

BEFORE THE CHRISTCHURCH CITY COUNCIL

IN THE MATTER of the Resource Management Act 1991
(the "Act")

AND of an Application for Resource Consent,
(RMA/2019/1330) to the Christchurch City
Council, 25 Oxford Street and 3, 5, 7 and 9
London Street, Lyttelton.

BETWEEN **COLLETT'S CORNER LIMITED**
Applicant

AND **CHRISTCHURCH CITY COUNCIL**
Territorial Authority

Statement of Evidence

Emily McDonald

1.0 Introduction

1.1 My full name is Emily Rose McDonald. I am a planner employed by Novo Group Limited, a Christchurch based resource management and traffic engineering consulting company. I hold a Master of Planning (honours) from Lincoln University and am a graduate member of the New Zealand Planning Institute. I have had 2 years of experience as a resource management planner with local authorities and in private practice in New Zealand both in Wanaka and Christchurch.

1.2 I have been asked to present planning evidence on the application at 25 Oxford Street and 3, 5, 7 and 9 London Street, Lyttelton on behalf of Collett's Corner Limited ('the applicant'). I prepared the original resource consent application. In preparing this evidence I have also read:

- i The Council planner's notification report, prepared by Ms Shona Jowett;
- ii The Council planner's section 42A report, prepared by Ms Jowett and supplemented by evidence prepared by Mr Andy Carr (transport) and Mr David Hattam (urban design);
- iii The evidence prepared by Ms Lisa Williams (transport) and Ms Nicole Lauenstein (urban design); and
- iv The 169 submissions received.

1.3 My specific experience relevant to this evidence includes the oversight and preparation of a significant number of resource consent applications for various activities throughout the Canterbury region. This includes small and large scale mixed-use developments, and commercial and residential activities. This experience has provided me with an understanding of the variable urban design and parking issues common to these types of developments.

1.4 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I have complied with it in preparing this evidence and I agree to comply with it in presenting evidence at this hearing. The evidence that I give is within my area of expertise except where I state that my evidence is given in reliance on another person's evidence. I have considered all material facts that are known to me that might alter or detract from the opinions that I express in this evidence.

2.0 Scope of Evidence

2.1 There is broad agreement between Ms Jowett and myself on a number of issues. Within this evidence, consideration of the areas of agreement will be brief, as is my consideration of background information which has been addressed in greater detail in the consent application and in Ms Jowett's notification report. In this evidence I will address the following:

- 3.0 Description of site and surrounding area

- 4.0 The proposal
- 5.0 Status of the application
- 6.0 Assessment of effects on the environment
- 7.0 Response to recommended conditions of consent
- 8.0 Submissions
- 9.0 Summary of effects on the environment
- 10.0 Assessment against the objectives and policies of the District Plan
- 11.0 RMA Part II Matters
- 12.0 Conclusion

3.0 The Site and Surrounds

3.1 This application relates to the site located at 25 Oxford Street and 3, 5, 7 and 9 London Street, Lyttelton which is commonly referred to as Collett's Corner and is legally described as Lot 1 DP 13544 and Part Section 31 TN OF Lyttelton.

3.2 The site has a square shape, with an area of approximately 974m² and is located on the southern side of London Street and to the west of Oxford Street. The subject site is sloping away from London Street towards Lyttelton Harbour with a piped waterway running north to south through the property.

3.3 The subject site's previous buildings were demolished due to unrepairable earthquake damage and the site is currently vacant and unoccupied. The buildings and activities previously on the site are shown in the plans contained in Appendix 3, but in summary they entailed:

- The Empire Hotel (with 8 rooms and a bar / restaurant of approximately 140m² GFA) within a two-story building fronting London Street.
- A Pharmacy (125m² GFA), Bookshop / Post shop (45m² GFA) and takeaway shop (fish and chips 45m² GFA) within a single-story building on the corner of London Street and Oxford Street.
- Two first floor residential units, and two ground floor offices (62m² GFA) and associated storage areas.
- Two residents car parks and an un-marked "car court" accommodating an additional one to two spaces.

3.4 The subject site is discussed further in the resource consent application and assessment of environment effects.

4.0 The Proposal

4.1 Details of the proposal are outlined in the application and in Ms Jowett's report although I note the following additional points of clarification.

4.2 Since the lodgement of the application and the notification of the application, modifications have been made to the plans to address concerns raised by the Council. These modifications were submitted to Council on the 13th January 2020 and are further discussed in the memo that was sent to Council on the 3rd of February 2020 contained in **Appendix 1** and relate to the building's height and exterior façade. These changes are addressed in Ms Jowett's report and in the assessment of effects to follow in this evidence and include:

- Adjusted roof pitch and reduced building height;
- Cladding changed to metal, which differs on each of the four building sections;
- Texture introduced to sections of concrete wall at ground and first floor levels;
- Building moved closer to western internal boundary;
- Lift rotated so that the door faces south;
- Changes to basement and parking layout, including vehicle ramp gradient;
- Area and position of glazing changed and detail of windows and doors provided;
- Tree at north ground floor entrance replaced with sculpture/artwork.
- Concertina mesh gates at ground floor to be closed at night for security of upper floors and to remove entrapment spaces;
- Reduced apartment numbers from 26 to 20 (now including six studio, six two-bedroom, and eight one-bedroom apartments);
- Internal walkways widened at first and second floor level, with addition of planters and seating; and
- Increased rooftop deck area and altered layout of spaces.

4.3 I consider that the changes are positive and I note that they do not adversely affect the degree of non-compliance with rules and the extent of adverse effects.

5.0 Status of The Application

5.1 I agree with Ms Jowett's identification of the proposal as a discretionary activity under the District Plan.

5.2 As noted in paragraph 4.2 above, additional changes to the plans have been undertaken since the lodgement and notification of the development. These changes do not result in any additional non-compliances to those originally detailed in the application.

6.0 Assessment of Effects on the Environment

6.1 As a discretionary activity, Council can consider any relevant actual or potential effects on the environment.

6.2 The section 42A report has identified the key matters requiring detailed consideration for this application as:

- Positive effects
- Parking, traffic generation, noise and access
- Visual impact – shading and visual dominance
- CPTED (Principles of Crime Prevention through Environmental Design)
- Local Character
- On-site amenity
- Cultural and heritage effects
- Building over a waterway / drain
- Noise and reverse sensitivity

6.3 I am in general agreement with Ms Jowett’s assessment of the above matters and her overall conclusion that the effects of the proposal will be acceptable. Each of these issues is discussed in the following paragraphs under the corresponding headings.

Positive Effects

6.4 The S42A report concludes that there are a range of positive effects of allowing the proposal. These include the redevelopment of a prominent corner site in the centre of Lyttelton, adding to the supply of small housing in Lyttelton, and accommodating more commercial activities to London/Oxford Streets.

6.5 I also note that the proposal will provide a significant improvement to the amenity of the site and this part of Lyttelton relative to the status quo.

Parking, Traffic Generation, Noise and access

6.6 The S42A report relies on Mr Carr’s evidence which concludes that the road safety and roading efficiency effects arising from the proposed development will be less than minor and there are no transportation reasons why the application should not be approved. This is further addressed in Ms Williams transport evidence on behalf of the applicant who concludes that “*the effects of the proposal to be less than minor and acceptable on the surrounding transport network*”. I accept and adopt these assessments and conclusions

Visual Impact

- 6.7 The visual impact of the proposed development has been assessed in the S42A report's urban design assessment (prepared by Mr Hattam) as acceptable. I agree with and adopt this assessment.
- 6.8 I note that the applicant has also obtained independent urban design advice from Ms Nicole Lauenstein and this is contained in **Appendix 2**. Ms Lauenstein agrees with Mr Hattam's conclusion that the proposal "*is appropriate in its context and meets the matters of the design guide as well as the general urban design matters in the plan*".
- 6.9 I therefore am in agreement with the urban design experts that the overall development would have a less than minor effect on visual amenity of the public and is appropriate in this setting. I agree with the S42A report's conclusion that the development will have acceptable effects.

CPTED

- 6.10 The S42A report considers the evidence provided from Mr Hattam, relating to the management of the space and any safety concerns in regards to the principles of Crime Prevention through Environmental Design (CPTED). It is concluded that the updated changes to the plans with the implementation of a mesh gate across part of the ground floor courtyard and restricting public access to the upper floors will address the CPTED concerns raised by the Council and submissions.
- 6.11 The S42A report also recommends the following consent conditions to ensure that CPTED is adequately addressed and managed.
- *Prior to occupation of any of the units, the consent holder shall provide a lighting strategy to the Head of Resource Consents of the Council for certification. The lighting strategy shall detail measures in the location and type of outdoor lighting on site to provide for pedestrian safety during hours of darkness.*
 - *The ground floor concertina mesh gates shown on the approved plans shall be kept closed and locked between the hours of 9pm and 6am except at times outside these hours that one or more of the adjacent tenancies (marked tenancy 2 and tenancy 3 on the approved plans) are open for business.*
- 6.12 These conditions are generally accepted, however proposed changes to the above consent conditions are addressed below in section 7.
- 6.13 The urban design assessment contained in **Appendix 2** also provides an assessment of the building's CPTED matters and Mr Hattam's assessment of the safety matters. Ms Lauenstein's

urban design assessment considers that these matters will be resolved during the detailed design stages, with a full CPTED assessment proposed to be undertaken by the applicant to assess the final building's safety and ensure that the final plans appropriately address any safety concerns.

- 6.14 I therefore consider that the proposal will sufficiently address any CPTED concerns with less than minor and acceptable effects.

Local Character

- 6.15 The S42A report considered the original proposal's effects on local character to be more than minor, but found that for the revised plans submitted to Council on the 13th January 2020 the *"special character of Lyttelton would be protected as a result, and I consider the impact of the proposal on the special character would be acceptable"*. I agree with and adopt this statement for the reasons stated by Ms Jowett and Mr Hattam.

- 6.16 The urban design assessment contained in **Appendix 2** also addresses the local character of the building summarising that Lyttelton has an eclectic mix of buildings of differing ages, types and sizes which significantly contributes to the vibrancy of the township. On this basis Ms Lauenstein considers that the proposal is a *"well designed contemporary addition to this vibrant mix"*.

- 6.17 It is also considered that the proposal has taken references from the historical context of the township and translated them into a contemporary design, as is discussed further by Ms Lauenstein. In summary, the below features have been incorporated into the building's design to reflect the historical character of Lyttelton:

- Important buildings were often positioned on a pedestal or plinth to accentuate their status and on a sloping site the plinth provided a level platform for activities on a single level. This technique has been succinctly used in the design proposal providing subtle historic references to the classical design principles of heritage buildings. The external treatment of the plinth makes further reference to the stony texture of these plinths which were mostly built using local stone.
- The structure used in the internal courtyard and the roof top structure itself have strong references to the more industrial nature of machinery and utilitarian building of the harbor and waterfrontage.
- Verticality of the windows and the boxing is a subtle reference to the more ornate framing of windows on historic buildings in the township.

- 6.18 I also note that the urban design assessment by Ms Lauenstein considers that larger buildings are a distinct character of this part of Lyttelton. This is evident in the nearby school building and

the recently approved proposal (RMA/2019/1539) for a three-story mixed-use building at 2 Sumner Road (corner on the opposite side of Oxford Street).

- 6.19 Overall, I consider the revised plans have addressed the concerns raised by the Council and in submissions. I consider that the proposed development will have less than minor and acceptable effects on the local character.

On-site Amenity

- 6.20 I concur with the assessment from Ms Jowett in respect of the adequacy of outdoor living space for the units (outlined on page 10 and 11 of the s42A report), where she concludes that these are large enough for the likely future residents.
- 6.21 I would also add that the size and dimensions of the outdoor living spaces provide flexibility for the arrangement of these spaces. The final layouts (including planting, furniture and overall design) will be done in collaboration with future residents to ensure that the outdoor living spaces suit the needs of future residents.
- 6.22 Overall it is considered that the on-site amenity would be reasonable and acceptable.

Cultural and Heritage Effects / Building over a Waterway / Drain

- 6.23 The site is identified as having a waterway running through the site, this waterway is a historic brick barrel drain. The Council has also sought input from Mahaanui Kurataiao Limited (MKT) to assess the cultural values and relevant assessment matters for the site. The S42A report concludes that any cultural effects can be effectively and appropriately managed by conditions to ensure effects are acceptable.
- 6.24 It is also noted in the s42A report that a neutral submission was received from Heritage NZ requesting an archaeological assessment be obtained. Further consultation has been undertaken with Jon Trewin from Heritage NZ who has advised that a formal consent condition is not necessary *'Rather, a written undertaking from the applicant that an archaeological assessment will be undertaken by a suitably qualified person, prior to the start of any site work, to determine whether an archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 will suffice¹'*.
- 6.25 The applicant has agreed to undertake an archaeological assessment prior to the commencement of works within the site to ensure that the site's heritage effects are

¹ Email correspondence received from Jon Trewin, Planner, Heritage New Zealand Pouhere Taonga, received 17 February 2020

appropriately managed. The following consent condition is volunteered:

An archaeological assessment will be undertaken by a suitably qualified person, prior to the start of any site work, to determine whether an archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014.

- 6.26 Consultation with Paul Dickson, a Christchurch City Council drainage engineer has also been undertaken in regards to the brick barrel drain's position and how access to this is proposed to be maintained. Preliminary agreement has been obtained from Council engineers that the proposal was able to be built over the brick barrel drain as long as access for maintenance is retained. Further work is proposed to be done to the basement design and layout to ensure that the proposal will be inline with *Policy 6.6.2.1.3 – Management of activities in waterbody setbacks* to ensure that access is provided for the continued maintenance of the brick barrel drain and for the public to view the brick barrel drain within the proposal's basement level facilities.
- 6.27 Further investigation is occurring regarding the design solution required to provide access for maintenance and viewing of the brick barrel drain and is proposed to be resolved by the hearing.
- 6.28 In summary and subject to the proposed conditions, I consider that the proposal will protect the site's historical and cultural values and will have less than minor and acceptable effects.

Noise and Reverse Sensitivity

- 6.29 As discussed in the s42A report, a submission was received from the Lyttelton Port Company requesting further detail be provided regarding the building's acoustic insulation. This is not currently available as the building's acoustic design is proposed to be finalised in the detailed design stages of development. An email from Novo Group's Environmental Acoustic Engineering Consultant is attached as **Attachment 4** confirming that compliance can be achieved for the proposed building/design with the requirements above. On this basis, we propose that this matter be addressed through a consent condition, as follows:

- 1. The building shall be acoustically insulated so that it meets Rule 6.1.7.2.1; and/or conforms to the acceptable solutions listed in Appendix 6.11.4 Noise Attenuation Construction Requirements contained in the Operative Christchurch District Plan at the date of commencement of this consent.*
- 2. Prior to the commencement of construction, the consent holder shall submit to the Council a Noise Certificate prepared by a suitably qualified and experienced acoustic engineer that confirms the proposed design and associated plans meet condition 1.*

3. *The building shall be acoustically treated in accordance with the Noise Certificate submitted to meet condition 2 and associated plans.*
4. *Compliance with condition (3) above shall be certified by a suitably qualified and experienced acoustic engineer upon completion of the construction.*
5. *The consent holder shall not alter the configuration or construction of any habitable space in the building in a manner that will result in the building ceasing to comply with the requirements of condition (1) above.*
6. *In the event, if any space in the building ceases to comply with the requirements of condition (1) above, the consent holder will do all things necessary to achieve compliance.*

6.30 The above consent condition has been provided by the Lyttelton Port Company for comment

6.31 I consider that the implementation of the above consent condition will ensure that noise and reverse sensitivity effects will be less than minor and acceptable.

7.0 Response to recommended conditions of consent

7.1 Of relevance to the actual and potential effects of the proposal, Ms Jowett has recommended 6 conditions of consent. The applicant accepts all of these conditions, subject to the following changes (Changes shown **tracked**):

*3. The ground floor concertina mesh gates shown on the approved plans shall be kept closed and locked **outside of opening hours for the ground floor tenancies** ~~between the hours of 9pm and 6am except at times outside these hours that one or more of the adjacent tenancies (marked tenancy 2 and tenancy 3 on the approved plans) are open for business.~~*

7.2 The amended wording is proposed to enable the ground floor tenancies to utilise the full courtyard space during opening hours while still ensuring that the CPTED matters are adequately managed outside of business hours.

*4. Parking spaces within the basement shall be allocated to specific units **or managed via a booking system**, to avoid drivers speculatively entering the basement and then having to exit again.*

7.3 The amended wording is intended to provide flexibility for use of the parking spaces, particularly under the Guest Accommodation scenario where those guests can select their unit and then also book an on-site parking space if needed. The amended wording is considered to remain consistent with the intent of the condition proposed by Ms Jowett.

8.0 Submissions

- 8.1 A total of 169 submissions were received, with 135 in support, 32 in opposition and 2 neutral to the proposal. Ms Jowett summarises the submissions received on pages 3 and 4 of her S42A report, and I generally concur with this summary.
- 8.2 The majority of these submissions have been addressed in the Ms Jowett's S42A report and in the preceding paragraphs in Section 6.0.
- 8.3 Ms Williams has also addressed the submissions relating to transport in her evidence and I accept her conclusion that the effects will be acceptable.

9.0 Summary of Effects

- 9.1 Overall I consider that the effects of the proposal, including the matters raised by the submitters, will be acceptable.

10.0 Assessment Against the Objectives and Policies of the Operative District Plan

- 10.1 The underlying assessment of environmental effects and Ms Jowett's s42A report provides a detailed analysis which identifies and considers the objectives and policies of the District Plan relevant to this proposal. I concur with Ms Jowett's assessment of these provisions. As I broadly concur with the analysis of these objectives and policies, I will provide only a brief analysis of the relevant objectives and policies below.

District Plan Objectives and Policies

- 10.2 Objectives and policies in Chapters 7 (Transport), 9.6 (Coastal Environment), and 15.5 (Commercial) of the District Plan are relevant². The site is identified as being part of the Commercial Banks Peninsula Zone. The proposed development is considered to provide for the outcomes sought in the Commercial Banks Peninsula zone such as providing for a range of commercial and community activities and supporting the needs of the surrounding communities and visitors to the areas, while recognising and protecting the special character of these areas including Lyttelton. As discussed above it is considered the proposal will have acceptable effects on the character and quality of the environment and amenity values.
- 10.3 Mr Hattam and Ms. Lauenstein consider the design to be appropriate in the context of the

² In regard to the Strategic Directions chapter (Chapter 3), a recent Environment Court decision (NZEvc 119 Rogers v Christchurch City Council) has affirmed that the strategic directions are general and their discrete application on a case-by-case basis was not intended. As such, no further consideration of these specific matters is required above what was initially provided in the original resource consent application.

Commercial Banks Peninsula zone and consistent with the matters in the Lyttelton Commercial Banks Peninsula Zone design guidelines, as well as the general urban design matters in the District Plan³. The character of the site would change from an empty site on a prominent street corner (15.2.1) to one that contains a mixed-use building that has been designed to address the prominent street corner (15.2.4.1). The scale, form and design of the proposal has been assessed by Mr Hattam and Ms Lauenstein as contributing to a visually attractive urban environment that responds positively to the local character and context of the site (15.2.4). The development will provide users and future residents with a high level of amenity through the provision of well activated spaces (15.2.4.2).

- 10.4 In relation to Chapter 7 (Transport), the S42A report agrees that the proposal will ensure parking areas will continue to operate safely (7.2.1.5) and public transport will be encouraged by under-provision of car parking spaces (7.2.1.6). Although the car parking provided through this application will not provide for the expected needs of the proposed residential activity, the S42A report and Ms Williams' evidence considers that the parking demand can be accommodated within the Lyttelton area (7.2.1.2). It is also noted that the District Plan has been amended since the lodgement of this application to remove the parking requirements for commercial development within the Commercial Banks Peninsula Zone. Ms Jowett's assessment that "letting parking sort itself out" in this commercial centre is acceptable, I agree with and adopt this assessment. Overall, the S42A report and Ms Williams evidence indicates that the proposal will have an acceptable effect on the transport network. While several submissions raised the car parking shortfall and effects that this would have on the area's on-street car parking supply, there is general agreement between myself and the Council Officers that there is ample parking available for the expected demand.
- 10.5 In regards to Objective 9.6.2.1.1 and Policy 9.6.2.2.1 which considers the effects of development on the coastal environment, cultural values and sites of Ngāi Tahu cultural significance, it is considered that the brick barrel drain will be appropriately addressed and an archaeological assessment will be undertaken prior to the commencement of any works within the site. It is also noted that the Council has undertaken consultation with Rūnanga (9.5.2.2.5).
- 10.6 Ms Jowett's S42A report did not address whether the brick barrel drain is proposed to be in line with policy 6.6.2.1.3. However, subject to the design refinements to be provided at the hearing, this will be consistent with 6.6.2.1.3.
- 10.7 In summary, I consider that the application is therefore consistent with the relevant objectives and

³ Page 29 of the S42A report.

policies of the District Plan.

Precedent and plan integrity

10.8 Aside from the unique characteristics of the application, noting my conclusion as to effects and consistency with the relevant provisions in the District Plan, I do not consider the proposal will result in an adverse precedent or diminish the integrity of the Plan.

11.0 RMA Part II Matters

11.1 The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources.

11.2 The Operative District Plan is generally considered to be a valid, complete and certain planning document that has already given substance to the principles in Part 2 of the RMA in its preparation⁴. Accordingly, no further assessment against Part 2 is considered necessary. In any event, based on my assessment of effects and relevant consent conditions, I consider the proposal will be consistent with the relevant matter in Part 2 of the Act.

12.0 Conclusions

12.1 As a Discretionary Activity the application has been assessed against the relevant objectives, policies and assessment matters within the District Plan. It is considered that the application is consistent with the relevant provisions.

12.2 The development's plans have been modified to address issues raised by the Council and Submitters. As a result of these modifications it is considered that the adverse environmental effects of the proposed development will be avoided or mitigated to the extent that the adverse effects arising from the application are considered to be less than minor and acceptable.

12.3 I therefore conclude that the application could be considered for approval, subject to appropriate conditions. For ease of reference I have appended a full list of consent conditions in **Appendix 3**, incorporating proposed changes.

Emily Rose McDonald

20 February 2020

⁴ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316

APPENDIX 1 – Updated plans and memo

3 February 2020

Christchurch City Council
Attention: Shona Jowett

By email: shona.jowett@ccc.govt.nz

Dear Shona,

APPLICATION FOR RESOURCE CONSENT RMA/2019/1330, 25 OXFORD STREET AND 3, 5, 7 AND 9 LONDON STREET

1. The letter below sets out the proposed changes to the plans for the above application, noting the updated plans that were sent to Council on 14 January 2020. These changes were undertaken following consultation with the Council and are contained within **Attachment 4**.
2. A summary of the design changes made since the resource consent submission on June 14th, 2019 are detailed below:
 - Adjusted the roof pitch to minimise height above the 12m height limit. The original building was proposed to have a maximum height of 15.5m above ground level, comprising of a 12m building height at London Street and a further 2m height for rooftop structures (pergola over the rooftop terrace). The updated building height will have a maximum height of approximately 13.2 above ground level, and a further 1.6m for the rooftop structures (pergola over rooftop terrace);
 - Changed the cladding to Kingspan metal, each building will have its own pattern;
 - Introduced texture to the basement and ground floor exterior concrete walls as requested by Council;
 - The building has been moved closer to the western boundary with the two building blocks along the western boundary moved. The blocks have been moved to create a more generous space between buildings;
 - The lift has been rotated to open towards the south and the harbour view;
 - Updated basement and parking layout including vehicle ramp gradients revised ;
 - The glazed area at ground floor has been updated due to fire engineer input. The updated glazing area has resulted in a decrease in glazing from 68% to 67% along the northern elevation and an increase in the amount of glazing along the eastern elevation from 22% to 37%. The development will continue to infringe Rule 15.6.2.3 as the building's eastern elevation is not provided with a minimum of 60% glazing and the building's veranda is not proposed to run along the full length of the Oxford Street road boundary;



- The tree at the entrance on the ground floor has been removed to allow for the development of sculptures and artwork with the building's commercial tenants;
 - Included two concertina mesh gates on the ground floor for security purposes at night to ensure CPTED objectives are met;
 - Reduced the number of apartments from 26 to 20 to allow for the introduction of one and two-bedroom residential units;
 - The first and second floor walkway area has been increased to provide additional outdoor living area opportunities with an area with a table, planters and seating added on each floor;
 - Updated roof top deck layout to include various outdoor activity spaces and increased area;
 - The building's window locations have been moved to line up, so they are more 'symmetrical' and in keeping with the surrounding buildings;
 - Developed window details to show a range of window types and their location and to demonstrate the proposed Juliet balcony windows;
3. The proposed changes will not result in any additional non-compliances, while the existing non-compliances that were proposed under RMA/2019/1330 are detailed above and below in the transport amendments.

Transport Amendments

4. Ms. Williams, Novo Group Transport Engineer and Planner, has provided the following notes on the transport related changes.
5. The key changes from a transport perspective are:
- Reduction in the number of residential units from 26 to 20.
 - An increase in the first floor gross floor area from 248m² to 260.34m² (but no increase in public floor area).
 - The changes to the District Plan under section 71 of the Greater Christchurch Regeneration Act ('GCRA') has amended the car parking requirements in Lyttelton. Based on the amendments to the rules, the required car parking for the proposed residential option (Table 6) is 17 spaces (after permitted reduction factors are applied) and the short fall in car parking is therefore 11 spaces (noting that 6 spaces are proposed). There is no parking requirement for the guest accommodation option (Table 7).
6. The proposed changes to the development result in a reduction in the District Plan parking requirement in Table 6 of the ITA from 64-70 spaces to 58-63 spaces and in Table 7 from 67-73 to 62-68. Accordingly, the shortfall is therefore between 52-62 spaces. Refer to Attachment 1 for the updated tables.



7. The fully operative changes to the District Plan transport rules that were approved under section 71 of the GCRA are not able to be applied to this application as the application was lodged prior to this plan change, however, now that the plan change is fully operative and beyond challenge the new rules will be given significant weight in the Councils and Applicants evidence.
8. Note that the pool area indicated on the amended plans has decreased (from 87.5m² to 40m²) however rather than re-calculate the District Plan requirement on the reduced area shown it is proposed that the application will be assessed on 87.5m² maximum pool area. This reflects that the final pool area will be subject to tenants' design and some flexibility is needed.
9. Also note that the basement plan showed an error in respect of the ramp gradients, these will be a maximum of 1:4 with a minimum of 2.0m wide grade transitions at 1:8. This complies with the District Plan requirement. An amended plan is being prepared and will be provided to Council separately.
10. In terms of the Parking Demand Assessment, the key changes are (refer to the ITA for further explanation):
 - The District Plan requirement if the additional 15% walking reduction factors are applied (on the basis that the Commercial Banks Peninsula zone in Lyttleton acts in a similar capacity to a Commercial Core zone) would then be 54-58 spaces (From para. 34 of the ITA).
 - Amended Table 3 ("Estimated Demand", refer to Attachment 3) reduces estimated parking demand from 56-65 spaces to 53-61 spaces. Six spaces are provided on site, resulting in an overflow parking demand estimate of 47-55 spaces in total. This is an increase of 11- 19 spaces overflow from the previous development on the site (prior to earthquake damage) (refer to para. 38 of the ITA).
 - After the demand estimates are adjusted for 10-15% walking factor (based on District Plan and supporting Literature): the demand is estimated to be 45-55 spaces (39-48 on-street).
 - Applying the 66% peak adjustment factor (due to different activities having differences in the time of their peak parking demand: 30-36 space (para. 40) and 24-30 on-street (para. 41).
11. Noting that all of the above District Plan and demand estimates have reduced our assessment in respect of effects remains un-altered.
12. It is emphasised that against the amended rules, the estimated demand for the residential units is 17 spaces, and as six parking spaces are provided on-site, the shortfall in demand is estimated to be 11 spaces. Noting the parking space availability in Attachment 3 of the ITA, there is ample space on-street to accommodate this shortfall at all times. Accounting for proximity to the site, the most likely locations are the un-restricted parking on Oxford Street (London – Winchester), and Norwich Quay or Sumner Road. That is this demand can be met with very little displacement of existing parking demand in the area. There are no residential properties taking access from the section of Sumner Road surveyed (due to the gradients). Norwich Quay does not adjoin a residential zone. The majority of residential



properties along this section of Oxford Street have either on-site parking or a residents parking permit space on-street.

13. In respect of traffic generation, the estimates in Table 5 of the ITA have reduced from 70-79 trips in the peak hour to 69-76 (refer to Attachment 3 for the updated table). This does not affect the assessment or conclusions reached in respect of the ITA.

Volunteered consent conditions

14. It is proposed to volunteer consent conditions regarding acoustic and archaeological assessment to address the Lyttelton Port Company and Heritage New Zealand's submissions.
15. These consent conditions will include requiring that prior to the construction of the building a detailed design assessment, detailing materials used to ensure the proposal complies with the internal noise levels required by the district plan and certification of the building prior to occupation. It is also proposed to volunteer a consent condition requiring an archaeological assessment be completed by an archaeological authority prior to works beginning within the site.
16. These consent conditions are currently being revised through further consultation with Heritage New Zealand and the Lyttelton Port Company.

Summary

17. In summary, we consider that the changes made to the plans and proposed consent conditions following consultation with the Council adequately address the concerns raised by the Council and the public during the public notification of the application, and will result in a better overall design outcome.
18. We trust that the further information above assists and satisfactorily addresses the updated changes. If you require anything further, please do not hesitate to contact the undersigned.

Yours sincerely,

Novo Group Limited

Emily McDonald

Planner

D: 03 925 9314 | M: 027 355 8984 | O: 03 365 5570

E: emily@novogroup.co.nz | W: www.novogroup.co.nz



Attachment 1: Amended District Plan Parking Requirements

Table 6: District Plan Parking Requirements Residential and Office Scenario

Novo Group Limited
 Level 1, 279 Montreal Street
 PO Box 365, Christchurch 8140
 0 - 03 365 5570
 @novogroup.co.nz

	CAR PARKS		CYCLE PARKS		LOADING	
	Residents / Visitors	Staff	Visitors	Staff	HGV	99% Car
Other residential activities, if not specified above 26 <u>20</u> units	1 space/ unit, where that unit has less than 150 m ² GFA, 2 spaces/ unit otherwise	Nil	1/20 units	1 space per unit without a garage	Nil	Nil
	26 <u>20</u>	-	1.3 <u>1.0</u>	20 <u>14</u>	-	-
Food and beverage outlets 128m ² PFA	9 spaces/ 100 m ² PFA (2 spaces minimum)	1 space/ 100 m ² PFA (2 spaces minimum)	1 space/ 300 m ² PFA	1 space/ 100 m ² PFA (2 spaces minimum)	1/1000m ² PFA	Nil
	11.5	1.3 (2 min)	0.4	2	0.1	-
Health care facilities (massage rooms) 125m ²	1 space/ 25 m ² GFA	1 space/ 100 m ² GFA	1 space/ 500 m ² GFA	1 space/ 300 m ² GFA	Nil	Nil
	5	1.3	0.3	0.4	-	-
Swimming pools (for public, or private club use) 87.5m ² Pool area	1 spaces/ 10 m ² pool area	1 space/ 200 m ² pool area	1 spaces/ 10 m ² pool area	1 space/ 500 m ² pool area	1/2000m ² Pool area	Nil
	8.8	0.4	8.8	0.2	Nil	-
Offices 90m ² GFA	5% of staff requirement (1 space minimum)	2.5 spaces/ 100 m ² GFA	5% staff (2 min)	1/150m ² GFA	1/8000m ² GFA	1/8000m ² GFA
	0.1 (1 min)	2.3	2	0.6	0	0



Gym (Ground floor)	5 space/ 100m ² GFA	1 space per 200m ² PFA	1/50m ² GFA	1/600m ² GFA	1/8000m ² GFA	Nil
248m ² 260.34m² 237m ² PFA	12.4 <u>13</u>	1.2	5.0 <u>5.2</u>	0.4	0	-
Total	66 <u>58</u>	7	18	24 <u>18</u>	0	0
Reduced Total 3%- 11%	58-63 <u>52-56</u>	6-7	See following for calculation of Reduction Factors			

64-70 58-63

Table 7: District Plan Parking Requirement Accommodation and Retail Scenario

	CAR PARKS		CYCLE PARKS		LOADING	
	Residents / Visitors	Staff	Visitors	Staff	HGV	99% Car
Guest Accommodation 26 20 units 26 beds	1 space/unit or 1 space/2.5 bedrooms, whichever is the greater	1 space/ 10 units or 1 space/ 10 bedrooms, whichever is the greater	1/20 beds	1/5 FTE staff	1/100 (beds or units)	1/50 (beds or units)
	26 <u>20</u>	2.6	1.3	0.2	0.3	0.5
Food and beverage outlets 128m ² PFA	9 spaces/ 100 m ² PFA (2 spaces minimum)	1 space/ 100 m ² PFA (2 spaces minimum)	1 space/ 300 m ² PFA	1 space/ 100 m ² PFA (2 spaces minimum)	1/1000m ² PFA	Nil
	11.5	1.3 (2 min)	0.4	2	0.1	-



Other retail activities or commercial services, if not specified above 90m ²	4 spaces/100 m ² GLFA for the first 20,000 m ² GLFA	0.5 spaces/ 100 m ² GLFA	1 space/ 300 m ² GLFA	1 space/ 750 m ² GLFA	1/1600m ² GFA	Nil
	3.6	0.5	0.3	0.1	0.1	-
Health care facilities (massage rooms) 125m ²	1 space/ 25 m ² GFA	1 space/ 100 m ² GFA	1 space/ 500 m ² GFA	1 space/ 300 m ² GFA	Nil	Nil
	5	1.3	0.3	0.4	-	-
Swimming pools (for public, or private club use) 87.5m ² Pool area	1 spaces/ 10 m ² pool area	1 space/ 200 m ² pool area	1 spaces/ 10 m ² pool area	1 space/ 500 m ² pool area	1/2000m ² Pool area	Nil
	8.8	0.4	8.8	0.2	0	-
Gym (Ground floor) 248m ² 260.34m ² 237m ² PFA	5 space/ 100m ² GFA	1 space per 200m ² PFA	1/50m ² GFA	1/600m ² GFA	1/8000m ² GFA	Nil
	12.4 <u>13</u>	1.2	5.0 <u>5.2</u>	0.4	0	-
Total	<u>67</u> <u>62</u>	8	16	3	1	1
Reduced Total 3%- 11%	<u>55-60</u> 60-65	7-8	See following for calculation of Reduction Factors			

67-73 62-68



Attachment 2: Amended Parking Demand Estimates

Table 3: Estimated Parking Demand

Tenancy	Parking Rate / Survey		Estimated Demand
<i>Basement Wellness Centre</i>	DP ¹ (in absence of any available survey data)		16
<i>Ground floor gym / recreation 260.34m²</i>	RTA Guide ²	4.5 spaces /100m ² GFA	11- <u>17</u>
<i>Ground floor retail or office (90m² GFA)</i>	RTA Guide (office)		2-4
	RTA Guide Specialty / Secondary Retail		4.5 spaces / 100m ² GFA
<i>Ground floor restaurant (138m² GFA, 128m² PFA)</i>	RTA Guide (restaurants)		10
<i>Of which approx. half will be co-lab offices</i>	RTA Guide (office)		2
<i>First and Second Floor 20 Residential / Accommodation units</i>	Christchurch City Council's Motel Traffic Generation Survey 1999"	average car parking demand of 0.7 spaces per occupied unit and applying a typical occupancy rate of 81%	15-22 <u>11-17</u>

¹ District Plan requirement before reduction factors applied.

² Ranges from 3 spaces per 100m² GFA to 7.5 spaces per 100m² GFA based on location. Middle rate of 4.5 spaces / 100m² GFA adopted.



RTA Guide medium³ and
High density residential flats⁴

0.4-1 space per unit (0.7
adopted⁵) Plus 1/5 - 1/7
visitor parking (1/6
adopted)

Total

~~56-65~~ 53-61

³ Usually 2-20 dwellings town houses or flats

⁴ Where more than 20 dwellings are proposed but normally 5 + story.

⁵ Because the units fall somewhere between the medium density and high density type developments.



Attachment 3: Amended Traffic Generation Estimates

Table 5: Estimated Peak Hour Traffic Generation

Tenancy	Traffic Generation Rate / Survey		Estimated peak hour trips
<i>Basement Wellness Centre</i>	No survey data available – assumed all anticipated 16 car park demand turn-over once in an hour		32
<i>Ground floor gym / recreation 260.34m²</i>	RTA Guide	9 trips /100m ² GFA	22 <u>23</u>
<i>Ground floor retail or office (90m² GFA)</i>	RTA Guide (office)	2 trips / 100m ² GFA	2-4
	RTA Guide Specialty / Secondary Retail	4.6 trips / 100m ² GFA	
<i>Ground floor restaurant (138m² GFA, 128m² PFA)</i>	RTA Guide (restaurants)	5 trips /100m ² GFA	3
	RTA Guide (office)	2 trips / 100m ² GFA	1
<i>Of which 10 approx. half will be co-lab offices</i>			
<i>First and Second Floor 20 Residential / Accommodation units</i>	Christchurch City Council's Motel Traffic Generation Survey 1999"	average of 0.8 Trips per occupied unit and applying a typical occupancy rate of 81%	8-13 <u>10-17</u>
	RTA Guide Medium ⁶ and High density residential flats ⁷	0.29-0.5 trips per unit (0.4 adopted ⁸)	

⁶ Usually 2-20 dwellings town houses or flats

⁷ Where more than 20 dwellings are proposed but normally 5 + story.

⁸ Because the units fall somewhere between the medium density and high density type developments.



Total

69-76 70-79



Attachment 4: Updated Plans

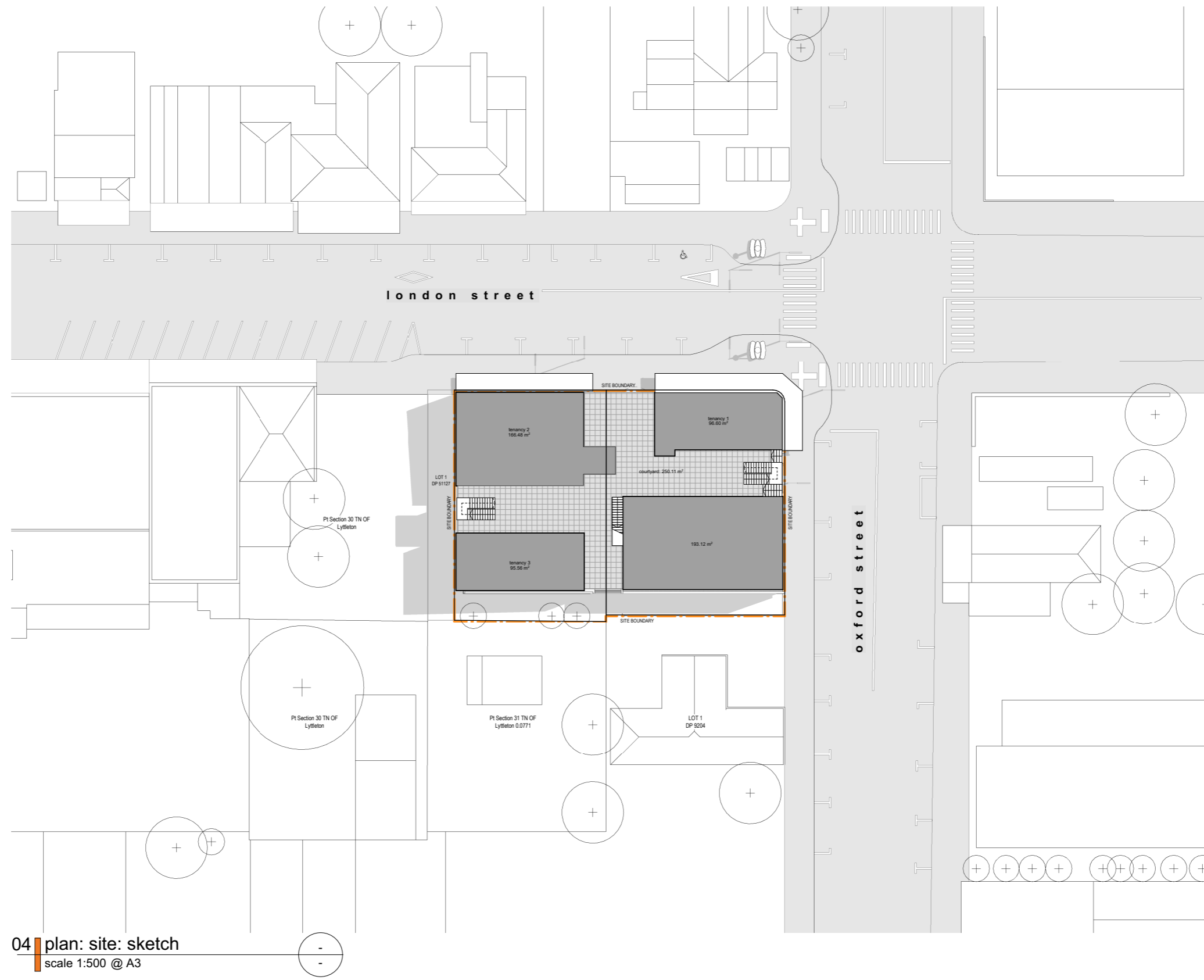
LEGAL DESCRIPTION
 ADDRESS: 3, 5, 7 & 9 LONDON STREET
 LEGAL DESCRIPTION: LOT 1, DP 13544
 AREA: 518m²
 & PT SECTION 31 TN OF
 LYTTELTON
 AREA: 455m²
 TOTAL SITE AREA: 973m²

SITE COVERAGE

BASEMENT FLOOR AREA: 944m²
 SITE COVERAGE (922m²): 97%

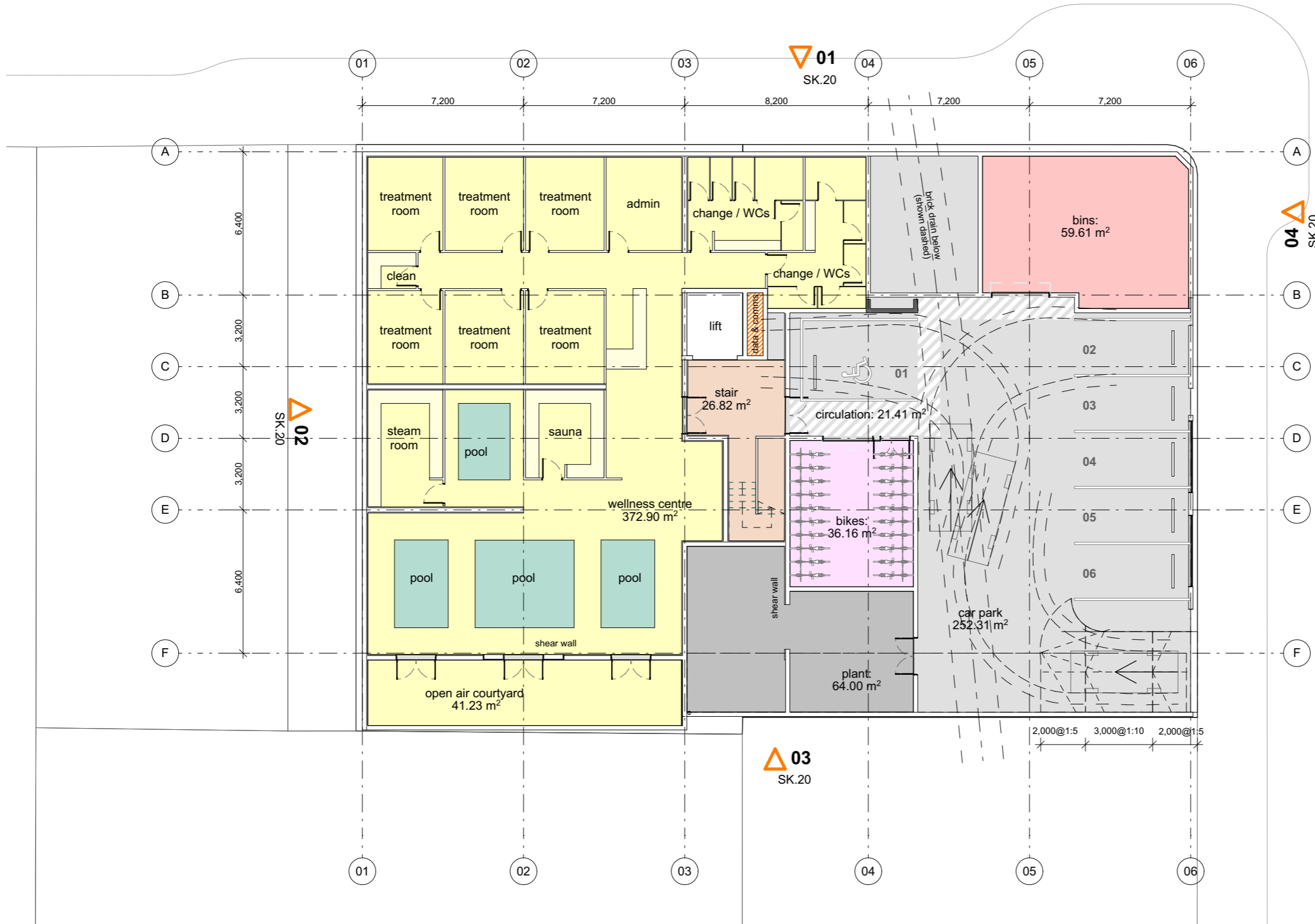
GROUND FLOOR FOOT PRINT: 551m²
 GROUND FLOOR PUBLIC SPACE: 250m²
 SITE COVERAGE AT GROUND FLOOR (57m²):

NOTE: GROUND FLOOR AREA DOES NOT INCLUDE STAIRS



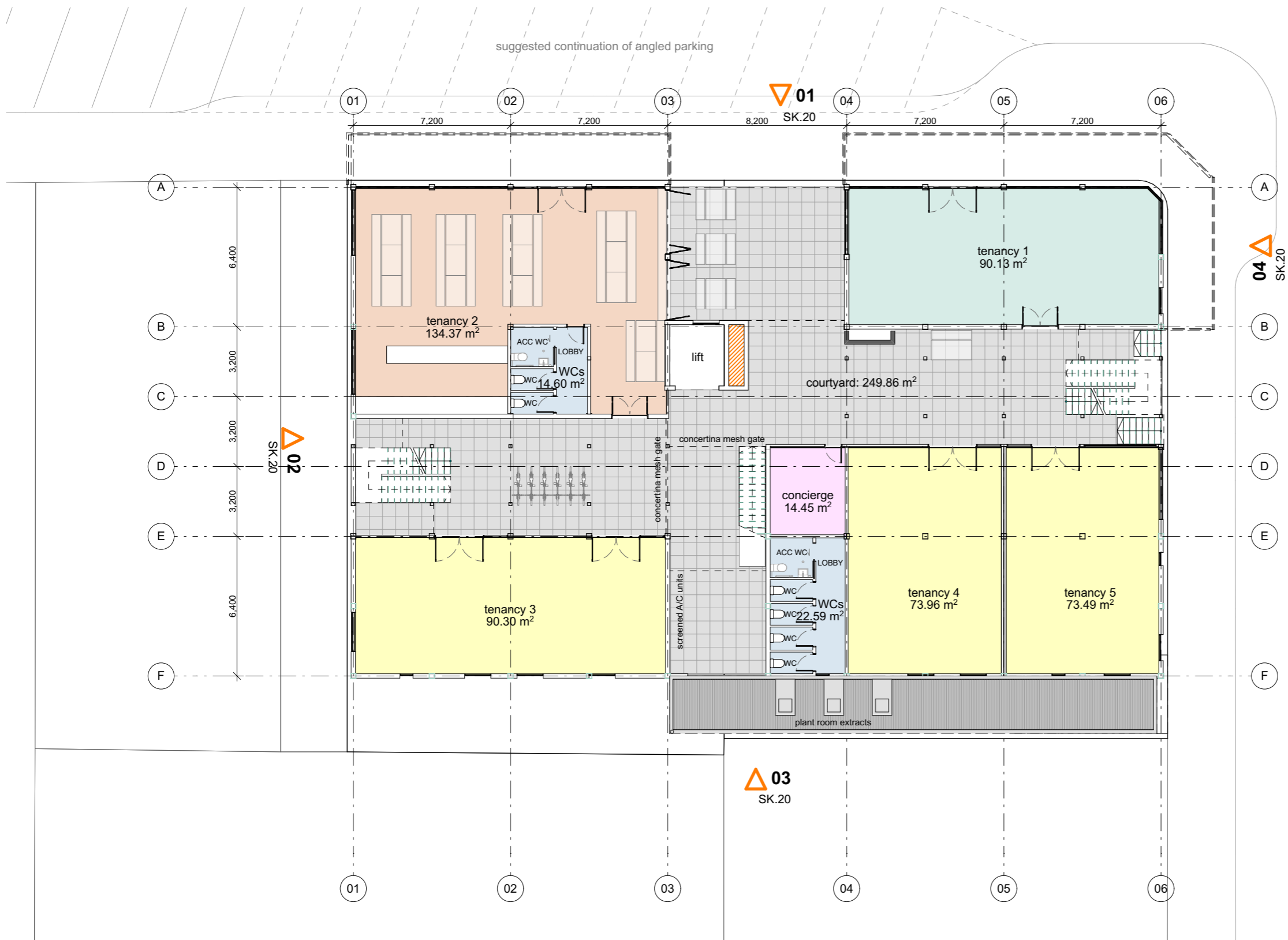
04 | plan: site: sketch
 scale 1:500 @ A3

l o n d o n s t r e e t



o x f o r d s t r e e t

l o n d o n s t r e e t



o x f o r d s t r e e t



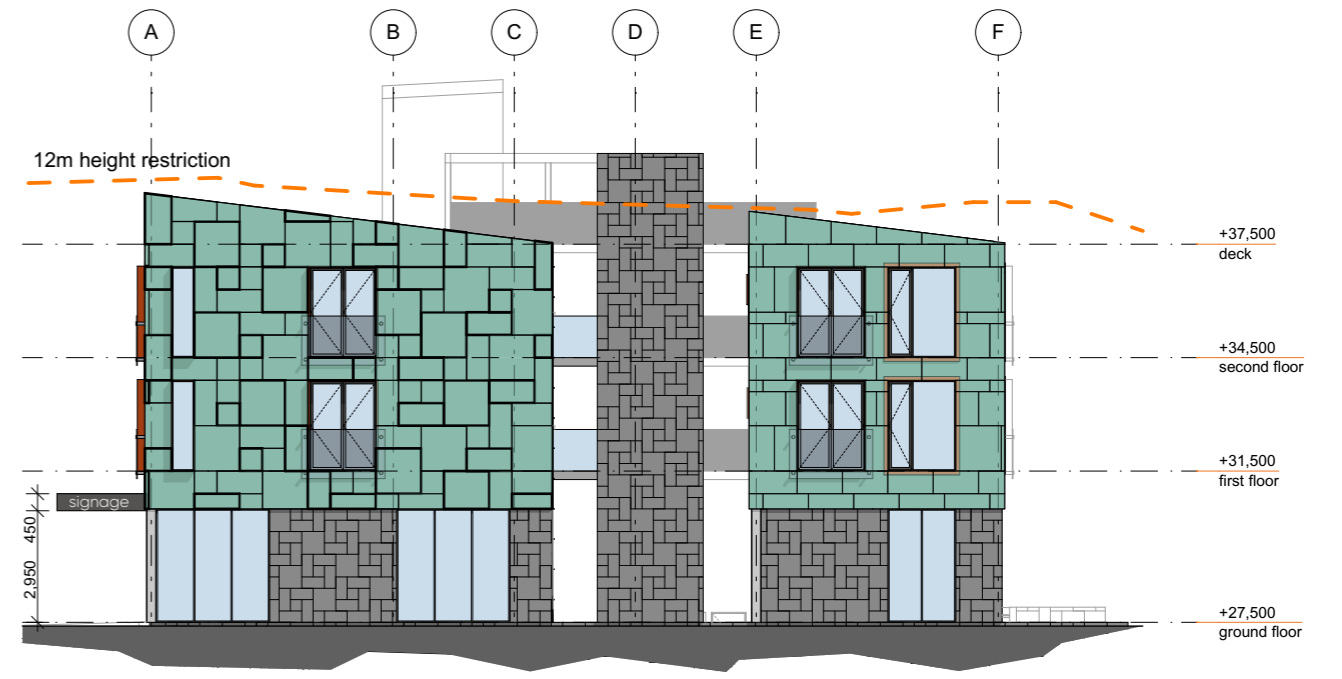






01 north elevation
scale 1:200 @ A3

North elevation:
Ground floor glazing = 67% of ground floor facade



02 west elevation
scale 1:200 @ A3

Note:
Cladding patterns on all elevations shown indicative only

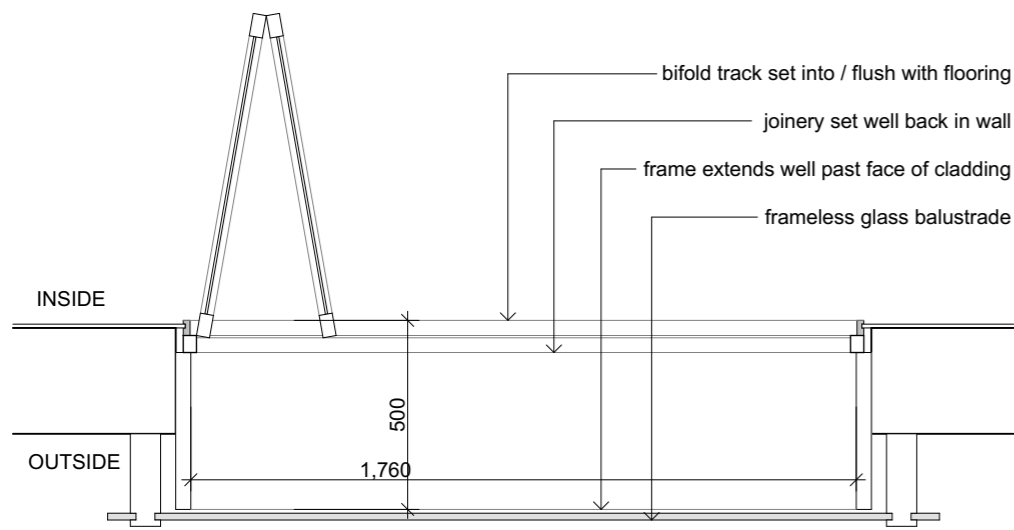


03 south elevation
scale 1:200 @ A3

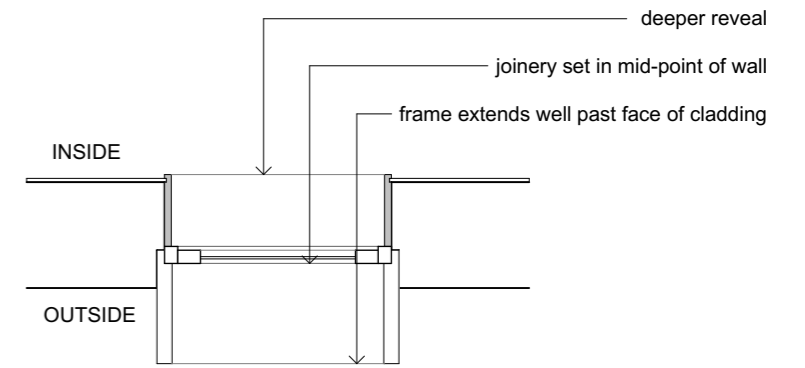
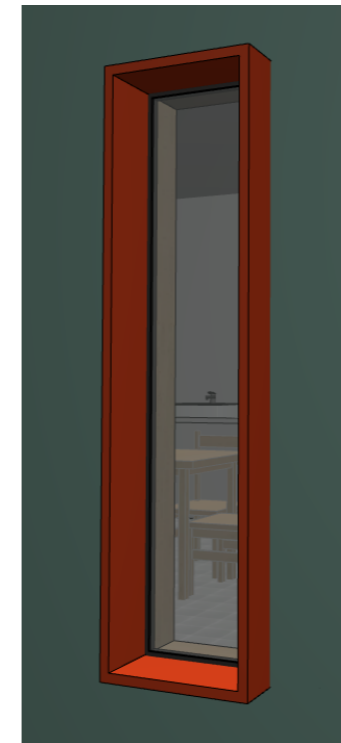


04 east elevation
scale 1:200 @ A3

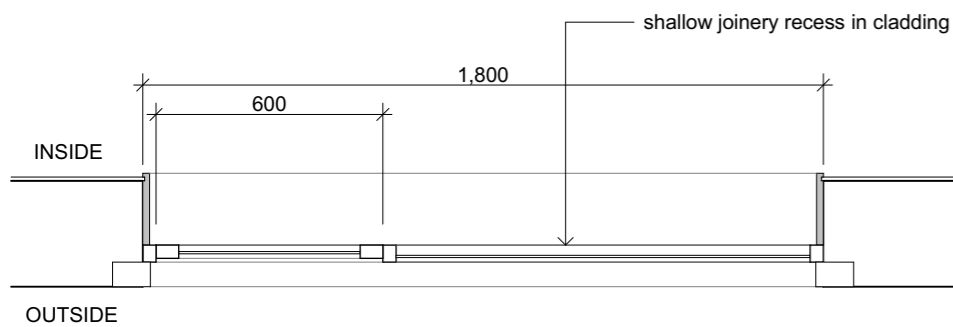
East elevation:
Ground floor and basement glazing/openings = 37% of facade



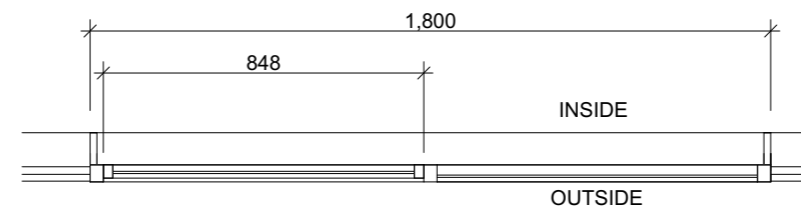
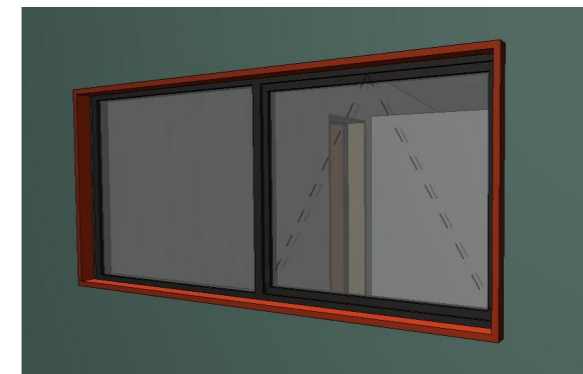
A juliet balcony detail
scale 1:20 @ A3



C small window detail
scale 1:20 @ A3



B large window detail
scale 1:20 @ A3



D bedroom window detail
scale 1:20 @ A3

APPENDIX 2 – Urban Design Assessment

Urban Design Statement – Nicole Lauenstein

Proposed development Colletts Corner, London Street, Lyttelton

1. Introduction

My name is Nicole Lauenstein, I am the director of a+urban, a cross-disciplinary company with a focus on architectural and urban design. I have more than 25 years of experience in both design fields across a variety of urban and architectural projects from urban regeneration and master planning of urban precincts to bespoke architectural solutions for complex and sensitive sites.

I hold the qualification of a Masters in Architecture and a Masters in Urban Design and have been practicing first in Germany, Spain, England and various other European countries followed by 2 years in Australia before settling in New Zealand in 1996. I have lived in Christchurch for nearly 24 years and gained a very good understanding of the unique contextual challenges and opportunities the New Zealand urban environments present. I have been a member of the Urban Design Panel in Christchurch for more than 8 years (2006 to 2014) and have been an expert witness for the Environment Court on several occasions.

I have been asked to review the application for the applicant with regard to urban design matters and provide a statement / comments in response to Mr. David Hattam's evidence (Council's senior urban designer) My involvement with the project has commenced post application and has so far been limited to some preliminary advice to the architects on architectural and urban measures such as improvements in building modulation, roof form and façade treatment to reduce the perceived bulk of the overall building. As a result, I am familiar with the original design of resource consent application and the subsequent revised design 13.01.2020.

I have read the s42A report including the evidence of Mr. Hattam and to be able to make informed comments having undertaken my own urban design analysis of the proposal and have visited the site recently to familiarize myself again with the specific as well as wider context and any recent developments. I am familiar with the District Plan and other relevant urban design and regulatory planning documents and guidelines.

2. Summary

I agree with Mr. Hattam's overall urban design assessment, his methodology, the resulting findings and the final conclusion that the revised proposal, although not fully compliant with the plan provisions, *"is appropriate in its context and meets the matters of the design guide as well as the general urban design matters in the plan"*

I generally agree with all points of evidence in principle and with most of them in detail. However, with some of them, I would like to offer a further rationale as to why I agree, and in some areas, offer some clarification of specific aspects of the design and how relevant or important this particular aspect is for the urban environment.

There are some minor points where I slightly disagree with Mr. Hattam's assessment or would like to offer a slightly different point of view. These are primarily references to historic building elements and, having an architecture as well as an urban design qualification I would like to offer some additional viewpoints where the proposal does make subtle references to historic parts of Lyttelton, historic buildings or building elements, patterns and textures and as a result does build on some selected local historic references.

I would also like to introduce some matters that have not been fully addressed and may be of relevance when considering comments made by submitters. In particular, the importance of specific viewshafts and the relevance of the '5th facade', the roof scape, within the context of Lyttelton.

3. Conditions

The conditions proposed by Mr. Hattam are all related to safety concerns raised and are reasonable but should be part of a complete CEPTED assessment of a further developed final proposal, where the relevant level of detailed information is available.

4. Urban design assessment

I have come to the same conclusion as Mr. Hattam with regard to the status of the application and consider it appropriate to use the discretionary matters as a framework for the urban design assessment.

4.1 15.3.1 Urban design

I agree with Mr. Hattam's key findings that the proposal is a well-designed building and that it provides active engagement with its surroundings. I can also confirm that matters related to CEPTED can be identified but their resolution is often a matter of detailed design. Many contributors to public safety such as lighting and access management are not yet fully resolved, which is not expected at this point in time. So it is reasonable to draw these into the process via conditions of consent at the correct point in time and prior to building consent approval.

1. Recognises and reinforces the centre's role, context, and character, including any natural, heritage or cultural assets;

These are very broad criteria and I agree with Mr. Hattam that the proposal meets these criteria through its programme, design and activities, but would like to be more specific with regard to the building design itself. The distinctiveness of the building is a result of its contemporary design, the underlying community based design involving the public in the design process and inviting the public to participate in the benefits the design has to offer, such as the publicly accessible roof top garden.

The corner site is definitely prominent within the Lyttelton settlement being one of the key 4 corners edging the London Street commercial axis. This corner site can therefore accommodate a reasonable scaled building creating a gate way or landmark.

Although the building could be considered large when compared to residential counterparts it is well proportioned and appropriately scaled for a commercial building within the towncentre and in particular on a corner site. The modulation of the building form and the finer grain introduced in the façade treatment allows the building to integrate well in the London Street streetscape and character

I will cover the matters of context and character in more detail in point 4.2 – Principle 1 - later in my statement.

2. Promotes active engagement with, and contributes to the vibrancy and attractiveness of any adjacent streets, lanes or public spaces

Again, this has been covered very well by Mr. Hattam and I fully agree with his assessment.

Additional comments:

Western lane interface – At the moment it is not yet clear if the western lane will develop into a fully publicly utilised space. However, the way the building addresses the lane provides ample opportunity for active engagement allowing this lane to become a 24/7 publicly accessible lane with generous glazing and good passive surveillance. I would further recommend to ensure the building can be retrofitted with a

verandah extending around the corner should the need for a this emerge in the future. Providing a verandah leading into the lane from the outset is not recommended until the final purpose of the lane is fully resolved as it may confuse legibility if the lane remains a service area and secondary access route.

Oxford street interface – The service areas and carparking in the basement have deliberately been positioned to the south of the site and accessed via Oxford Street which does have the consequence of part the Oxford street facade being less interactive. But there are opportunities through the windows and the access into the internal courtyard to maximize engagement with the public street environment.

It is important to understand that there will always be some inactive frontages to every building as there are always internal functions that cannot be exposed such as service areas, secondary entry point, emergency exits, shear walls, liftshafts etc.

The way the internal layout has been organized and the way it presents itself to the outside is a very effective and efficient way. It minimizes inactive areas facing the public environment and where it does present a less engaging façade, it does that at the most suitable point the lower part of Oxford Street.

I am aware of potential changes to the basement layout to better integrate the historic brick drain which will further increase the opportunities to open this part of the façade up the public environment at street level.

Mr. Hattam mentions the importance of the fine grain pattern surface treatment of the basement and GL external walls on Oxford Street. I agree that this is a critical component of the façade treatment and support the condition to ensure it is of a fine grain and effective in providing the desired outcome – creating texture and shadows and adding a level of detail to the facade that reflects a human scale for pedestrians.

Internal courtyard at GL – this internal courtyard should be considered a public space as it is fully accessible by the public there are some possibilities to improve the amenity of that space. This is a matter of detail and to some extent dependent on the type of tenancies moving in, however, some areas of planting could be identified i.e. under stairs, in corners and to screen bare walls. At the western and eastern access point, detailed features such as signage, ceiling treatment, lighting, artwork could be introduced to improve the amenity.

This does not need to be made a condition but could be offered up by the applicant as it would clearly be in the interest of the tenants as well as the public.

3. Takes account of nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building

Although larger and taller than neighbouring buildings Mr. Hattam concludes that the proposal meets the above criteria a result of

- breaking the overall form into 4 distinctive elements
- further modulation and detailing of façades using vertical fenestration and patterned cladding
- providing good corner definition
- providing a high level of interest on all facades

I fully agree with this assessment but would like to add that the current state of buildings and rebuilding post-earthquake does not yet fully reflect the original context of Lyttelton as many of the originally taller buildings have not survived and empty sites are still to be filled. We can expect larger building to emerge around the site as this was a distinct character of this part of Lyttelton. As is evident in the nearby school building and the recently approved proposal on the opposite site on Oxford Street under RMA/2019/1539 with the approval of a three storey mixed use building within 2 Sumner Road.

With regard to the South façade – I agree that its lower portions are not modulated and detailed to a similar extent as other facades and that there are no openings or windows to encourage interaction but this is a natural result of construction constraints and the needs to place services in those locations so as to cause the least impact as this is the façade with the least public interaction.

With regard to the amenity of the southern neighbor the basement wall on the lower south façade is a shared boundary wall there is no scope to landscape this wall and any landscaping in this area would probably struggle to survive. There are possibilities for the neighbor to improve their amenity and outlook with some strategic landscaping on their site. Being a commercially zoned area it is expected that buildings will occupy the full extent of their site so I do not think this is to be taken into consideration when assessing.

4. Provides a human scale and minimises building bulk while having regard to the functional requirements of the activity

A really important point to consider here is that providing a human scale has to be done in the right location within the design. The whole building does not have to provide a human scale. A 3 or 4 storey building will always exceed a human scale when seen as bulk and this is particularly prevalent when dealing with commercial buildings. Being a mixed use building it is therefore important to provide this human scale within the breakdown of the individual parts of the building and definitely at any pedestrian level where the public engages directly with the building. This human scale should also extend into the façade, through detailing, texture, pattern, window sizes and orientation and through the actual façade modulation itself.

This has definitely been achieved in this building. However, there are areas around the south-east corner on Oxford Street where this human scale is not available at pedestrian level due to the functional requirements within the building.

5. Is designed to incorporate Crime Prevention Through Environmental Design (CPTED) principles, including encouraging surveillance, effective lighting, management of public areas and boundary demarcation

Mr. Hattam has raised some areas of concern with regard to safety which I agree need to be addressed when further developing the design. At this stage of the design process not all matters of CPTED can be properly identified and responded to. It is considered that these matters will be resolved during the detailed design stages where the applicant will undertake a full CPTED assessment of the final plans to ensure that the development is able to appropriately address any safety concerns.

Additional comment – whilst CPTED is an important aspect and definitely needs further work in particular avoiding entrapment areas I do think it is important to keep the underlying public nature of the roof garden in mind and avoid ‘designing the public out of the building’. The most important deterrent is ‘eyes on the street’, people overlooking and occupying public space.

6. Incorporates landscaping or other means to provide for increased amenity, shade, and weather protection:

The verandahs and internal courtyards provide shade and good weather protection in the right places – as Mr. Hattam points out.

I agree that there are no dedicated ‘traditional’ private outdoor garden areas that can be landscaped as this would be counterintuitive to the underlying design philosophy of the proposal.

The internal spaces and the shared roof garden do function as usable outdoor spaces due to their size and are excellent for communal use. Landscaping can easily be integrated to improve their amenity. In particular, on the tenanted level the courtyards allow for the creation of semiprivate corner for residents by using planter boxes in a creative, strategic and personalised manner. This would add to the overall amenity and give it a residential feel instead of a corporate managed landscaping approach.

Landscaping to ground level – there are opportunities to include landscaping in this space with a more managed/corporate approach as this is after all a public area. At the eastern and western entry point some softening through landscaped areas would improve the amenity in particular on (refer to 2 final paragraph). the Oxford Street side provide a sense of human scale which plant always do.

7. Provides safe, legible, and efficient access for all transport users:

I am not a traffic design engineer and no expert on transport matters. Any comment made here is in relation to urban matters only.

Most destinations within Lyttelton are within a reasonable walking distance which will encourage the reduction of vehicular dependence. Public transport is located in close proximity/walking distance which will easily facilitate commuting to Christchurch. Although the main mode of transport still is the personal car. Car sharing schemes can be introduced to reduce the need individual resident carparking.

In addition, the proposal offers secure bike storage in the basement as well as more publicly accessible bike stands.

8. Where relevant, has regard to the actions of the Suburban Centre Master Plan to support their recovery, long term growth and a high level of amenity.

I agree with Mr. Hattam that the required linkages through the site have been provided.

4.2 Appendix 15.15.6 Design guidelines – Lyttelton Commercial Banks Peninsula Zone

I have looked at the initial application and have drawn the same conclusions as Mr. Hattam that due to

- *Insufficient level of detailed design elements (fine grain detailing)*
- *Insufficient variation of materials and not enough separation of the different modules in to smaller forms*
- *The repetition of two similar forms*

the proposal as notified would not fit the intended character of the zone. Some improvements were definitely possible

The revised design from (13 Jan 2020) introduced

- changes to the overall build form breaking the bulk into 4 discernibly different elements,
- a finer façade modulation and varied rhythm to the fenestration within each building block
- an additional level of detail in cladding variation and colours

I agree with Mr. Hattam that the revised version has made major improvements and consider the proposed design absolutely acceptable on the balance of those.

Principle 1: Reflect the context

With regard to reflecting the context at the outset I would like to add and clarify that context is always a matter of scale. These two aspects are strongly interrelated and should be looked at in conjunction from the wider natural setting of the Lyttelton harbour, to the settlement of the township, into the actual street level, all the way into the relationship to neighbouring buildings and go as far as the actual design detailing such as material, texture and colour. The scale of the surrounding landscape, the caldera of the of the volcanic caldera and the natural harbour basin or so physically and visually dominant that the relevance of an individual building will always be of a very low significance when considered within this broad context.

Going into the settlement context it is important to note the residential nature of the upper and side slopes the commercial nature of the central area and the predominantly industrial nature of development along the water's edge. The site is located at the edge of the commercial area and draws strong connections visually and physically down the harbor it is over looked by the residential environment so for that matter all of these 3 aspects have to be considered as contextual connections at this scale.

At the street level, it is important to understand the specific context of the site as not just a corner but one of the most prominent corners on London Street leading into the main commercial axis of the town centre. On such a prominent site a more formal design response is required.

The next level is how the building integrates with the neighbouring context.

London street buildings are generally 2 storey equivalent with tall parapets or roof forms. A 3 storey building accentuating the corner is a logical design response within the context of the street.

The site it is part of an intersection that displayed taller buildings in the past and can still accommodate larger /taller buildings post-earthquake as is shown by the new school building and the recently approved new mixed use development across the road on Oxford Street. Mr. Hattam does stress the empire hotel that use to be there as being similar in scale as the west block facing London street with approx. 10m in height 16 m in width. The 4 individual elements of the proposed design provide a form and built context that is similar to the hotel and in keeping with the context.

Going further into the context of the site the main contextual contributor are the steeply sloping topography and the views that can be obtained from the site towards the harbour and the hills.

I agree with Mr. Hattam that the design makes good use of both.

The nature of the steeply sloping ground in this area also means that taller buildings will naturally emerge to enable efficient use of the available ground plane. The majority of building in the vicinity reach the height of 2-3 equivalent storeys at some point plus roof /parapet the 12m height restriction is a good indicator that taller buildings are expected and acceptable.

Principle 2: Scale and Form

The principle clearly states that 3 storey buildings are expected and the building adheres to this for the majority of the site. For those areas where the building exceeds the height restriction I will specifically comment under the heading 4.4 Maximum building height.

I fully agree with Mr. Hattams assessment of the appropriateness of the bulk (width and height) of the overall design proposal and its individual design components. He is correct in saying the height of the building will read as a step up towards the corner which is a desirable aspect for a corner site.

Not wanting to repeat points stated earlier under principle 1 about context, I agree with all the follow-on findings by Mr. Hattam in relation to scale and form of the building, building façade and detailing.

Additional comments -

Mr. Hattam identifies the importance of the window placement creating vertical divisions in the individual street facing facades along London Street I would like to add that this is a classic design technique to provide a finer grain and it not only provides a finer grain vertical breakdown of the building mass, it also introduces a sense of rhythm to facades akin to the finer grain of the rest of London Street. The windows were deliberately aligned by the applicant as this is considered to be a characteristic of the buildings within the surrounding area.

With regard to point H (Norwich Quay and London Street building scale comparison) the fact that Norwich Quay has taller bigger building and London street should provide a more intimate scale - I do agree with this in general but it is worth noting that this is not a midblock location on London Street but a prominent corner on the eastern edge of London Street that requires a landmark building that is more in keeping with midblock building on Norwich with regard to scale and form.

Principle 3: Respect the street pattern and building form

The proposed building fully respects the street pattern with a strong street edge, continuation around corners on both eastern and western side. It emphasizes the corner and I agree with Mr. Hattam that where the building varies from the recommended build form of gables and symmetrical roof forms and displays monopitch roof lines that this is acceptable as it integrates the building better into the slope of the site and the topography of the wider landscape. The visual effect of the monopitch roof on Oxford Street still provides an

aesthetically pleasing and modulated roof line. And on London street the roof line will appear flat with a significant break by the wide access to the internal courtyard exposing views up to the roof top garden. Any additional roof modulation to bring in heritage features would not suit the design and be counterproductive.

Principle 4: Address the street

The proposed design meets all the requirements, as stated by Mr. Hattam, and addresses the public realm appropriately apart from some CPTED related details that have been covered earlier and the lack of glazing at the lower level of Oxford Street.

The latter is the result of the underlying function within the building. It is acceptable for smaller parts of the street facing façade of a corner building to have less or no activation if the adjacent internal function requires screening from public view for technical, amenity or privacy reasons (i.e. service areas, plant room, toilet and bathroom and other rooms requiring a sufficient level of privacy).

However, there may be an opportunity to improve the interface for pedestrians on this lower part of Oxford Street with the possible relocation of the wellness centre onto the Oxford Street boundary thus enabling further windows to be introduced.

Principle 5: Incorporate variety and pay attention to detail

I do agree with Mr. Hattam's assessment with regard to the building distinguishing itself, avoiding height replication and also with regard to some level of repetitiveness occurring within the design form.

However, I believe that the additional layers of façade modulation, fenestration and variety in cladding material and texture do provide sufficient differentiation between the modules to ensure they remain distinct enough.

In addition, the variation in horizontal form from GL to mid floors and then rooftop adds another layer of distinguishing design elements.

I would like to note at this point the addition of the Juliet balconies and the encased windows adding depth to the facade and a residential character.

As a result, the build form and façade as seen from the streets are well developed, well-modulated and actively engaging with the street. Creating a pattern and rhythm within the building façade that is suitable for this corner site.

I consider the detailed pattern in the cladding and the textured treatment to the concrete plinth to be adequate for the building scale to provide sufficient visual interest and an appropriate level of refinement and attention to detail to create a distinctive and varied finish to the building.

Comment – the revised elevations do not fully express detailed pattern of the metal cladding and textured treatment of the concrete exterior of the building plinth. It would be advantageous to have 3D images showcasing their effect to aid the understanding.

i.v. Picking up on historical references and traditional features such as angled corners, high parapets with a curvilinear top, corner towers, volcanic stone walls or mural.

At this particular point, I disagree with Mr. Hattam with regard to the inability to integrate historic references into a contemporary design.

Historic references are an important aspect when designing in Lyttelton but the list and method provided are by no means exclusive as there are other less literal ways of referencing history.

This particular building takes a different approach by taking references from the historic context of the township and translates them into a contemporary design language

- Important buildings were often positioned on a pedestal or plinth to accentuate their status and on a sloping site the plinth provided a level platform for activities on a single level. This technique has been

succinctly used in the design proposal providing subtle historic references to the classical design principles of heritage buildings. The external treatment of the plinth makes further reference to the nature stony texture of these plinths which were mostly build using local stone.

- The structure used in the internal courtyard and the roof top structure itself have strong referencing to the more industrial nature of machinery and utilitarian building of the harbor and waterfrontage.
- Verticality of the windows and the boxing which is a subtle reference to the more ornate framing of windows on historic buildings in the township.
- Exposing the old brick drain – although internal- provides another opportunity to integrate the historic reference - No specific details how this will be achieved are available yet but am aware of internal layout changes to accommodate this.

vii. Integrating signage, where needed, within the design of the building to ensure that it does not visually dominate or detract from the architectural form and quality of the building.

I agree with Mr. Hattam that signage seems to be integrated in the right location on the verandah frontage. It is my understanding that signage to identify the proposed development and activities has not yet been determined for the site. The applicant is proposing that any signage that is installed will meet the standards for signs in 6.8.4.2 of the District Plan or will be applied for under a separate resource consent. I however recommend that the following signage not be implemented to ensure protection of the London and Oxford Street view shafts:

- Signage that protrudes out perpendicular from the building;
- Oversized signage
- Making use of the roof structure for signage
- Signage that is not visually integrated with the building design

I understand that the District Plan has adequate provisions to enable the implementation of signage within the site as a permitted activity in line with the recommendations.

Principle 6: Promote sustainable building initiatives

Similar to the specific CPTED measures, sustainable building activities will be resolved during the detailed design stages of development. However, the community based design process and the concept of shared spaces can be included in the wider scope of sustainable building activities. They tend to generate design responses that are tailored towards the needs of the local community and the communal facilities allow for sharing of appliances, equipment and services.

4.3 15.13.2.3 (d) Residential Activity – Outdoor Living Space

The provision of outdoor living spaces is achieved in a different manner due to the underlying design philosophy of the proposal. It is a community based design therefore the majority of the outdoor spaces are communal spaces to be shared by all residents at the expense of individual private outdoor living spaces. I do consider this a valid and good response for this particular proposal and believe that the boxed windows and 'Juliet' balconies do offer some opportunities for residents to create connections to the outside in particular, where opening windows are provided.

Lyttelton is a unique settlement nestled within natural amphitheatre with a limited amount of developable land on the steep slopes. The consequence is a limited scope for large private garden and generous outdoor spaces within the towncentre due to the nature of the challenging topography and the compactness of the buildings environment. Buildings are placed hard up against road boundaries and wide streets compensate for the lack of gaps or openness between buildings. These contrast between the open street and the solid building

is a key element shaping the character of the towncentre. Within this context, the lack of private balconies and garden would not be out of character.

The internal courtyards at the residential levels are a very good example of shared communal spaces offering alternative semi-public /semi-private usable outdoor spaces for 'meet and great' with good access and passive surveillance. They are wide enough to also accommodate break-out areas with access to direct sunlight in particular on the northern, eastern and western sides of the building and offer great views in all directions across the town into the wider landscape/ harbour and Port Hills.

The well designed shared roof top garden provides another shared outdoor space with ample space for seating BBQ and space for social and passive recreational activities.

4.4 15.13.3.1 Maximum building height

The maximum building height of 12m has deliberately been set to enable the development of larger/taller buildings on this corner site and clearly indicates that 3 storey building are expected.

The height intrusion of approx. 700mm occur along the southern boundary and the southeast and southwest corners of the site. However, any infringement past the maximum height restriction has to be assessed with the whole of the development in mind and within the immediate and wider context.

These minor intrusions into the height plane are a result of the internal organization of the building programme and the need for carparking to be carefully integrated where they are least intrusive to the public environment. Pushing past the height envelope is a consequence of pulling the 3 storey building on London Street across the site creating a level ground floor supported by the mostly buried basement activities and carpark.

As a result, the southern-most part of the building is technically 4 storeys above ground. However, along the lane and the surrounding public streets it does not read as 4 storey building due to the clever design of the commercial plinth that carries two residential levels above it.

Along Oxford Street the infringement is most discernible when walking up towards the site – however the impression of dominance is fleeting and this is not a natural space to remain for a longer period of time. Mr. Hattam states that this part of building will have a strong visual presence from Oxford Street and I agree that this non-compliance will not create a strong visual impact in itself – that the presence of the building height will be experienced regardless of the height increase. A strong presence is not necessarily a negative attribute. It is in fact an integral part of a landmark building. Of importance, here is that at a pedestrian level, on the footpath, the detailing around the building creates a sense of human scale so the presence of the building is not overbearing.

From any other angle the building height infringement will always be seen within a wider context of either street scape or roofscape and the 700mm additional height will not have a discernible effect at all.

It is absolutely critical that some parking is provided within the site and the access of this carpark is well situated away on the lower part of Oxford Street, where it has the least impact on the street scape.

Mr. Hattam states that he has no concerns with the protrusion of the roof garden structure past the max height. I would go a step further and actually consider it an important aspect of the design as it breaks the roof scape in itself and provides variation in height, form and material. I do consider the careful treatment of this 5th façade to be important in an environment like Lyttelton where it can readily be seen from residential areas further up the hill, and walkways along the crater rim and reserves above the township.

The proposed rooftop garden and associated structures will not only break the monopitch roof lines of the 4 building parts but also create an interesting detail with references to other similar industrial structures visible in the harbour.

The nature of the design is a result of a very efficient layout and there is the potential query of removing part of the top floor on the southern side to reduce the height of the building but I disagree with this approach as it creates a very non-cohesive look along Oxford Street and would be an inefficient use of the site. It is better and more sustainable, to utilize a site to its fullest development potential instead of reducing its potential than underutilizing and use other sites to make up for the shortfall. However, allowing developments to exceed height restriction needs to be considered on the merit of the individual design of the building and its ability to integrate well into its surrounding context through high quality of the design. I agree with Mr. Hattam that the proposal achieves all of the above.

5 Other matters to consider

Shading

Additional shading as a result of the 700mm height infringement on the southern boundary will have no additional adverse effect on the neighbouring property to the south beyond the effects of a permitted base line. This is a commercial property and buildings are expected to fully utilize the entire footprint of the site which makes shading effect non-relevant. In addition, shading effects occur primarily in winter and the long shadows from the steep hills to north will override any potential shading effects of the height infringement

Views

This particular matter has not been specifically addressed by Mr. Hattam in his analysis so I would like to take the opportunity to bring it to everyone's attention.

Building blocking views

Where height exceeds the permitted max. height line it is important to check if this additional height is blocking a view that can reasonably be expected to be free of obstructions. This cannot reasonably be expected on commercial properties with no long-term residency and primarily applies to public spaces and residential properties.

For this particular proposal 700mm intrusion into the height restriction will not interfere with any views from residential properties further up the hill across the site towards the harbour.

With regards to views up from the lower street and from public spaces towards the silhouette of the hills those views will remain open along the streetscape and from Norwich Quay and the harbour/waterfrontage as the relative distance to the site combined with the gradient of the slope will allow unobstructed views. Hills views from private property are often blocked by adjacent building and are intermittent only.

Streets as viewshafts

Streets with a north south alignment are important viewshafts to the hills and the harbour Oxford Street provides one of these key urban viewshafts and can expected to remain and will not be affected by the additional height intrusion.

The height intrusion of the building along the southern edge will be discernible in medium distance views along London Street and Sumner Road towards the site. The rooftop garden with its canopy structure will be more visible as it breaks the roof scape – I consider this to be a positive aspect of the design adding a level of interest to the building form. These east-west views are secondary viewshafts within the context of

Lyttelton and minor obstruction by building components are acceptable.

Views onto and over the roofline

As stated above, in some scenarios the roof of a building can become visually prominent and if not designed through with the same attention to detail it can be visually dominant and out of character.

The roof shape and modulation of the proposed design is well resolved and should not be dominant within the wider viewshafts. Considering the extent of the roof area and its visibility from the higher slopes of the port hills it is also important to carefully select the roofing material to reduce glare / reflectivity.

A mitigating circumstance is that this roof top garden will never really be seen in isolation but always within the context of neighbouring buildings and other roofs lines.

Views into and through the site

The western lane creates a small break in the London Street continuous built form through which framed views down to the harbour can be gained. The building form and faced detailing support this view avoiding unnecessary obstructions.

The gap between the modules/ individual building elements form the entry to the internal courtyard and allow for views through the building attracting people into the internal courtyard

Views from the courtyard and roof top

The public accessible roof top garden provides excellent views across the harbour and towards hills - both landscape features that are of cultural significance to Ngai Tahu and of significant contextual value for Lyttelton.

Making this visual experience possible for the general public will contribute to the sense of community and understanding of the built heritage of the town and the and its surrounding cultural landscape.

6 Summary of key points

I would like to reiterate that Lyttelton has an eclectic mix of building of differing ages, types and sizes which significantly contribute to the vibrancy of the township and I see the proposed development as a well designed contemporary addition to this vibrant mix.

I agree with almost all assessments made by Mr. Hattam and can fully support the application within the scope of matters related to urban design.

Matters where I slightly disagree with Mr. Hattam are the subtle historic references the design incorporates and the extent to which the repetitiveness of the building modules along London Street have been sufficiently addressed through further facade modulation and detailing.

However, I do understand that even if not all the criteria are fully met on balance of all the matters covered in his evidence Mr. Hattam can fully support the application with specific conditions attached specific to CPTED.

APPENDIX 3 – Draft Consent Conditions

1. Except where varied by the conditions of this consent the development shall proceed in accordance with the information and plans submitted with the application, including the amended plans submitted on 01/02/2020. The approved plans include:
 - Concept site plan SK 01, dated 31/01/2020
 - Basement / site concept plan SK10, dated 31/01/2020
 - Ground floor / site concept plan SK11, dated 31/01/2020
 - First floor concept plan SK12, dated 31/01/2020
 - Second floor concept plan SK13, dated 31/01/2020
 - Roof deck concept plan SK14, dated 31/01/2020
 - Elevations SK20, dated 31/01/2020
 - Balcony and window details SK21, dated 31/01/2020
2. Prior to occupation of any of the units, the consent holder shall provide a lighting strategy to Council for certification (by email to rcmon@ccc.govt.nz attn. David Hattam and Shona Jowett). The lighting strategy shall detail measures in the location and type of outdoor lighting on site to provide for pedestrian safety during hours of darkness. The certified lighting strategy shall be implemented in full prior to the ground floor access way being open to the public.
3. The ground floor concertina mesh gates shown on the approved plans shall be kept closed and locked **outside of opening hours for the ground floor tenancies** ~~between the hours of 9pm and 6am except at times outside these hours that one or more of the adjacent tenancies (marked tenancy 2 and tenancy 3 on the approved plans) are open for business.~~
4. Parking spaces within the basement shall be allocated to specific units ***or managed via a booking system***, to avoid drivers speculatively entering the basement and then having to exit again.
5. The access within the building shall be marked with signage to ensure that drivers are reminded of the possible presence of cyclists.
6. The roller door at the access shall be of a high-speed type, in order to ensure that drivers do not wait for long periods across the footpath or partially within the traffic lanes.
7. **The building shall be acoustically insulated so that it meets Rule 6.1.7.2.1; and/or conforms to the acceptable solutions listed in Appendix 6.11.4 Noise Attenuation Construction Requirements contained in the Operative Christchurch District Plan at the date of commencement of this consent.**

8. Prior to the commencement of construction, the consent holder shall submit to the Council a Noise Certificate prepared by a suitably qualified and experienced acoustic engineer that confirms the proposed design and associated plans meet condition 1.
9. The building shall be acoustically treated in accordance with the Noise Certificate submitted to meet condition 2 and associated plans.
10. Compliance with condition (3) above shall be certified by a suitably qualified and experienced acoustic engineer upon completion of the construction.
11. The consent holder shall not alter the configuration or construction of any habitable space in the building in a manner that will result in the building ceasing to comply with the requirements of condition (1) above.
12. In the event, if any space in the building ceases to comply with the requirements of condition (1) above, the consent holder will do all things necessary to achieve compliance.
13. An archaeological assessment will be undertaken by a suitably qualified person, prior to the start of any site work, to determine whether an archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014.