting in a relatively low density compared to the Ryman proposal. There are a limited number of vacant sites within this part of the Residential Central City Zone, these amounting to a very small percentage of the total number of sites. Some form of residential development is likely for these vacant sites, and for the purposes of assessing the receiving environment, the District Plan would enable development of two residences per site. Development of three or more residences per site is a restricted discretionary activity.

29. *Rule 14.5.9 1 then refers to a list of matters that are to be taken into account in deciding whether a retirement village proposal is appropriate to its context. Included among these matters is Rule 14.5.9 1 (v):*

'appropriate response to context with respect to subdivision patterns, visible scale of buildings, degree of openness, building materials and design styles.

This indicates the importance of visible scale in considering the appropriateness or otherwise of the proposed development for the receiving environment. This reference to scale is repeated in 14.15.27 (1), as is the need to consider the bulk of proposed buildings:

14.15.27 Building height in the Residential Central City Zone

- 1. 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.*

2. Any effect of increased [height](#) on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of [buildings](#).
 3. 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](#).
30. In my view, it is the scale of the buildings as opposed to the façade treatment given to the buildings or building materials used that has the most significant effect on adjoining properties and the receiving environment.
31. Ms Skidmore's evidence at paragraph 77 refers to the area or footprint of Buildings B01-B04 on the Bishopspark site, these being:
- B01 – 3952m² extending over 4 levels
 - B02 – 684m² extending over 5 levels
 - B03 – 859m² extending over 4 levels
 - B04 – 457m² extending over 1 -2 levels
32. The combined footprint of these buildings is therefore 5952m², the majority extending over either 4 or 5 levels.
33. It is helpful to put the scale and bulk of the proposed buildings into context, and to consider them in relation to other buildings in the immediate and wider receiving environment. Using approximate calculations of building footprint via Google Map and with the benefit of a further site visit, these include the following residential buildings:

| Property Address | Footprint | Levels |
|---------------------|-----------------------|--------|
| 48 Park Terrace | 135m ² | 2 |
| 42 Park Terrace | 425 m ² | 2 |
| 108 Park Terrace | 393 m ² | 5 |
| 18 Peterborough St | 150 m ² | 2 |
| 18a Peterborough St | 150 m ² | 2 |
| 20 Peterborough St | 453 m ² | 2-3 |
| 25 Salisbury St | 169m ² | 1 |
| 27 Salisbury St | 91m ² | 2 |
| 18 Salisbury St | 2 x 135m ² | 2 |
| 20 Salisbury St | 151m ² | 2 |
| 22 Salisbury St | 176m ² | 2 |
| 15 Salisbury St | 180m ² | 2 |
| 23 Salisbury St | 349m ² | 3 |

| | | |
|-----------------|--------------------|---|
| 26 Salisbury St | 400m ² | 3 |
| 28 Salisbury St | 762m ² | 3 |
| 3 Dorset St | 142m ² | 2 |
| 4-16 Dorset St | 196m ² | 2 |
| 2 Dorset St | 232m ² | 3 |
| 2A Dorset St | 179m ² | 3 |
| 18 Dorset St | 151 m ² | 3 |

34. Further afield, within the Residential Central City Zone, the largest residential building in this area is the Parkridge Apartments at 19 Dublin Street has a footprint of 1113m² extending over 3 – 4 levels.

35. There are a number of non-residential buildings established within the Residential Central City Zone including:

- George Hotel at 50 Park Terrace , 1130m² extending over 3-4 levels
- Japanese Consulate at 12 Peterborough, 395m² extending over 2 levels

36. By way of further comparison, the following are examples of the scale and bulk of buildings either proposed or established in the CBD Zoned land on Victoria Street:

- The hotel currently being built at 155 Victoria Street has a building footprint of 961m² extending over 5 levels
- 123 Victoria Street has a building footprint of 1615m² extending over 4 levels

37. The above is not a full and comprehensive assessment of development in the area, however in my view it is a fair representation of the scale and bulk of buildings within receiving environment. It also provides relevant context when examining the scale and bulk of the buildings proposed in comparison to existing and consented buildings.

38. I also note that the original Bishopspark Retirement Village comprised much smaller buildings with significant intervening open spaces with neighbouring properties, and the surrounding area retains a character represented by much smaller developments. The proposed conglomeration of large buildings, forming part of a uniform complex is incongruous both in terms of design and scale. The quantity of 'matching' buildings with identical styling features, covering both the Peterborough and Park Terrace sites is not at all in keeping with the character of the area, which is a pleasantly mixed environment in terms of building age, design, size and character. Rather, the proposed retirement village is more in keeping with the commercial properties along Victoria Street than the residential neighbourhood that it sits within. Indeed, the scale of individual buildings within the proposed retirement village complex is significantly larger than many of the commercial buildings down Victoria Street,

which tend to be narrower and taller, as opposed to the solid, wide and bulky design proposed for the retirement facility. The large size of the retirement facility sites are not typical of the surrounding sites. The historical land use patterns of this part of Christchurch have been established since the 1800's and this land use pattern continues along Park Terrace towards the Heritage Precinct containing the Arts Centre and Museum. The proposed large block of land with uniformly designed buildings does certainly not reflect the vernacular.

39. In addition to their large size, they also exceed recession planes and height requirements across the site. In conjunction with the scale of the buildings, their proximity to boundaries has the effect of further increasing the actual effects on adjoining properties. While each recession plane and height intrusion can be considered individually, it is in my view, of greater importance to consider the development as a whole, or more correctly as two sites, the Peterborough and the Park Terrace/Dorset Street sites.

40. Assessment matter 14.5.9 a) vi) requires consideration of issues relating to:

residential amenity for neighbours, in respect of outlook, privacy, noise, odour, light spill, and access to sunlight, though site design, building, outdoor living space and service/storage space location and orientation, internal layouts, landscaping and use of screening.

41. Residential amenity for neighbours relating to matters such as outlook, privacy, noise, odour, lightspill and access to sunlight, is a key factor that should be considered in resource consent applications. It is clear from the plans provided, that outlook for many adjoining properties will change dramatically. Change is not necessarily a problem, but when outlook and a feeling of space commensurate with the level that should be expected is adversely affected, a careful examination of the actual and potential effects should be made, my view being that the changes will be significantly adverse without further modification of the current proposal. Council Urban Designer Ms Schroder has examined in detail the urban design matters relating to individual properties, and the Council reporting planner has reached broader conclusions regarding matters of outlook, privacy and sunlight etc.

Impact on 155 Victoria Street

42. In this part of my evidence, I predominantly focus on the effects of the Park Terrace/Dorset Street development as it immediately affects my client's site. The effects to be considered through these assessment matters can be considered in conjunction with the specific assessment matters that relate to height and recession planes.

43. By way of context, 155 Victoria Street is located on the corner of Dorset Street and Victoria Street. It joins the eastern boundary of the Bishopspark site. 155 Victoria Street is adjacent to building B03, and the Dorset Street access to the application site. 155 Victoria Street has a spit zoning, with the western 9.5m of the site (adjacent to Bishopspark) being zoned Residential Central City, and the remainder of the site zoned Commercial Central City Business Zone.

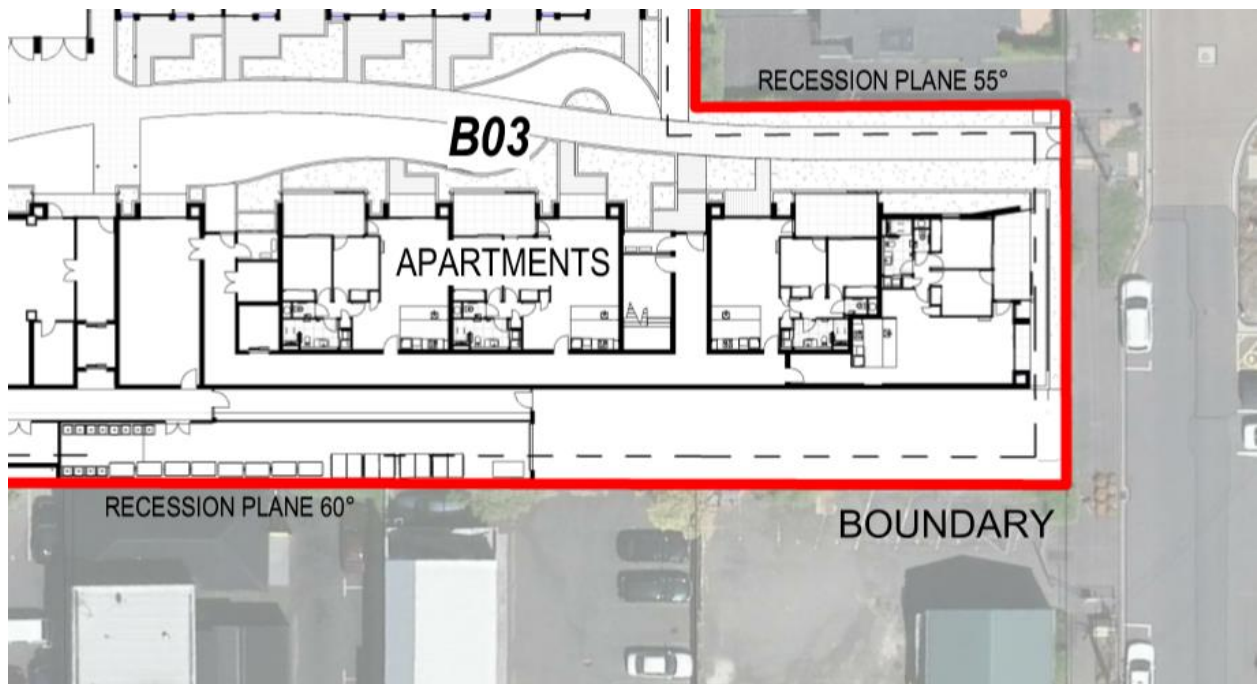


Figure 1: Excerpt from Ground floor site plan (Drawing S01 A0-030)

44. Centro Roydvale is currently developing a 5 storey hotel at 155 Victoria Street. As shown in the elevations below, this will include 16 hotel rooms facing west, looking toward the boundary with the Bishopspark site.



Figure 2: Western Elevation of Hotel which adjoins Bishopspark site

45. It is my opinion that the hotel being constructed 155 Victoria Street will be adversely affected by the bulk of the building proposed immediately adjoining its boundary with the site (B03), as

well as by the excessive scale of the development on a site wide basis. The proposed Hotel was located on the site in such a way that it takes advantage of views along Victoria Street, and across Dorset Street towards Hagley Park, and has rooms that face to the west as can be seen in the diagrams included.

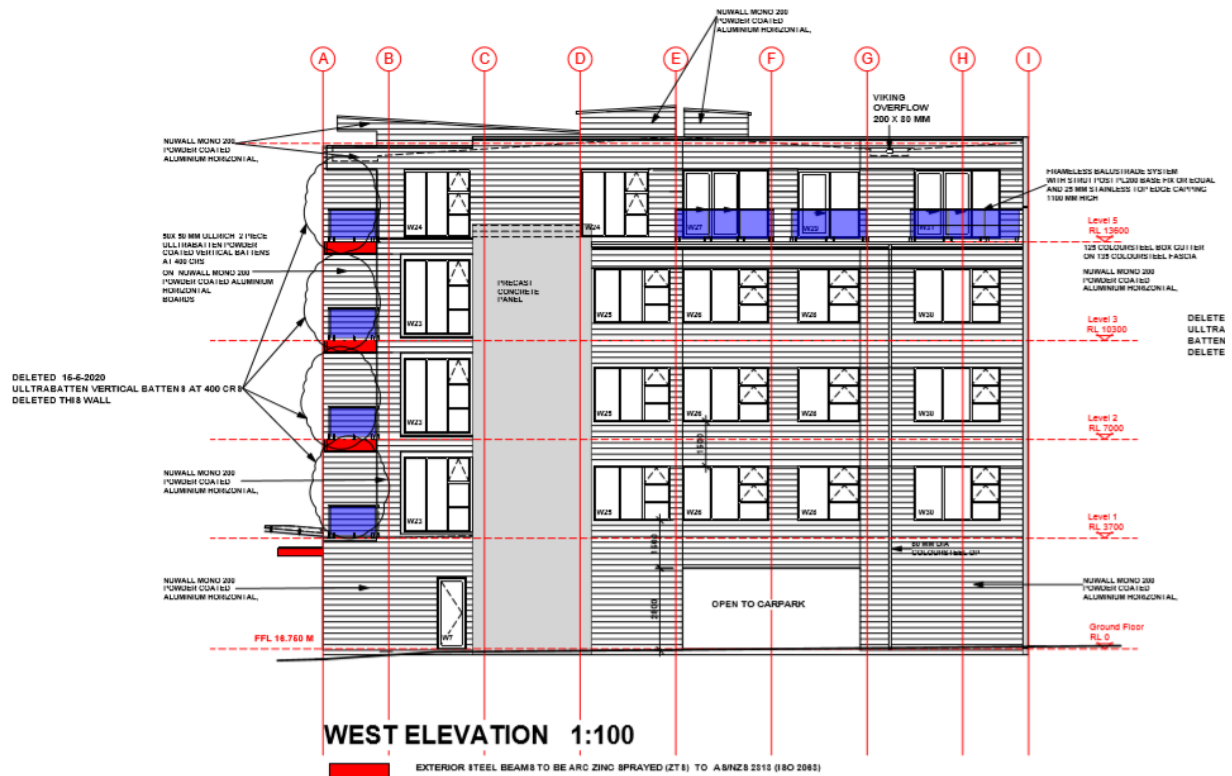


Figure 3: Hotel currently under development at 155 Victoria Street

According to the relevant assessment matters for RD 5 (outlined in 14.6.1.3), the District Plan directs the Council's discretion to be limited to certain assessment matters relating to retirement villages (Rule 14.15.9), and as relevant to the built form standard that is not met, assessment matters Building Height (Rule 14.15.27) and Daylight Recession Planes (Rule 14.15.28) are also relevant. These matters are summarised below:

14.15.27 Building height in the Residential Central City Zone

- Compatibility with the scale of other buildings in the surrounding area, and the extent to which building bulk is out of character with the local environment.
- Any effect of increased height on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of buildings.
- 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

- 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.*

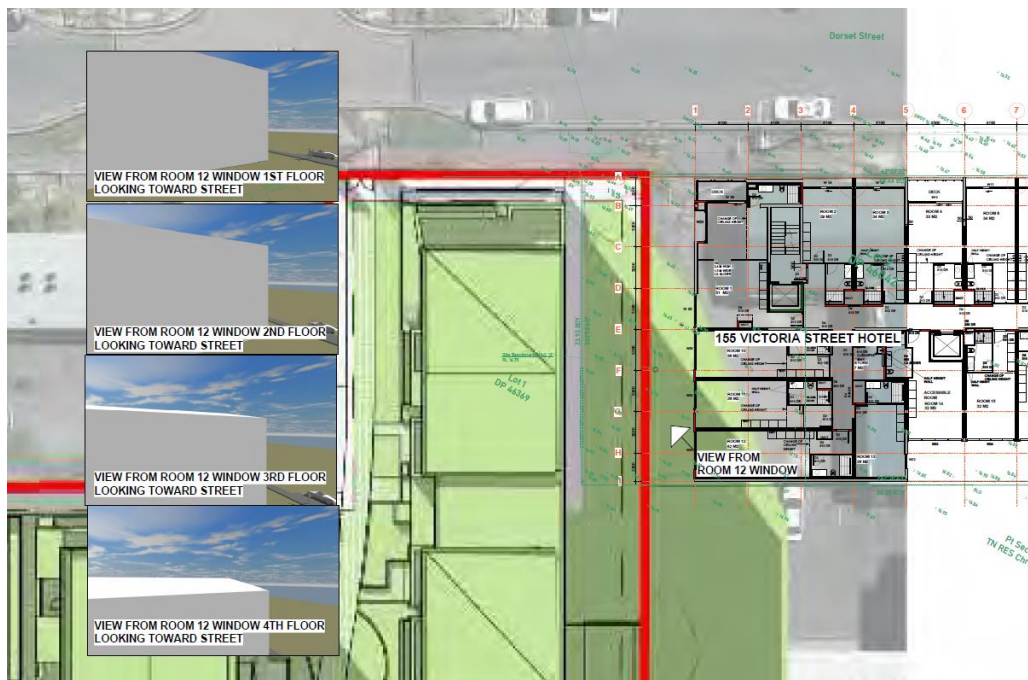
Impacts of recession plane and height non-compliance on 155 Victoria Street and vicinity

46. The assessment matters above allow for consideration of matters relating to recession planes, setback and height, and allows for the consideration of effects relating to these matters both individually and collectively.
47. Centro Roydvale's concerns relate to the effects of the proposal on both 155 Victoria Street and surrounding sites. This includes visual effects such as those created by the bulk and location of the buildings, exacerbated by the recession plane and height intrusions, that cumulatively result in a scale of building that will have detrimental effects on 155 Victoria Street.
48. According to the plans provided by the applicant, the building intrudes the recession plane by 605mm along the length of the building as it adjoins 155 Victoria Street. While this is a relatively small component of a building that is over 14m in height, it has greater impact when put into the context of the many recession plane intrusions and intrusions through the height standard required in the District Plan for the site. While intrusions into both height and recession plane standards are relatively low adjacent to 155 Victoria Street, when the site is viewed as a whole, as it will be the case from the upper floors of 155 Victoria Street, the change to the environment will be significant, and will not be positive in my opinion.
49. I disagree with the reporting planner with regard to her conclusions on amenity to 155 Victoria Street. The reporting planner has focused on the issue of shading in her assessment, but it is my view that shading is only part of the effect that the recession plane controls are trying to mitigate.
50. The matters for control or discretion in 14.15.9, 14.15.27 and 14.15.28 indicate that issues other than shading are also key indicators of effects. Buildings B03 and B04 extend for the bulk of the eastern side of the site, with the remaining buildings relatively evenly spread through the site. As discussed above, the buildings are considered to be significantly out of scale with the vast majority of residential buildings in the zone in proximity of the site, and appear more commercial in character than other residential developments in the area. Many of the buildings will have an effect on privacy of adjoining neighbours, and will result in visual dominance when viewed from adjoining sites and from the public domain. The diagrams provided by Glasson Huxtable Landscape makes this clear for at least the views included in their representations.
51. I note that the photosimulations prepared by Ryman in support of their application do not include any photosimulations from those individual properties likely to be most affected by the proposal. While I accept that this was not practical for 155 Victoria Street given that it is a construction site at present, in my opinion this is an exercise that should be undertaken before

a decision should be made on the applications, if requested by the affected landowners. In my view, this would provide a very clear illustration of the extent of change resulting from the development and associated effects.

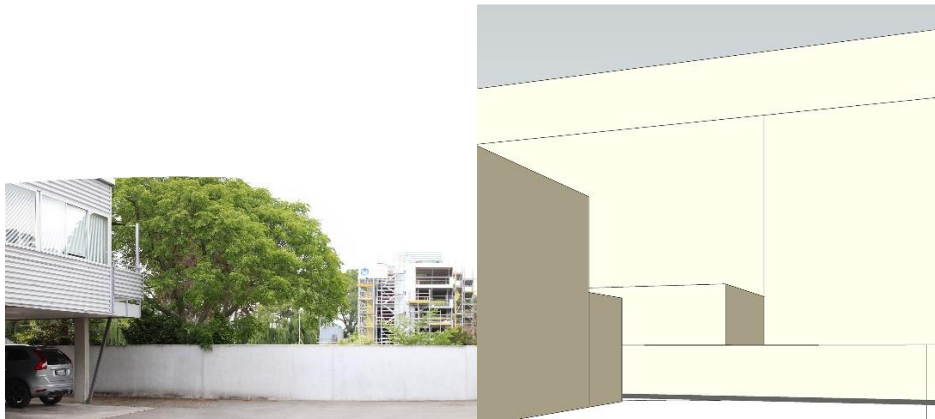
52. I also disagree with the conclusion that commercial uses of properties to the east are not as sensitive to change as residential activities, and that the degree of projection through the recession planes will not be readily perceptible. As discussed above, the reporting planner must, in her assessment, take into account the actual effects of the proposal on the environment, without relying on an assessment against the 'anticipated built form'. If this is properly done, then consideration of outlook for neighbouring properties is important, having regard to the considerable change that the reporting planner agrees will occur on the site.

53. Mr Tim Field, architect of the 155 Victoria Street Hotel currently undergoing construction has provided the following diagrams that indicates the view and evidence of bulk, visible from various rooms in the hotel.



54. Mr Field's diagram shows the bulk of the B03 building as viewed from various rooms in the hotel. I accept that this does not show any articulation of the Building B03, however I understand from Ms. Skidmore's evidence and the associated elevations that articulation is extremely limited. Mr. Field's diagram is instead a simple demonstration of how B03 will be impacted by built form.

55. Glasson Huxtable's images are also helpful as they show representations of the proposed buildings when viewed from other sites. In contrast to the imagery provided by the applicant, they show the dominance of the building. The two diagrams below show the before and after effect of the view to the west from 149 Victoria Street.



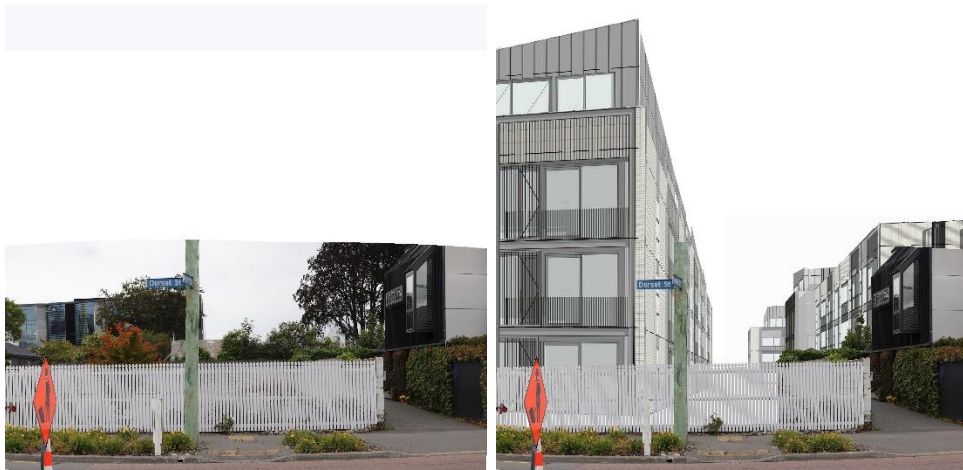
From 149 Victoria Street – Glasson Huxtable 2021



149 Victoria Street – Glasson Huxtable 2021

56. The third diagram above shows the same image with some rendering showing the true view to the east when viewed from 149 Victoria. This could certainly not be considered to have a residential character in any way. Despite adjoining a commercial area, it is my view that bulk of this building and the largely featureless façade will have a significant effect on neighbouring properties.

57. The same can be said for the before and after renders of the view at 2 Dorset Street, again of Building B03 – looking at its eastern side. It clearly dwarfs the other residential buildings in the street, and is far closer in character to the hotel being constructed at 155 Victoria Street than its residential neighbours.



2 Dorset Street – Glasson Huxtable 2021

58. In considering amenity for neighbouring properties, I have carefully considered the assessment carried out by Ms Schroeder for the Council. In it, she describes many of the rule intrusions in a specific manner, and I see no need to repeat these. In considering this evidence, it is also worthwhile to consider it along with Ms Dray's landscape evidence for the Council, and again, there is no need for me to review each conclusion they draw. I do think it is important however, to consider their respective conclusions and to evaluate whether the recommendations made by the Council Planner are reasonable, given the evidence provided by the two experts in their fields.

59. In summary, Ms Schroder concludes that *'there are positive impacts of the proposal, particularly in regard to the activity located within the Central City location. However I also believe that there are adverse visual and amenity impacts that are moderate to high'*.

60. I think it is worthwhile noting these comments from Ms Schroder:

Para 134 – *'The proposal will have a substantive visual and functional impacts on the residential character of the area irrespective of the District Plan non-compliances of the proposal, as a result of the degree of change to the existing context that would occur if the proposal were to be constructed in respect to both of the sites'*

Para 135 – *'The scale, form, approach to building massing and density of development on the sites is generally appropriate to the location, with the exception of some of the over height elements and in regard to a number of street interfaces'*

Para 136 – *'The landscape approach, including large scale tree planting is crucial to achieving an adequate level of amenity and providing visual relief to the built form, in respect of to the neighbourhood context, neighbours and users of public space. The scale of planting needed to address the context and offset visual effects at the boundaries to the sites will not be achieved within the space provided'*

Para 139 – *'Overall, while there are positive impacts of the proposal, in regard to the use and location of the proposal, there will be moderate to high visual impacts resulting from visual dominance of the scale of the development within the context that it is located.'*

61. In my view, these paragraphs summarise and represent the key issue, which is that the development proposed represents overdevelopment of the site. Intrusions through recession planes and height and road setbacks are useful indicators of effects, but when viewed as a

whole, and taking into account Ms Schroder's expert opinions on visual dominance and scale, to say nothing of the '*substantive visual and functional impacts*' mentioned by Ms Schroder, it is clear that issues of dominance, scale and visual amenity effects on adjoining neighbours, are more than minor.

62. One must then turn to the comments of the reporting officer. Despite the Council experts opinions regarding urban design, landscaping, traffic and other matters to the contrary, Ms Armstrong herself concludes that the '*scale, form and approach to building massing and density of the development is considered to be generally appropriate, with the exception of a number of street interfaces.*' She goes on to note that the '*scale of planting needed to address the context and offset visual effects at the boundaries to the sites will not be adequate to sustain the proposed trees in perpetuity...*'. She concludes by stating that a change in species and planting methodology would enable an adequate level of amenity and provide visual relief, and then also concludes that despite some effects that are more than minor, that '*these effects overall are considered to be acceptable given the high density anticipated for the central city as informed through the objectives and policies and bulk and location standards for this zone.*'
63. I am of the opinion that the proposed development as it currently stands, does not represent an appropriate addition to the current environment, having regard to its context. While the District Plan does seek to allow for higher density development in the Central City Residential Zone, it does not purport to achieve this at the expense of amenity values, nor does it suggest that effects described by experts as moderate, more than minor, and in some cases significant, should be discounted in this way.
64. It is my view that the bulkiness of the buildings, as clearly obvious in the diagrams provided by both Mr Tim Field and by Glasson Huxtable Landscape Architects, have significant and detrimental effects on adjoining properties, and that the issues relating to effects on amenity, are evident around nearly all parts of the sites boundaries with other properties.

Traffic effects

65. Assessment matter 14.15.9(a.ii. and vi.) requires consideration of (emphasis added):

a) Whether the developments, while bringing change to existing environments, is appropriate to its context taking into account:

*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;*

*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;*

66. In Mr Facey's evidence, he has considered the potential for adverse safety effects as a result of the access to the Ryman site from Dorset Street. He concludes that there is potential for significant safety risk from trucks exiting the Ryman site to Dorset Street. This entrance to

the Ryman site appears to be destined to be the main goods and services entrance to the retirement village and thus has the potential to have continual and significant traffic volumes throughout the day – such vehicle movements may include deliveries of food, furniture, medical and household supplies, cleaning services, maintenance services, laundry services, landscaping services, rubbish disposal etc. For such a large development it would be expected that the numbers of movements would be significant, and would occur throughout the day and potentially into the evening and early morning.

67. As assessed in Mr Facey's report, Dorset Street is a local road and provides a convenient pedestrian access from the businesses of Victoria Street to Hagley Park, as well as for its residents, and will see increased pedestrian movements as a result of the increase in the number of residents located as a part of the proposed retirement village. One can note that there is insufficient room for onsite maneuvering of delivery and service vehicles and one can draw the conclusion that overdevelopment of the site has resulted in an inability to provide sufficient on-site maneuvering.
68. I note that Council traffic engineer Mike Calvert also expresses concerns regarding this matter, and recommends a condition stating: *'the design of the loading areas accessed from Dorset Street shall ensure that vehicles are not required to reverse onto or off the site'*. I am concerned that despite this expert advice, the Council reporting planner has reached her own unqualified decision that *'requiring service vehicles to reverse onto the site so they can exit in a forward direction would address some of the safety concerns raised by Mr Calvert'*.
69. The effects of noise (and to a lesser extent, odour) from rubbish trucks and other service vehicles accessing the Bishopspark site is a concern to our client. 16 hotel rooms with windows / balconies are situated adjacent to the boundary with the Bishopspark site, where vehicles will be accessing the site to remove waste and deliver goods.
70. Guest accommodation such as a hotel is classified by the Plan as a sensitive activity, and as such, the hotel has been designed to allow for external to internal noise reduction on the western façade that is in line with the noise anticipated from residential activity. However, the degree of servicing required to remove waste from 70 care rooms, 54 assisted living suites, 85 apartments and associated facilities is more akin to the scale of waste removal and loading required for a large commercial development. The applicants noise expert has advised in their evidence that rubbish disposal will only be once per day and should be between the hours of 7am and 11pm. In my view, in consideration to neighbouring properties and particularly hotel guests, the timeframe for this should be reduced to be between 7.30am to 10.00pm.

Construction effects – Earthworks

71. The proposal exceeds the 20m³ maximum of earthworks permitted under Rule 8.9.2.3, resulting in a number of matters of discretion to be considered. They are included in full below:

8.9.4 Matters of discretion

8.9.4.1 Nuisance

1. *The extent to which any potential dust nuisance, sedimentation and water or wind erosion effects can be avoided or mitigated.*
2. *The extent to which effects on neighbouring properties, and on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks can be avoided or mitigated.*
3. *The extent to which any potential changes to the patterns of surface drainage or subsoil drains can be avoided or mitigated if those changes would put the site or adjoining land at higher risk of drainage problems, inundation run-off, flooding, or raise that site's or adjoining land's water table.*
4. *Whether any change in ground level would be likely to impact on trees in terms of access to water and drainage.*
5. *The extent of any potential adverse effects on the quality of groundwater and whether any such can be avoided or mitigated.*
6. *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.*
7. *The extent to which earthworks in the Open Space Avon River Precinct (Te Papa Ōtākaro) Zone have an adverse effect on the Avon River and its margins.*

8.9.4.3 Land stability

1. *Whether the earthworks affect the stability of adjoining land and its susceptibility to subsidence or erosion upon excavation taking place.*
2. *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.*
3. *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.*

72. A broad brush solution has been sought, in which residents and owners are expected to allow for pre and post construction surveys as a mitigation measure. In my view, this implies that adjoining properties should be expected to accept damage to their properties as a matter of course. In my opinion, development companies should only be able to proceed, if it can be proven that the earthworks and construction proposed, particularly close to boundaries, will not have a detrimental effect on adjoining properties. The assumption that post construction restoration of adjoining properties is an acceptable solution to those properties is flawed, and in my view, the potential for disruption and inconvenience of such a prospect represents a significant effect on potentially affected parties.

73. During construction, effects also have the potential to be significant, both on individual residential dwellings, as well as on landlords who rely on being able to offer quiet peaceful surroundings for their tenants, whether they be hotel guests or office workers, who, faced with continual, long-duration development next door, and the disruption that goes with it, may seek to shorten their lease.

74. In my view, there is insufficient detail provided to come to firm conclusions regarding the potential for land stability issues.

Relevant Objectives and Policies

75. As correctly identified by the Applicant and Ms Armstrong, this proposal must be assessed as a restricted discretionary activity. Given this, it would be reasonable to expect and acknowledge that the activity proposed should be broadly consistent with the objectives and policies of the Plan.

76. In order to draw conclusions regarding context, it is important to identify those objectives and policies that are most directly connected with the relevant assessment matters. The reporting officer refers to the relevant objectives and policies in her report and I agree with her inclusions. I would like however, to make comment on several of them.

77. I note the provision in the objectives and policies that relate to housing supply (14.2.1), and note that policy 14.2.1.1 seeks a high level of residential development, with an average net density of at least 50 households per hectare, and that the proposal will meet this policy. At the same time 14.2.1. 1 refers to residential development being in accordance with the characteristics of each zone as set out in Tale 14.2.1.1a. For the Central City Zone, this includes ... *Providing for a range of housing types, including attractive, high density living opportunities...* Policy 14.2.1. 3 also refers *providing flexibility for a variety of housing types which are suitable for a range of individual housing needs*. This indicates to me that housing in the Residential Central City Zone is not directed to be all of a uniform high density typology, rather a variety is contemplated.

78. Policy 14.2.1.3 also seeks the protection of amenity of inner city residential neighbourhoods. As discussed above, I consider the current proposal does not fully meet the requirements of this policy. In essence, it is important that a development does not just meet half a policy, but that new development reflects the outcomes anticipated throughout the policies, which seek a variety of housing options such as high density **and** high amenity.

79. I concur with the reporting planner that the proposal meets the goals of the Plan with regard to accommodation options for older persons (14.2.1.8), and agree many would recognise the site as being in a desirable location, close to many amenities and the central city. The Plan does not however, allow for these positives to override other matters.

80. Objective 14.2.4 and Policy 14.2.4.1 provide a focus on high quality residential environment focus on matters such as providing a high level of amenity, enhanced local character in conjunction with high density. Policy 14.2.4.1 is worth looking at carefully.

14.2.4.1 Policy - Neighbourhood character, amenity and safety

1. Facilitate the contribution of individual developments to high quality residential environments in all residential areas (as characterised in Table 14.2.1.1a), through design:
 1. reflecting the context, character, and scale of building anticipated in the neighbourhood;
 2. contributing to a high quality street scene;
 3. providing a high level of on-site amenity;
 4. minimising noise effects from traffic, railway activity, and other sources where necessary to protect residential amenity;
 5. providing safe, efficient, and easily accessible movement for pedestrians, cyclists, and vehicles; and
 6. incorporating principles of crime prevention through environmental design.
81. This Policy identifies criteria that represent high quality residential environments, and in my view, the proposal does not meet subsections 1, 2 and 4. As discussed above, I do not agree that the proposal reflects the context, character or the scale of building anticipated in the neighbourhood, and a careful examination of effects of the proposal indicate that the local residential development will in fact be detrimentally affected by such a dominant and oversized development.
82. Objective 14.2.8 a) *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 city centre; and, 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 in the area.*
83. I think one would be hard pressed to say that this development would contribute positively to the amenity and cultural values or the area, or to the quality and enjoyment for those living in the area, with the exception of those new residents that may choose to live in the proposed retirement facility.
84. Policies 14.2.8.1 and Policy 14.2.8.2 refer to heights and amenity standards. These policies are useful in determining relevant effects and provide guidance as to matters that the Plan deem important in assessment.

14.2.8.1 Policy – Building Height

- 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; and*

Policy 14.2.8.2 Policy – Amenity Standards

a) Prescribing minimum standards for residential development which:

- i) Are consistent with higher density living;*
- ii) Protect amenity values for residents;*
- iii) Integrate development with the adjacent and wider neighbourhood;*
- iv) Provide for a range of current and future residential needs; and*
- v) Recognise cultural values*

85. These two policies indicate that a variety of building styles are anticipated, but that protection of amenity for residents is also a priority. Furthermore, the plan indicates that development that integrates with the adjacent and wider community are contextually appropriate. The plan also mentions in these policies, that a reduced height compatible with the existing predominant character is appropriate.

86. I consider the bulkiness of the buildings, and the incongruous nature of them within their neighbourhood context represents development that does not adequately protect amenity for existing residents, nor does it integrate development with the adjacent and wider neighbourhood. Indeed I consider that there is little evidence of integration with the wider neighbourhood, and that an inwardly facing development that is dominant over neighbouring properties is exactly that which the Plan was seeking to avoid through the inclusion of these policies. While I recognise that there is a need for a variety of housing styles, it is important that the provision of this is not at the expense of surrounding neighbourhoods.

Other Objectives and Policies –Noise and Earthworks

87. Objective 6.1.2.1 addresses the issue of noise:

6.1.2.1 Objective - Adverse noise effects

- 1. Adverse noise effects on the amenity values and health of people and communities are managed to levels consistent with the anticipated outcomes for the receiving environment.*

88. I would fully expect that the Retirement Village once operational will be able to meet the above Objective, particularly with the minor amendment I have recommended above to the condition on servicing hours.

89. Looking at the analysis provided by Ms Wilkening, I am far from certain however that this Objective can be met during the construction phase. Realistically some level of disruption associated with construction activities can be anticipated in the receiving environment, however the same cannot be said for the extended construction phase for the development which is a consequence of its scale. In my opinion, such a prolonged period of time to be subject to high levels of noise is not anticipated for a well-established residential environment.

90. As for the relevant Objectives and policies for Earthworks, these include a clear recognition of their benefits in facilitating development (Objective 8.2.4; Policy 8.4.2.3), while at the same time Objective 8.2.5 recognises that potential adverse effects of earthworks on people and property should be avoided or appropriately managed. Having regard to Mr. Aramowicz's evidence and taking into account the very lengthy earthworks phase, in my opinion the earthworks component of the proposal appear to be in conflict with this Objective and Policy 8.2.5.1-*Land stability* and Policy 8.2.5.2: *Nuisance*. Policy 8.2.5.1 is prescriptive in nature requiring the avoidance of significant risk to people and property from earthworks. In terms of Policy 8.2.5.2, noise associated with the construction phase, in particular the high levels of noise predicted during earthworks could objectively be considered as both continuous and persistent.

Conclusion

91. In conclusion, it is my opinion that the degree and magnitude of actual effects of the proposed development on 155 Victoria Street and on other adjoining properties are more than minor. Having examined the proposal, and considered the effects on neighbouring properties, I am of the view that the proposal represents an overdevelopment of the site.

92. I do agree that a retirement facility is an appropriate use of the site, but in this case, Rymans proposal exceeds the level of building quantity that can comfortably be situated on the site. It is my view that the proposal does not adequately mitigate against effects, and that as it currently stands, there would need to be wholesale changes to the proposal to allow it to meet the requirements needed to gain consent. While the reporting planner has recommended approve subject to conditions, it is my view that the environmental outcomes sought by the Plan would not be met. A redesigned development, with more careful consideration of neighbouring properties, reduced bulk, scale, and allowance for planting that would actually establish successfully would have a greater chance of being a positive influence on the surrounding neighbourhood.

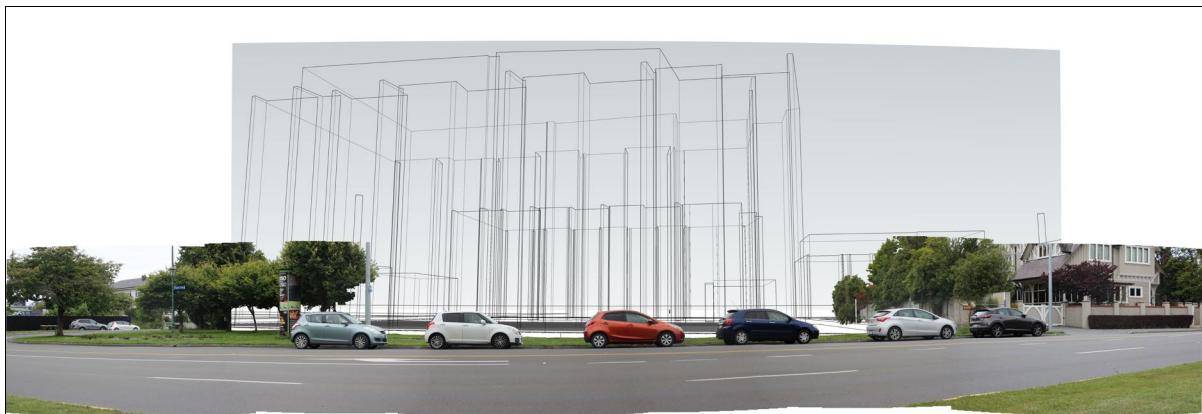
Mary Clay

21 January 2021

Appendix A

Ryman Healthcare Bishopspark and Peterborough Developments

Photomontage visualisation methodology



By
Glasson Huxtable Landscape Architects Ltd
P.O. Box 13162
Christchurch

15 January 2021

Introduction

This document is intended to explain the methodology that Glasson Huxtable Landscape Architects undertook to accurately build their photomontage visualisations.

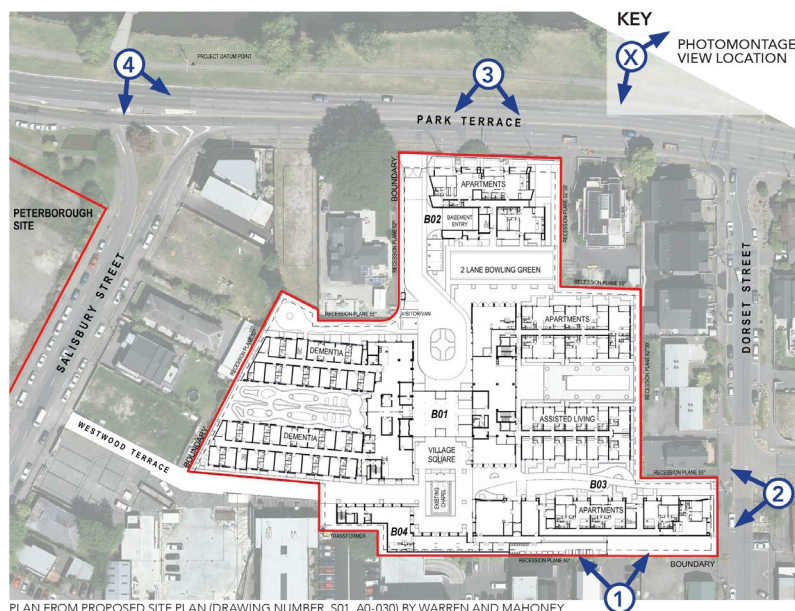
Glasson Huxtable Landscape Architects (re GHLA) used photomontage visualisation to best capture the built form and character of the proposed buildings for the two Ryman Healthcare developments, the Bishopspark and Peterborough sites.

This document should be read in conjuncture with the NZILA Best Practice Guide Visual Simulations, the Landscape Institute Visual Representation of Development Proposals, and the Landscape Institute Guidelines for Landscape and Visual Impact Assessment.

1. Data Capture

First, GHLA reviewed the recent applicant's Resource Consent submissions on the Christchurch City Council 'Have Your Say' website, from this GHLA decided to construct five photomontage visualisations from the different locations as shown below.

BISHOPSPARK PHOTOMONTAGE LOCATIONS

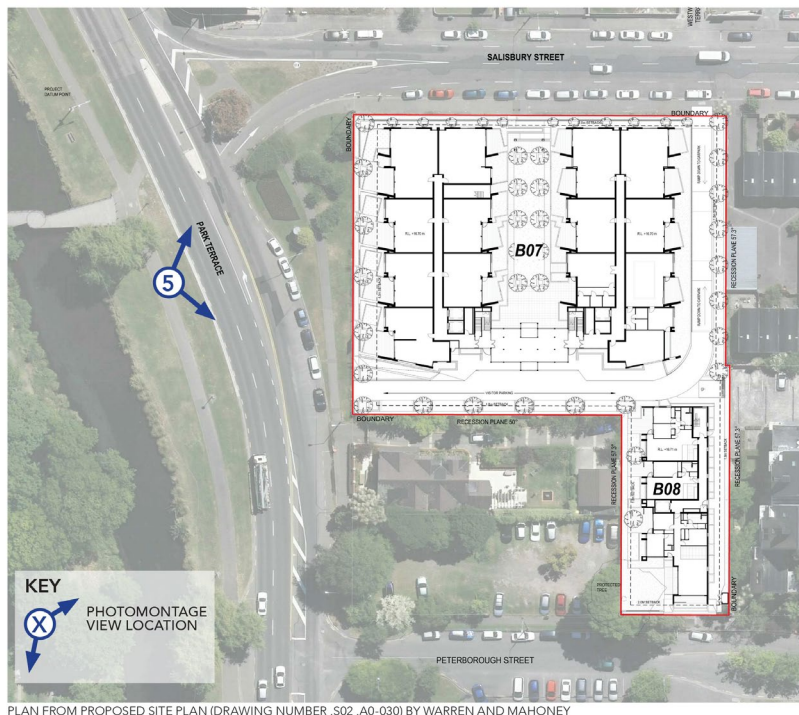


They are:

- 1- Within lot 149 Victoria Street carpark looking west at the proposed Bishopspark site.

- 2- From the corner of Dorset and Dublin streets, looking south at the proposed Bishopspark site.
- 3- From Park Terrace footpath which runs between Park Terrace and the Avon River looking east at the proposed Bishopspark site.
- 4- From the corner of Park Terrace and Salisbury Street on the footpath which runs between Park Terrace and the Avon River in front of the pedestrian bridge, looking north along Salisbury street at the Bishopspark site.

PETERBOROUGH PHOTOMONTAGE LOCATION



- 5- And from Park Terrace footpath which runs between Park Terrace and the Avon River, looking east at the proposed Peterborough site.

a) Timing of Photos

The photos for the Bishopspark site were taken on the 5th January 2021 between 12:30 to 1pm, during calm and overcast conditions. The photos for the Peterborough site were taken on 11th January 2021 between 2:30 to 3pm, in similar calm and overcast conditions.

b) Position Fixing

The locations for each of site photos were marked onto a 1:1000 (A3) colour aerial map (300dpi) from the Canterbury Maps website. Within this map other information needed for reference points to accurately setup the photomontage visualisation was noted, like the boundary fence heights, powerpoles, streetlights etc.

c) Camera

The camera used was a Canon EOS 600D with EFS 18-135mm lens. All the photos were taken using 50mm lens.

The camera was mounted onto a Slik Pro CF-734 Tripod at 1500mm above the ground. GHLA manually measured the height from centre of the camera lens to the ground at each location.

d) Panorama views

To obtain maximum resolution, GHLA used a series of 50mm focal length single frame shots. For each shot, GHLA rotated the camera 20 degrees to ensure consistent overlap between consecutive images.

The relevant panorama frame shots were stacked into a group in adobe bridge and then stitched into a single panorama using adobe bridge photomerge feature (which links to photoshop). For best visual results we chose to stitch the panoramas using the cylindrical layout option within the adobe bridge photomerge feature.

2. Computer Modelling

a) Autocad plan

GHLA imported the Proposed Site Plans for Bishopspark site (.S01 .A0-030 RevD) and Peterborough site (.S02 .A0-030 RevE) by Warren and Mahoney (re WaM) into autocad and used the dimensions shown on the plan to set the drawing to 1:1 scale. GHLA then traced the outlines of all the proposed building, boundary fence, street kerbs, street light locations, and other relevant neighbouring buildings from the Proposed Site Plans produced by WaM.

To capture more information from the surrounding sites GHLA imported a high resolution (300dpi) colour aerial plan, A1 size at 1:500 scale from Canterbury Maps website. We scaled this aerial plan to be the same size as the Proposed Site Plan.

GHLA then determined accurately where our 5 camera shots were taken from and marked this in with a circle and drew the centre line of the Field of Vision (re FoV).

b) SketchUp 3D Model

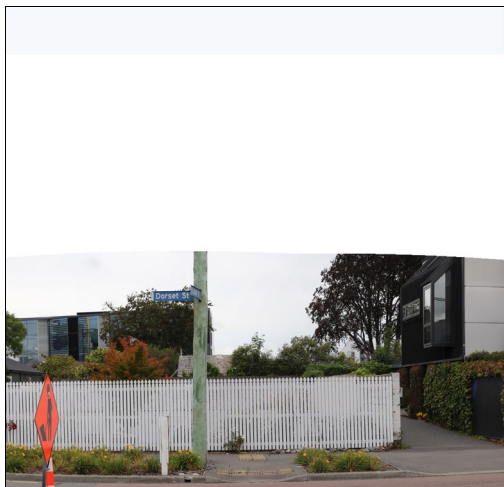
Once the autocad plan was completed, GHLA imported the autocad plan (dwg file) into sketchup at 1:1 scale.

Then GHLA extruded all the proposed buildings in sketchup using the height dimensions provided in the WaM elevations.

GHLA then setup the camera at each of the five camera shot locations, taken a scene shot using FoV of 50 degrees and camera height offset of 1500mm.

From each of the camera shot locations, GHLA took a shaded face scene shot (with walls) and a wireframe scene shot (no walls).

3. Photomontage visualisation



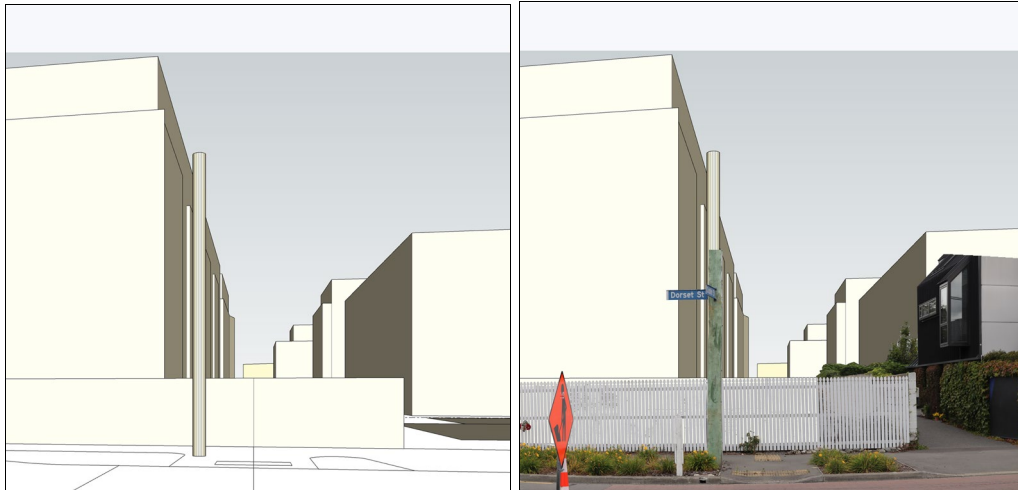
Above panorama is taken from corner of Dorset and Dublin streets, looking south at the Bishopspark site (Photomontage site 2).

a) Remove the background

In photoshop, GHLA deleted the background elements that are behind the proposed buildings and kept the foreground elements which are placed in front of the sketchup scene. In the above image example, the foreground elements we kept are the white paling fence, roadside, powerpole, and dark timber boundary fence / house on right of image.

b) Overlaying the sketchup scene shots (shaded face and wireframe scenes) with existing panorama view

In photoshop, GHLA overlaid the sketchup scene over the existing panorama views using reference points to ensure scale and placement are accurate. For each panorama we measured the existing boundary wall height, and noted locations of power poles, streetlights, etc as reference points.



Above 2 images shows the sketchup view only (left image), and the overlaid existing photo with sketchup view (right). The image shows how the sketchup scene was aligned using the white picket fence and powerpole for reference points.

c) Apply architects elevations (by WaM) to the wireframe

Once the sketchup scene shots were aligned within the panorama view, GHLA then copied the architect's elevations (wall faces) produced by WaM, and placed and skewed these to the wireframes again using photoshop.



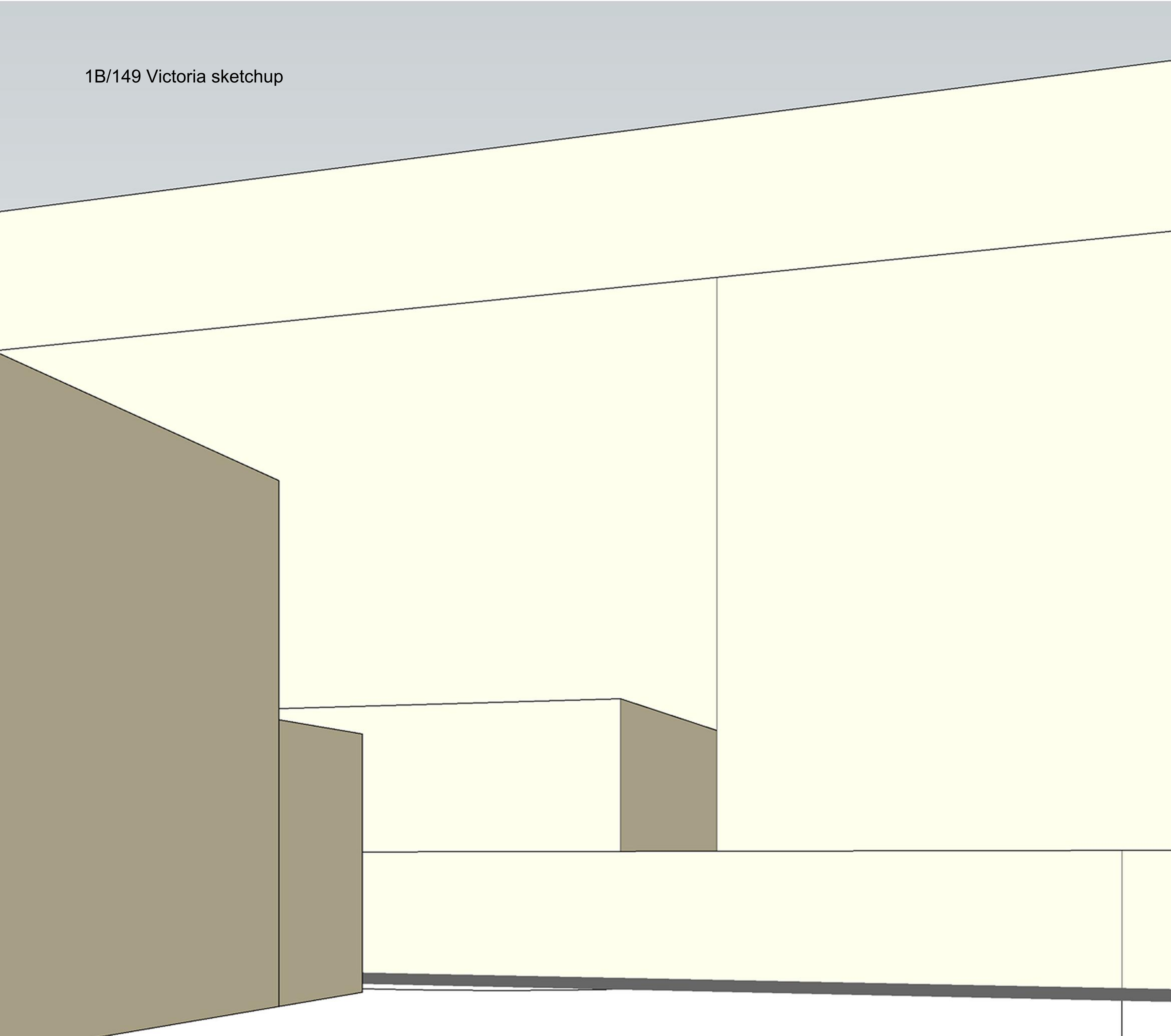
Above 2 images show the sketchup wireframe view only (left image), and the resulting view with architects' elevations placed to wireframes (right image).

4. Final Review

Upon completion of the five photomontage visualisations, GHLA internally reviewed the process used to create each of the five photomontage visualisations to ensure accuracy and consistency.

1A/149 Victoria Existing





1C/149 Victoria sketchup overlay



1D/149 Victoria wireframe

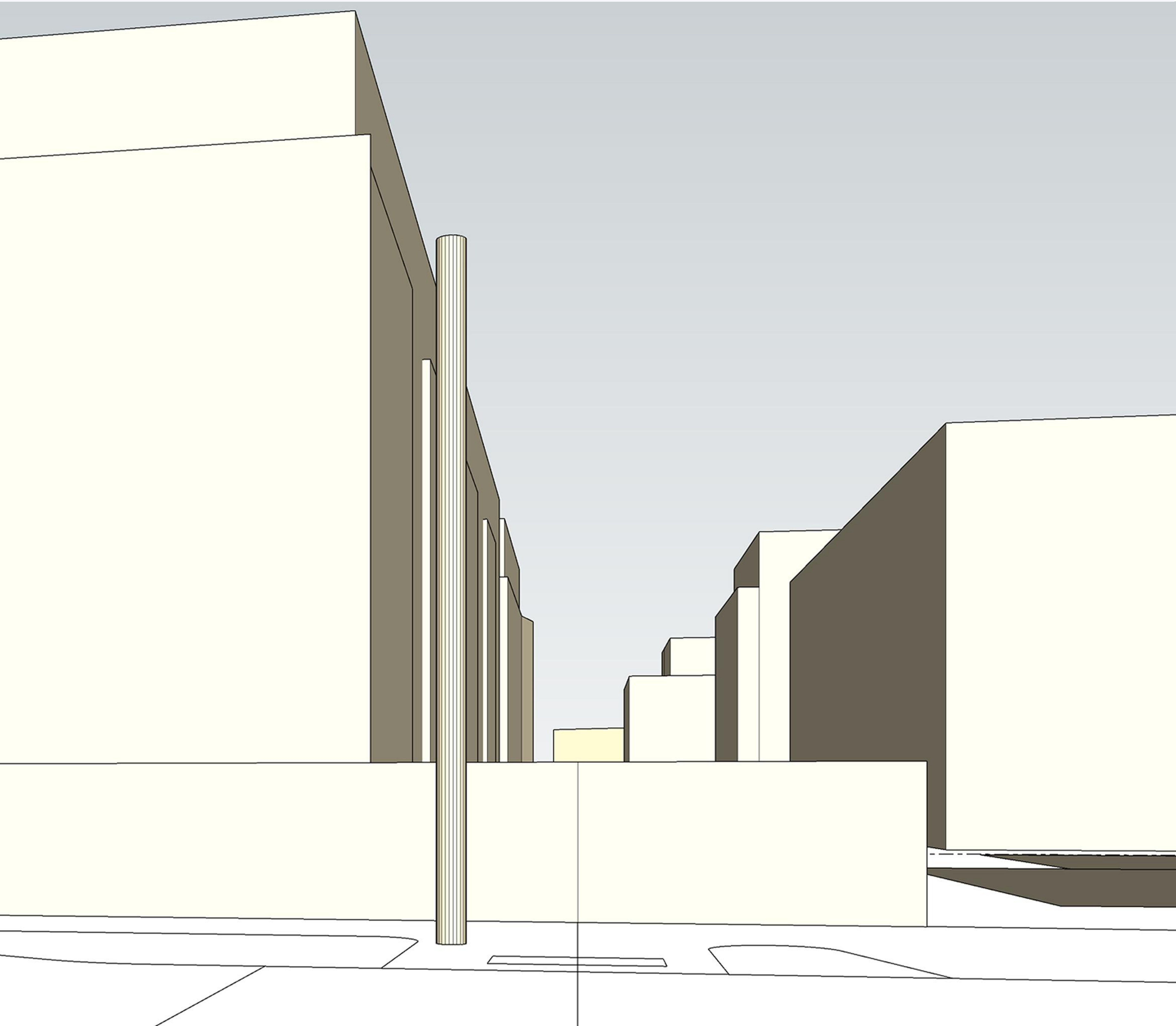


1E/149 Victoria elevations



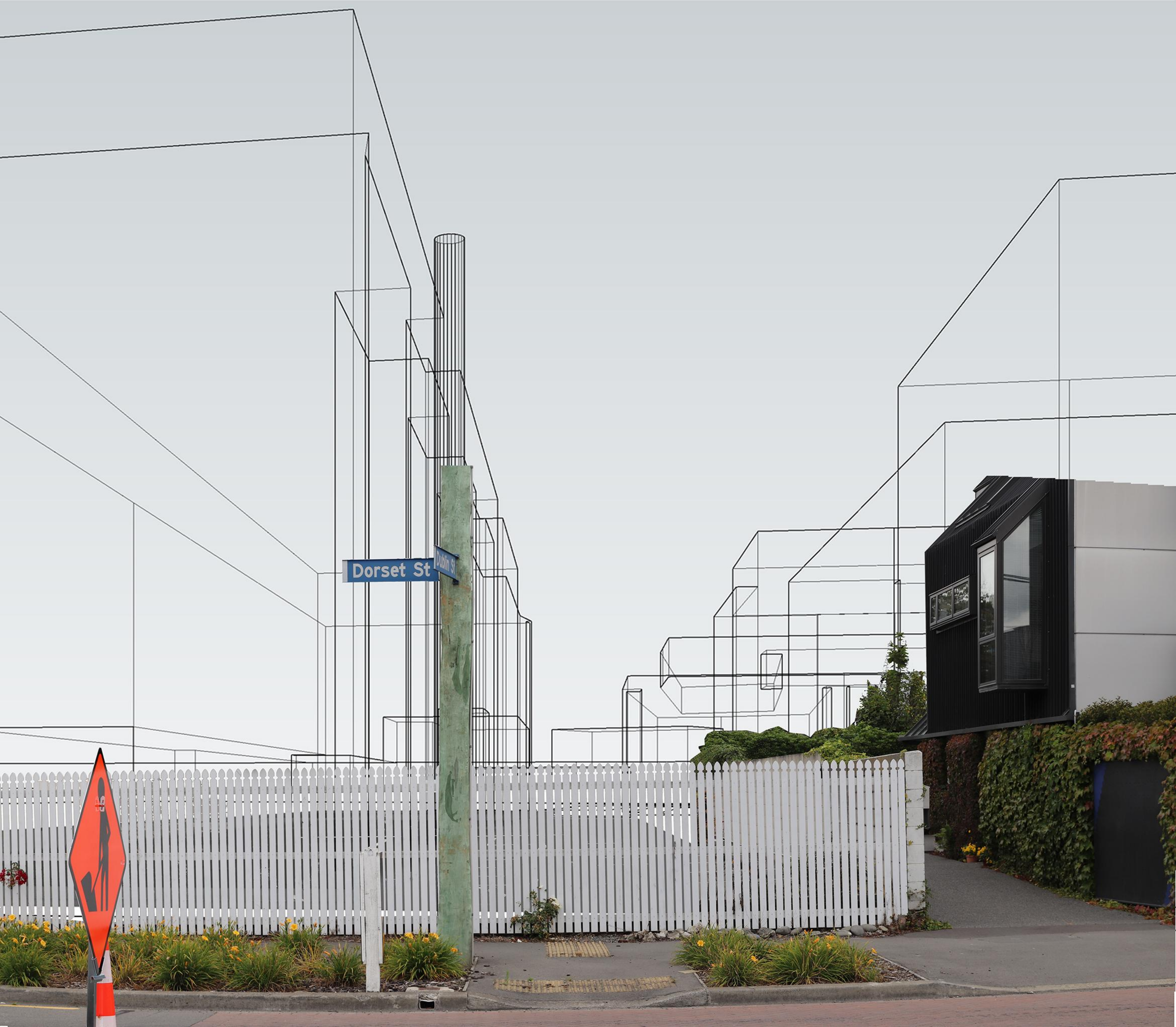
2A Dorset cnr existing







2D Dorset cnr wireframe



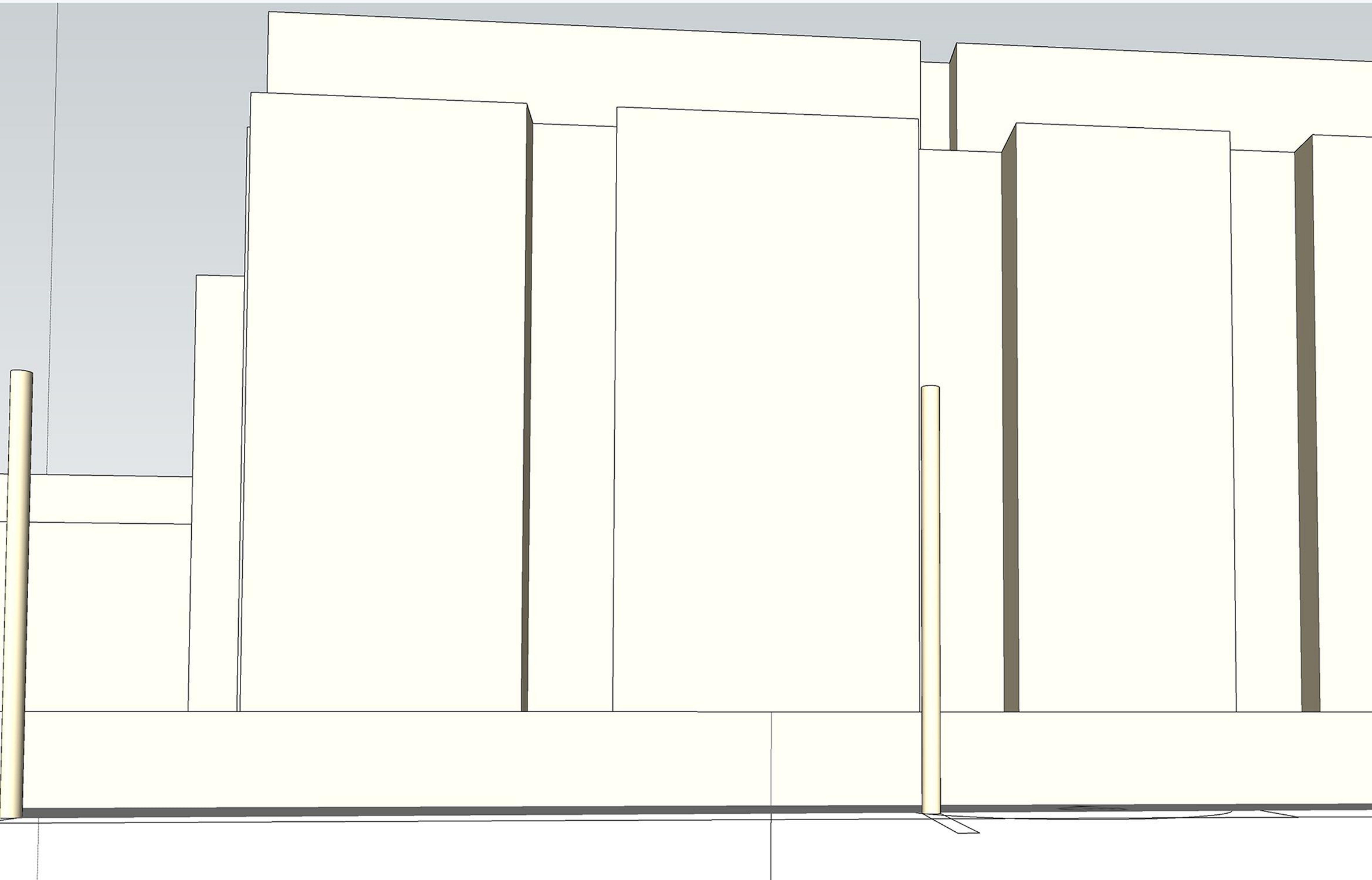
2E Dorset cnr elevation



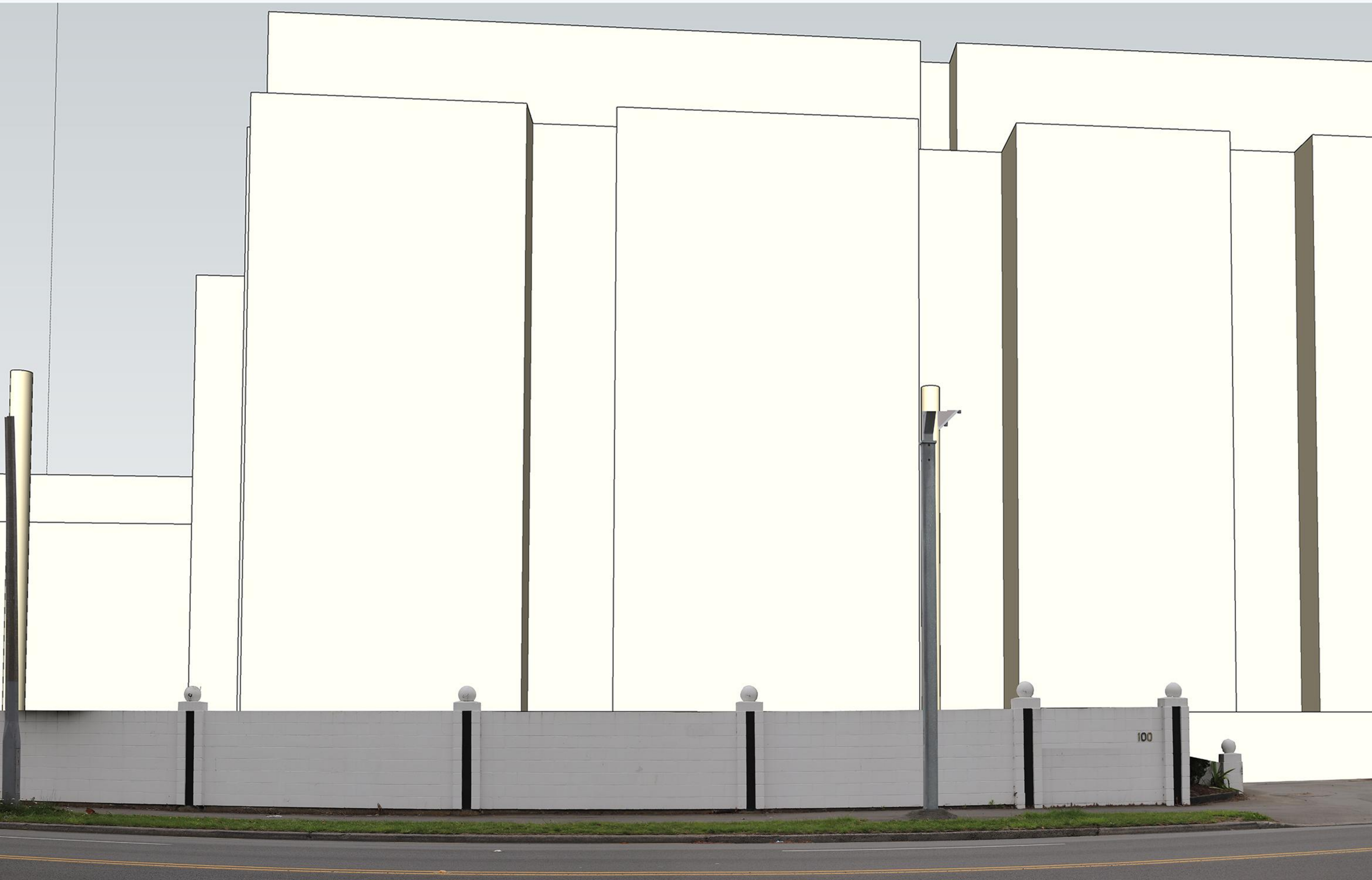
3A Park Terrace existing



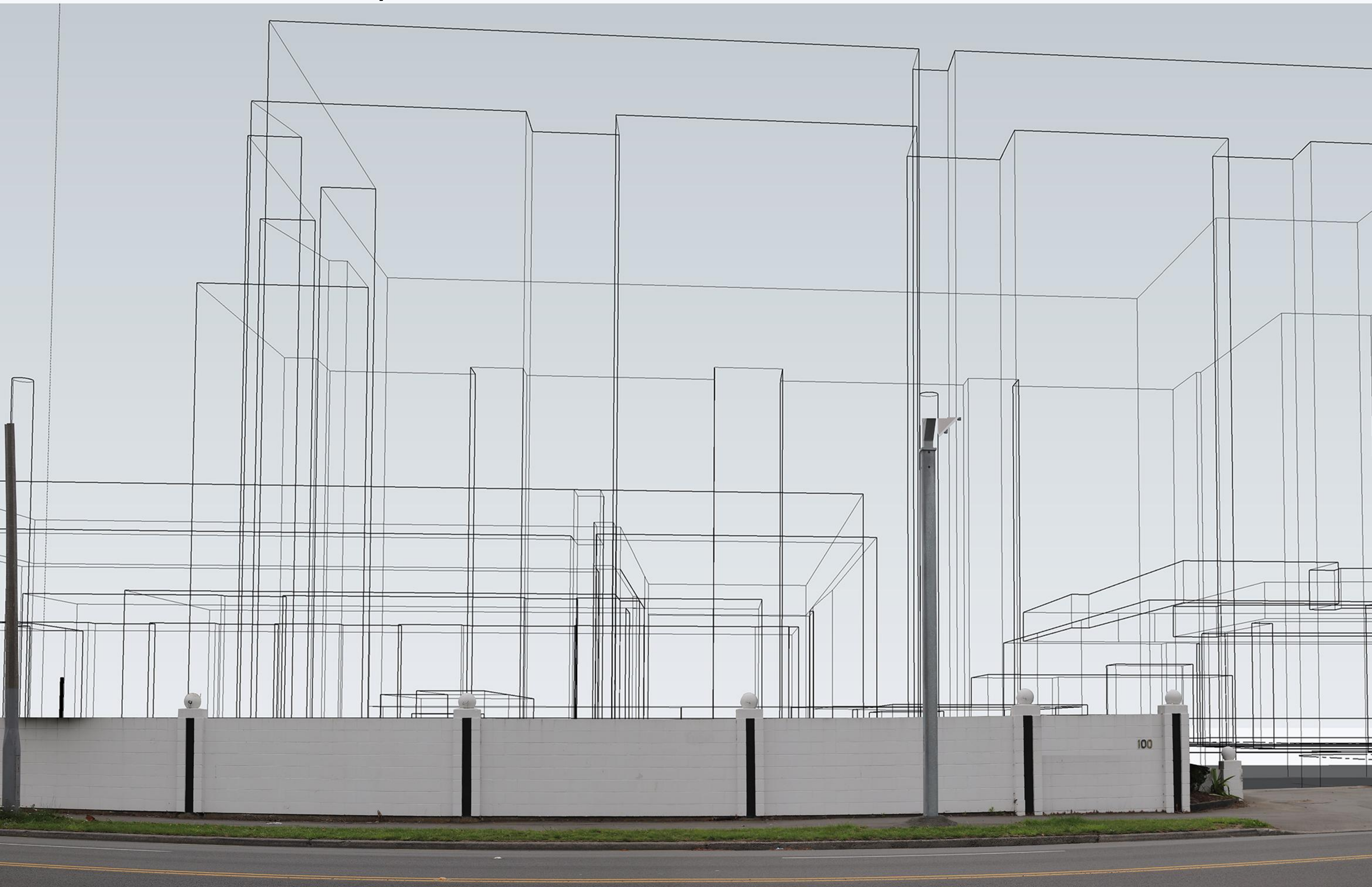
3B Park Terrace sketchup



3C Park Terrace sketchup overlay



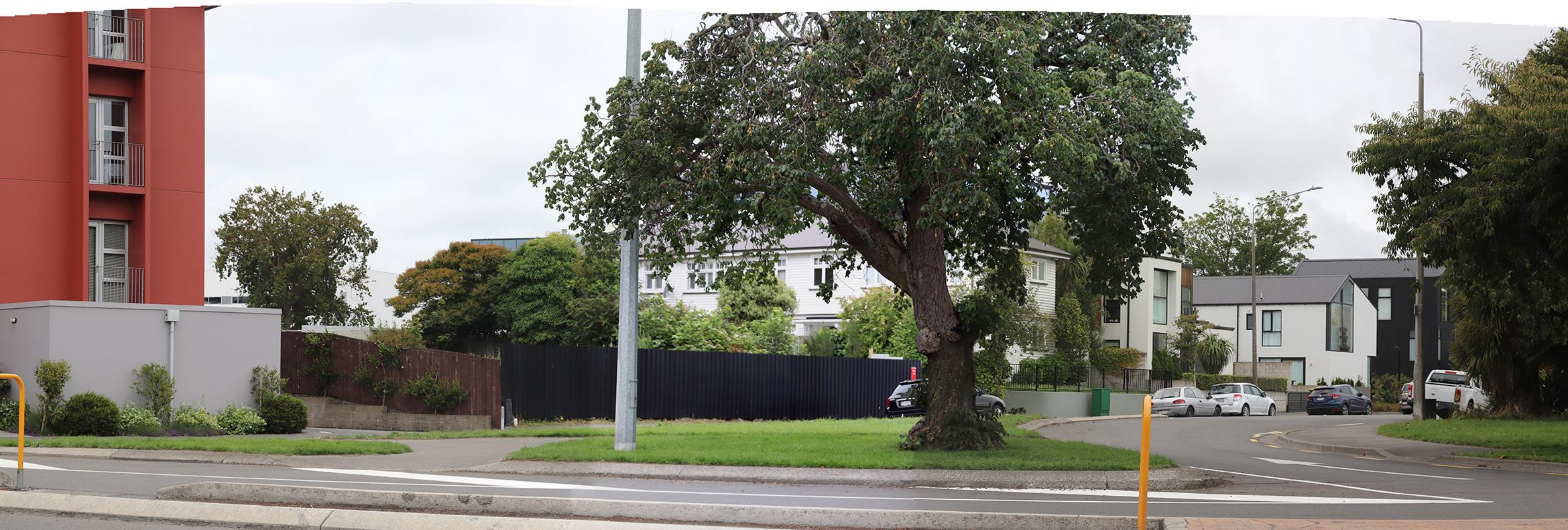
3D Park Terrace wireframe overlay



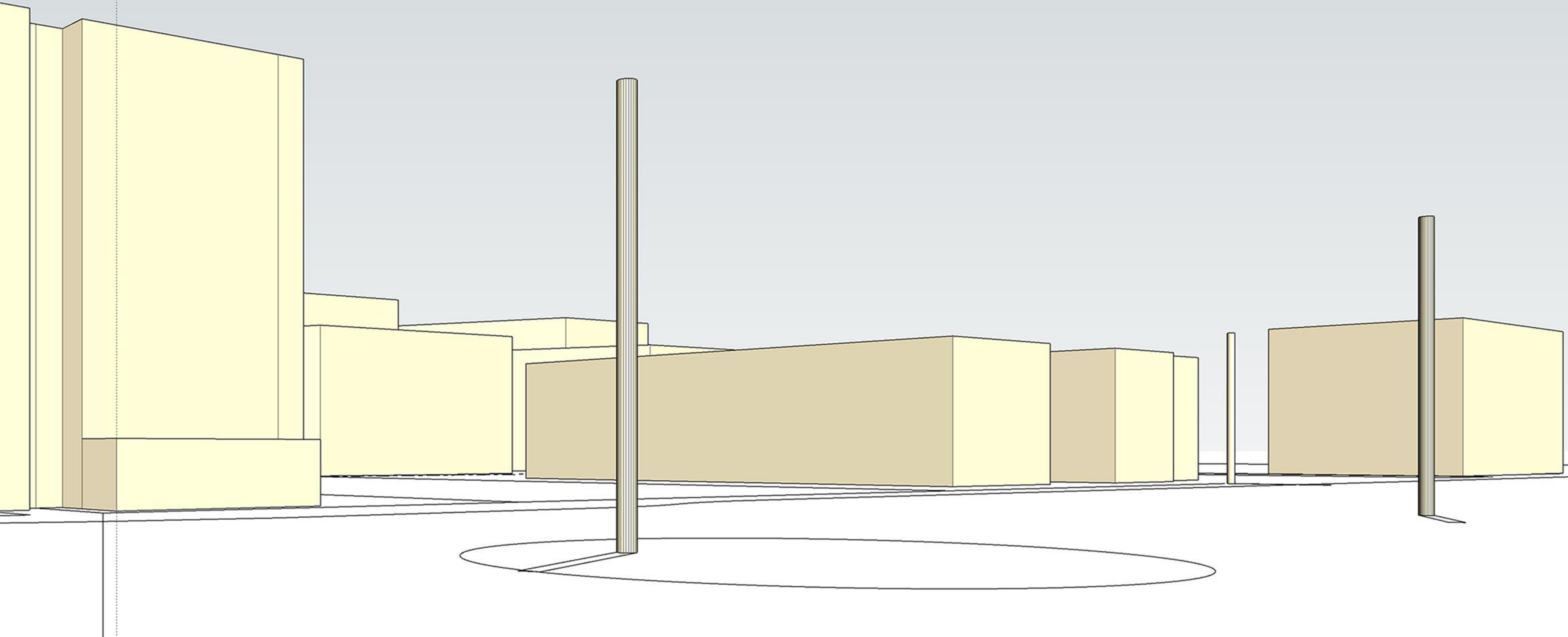
3E Park Terrace elevations overlay



4A Salisbury cnr existing



4B Salisbury cnr sketchup



4C Salisbury cnr sketchup overlay



4D Salisbury cnr wireframe



4E Salisbury cnr elevations

