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## Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

*This form is for Ministers of the Crown to provide comments to the Minister for the Environment on the decision to refer projects to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.*

Minister or agency providing comment	Heritage New Zealand Pouhere Taonga
Contact person (if follow-up is required)	Sheila Watson
	Director Southern Region
	s 9(2)(a)

### Comment form

Please use the table below to comment on each application.

Project name	Park Terrace Retirement Village
General comment	<p>The site contains a Category 1 historic place, Bishopsgate Chapel, which is also scheduled as "highly significant" in the district plan (see below). The applicant has incorporated the Chapel into the design of the retirement village and has made a commitment to strengthen and restore the damaged building. This fulfils section 19(d)(iii) meeting the purpose of the Act by contributing to promoting the protection of historic heritage.</p> <p>Heritage New Zealand Pouhere Taonga therefore has no objection to this project being referred to an expert panel for consideration of consent applications and any notices of requirement. We look forward to providing comments on any effects of the project on historic heritage if the project is referred, and if we are notified by an expert panel.</p>
Other considerations	<p>An archaeological authority has been granted to undertake earthworks for the construction of a comprehensive care retirement village at 100 and 104 Park Terrace, 20 and 24 Dorset Street, and 19 Salisbury Street, Christchurch. It should be noted that area beyond the above noted land, would be subject to the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014.</p>

<b>Heritage values</b>	<p>The land to be developed contains the Bishopsgate Chapel, NZ Heritage List #296, Category 1. Although the main Bishopsgate building has been demolished following the Canterbury earthquakes, the Chapel remains Listed as a Category 1 historic place in its own right. The chapel and setting is also scheduled as “highly significant” in the Christchurch District Plan, Operative 19 December 2017. Item No. 1305 in 9.3.7.2 Schedule of Significant Historic Heritage The District Plan statement of significance notes that the chapel has cultural and spiritual significance, high architectural and aesthetic significance and technological, contextual and archaeological significance.<sup>1</sup></p> <p>Consideration of consents for building the village should include a consideration of the effects on the chapel and its setting including: future use, signage, building height, recession planes and setbacks. This was not addressed in the referral application.</p>
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<sup>1</sup><https://districtplan.ccc.govt.nz/Images/DistrictPlanImages/Statement%20of%20Significance/Central%20City/HID%201305.pdf>

9 September 2020

Liz Moncrieff  
Acting Director, Natural and Built Systems  
Ministry for the Environment

Email: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

Dear Liz

**COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Park Terrace, Christchurch  
Comprehensive Care Retirement Village – Comments sought**

Thank you for your letter received on 27 August 2020 requesting Christchurch City Council provide feedback on the above proposal.

Our comment on the proposal is below as per the letter and template provided. Also of note is that the comments are not detailed at this stage given the purpose is to assist the Minister in deciding whether to accept the proposal into the process.

I have also attached the Section 42A report which has been prepared for the same proposal and is currently a resource consent application being processed by the Council. The application is awaiting a notification decision.

If you have any further questions or would like to discuss the comments, you can contact John Higgins, Head of Resource Consents to discuss.

Yours sincerely



Dawn Baxendale  
Chief Executive



## Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

<b>Local authority providing comment</b>	Christchurch City Council
<b>Contact person</b> (if follow-up is required)	John Higgins
	Head of Resource Consents
	s 9(2)(a)

<b>Project name</b>	Park Terrace Comprehensive Care Retirement Village
<b>General comment – potential benefits</b>	Construction jobs; redevelopment of ageing and vacant sites.
<b>General comment – significant issues</b>	Bulk, scale and height of buildings across the two sites. Strong public interest, mainly opposing the scale and height of the buildings.
<b>Is Fast-track appropriate?</b>	The Council has recommended limited notification which is a 2-3 month process. The decision is still pending. If notified, there is a possibility of appeals once the substantive decision is made.
<b>Environmental compliance history</b>	We have no awareness of any compliance issues within the Christchurch City area.
<b>Iwi and iwi authorities</b>	Generally we would not engage with Iwi for an application of this nature. If we did we consult, we would with Mahaanui Kurataiao Limited who are the resource management consultation body for Te Rūnanga o Ngāi Tūāhuriri.
	See above.
<b>Relationship agreements under the RMA</b>	None.
<b>Insert responses to other specific requests in the Minister's letter (if applicable)</b>	See below.
<b>Other considerations</b>	None.

Further questions and comment from Christchurch City Council:

1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to continue to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the Act?

Standard process might allow for more participation by neighbouring property owners who are strongly opposed to aspects of the development, being the scale and bulk and height of the buildings.

2. The status of the applicant's RMA consent applications (e.g. whether a notification decision has been made), and any significant issues that you are aware of.

The Section 42A report has been prepared by the Council and submitted to a Hearings Panel for consideration. The recommendation in the report is to limited notify a number of neighbouring properties. The report is currently under consideration but no decision has been made. It is likely the decision is still 1-2 weeks away (i.e the week of the 14<sup>th</sup> September or 21<sup>st</sup> September).

The main issues relate to the scale of the development and bulk and height of the buildings.

A copy of the Section 42A report is attached which discuss the non-compliance and issues in detail.

3. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your city?

None.

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## Report / decision to determine notification of a resource consent application

(Sections 95A / 95B)

<b>Application number:</b>	<b>RMA/2020/673</b>
<b>Applicant:</b>	Ryman Healthcare Limited
<b>Site address:</b>	100-104 Park Terrace
<b>Legal description:</b>	Lot 2 DP 13073, Lot 1 DP46369, Lot 1 DP 46569, Pt Town Res 23 Town of Christchurch and Pt Town Res 25 City of Christchurch
<b>Zone:</b>	Residential Central City
<b>Overlays and map notations:</b>	Central City Building Height: 14m Overlay Liquefaction Management Area Flood Management Area Heritage Item: 1305 Former Bishops Chapel and setting Heritage Setting: 470 Park Terrace and Salisbury Street – Central City Local Distributor Roads
<b>Activity status:</b>	Restricted Discretionary
<b>Application:</b>	Construction, operation and maintenance of a comprehensive care retirement village
<b>Application number:</b>	<b>RMA/2020/679</b>
<b>Applicant:</b>	Ryman Healthcare Limited
<b>Site address:</b>	78 Park Terrace
<b>Legal description:</b>	Lot 1 DP 77997
<b>Zone:</b>	Residential Central City
<b>Overlays and map notations:</b>	Central City Building Height: 14m Overlay Liquefaction Management Area Significant Tree T271 Common Lime Park Terrace – Central City Local Distributor Road
<b>Activity status:</b>	Restricted Discretionary
<b>Application:</b>	Construction, operation and maintenance of a comprehensive care retirement village

### Proposed activity

The proposal is to establish a comprehensive care retirement village across the Bishopspark Site (100 Park Terrace) and Peterborough Site (78 Park Terrace). While it spans two sites, the intention is to operate as a single retirement village. The proposal is described in detail in section 2 of the application. The key aspects are:

#### *Bishopspark Site – 100 Park Terrace*

- 4 new buildings (B01-B04)
- 70 care rooms (including dementia care, hospital care and rest home care) - all of which will be located in Building B01;
- 54 assisted living suites – all of which will be in Building B01;
- 85 apartments, comprising:
  - 10 one bedroom apartments;
  - 60 two bedroom apartments; and
  - 15 three bedroom apartments.
- 144 car parks consisting of:
  - 6 at grade car parks and 138 basement car parks.

- Retention, repair and restoration of the former Bishop's Chapel which is scheduled as a Highly Significant heritage item in the District Plan.
- Vehicular access to and from the village will be provided via a two way access fronting onto Park Terrace. A secondary service access will be provided via Dorset Street. Pedestrian access is provided via Park Terrace, Westwood Terrace and Dorset Street. Basement car parking is accessed via the access ramp at the south eastern end of Building B02 via the internal 6m wide main access road between Park Tce, the basement parking area and a port cochere.
- Westwood Terrace is an existing private lane leading from Salisbury St and provides vehicle and pedestrian access for the application site and several of the surrounding properties.
- A signalised pedestrian crossing is proposed across Salisbury Street. This would require several parks on street car parking spaces to be removed and the existing traffic island located on the corner of Park Terrace and Salisbury Street may have to be extended. These changes would require Community Board approval which is a separate process that the applicant will need to follow.
- Earthworks of approximately 55,000m<sup>3</sup> are required to construct the foundations and basements of the various buildings, establish the internal road network and install infrastructure services.

#### *Peterborough Site – 78 Park Terrace*

- 80 apartments across two buildings (Buildings B07 and B08), comprising:
  - 4 one bedroom apartments;
  - 53 two bedroom apartments;
  - 23 three bedroom apartments.
- 83 car parks consisting of:
  - 6 at grade car parks and 77 basement car parks
- A separate entrance and exit for vehicles will be provided. Vehicles enter the site off Park Terrace and exit via Salisbury Street, via the basement area. The internal access road and ramps operate a one way circulation. Pedestrian access is provided via Park Terrace, Salisbury Street and Dorset Street.
- Earthworks of approximately 32,000m<sup>3</sup> are required to construct the foundations and basements of the various buildings, establish the internal road network and install infrastructure services.

Extensive landscaping throughout both sites is proposed.

The construction period is expected to be approximately 36-40 months and is likely to be undertaken in stages.

A Construction Management Plan (CMP) will be prepared for each stage of the construction activities on site, along with various ancillary management plans. The CMP and ancillary management plans will establish appropriate protocols for the management of dust, noise, vibration, traffic, hours of construction, removal of contaminated soil, along with sediment and erosion controls during construction. All construction activities will be undertaken in accordance with the relevant New Zealand standards.

Earthworks and stormwater management on site during construction will be staged and managed in accordance with an Erosion and Sediment Control Plan (ESCP) which will be designed in accordance with the relevant sections of the Canterbury Regional Council's Erosion and Sediment Control Toolbox for Canterbury.

The applicant has reviewed draft conditions with respect to Earthworks, Arboriculture and Heritage. The applicant has confirmed that there is general agreement with the intent of the majority of the conditions, subject to some refinements to clarify obligations and process.

The applicant has also proposed the following conditions and as such forms part of the application:

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

- a) Where a pre-construction building condition survey is proposed by this condition the consent holder shall request in writing the approval of the owners of identified properties to undertake an initial condition and photographic survey.
- b) The consent holder shall send copies of each of the requests to Council, Attention: Team Leader Compliance and Investigations via email to s 9(2)(a)

- c) The consent holder shall engage a suitably qualified and experienced expert to undertake a survey of the following properties where the property owner has given their written approval:
  - Those properties within 20m of where excavation will occur on the site.
- d) If the property owner does not respond within four weeks of requests having been made, the consent holder need not undertake a survey of that property. The survey shall assess the current condition of the exterior and interior of the buildings on the properties listed above (additional properties to be surveyed at the consent holder's discretion). The methodology shall be approved by the Team Leader Compliance and Investigations prior to the survey's being undertaken.
- e) A copy of each survey shall be made available to those property owners who participate in the survey in the survey and request a copy of the results.
- f) Within twelve weeks of the completion of the construction works a follow up survey of each property and street surveyed shall be carried out (at the consent holder's cost). The purpose of these surveys is to assess any adverse structural effects resulting from excavation and construction activities at the site. Provided the consent of any landowner is obtained, the consent holder shall be responsible for any repairs, reinstatement or other works to surveyed buildings that can be reasonably attributed to construction activity.

The proposal to establish a retirement village at 78 and 100 Park Terrace was presented to the Urban Design Panel in September 2019. As a result of the Panel's recommendations a number of design changes were made to the proposal including:

- Building massing and reorientation of buildings on the Peterborough Site;
- Increased building modulation, top floor setbacks and greater articulation of roof forms;
- Materiality to better reference the built context and provide greater visual relief and refinement to the façade treatments;
- Finer grain boundary interfaces, and pedestrian connection with public space, more specifically with Park Terrace.

The purpose of this report is to determine whether the application must be processed on a non-notified, limited notified, or publicly notified basis, pursuant to Sections 95A and 95B of the Resource Management Act.

#### Description of site and existing environment

The application site and surrounding environment are described in section 3 of the AEE submitted with the application. I adopt the applicant's description and note the following key points:

##### *Bishopspark Site*

The site is approximately 12,267m<sup>2</sup> in area and the topography is flat. The former buildings on site have recently been demolished other than the former Bishop's Chapel which is located to the rear of the site. The Bishop's Chapel is scheduled as a Highly Significant heritage item in the District Plan.

The surrounding neighbouring is a mix of residential and commercial, with Hagley Park directly west of the site on the opposite side of Park Terrace.

The Bishopspark site can be seen in the aerial photograph below:





Figure 1: Aerial of Bishopspark site (red outline) (100-104 Park Tce)  
 Source: Assessment of Environmental Effects page 30

#### Peterborough Site

The site is approximately 5,082m<sup>2</sup>, the topography is flat and the site is relatively regular in shape. The site is currently vacant and has been for a number of years since the former apartment buildings were removed as a result of damage sustained in the Canterbury earthquake sequence. The surrounding area is generally residential with a mix of standalone residential dwellings, apartment buildings and multi-unit residential buildings. There is a large grass berm on the Park Terrace frontage. Hagley Park is directly west of the site on the opposite side of Park Terrace.

The Peterborough site was previously occupied by the 'Terrace on the Park Apartment's which consisted of five residential buildings and a building containing an indoor swimming pool and changing rooms. The tallest of these buildings was approximately 31m high. This development was approved via resource consent (RC982059)

The Peterborough site can be seen in the aerial photograph below:



Figure 2: Peterborough site (red outline) 78 Park Terrace  
 Source: Assessment of Environmental Effects page 31.

The two sites are separated by Salisbury Street and residential properties fronting Salisbury St.

### *Surrounding sites*

108 Park Terrace - Resource consent was granted (ref: RMA/2017/2540) in April 2018 to erect a new building containing five residential units up to 18.2m in height. A further resource consent (ref: RMA/2018/2266) was granted in February 2019 for a new building containing four residential units up to 18.2m in height.

155 Victoria Street - Resource consent was granted (ref: RMA/2018/2900) in July 2019, and a subsequent s127 (ref: RMA/2020/1077) in June 2020, for a five storey guest accommodation facility with retail, food and beverage outlets on the ground floor.

### **Community Interest and Correspondence Received on the Application**

I have received a number of communications from surrounding property owners, including a petition signed by forty two individuals. Communication has also been received from the Inner City West Neighbourhood Association. In summary, the concerns raised cover the following:

- The non-compliances with boundary setbacks, recession planes, and site density rules will have a major effect on sunlight, privacy and lifestyle.
- Proximity and height of the proposed buildings on neighbouring properties.
- Reduction in sunlight/daylight.
- Height of buildings.
- Scale of buildings on both sites.
- Density of development.
- Design of development.
- Setback of road boundary is not in keeping with the residential neighbourhood.
- Proposed buildings are not in keeping with the surrounding area.
- Impact on the neighbourhood and park character.
- Liveability and value of neighbouring properties.
- Traffic issues will be intensified.
- The resource consent should be publicly notified so all residents have the opportunity to have their concerns addressed.
- Traffic disruption, noise and dust during the lengthy construction phase.
- Insufficient on site car parking for staff and visitors.
- Insufficient detail on number of commercial vehicles entering the site each day.
- Ramp gradients, availability of mobility spaces, tracking curves showing no clearance to obstacles, right parking layouts with no clearance to some columns and tracking, lack of tactile and audio devices on accesses, and use of trucks on Dorset Street which will allow trucks to reverse out of the site.
- Noise and odour from the placement of rubbish disposal facilities.
- Construction should be limited to 8am to 6pm Monday to Friday where construction equipment will generate excessive noise or vibration. Construction can occur outside these hours but only for non-noise/vibration activities.
- Construction effects given the number of years the construction is likely to be spread over including vibrations and subsidence.
- Access and visibility.
- Insufficient outdoor amenity on site.
- Use of Westward Terrace for construction purposes.
- Damage to existing properties with the foundation work/ground improvement required.
- Dust control to prevent contaminants escaping from the site onto neighbouring properties.
- Support of the development on the ground that the site is going to have an intensive development of some sort and a retirement village is probably the least intrusive and occupied by a quieter demographic than residential flats; Ryman are good, responsible operations; Warren and Mahoney are good local architects.
- Graphics used to illustrate the effects of the proposed building are misleading.
- Future residents could complain over the various events held in Hagley Park and this would lead to them being cancelled.
- Incorrect recession plane angles used on eastern boundary (adjacent to those properties that front Victoria Street).
- Lack of community consultation by the applicant prior to the application being lodged.
- Inaccuracies of shadow diagrams.



## Activity status

### Christchurch District Plan

The sites are zoned Residential Central City. The Residential Central City Zone has been developed to contribute to Christchurch's liveable city values. Providing for a range of housing types, including attractive, high density living opportunities, the zone utilises the potential for living, working and playing in close proximity to the commercial centre of the city. The character, scale and intensity of non-residential activities is controlled in order to mitigate effects on the character and amenity of the inner city residential areas<sup>1</sup>.

While the activity takes place on two sites, it forms one proposal, and I have undertaken my District Plan assessment on this basis, identifying each non-compliance by address in the following table.

The proposal requires resource consent for a restricted discretionary activity under the following rules:

Activity status rule	Standard not met	Reason	Matters of control or discretion (if relevant)	Notification clause
14.6.1.3 RD5	Any new building, or alteration or addition to an existing building for a retirement village that does not meet one or more of the following built form standards:		Retirement villages – Rule 14.15.9	Any application arising from Rule 14.6.2.3 shall not be limited or publicly notified.
	14.6.2.1 Building height	The maximum height of any building shall be 14m (100 Park Terrace) – 19.549m proposed.  The maximum height of any building shall be 20 m (78 Park Terrace) – 20.002m.	Building height – Rule 14.15.27.	
	14.6.2.2 Daylight recession planes	100 Park Terrace – Parts of Buildings B01, B02, B03 and B04 will breach the recession plane standards.  78 Park Terrace – Parts of Buildings B07 and B08 will breach the recession plane standard.	Daylight recession planes – Rule 14.15.28.	
	14.6.2.3 Road boundary building setback	100 Park Terrace - A 4.5m setback is required – Building B02 encroaches the 4.5m setback on the Park Terrace road boundary.  78 Park Terrace – A 2m setback is required. Building B03 encroaches the 2m setback from the Dorset Street boundary.	Street scene and access ways – Rule 14.15.29.	
	14.6.2.4 Minimum building setbacks from internal boundaries	100 Park Terrace – A setback of 1.8m along the eastern internal boundary is required. Buildings are not setback 1.8m from this boundary.	Minimum building setbacks from internal boundaries – Rule 14.15.30.	

<sup>1</sup> Table 14.2.1.1a of Policy 14.2.1.1



Activity status rule	Standard not met	Reason	Matters of control or discretion (if relevant)	Notification clause
6.8.4.1.3 RD1	6.8.4.2.6 Free standing signs – the maximum total area of a sign on each site shall be 0.2m <sup>2</sup> . A sign of 1.68m <sup>2</sup> is proposed on each site frontage.	The signage outside the main entrances to the Proposed Village will be approximately 160cm by 80cm. The number of letters in the name of the Proposed Villages have not been confirmed.	Rule 6.8.5.1	Shall not be publicly notified and shall be limited notified only to the NZTA where it concerns a road under its control.
7.4.2.3 RD1	7.4.3.7 Access design	Appendix 7.5.7 requires a minimum access width of 6.5m legal width and a 5.5m formed width. The Park Terrace access to the Peterborough site will have an access width and formed width of 4m.	7.4.4.10 - Vehicle access design	Must not be limited or publicly notified
8.9.2.3 RD1	8.9.2.1 P1 a. Earthworks volume and depth b. Depth of earthworks c. Earthworks gradient	The proposed earthworks will exceed the 20m <sup>3</sup> maximum volume in Table 9) 55,000m <sup>3</sup> is proposed at 100 Park Terrace and 32,000m <sup>3</sup> at 78 Park Terrace.  The proposed earthworks will exceed the 0.6m maximum depth by approximately 4.3m at 100 Park Terrace and approximately 4.85m for Peterborough Street.	8.9.4 Matters for discretion: 8.9.4.1 - Nuisance 8.9.4.2 - Resources and assets (versatile soils) 8.9.4.3 - Land stability 8.9.4.4 - Coastal hazard 8.9.4.6 - Amenity 8.9.4.7 - Indigenous biodiversity, natural character and landscape features 8.9.4.8 - Historic heritage 8.9.4.9 - Sites of Ngāi Tahu cultural significance 8.9.4.10 - Coastal environment	8.9.1 a. - Must not be publicly notified
9.3.4.1.2 C1	Heritage upgrade works for Highly Significant (Group 1) heritage items.	Heritage upgrade works to the Bishop's Chapel, which is listed as a Category 1 heritage item.	Heritage upgrade works, reconstruction and restoration – 9.3.5.1	Shall not be limited or publicly notified.
9.3.4.1.3 RD2	New buildings in a heritage setting.	New buildings are proposed within the heritage setting.	New buildings – Rule 9.3.6.1	None
9.4.4.1.3 RD1	Any pruning of any significant tree listed in Appendix 9.4.7.1.	78 Park Terrace – Pruning of a significant tree (Common Lime Tree T271) is proposed.	Rule 9.4.6 a - o	Shall not be limited or publicly notified.
9.4.4.1.3 RD5	Any works within the dripline of a significant tree listed in Appendix 9.4.7.1	78 Park Terrace – Works within the dripline of a significant tree (Common Lime Tree T271) is proposed.	Rule 9.4.6 a - o	Shall not be limited or publicly notified.

For completeness I note:

- The *activity* associated with a retirement village is a permitted activity in the Residential Central City Zone under Rule 14.6.1.1 (P12). This excludes any new building for a retirement village. The built form standards in Rule 14.6.2 do not apply to the *activity* (as per P12 c). For the avoidance of doubt, the applicable built form standards are those in 14.6.1.3 RD4 and RD5 with the applicable rule contingent on compliance or otherwise with those standards.

- Council's Water Capacity Team have confirmed that the proposal will comply with Rule 14.6.2.12 (Water supply for firefighting).
- As the Bishopspark site (and others) have legal right of way over Westwood Terrace (Pt Res 23), the applicable recession planes are taken on the far side of this access in accordance with Rule 14.6.2.2 a.i.
- The applicant has confirmed that the apartments will comply with the internal noise reduction requirements in Rule 6.1.7.2.1. A design report (prior to construction) and a design certificate (prior to occupation) prepared by a suitably qualified acoustics specialist stating the design proposed is capable of meeting this rule will be provided to Council.
- The activity associated with a retirement village does not fall to be considered under the high trip generator provisions rule 7.4.3.1. Rule 7.4.3.10 states that activities within the Central City listed in the permitted activity tables are exempt provided they comply with height and site coverage standards. However, as noted above, this activity is listed as a permitted activity with no applicable built form standards. It is specifically the buildings that require resource consent for breaches of the built form standards including height and setbacks, not the activity.

### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)**

The NES controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or more likely than not to have been carried out. The application site has been identified as HAIL land therefore the provisions of the NES apply.

Pursuant to Regulation 10(2) the proposal is a restricted discretionary activity under the NES as a Detailed Site Investigation (DSI) of the piece of land exists, and the report on the DSI states that the soil contamination exceeds the applicable standard in Regulation 7.

Overall, the proposal requires consent as a restricted discretionary activity under the District Plan and NES.

#### **Written approvals [Sections 95D, 95E(3)(a)]**

The applicant has obtained written approval from the owners of the following property:

- 54 Park Terrace (The George Hotel)

Pursuant to section 95D(e) any adverse effects on these persons must be disregarded.

#### **PUBLIC NOTIFICATION TESTS [Section 95A]**

Section 95A sets out the steps that must be followed to determine whether public notification is required:

<b>Step 1: Mandatory notification – section 95A(3)</b>	
<i>Has the applicant requested that the application be publicly notified?</i>	<b>No</b>
<i>Is public notification required under s95C (following a request for further information or commissioning of report)?</i>	<b>No</b>
<i>Is the application made jointly with an application to exchange reserve land?</i>	<b>No</b>

Public notification is not mandatory under this section.

<b>Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95A(5)</b>	
<i>A rule or NES precludes public notification for all aspects of the application</i>	<b>No</b>
<i>The application is a controlled activity</i>	<b>No</b>
<i>The application is a restricted discretionary or discretionary activity for a subdivision of land</i>	<b>No</b>
<i>The application is a restricted discretionary or discretionary activity for residential activity on land that, under the District Plan, is intended to be used solely or principally for residential purposes?</i>	<b>Yes</b>
<i>The application is a boundary activity</i>	<b>No</b>

Public notification is precluded under this section.

<b>Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8) .</b>	
Does a rule or NES require public notification?	N/A
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? (discussed below)	N/A

<b>Step 4: Relevant to all applications that don't already require notification – section 95A(9)</b>	
Do special circumstances exist that warrant the application being publicly notified?	No

I do not consider there are any special circumstances that warrant the public notification of this application. While there is widespread public interest, this in itself does not constitute a 'special circumstance' that means that notification is required. There are no other aspects of the application that lead me to determine any special circumstances exist.

### Conclusion on public notification

Having evaluated the application against the provisions of section 95A, my conclusion is that the application **must not be publicly notified**.

### LIMITED NOTIFICATION TESTS [Section 95B]

Where an application does not need to be publicly notified, section 95B sets out the steps that must be followed to determine whether limited notification is required.

<b>Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)</b>	
Are there any affected protected customary rights groups or customary marine title groups?	No
If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement, is there an affected person in this regard?	N/A

<b>Step 2: Preclusions to limited notification – section 95B(6)</b>	
Does a rule or NES preclude limited notification for all aspects of the application?	No
Is the application for a land use consent for a controlled activity under the District Plan?	No

There are no preclusions to limited notification under this section.

<b>Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)</b>	
For a boundary activity, are there any affected owners of an allotment with an infringed boundary under s95E?	N/A
For other activities, are there any affected persons under s95E, i.e. persons on whom the adverse effects are minor or more than minor, and who have not given written approval?	Yes

### Assessment of Affected Persons

As the application is for a retirement village, which is a residential activity, public notification is precluded under s95A(5) of the Resource Management Act. As such, I am not required to undertake an assessment of the effects on the wider environment as part of the s95 determination, but I note such an assessment will be relevant for the s104 consideration.

As a restricted discretionary activity the Council's assessment of the effects of this proposal is limited to matters relating to rules breached. In the context of this planning framework I consider that the potential effects of the activity relate to residential character and amenity, signage, traffic, earthworks, heritage and effects on the significant tree.

The objectives and policies in the District Plan set the context for assessing the effects of the application and seek an increased supply of housing (Objective 14.2.1) while providing for a range of housing types, including



attractive, high density living opportunities, and the potential for living, working and playing in close proximity to the commercial centre of the city (Policy 14.2.1.1 Table 14.2.1.1a).

#### *Anticipated built form development*

Section 95D(b) allows the effects of activities permitted by the District Plan or an NES to be disregarded (the "permitted baseline"). The District Plan allows for the activity associated with a retirement village as a permitted activity however this does not include any new buildings or alteration or addition to existing buildings. New buildings or alterations or addition to existing buildings for a retirement village are a restricted discretionary activity.

The applicant has provided shadow diagrams that show the extent of shading provided by a structure built to the 14m height limit (Bishopspark Site) or 20m height limit (Peterborough Site) and complying with height in relation to boundary controls (setbacks and recession planes) for comparing the adverse effects of the proposal particularly in relation to building height and shading effects. Although not a 'permitted baseline' it represents the maximum building bulk anticipated under the built form standards. As such, it must be applied with some caution as in reality a development is unlikely to maximise the built form standards along every boundary, particularly given the size of the subject sites and their irregular boundaries (Bishopspark in particular).

Before considering the anticipated built form development in my assessment of effects below it is first important to establish that it is appropriate to do so in the circumstances of this application. In my opinion it is appropriate to use the built form standards as a guide to the built outcome sought by the objectives and policies for the Residential Central City Zone (i.e.: the built form standards should not be used in a vacuum and must be viewed in the overall context of the Plan objectives and policies). As the Plan anticipates the Central City to contain the most intense level of activity and highest residential densities, facilitates multi-storey buildings and sets height rules specific to each location, I consider it is both logical and reasonable to make such comparisons with the anticipated built form development. The Plan clearly anticipates that sites in the Central City contain buildings, even though new buildings for a retirement village could not be a permitted activity on these sites. For the above reasons I am of the view that an appropriate approach to the assessment of shading effects (over-height building and recession plane breaches) involves a consideration of the level of built form anticipated by the built form standards. The effects of height and recession plane intrusions on neighbours is assisted by having regard to this Central City context and the objectives and policies of the Plan.

In the context of this planning framework, I consider that the potential adverse effects of the activity relate to:

- Urban Design
- Signage
- Traffic
- Earthworks
- Heritage
- Arboriculture
- Human health in the context of contaminated soils

#### *Urban Design*

The proposed development falls under the definition of 'retirement village' in the District Plan and the proposed buildings require resource consent as a restricted discretionary activity. The proposal does not meet the built form standards relating to height, recession planes, road and internal boundary setbacks on both sites.

The applicant has provided an urban design and landscape assessment prepared by Ms Rebecca Skidmore of Rebecca Skidmore Urban Design Limited and this has been reviewed by Council's Principal Advisor Urban Design, Ms Josie Schroder, and Landscape Architect, Ms Jennifer Dray. These assessments have been prepared taking into account the relevant matters of discretion contained in rules 14.15.9 (retirement villages), 14.15.27 (building height), 14.15.28 (daylight recession planes), 14.15.29 (streetscene) and 14.15.30 (minimum building setbacks from internal boundaries). I note that the following assessment summarises Ms Schroder's assessment, which I accept and adopt in full for the purposes of this report.

#### **Bishopspark Site**

A relevant matter of discretion (14.15.9 a) considers whether the development is approximate to its context while taking into account the retention or response to existing character buildings or established landscape features on the site, particularly mature trees, which contribute to the character of the area (14.15.9 a.iii).

Ms Schroder considers that the retention of the Chapel on the Bishopspark Site and its use as a focal point and structuring element for the village is positive in respect to the amenity and character retained. She also acknowledges that an existing semi-mature Beech tree is to be retained and relocated within the site however a number of medium and large scale trees visible from surrounding streets and adjacent neighbours have been

removed. She notes that it is unfortunate that these trees have been removed as they detract from the existing environment and reduce the level of existing amenity for neighbouring properties and the public when the site was viewed from the public realm and neighbouring properties.

Ms Skidmore in respect to the Bishopspark Site stated that “specimen trees are used through the site to create a vegetated structure that complements the building forms. Much of the planting is located above the basement. Specimen trees are also used to filter views to the Proposed Village from adjacent residential properties and contribute to the Park Terrace streetscape.”

Tree planting is proposed within and around the edges of the Bishopspark Site. However as identified by Ms Skidmore as well as Council's Landscape Architect and Arborist<sup>2</sup>, the extent of the basement car park creates limitations for tree planting across the site and some of the proposed trees may struggle to attain height with accompanying canopy growth.

Given the scale of development and size of the Bishopspark Site, Ms Schroder considers that it is critical that the proposed trees, particularly those that provide visual relief and filter views when viewed from outside of the site, are able to be of a medium and large scale. This is discussed further below.

#### *Street Interfaces*

With regard to street interfaces, the relevant matters of discretion (14.15.29 and 14.15.9a) consider the extent to which the proposed buildings detract from the coherence, openness and attractiveness of the site when viewed from the street and adjoining sites, the requirement for the reduction in setback, and whether the development is appropriate for its context, taking into account engagement with, and contribution to adjacent streets, integration of access, parking areas and garages, visual quality and interest.

Ms Schroder concurs with Ms Skidmore in regard to the street interface with Park Terrace, in respect to the frontage treatments including the opportunity for visual interaction with the street, boundary treatments and access. This is on the presumption that the proposed tree planting will achieve a substantive scale such that it provides a transition, visually softening and filtering the scale and mass of the building, as viewed from public space, including from Hagley Park.

Building B02, which fronts directly onto Park Terrace, at 5 storeys (excluding basement) exceeds the 14m height standard by approximately 4.5m at its highest. The top storey has been set back from the main façades of the building and incorporated within the roof form. As such Ms Schroder does not consider that the additional height would be notable in itself when viewed from the street, if compared to that of a complying building with a flat roof form. In addition she advises a greater level of visual interest is provided through the roof articulation.

In regard to the Dorset Street interface and Building B03, Ms Schroder considers that the building is of a grain, form and scale suitable to the street and that the proposed building is well articulated with a good level of engagement and contribution to the street through the extent of glazing, fence and hedge treatments, and pedestrian access to the linear park.

However, she raises concern regarding the minimal setback from the street, with trees planted on the street-side of the boundary wall, with very little space available for the trees to mature. Ms Schroder contends that the trees while not necessarily mitigating visual impacts of the building, do have a contribution in providing context to and reducing the scale of the building, including the additional height, in what is a low scale and intimate street environment. In Ms Schroder's opinion the planting detail requires further consideration for the boundary treatment to be effective in the Dorset Street context and I concur with her on this.

#### *Visual Quality*

In regard to the visual quality, the relevant matters of discretion in the District Plan (14.15.9 vii) relate to the 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. Ms Schroder generally considers that the visual quality of the buildings are generally positive, with some exceptions in regard to specific building façades. Ms Schroder notes that buildings are separated on the site, with a series of open spaces and planted areas between and this provides visual interest in combination with an architectural style and quality of material that reflects the Christchurch vernacular and references the former and existing heritage of the site.

There is some variation in the building heights and forms across the site, however Ms Schroder considers this is less effective in providing visual interest than other aspects of the design approach, such as the level of modulation and articulation in respect to most of the building façades which is provided through balconies, steps in plan, angled end walls, cladding materials and glazing.

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<sup>2</sup> Mr John Thornton

Ms Schroder considers that the design provides human scale elements when viewed in close proximity, and visual interest when viewed from immediately outside of the site, of what are otherwise a series of buildings of significant scale and mass within this context. She notes the roof forms are well articulated and characteristic of the area, adding an additional level of visual interest.

Ms Schroder advises that while there is considerable repetition across the site in terms of the architectural response and this creates both a visually cohesive development which is positive, this can also result in visual monotony. However Ms Schroder considers the latter impact will be reduced given that detailing of the building will not be read on mass from outside of the site.

Overall, with the following exceptions given the sensitivity of the viewing audience, Ms Schroder considers that the design approach results in a good level of visual quality and interest. The exceptions are:

*North façade of B02 (illustrated below).* Ms Schroder considers that this elevation while angled, is tall and relatively blank, with additional roof height, with potential for a high level of reflectance. It does not contain many of the smaller detailed elements, such as glazing and balconies, found on most of the other building façades on the site. Ms Schroder considers that it results in an aspect that is out of context with the remainder of development within this urban block and will be visually dominant and will have a moderate to high visual impact on the user experience and scale, primarily pedestrians and cyclists, of Park Terrace, but more generally users of the street when approaching from the north. While the boundary treatment and tree planting will potentially provide some filtering of this façade, this may be limited given the constraints on the site from the basement car parking. I note these effects are to the wider environment and no individual persons are considered affected by the lack of detailing on this façade.



Figure 3: North façade B02  
Source: Application documents

- *South façade B02 (illustrated below).* Similarly to the north facade this elevation while angled, is tall and relatively blank, with additional roof height increasing the visual bulk, with potential for a high level of reflectance. Ms Schroder considers that will result in a moderate to significant visual impact, resulting in visual dominance, in respect to 90 Park Terrace and to a degree, albeit at greater distance on 84 Park Terrace.



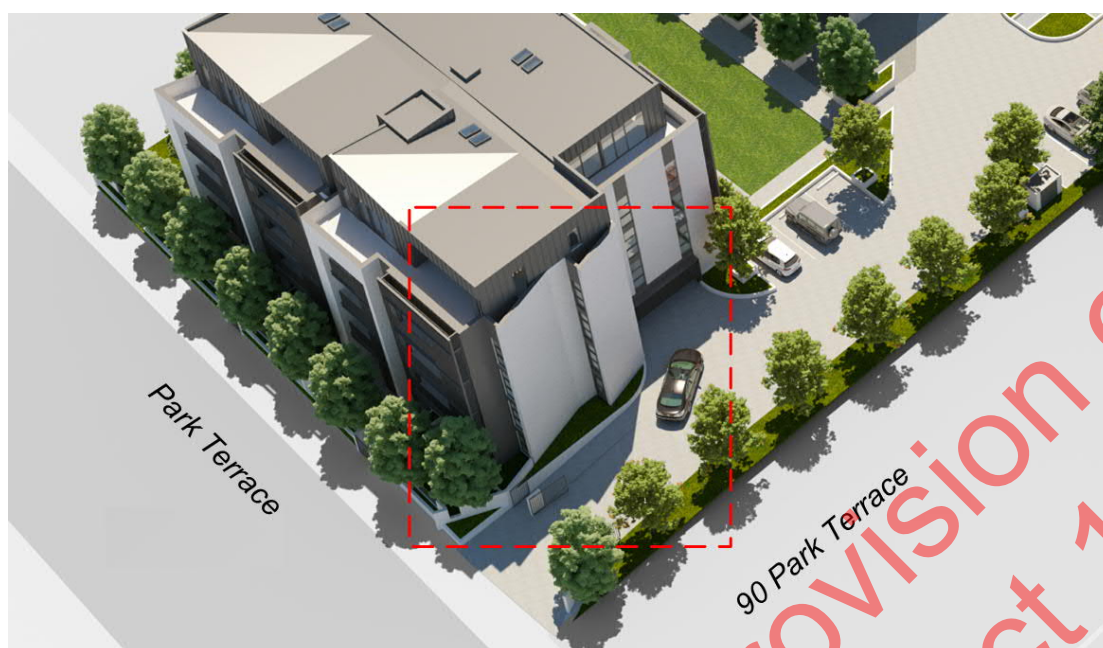


Figure 4: South façade B02 (Bishopspark)  
Source: Application documents

#### Landscaping

The relevant landscape matters that can be considered under the restriction of discretion fall broadly into site context, visual quality, street interface, residential amenity for neighbours and CPTED. As outlined above, Council's Landscape Architect, Ms Jennifer Dray, and Council's Arborist, Mr John Thornton have provided landscape advice on the proposal.

As outlined previously, a number of medium and large-scale trees that were formerly growing on the site and are, or were, visible from surrounding streets and adjacent neighbours are to be (or have been) removed. Ms Schroder and Ms Dray both consider that the removal of these trees detracts from the existing environment, reducing the amenity for both neighbours and when viewed from public spaces.

The proposal includes an existing semi-mature Beech tree being retained and relocated from the northern sector of the site, to be transplanted against the southern boundary shared with residential property at 15 Salisbury Street. Providing the transplanted tree survives, its potentially large stature is likely to overshadow the swimming pool on the adjacent property. The effects of the transplantation of the tree on the amenity of the neighbouring property is within the scope of discretion at 14.15.9 vi. I consider the potential shading to have at least minor effects on the owners and occupiers of 15 Salisbury St.

No details on the methodology for its relocation have been provided and both Ms Dray and Mr Thornton raise concern regarding its possible survival.

Proposed tree planting on the Bishopspark Site are as follows;

- Park Terrace frontage. A line of variegated Elm trees, bookended by a pair of English Oaks at the driveway entrance, and a Plane tree in the north western most corner. The Oaks and Plane tree were provided as a response to discussions with Council regarding a more appropriate reflection of the Hagley Park and Avon River streetscape. These trees are to be planted within conventional tree pits at 2.0m in height and are estimated to be 8m in height after 10 years of growth. The Plane tree and Oak trees in particular are capable of growing to 25m or more at maturity.

Given the proximity of these trees to the BO2 Apartments, Ms Dray considers that it is unlikely that they will be allowed to reach this height, as overshadowing is likely to be a concern for the residents. These trees will add to streetscape amenity, and to the visual amenity of Hagley Park users, however, are unlikely to be allowed to achieve their full height, which reduces their ability to mitigate the bulk of the building in this location.

- Westwood Terrace frontage. Fastigate Gingko trees are proposed for this boundary. They are to be grown in tree planters that average 1300mm in width, over the basement car park podium, in very close

proximity to the building elevation. These trees are estimated by the applicant to be 6m in height after 10 years of growth.

Mr Thornton raises concern over the size of the planter boxes, 3m<sup>2</sup>, and considers that these will restrict their growth and the trees will be unable to reach their natural potential size/height or the 6m proposed.

- Dorset Street frontage. A row of four upright purple European Beech are proposed, to be planted in conventional tree pits which measure less than 1.0m in width. These trees are estimated by the applicant to be 8m in height after 10 years of growth and are to be situated on the northern side of the apartments.

Ms Dray considers that it is likely that space constraints and lack of daylight penetration on the northern elevation will prompt either the topping of these trees, in which case their form and structural integrity will be compromised, or the removal of these trees which will then detract from the street interface and the residential amenity for the neighbours.

- 90 Park Terrace. A line of seven Maple trees is proposed for this residential boundary shared with the main vehicle access, as well as an English Oak at the road boundary. These trees are to be planted within tree pits in a conventional landscape bed and are estimated by the applicant to be 6m in height after 10 years of growth.

Ms Dray considers that these Maple trees are appropriate trees for this boundary as they are considered more of a medium sized tree, and with seasonal foliage which will provide an attractive filtered screen.

While the building massing and density of development on the site may be appropriate to the location, both Mrs Dray and Mr Thornton have concerns regarding the adequacy of the proposal to establish in perpetuity the tree planting that is a critical element in addressing the site context, and assist to mitigate the visible scale of the buildings with respect to neighbours, given the scale of development. I accept and agree with the advice of Ms Dray and Mr Thornton and adopt it for this purposes of this report. I therefore have been unable to take into account the mitigating effects of the planting in terms of the effects of the building bulk on adjacent property owners and occupiers.

#### *Internal setbacks*

Building B04 breaches the internal setback requirement of 1.8m along the rear boundary. The relevant matters of discretion (14.15.30) consider the effect of proximity of the building on the amenity of neighbouring properties, the ability to provide adequate opportunities for landscaping and the extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site.

This building is single storey with a relatively flat and effectively forms the rear of the development. Given the reduced setback there is no landscaping proposed in this area. The adjoining neighbours (133, 135, 137, 143, 145 and 149 Victoria Street) are those located on Victoria Street which are in commercial use.

The sites at 133 and 135 Victoria Street area used for long term lease parking for surrounding businesses. The sites are sealed and marked, with a rubbish storage area to the rear of the site. Given the use of these sites any adverse effects on the owner and occupiers of this site as a result of the internal setback breach of Building 04 are considered to be less than minor on these properties.

The building at 137 Victoria Street is a three storey building with retail on the ground floor and offices above. Basement car parking is provided as well as additional car parking spaces to the rear of the building. There are windows at first and second floor level that serve the office spaces and front the application site. The building is setback approximately 15m back from the application site. Given the separation of this building and the application site, and that the windows at first and second floor level serve office space, any adverse effects on the owner and occupiers of this building as a result of the internal setback breach of Building 04 are considered to be less than minor on these properties.

The building at 143 Victoria Street is two storey and is split into a mix of retail which fronts Victoria Street, and warehouse (ground level) and offices (first floor level) to the rear. There are windows in the rear elevation at first floor level. The building is setback approximately 17m from the application site. Car parking is provided to the rear of the building. Given the separation of this building and the application site, and that the windows at first level serve office space, any adverse effects on the owner and occupiers of this building as a result of the internal setback breach of Building 04 are considered to be less than minor on these properties.

The building at 145 Victoria Street contains a mix of retail and offices and is two storey at the front of the property, reducing to single storey at the rear, spanning the full length of the property. The rear elevation of the property contains no windows. Given the use of the property and taking into account there are no windows on the rear



elevation, any adverse effects on the owner and occupiers of this building as a result of the internal setback breach of Building 04 are considered to be less than minor on these properties.

The building at 149 Victoria Street contains a mix of offices, retail and a residential unit at the rear of the site at first floor level. The apartment has a balcony which is accessed off the living space and faces directly west into the application site. The balcony is setback approximately 3.5m from the internal boundary. Building B04 is approximately 4.2m high adjacent to this boundary and extends approximately half the width of the adjoining boundary between the application and 149 Victoria Street. Given the proximity of the residential unit to the internal setback breach of Building 04, and the height of the building, the effects on the owner and occupier of the residential building are considered to be at least minor. The adverse effects on the owner and occupiers of the less sensitive retail and offices are considered to be less than minor.

#### *Residential Amenity for Neighbours*

14.15.9 a requires consideration of whether the development, while bringing change to existing environments, is appropriate to its context taking into account (inter alia) residential amenity for neighbours.

It is acknowledged that the proposal will result in a considerable change to the residential character of the area due to the form, density and scale of the proposal. This is due to the relatively low scale buildings and established vegetation that previously occupied the Bishopspark site; and due to the Peterborough site being a vacant cleared site for several years. While this change may be a substantive transformation for both sites and for many of the residential neighbours, it is acknowledged that the District Plan anticipates development in scale with what is proposed and the changes to the environment may impact on the residential amenity for neighbours.

Submitted with the application are a number of shadow diagrams prepared at various times throughout the day and for at the Summer Solstice, Equinox and Winter Solstice. These are attached as Appendix A to this report. I have reviewed these, with the assistance of Ms Schroder and Council's Senior Architect, Mr Crispin Schurr. The shadow diagrams provided shows shading proposed from the proposed development and compares this to shading from a structure built to the 14 m height limit (Bishopspark Site), 20 m height limit (Peterborough Site) and complying with the relevant District Plan internal boundary setback and recession plane requirements.

In terms of height, part of each of the buildings on the Bishopspark site proposed exceeds the permitted height, with the most significant height intrusion being on Building B02 by 4.5m for the extent of the top storey. The remainder of the buildings have partial roof intrusions, up to 2m in height. The applicant has provided a useful diagram which clearly shows the areas of buildings which intrude the height plan. Although not to scale the diagram clearly identifies the height intrusions across the site.

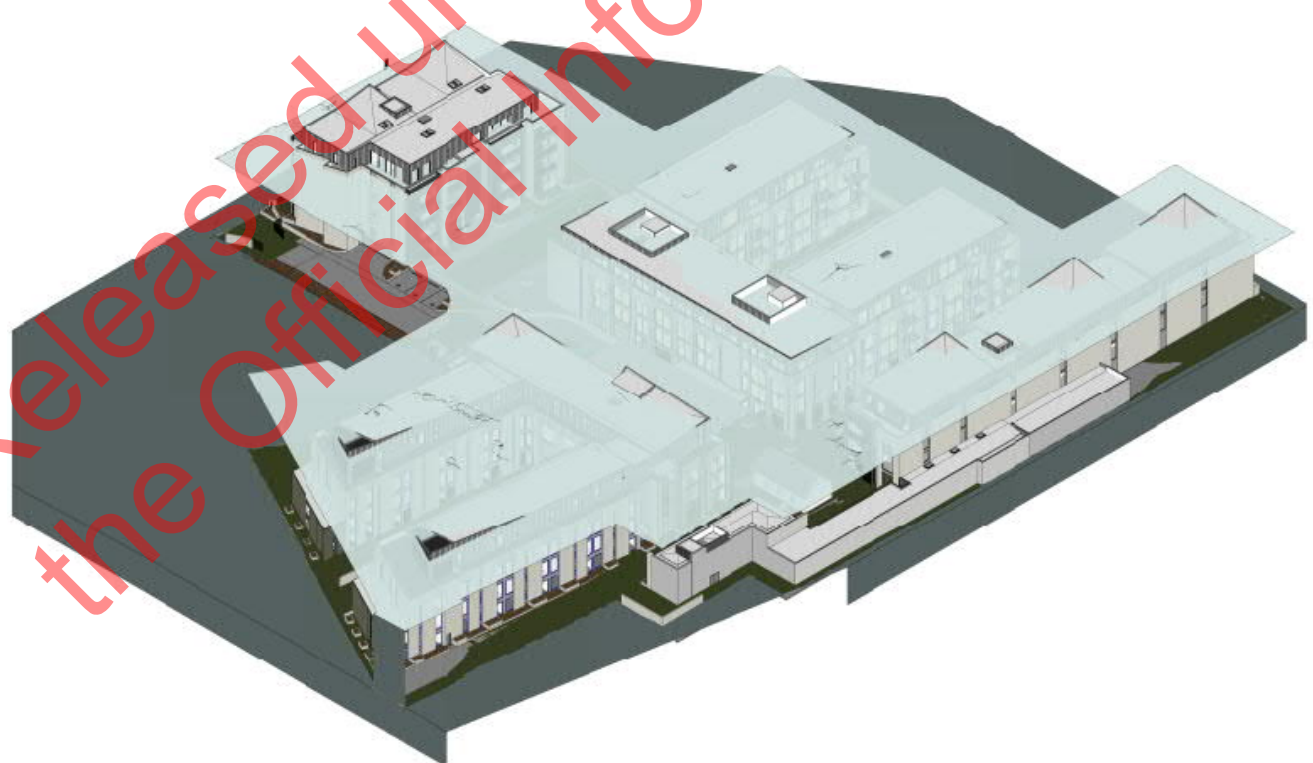


Figure 5: Areas where height plane breached (Bishopspark)

The proposal also breaches a number of recession plane rules at almost all boundaries, albeit at various heights, lengths and depths. Similar to the height intrusions, the applicant has provided a number of useful drawings which clearly shows the areas of buildings which intrude the recession planes, see below.

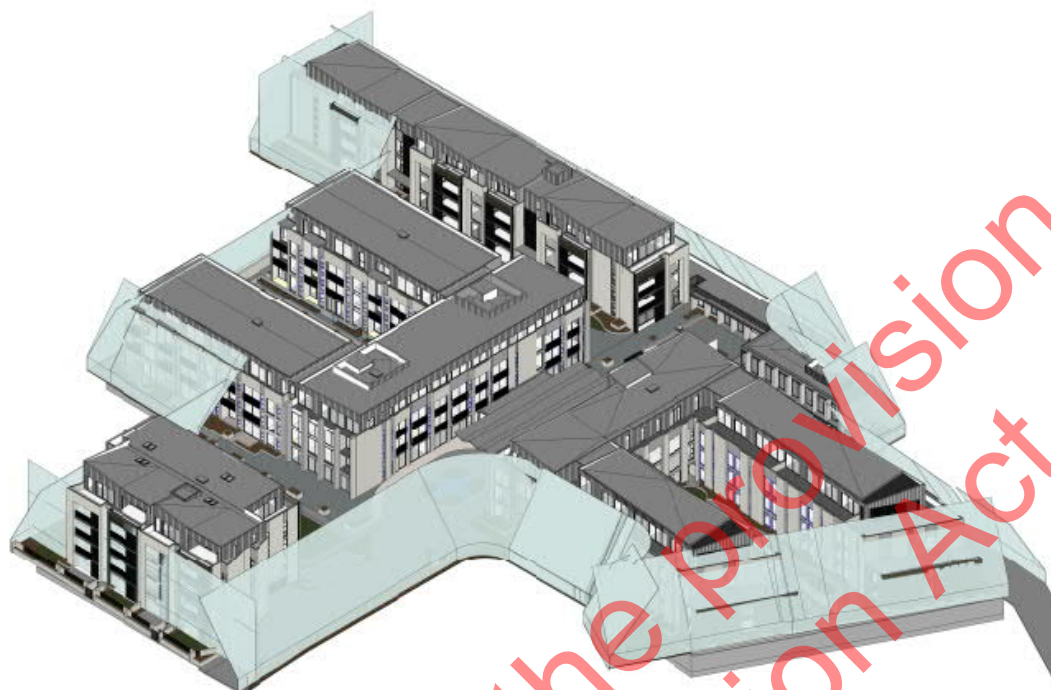


Figure 6: Recession plane breaches NW (Bishopspark)  
Source: Application – Recession Plane - North West – Drawing No. S01.A0-070

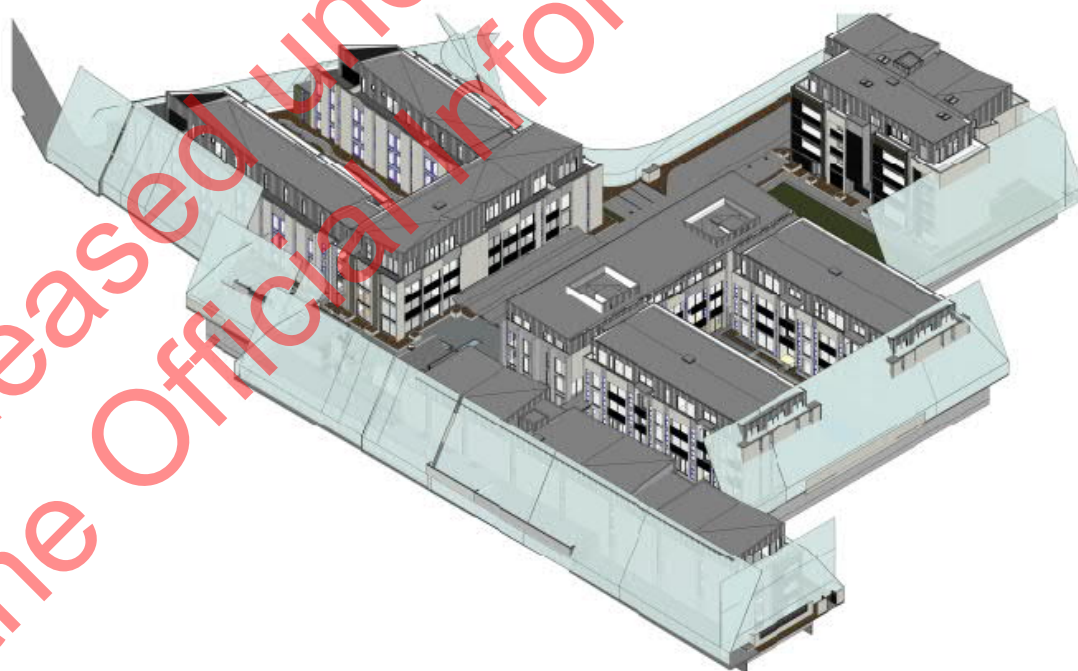


Figure 7: Recession plane breaches SE (Bishopspark)  
Source: Application – Recession Plane – South East – Drawing No. S01.A0-070

In considering the potential residential amenity effects on surrounding properties from shading, the applicant has provided a table which assesses the shading on neighbouring properties. This table is attached as Appendix B to this report. I generally agree with this assessment with respect to the times of days that the shadowing is occurring. I do not share the same conclusions however with regard to the level of effects and these are discussed further below. I also make the following comments with regard to effects of height and on residential amenity.

### **82 Park Terrace**

This property is located on the corner of Park Terrace and Salisbury Street and contains a number of residential units in an apartment block. The proposed development will create shading to this property on the driveway and roof of the existing buildings. However, the applicant's shading diagrams indicate that shading created from a structure built to 14m in height, complying with the recession plane and boundary setback rules will be greater than that from the proposed development.

The height of the proposed buildings are not considered to affect this property due to the separation between this site and the proposed buildings, noting the separation provided by 84 and 90 Park Terrace along this frontage and 5 Dorset St along Dorset St and the minimal degree of non-compliance and lack of additional shading due to the proposed buildings closest to this property.

Any effects on the owners and occupiers of this property in terms of shading, privacy, outlook and visual dominance of buildings are considered to be less than minor.

**84 Park Terrace** – This property contains a new two storey residential development, oriented to the north, with outdoor living space at ground level and large windows on the first floor. This site is separated from the bulk of the application site by number 90 Park Terrace, though it does share a rear boundary with the application site. This part of the development adjacent to the shared boundary is shown as a vehicle access turning circle. Therefore, in terms of potential visual impact, 84 Park Terrace is at quite some distance from the southern façade of B02. I consider that while the additional height will be noticeable from this property, the southern façade will not be visually dominant given the distance between this property and the proposed buildings on the site. The building on 84 Park Terrace is orientated towards the north and west, and therefore the increase in height intrusion to the south from building B01, together with the distance to the intrusion, is unlikely to adversely affect the owners and occupiers of this property in terms of outlook and privacy. In terms of shading, the proposed development will create additional shading however for the majority of the time this will not be any greater than shading from the shadow created from a building 14m in height and complying with recession plane and setback rules. The exception to this is at 2pm at the Winter Solstice where there will be a significant amount of shading of 84 Park Terrace between the Park Terrace frontage and centrally on the site. The effects of this shading on the owners and occupiers of this property are considered to be at least minor.

**90 Park Terrace** – This property is immediately to the south of building B02 and is a single level dwelling, set in an established garden with north and west facing outdoor living. A large Oak tree is located to the south-west of the site close and its base is approximately 19m from the application site's boundary. B02 is located just over 9.5m from the site boundary with this neighbour. There will be limited overlooking from B02 due to the small amount of glazing on the southern façade, with the exception of the living space of the upper floor. This space is set back from the façade parapet and has the main living room access and outlook to the south, directly overlooking the garden of 90 Park Terrace. I consider there will be some loss or at least a perception of a loss of privacy, as a result. It will be mitigated to an extent by the distance between the properties and the likelihood that the apartment resident will look towards the hills rather downward to the neighbouring garden.

The additional height of the building B02, will have an effect when viewed from 90 Park Terrace, particularly given their aspect and outlook is directly towards it. Boundary planting within the Bishopspark Site will have some impact in lessening the visibility of the building, but not to the degree that it will significantly mitigate the scale of the building as viewed from 90 Park Terrace.

The visual dominance and outlook effects of the proposal on the owners and occupiers of this property are considered to be more than minor and the effects from shading are considered to be at least minor.

**108 Park Terrace** – This site has resource consent for an apartment building that is currently under construction. I agree with Ms Skidmore that there will be additional shading for a short time between the Equinox and Summer solstice, however this is very small and will be cast over the driveway and roof of the apartment building on the site. Comparing the shadow created from a building of 14m in height and complying with recession plane and boundary setback rules, the effects of shading from the proposed buildings are considered to be less than minor on the owners of this site (noting there are no occupiers at the time of making this assessment).

The additional height of the building B02, will be observable from the residential apartments at 108 Park Terrace. However the windows in this building at ground to fourth floor level and adjacent to the proposed building B02 all



generally serve bedrooms, bathrooms and stairwells. The outlook from these apartments is in a general north/north west direction and away from the application site, and the development at the rear has only a small recession plane non-compliance that does not impact the site in any way greater than a compliant building other than mid-morning in summer to a degree that I consider to be less than minor. However, the Penthouse has very large floor to ceiling windows on the southern elevation and the additional height is likely to affect the outlook from this apartment, notwithstanding that these windows serve a bedroom, bathroom and office. There is also a terrace at this level and the additional height is likely to affect the outlook of users of this terrace area. Given this, effects as a result of the height and recession plane intrusion in terms of privacy, outlook and visual dominance of buildings on the owners of 108 Park Terrace are considered to be at least minor.

#### **1/2A, 2/2A, 3/2A, 4/2A, 2A/5, 2A/6 Dorset Street**

The shadow diagrams provided show that the proposal does not create any additional shadowing compared to a structure built to the 14m height limit and recession plane and internal boundary controls to the above properties.

With respect to height, while the building adjacent to Park Terrace (B02) exceeds the height limit by almost 5m, these sites, other than 2A/5 and 2A/6 Dorset Street, are separated from the site by 108 Park Terrace where a large five storey apartment building is being constructed. This building will largely block the view from these properties into the site. The proposed buildings additional height will not have any adverse effects in terms of dominance or outlook due to the distance between these properties and the building being constructed at 108 Park Terrace. With regard to 2A/5 and 2A/6 Dorset St the proposed buildings comply with the height limit on the internal boundary.

These properties are all generally orientated to the north or west, with limited outlook to the south. In respect to the southern outlook for these neighbours, the scale of change from the existing site to the constructed proposal will be substantial. However, when compared to a structure built to the 14m height limit, boundary setback and recession plane controls, there would be minimal effect on these properties over and above what is anticipated by the Plan.

Any effects on the owners and occupiers of these properties attributable to the increased height from shading, outlook, privacy and visual dominance are considered to be less than minor.

#### **2, 4, 6 and 8 Dorset Street**

The shadow diagrams provided show that the proposal does not create any additional shadowing compared to a structure built to the 14m height limit and height in relation to boundary controls.

With respect to height, building B01 intrudes the height limit along this boundary however the intrusion is relatively negligible given it is set back from the main building line and is 0.46m over the District Plan 14m height limit. The outlook from these properties is towards the north and not the south. The proposed buildings additional height will not have any adverse effects in terms of dominance or outlook due to the distance between these properties and the proposed buildings, and given the location of the intrusion.

Any effects on the owners and occupiers of these properties in terms of shading, outlook, privacy and visual dominance are considered to be less than minor.

#### **4A Dorset Street**

This property is not identified in the applicant's shading table.

This site is located immediately to the rear of 10, 12, 14 and 16 Dorset Street and is currently vacant. Resource consent has been granted, ref: RMA/2017/2490 and subsequent s127 RMA/2020/394, to construct a replacement building containing garages, a laundry and a residential unit.

The shadow diagrams show the around the equinox additional shading will fall on this property in the morning and will have moved off this property by 10am.

The proposal complies with height limit adjacent to this property.

The additional shading on this property is hardly perceptible and only for a short period of time. The effects on the owners of this property due to shading are considered to be less than minor.

#### **10 Dorset Street**

The shadow diagrams provided show that the proposal does not create any additional shadowing compared to a structure built to the 14m height limit, recession plane and internal boundary setback controls.

The proposal complies with height limit adjacent to this property.

Any effects on the owners and occupiers of this property in terms of shading, outlook, privacy and visual dominance are considered to be less than minor.

#### **12 Dorset Street**

The applicant has identified that around the equinox additional shading will fall on the first floor unit extending across the kitchen window for a short time. By 10am the shadow has completely moved off this property.

The proposal complies with height limit adjacent to this property.

Given the extent of shading, although only for a short period of time, the effects on the owners and occupiers of this property due to shading are considered to be minor.

#### **14 Dorset Street**

The shadow diagrams provided show that the proposal does not create any additional shadowing compared to a structure built to the 14m height limit, recession plane and internal boundary setback controls.

The proposal complies with the height limit adjacent to this property.

Any effects on the owners and occupiers of this property in terms of shading, outlook, privacy and visual dominance are considered to be less than minor.

#### **16 Dorset Street**

The applicant has identified that around the equinox additional shading will fall on the ground floor unit extending across the kitchen window for a short time. By 10am the shadow has completely moved off this property.

The proposal complies with height limits adjacent to this property.

Given the extent of shading, although only for a short period of time, the effects on the owners and occupiers of this property due to shading are considered to be minor.

#### **2-16 Dorset Street – common parking area**

The applicant has identified that the proposed building will create additional morning shading across the parking area at the rear of the property. I agree with the applicant that this will not result in a reduction in residential amenity and will have a less than minor effect.

#### **18 Dorset Street**

The applicant has identified that this property will receive additional shading in the summer where it extends across the driveway along the eastern boundary to the face of the dwelling for a short time. By the middle of the day it has completely moved off this property. Towards the Equinox this additional shading extends across the rear of the property at 10am receding to less than that permitted by the built form standards by 11am.

Building 03 will extend to 15m in height however it is set 7m in from the internal boundary with 18 Dorset Street. However, given 18 Dorset Street is a two storey residential building the effects of an additional 1m height on this property in terms of outlook and visual dominance are considered to be at least minor.

Given the extent of shading, although only for a short period of time, the effects on the owners and occupiers of this property due to shading are considered to be minor.

#### **28 Dorset Street/155 Victoria Street**

This property is located on the corner of Dorset and Victoria Street and is held in one title. This site is zoned Commercial Central City Business, other than a small strip of residential zoned land which is immediately adjacent to the application site. This site is currently being developed for a commercial building and contains a café and retail at ground floor level, and a hotel at first to fifth floor levels. The proposal will create additional shading at 5pm at the Equinox however this will only be for a marginally greater area than shading created from a structure built to complying height, internal setback and recession plans.

Parts of the roof of Building B02 will breach the height limit, however these areas are on the western side of the roof on the opposite side of the building from these properties. There is also a vehicle access between these properties and the eastern wall of building B02. I consider the proposed building's additional height will not have any adverse effects in terms of dominance or outlook due to the distance between these properties and the proposed buildings, and given the location of the intrusion.

Given the use of this adjacent site, and the location of the height intrusion any effects of the proposed on the owners and occupiers of this site are considered to be less than minor.

### **Victoria Street**

With regard to the adjacent properties along Victoria Street, I agree with Ms Schroder and Ms Skidmore that the commercial uses of the properties to the east of the site are not as sensitive to change as residential activities and that the small projections of Building B03 and B04 through the height and recession planes along the eastern boundary will not be readily perceptible or adversely affect the amenity of the adjacent commercial properties. The exception to this is the building at 149 Victoria Street which contains a mix of offices, retail and a residential unit at the rear of the site at first floor level. The apartment has a balcony which is accessed off the living space and faces directly west into the application site. The balcony is setback approximately 3.5m from the internal boundary. Given the distance of the balcony and the residential unit to the location of the recession plane intrusion, any effects on the owners and occupiers of the residential unit are considered to be at least minor, with the effects on the owners and occupiers of the commercial units considered less than minor.

### **5 Salisbury Street**

This site is currently vacant and the proposed development will create additional shading at 10am, 11am and 3pm on 21 June. Around the equinox, the additional shading only extends over a very small area at the rear of the property in the morning.

The proposal complies with height limits adjacent to this property.

Given the extent of shading, although only for a short period of time, the effects on the owners and occupiers of this property due to shading are considered to be minor.

### **1/13 Salisbury Street**

The applicant has identified that around the equinox additional shading will fall on the driveway and building.

Building 01 will exceed the height limit near the boundary of this property. The intrusion will be set back approximately 6m from the internal boundary. I consider the owners and occupiers of this property will not be affected by the height intrusion in terms of privacy, outlook or visual dominance given the separation between this property and the application site.

Given the extent of shading, although only for a short period of time, the effects on the owners and occupiers of this property due to shading are considered to be minor.

### **2/13 Salisbury Street**

The applicant has identified that around the equinox additional shading will fall on the eastern garden area.

Building 01 will exceed the height limit near the boundary of this property. The intrusion will be set back approximately 6m from the internal boundary. The outlook from this property will not be affected by the height intrusion given the separation between this property and the application site and I do not consider any privacy or building dominance effects will occur due to the separation distances.

Given the extent of shading, although only for a short period of time, the effects on the owners and occupiers of this property due to shading are considered to be minor.

### **3/13 Salisbury Street**

The shadow diagrams provided show that the proposal does not create any additional shadowing compared to a structure built to the 14m height limit and recession plane and internal boundary setback controls.

Building 01 will exceed the height limit near the boundary of this property. The intrusion will be set back approximately 6m from the internal boundary. I consider this property will not be affected by the height intrusion in terms of outlook, privacy and visual dominance given the separation between this property and the application site.

Any effects on the owners and occupiers of this property are considered to be less than minor.

### **4/13 Salisbury Street**

The shadow diagrams provided show that the proposal does not create any additional shadowing compared to a structure built to the 14m height limit and recession plane and internal boundary setback controls.

Building 01 will exceed the height limit near the boundary of this property. The intrusion will be set back approximately 6m from the internal boundary. This property has an outlook directly into the application site and therefore the additional height over 14m may affect the outlook from this property.

Given the orientation and outlook from this property the effects on the owners and occupiers of this property are considered to be at least minor.

#### **1 – 4/13 Salisbury – common parking area**

The applicant has identified that the proposed will create additional shading across the parking area at the rear of the property. I agree with the applicant that this will not result in a reduction in residential amenity and will have a less than minor effect on the owners and occupiers of this property.

#### **15 Salisbury Street**

The applicant has identified that this property has an extensive rear garden with the additional shading extending over a small area near the rear of the boundary around the equinox. There is also additional shading at front of property.

Building 01 will exceed the height limit near the boundary of this property. The intrusion will be set back approximately 6m from the internal boundary. This property has an outlook directly into the application site and therefore the additional height over 14m may affect the outlook from this property.

Given the additional shading, orientation and outlook from this property the effects on the owners and occupiers of this property are considered to be at least minor.

#### **1/17-6/17 Salisbury Street**

The applicant has identified that during midwinter additional shading will be cast over a small area of the building roof. Around the Equinox a small area of additional shading will be cast over the garden of Unit 6.

Building 01 will exceed the height limit near the boundary of this property. The intrusion will be set back approximately 6m from the internal boundary. I consider this property will not be affected by the height intrusion in terms of outlook, privacy or visual dominance given the separation between this property and the application site.

Given the additional shading for 6/17 Salisbury Street, the orientation and outlook from this property, the effects on the owners and occupiers of this property are considered to be at least minor.

#### **23/A-D Salisbury Street**

These properties are not considered to be affected by the proposal as the shading diagrams show that no additional shadowing will be created as a result of the proposed development on these properties compared to that of a development that complies with the height boundary controls. The various height intrusions will not impact these properties in terms of outlook, privacy or visual dominance due to their location in comparison to the location of the buildings on the identified properties.

I consider any effects on the owners and occupiers of these properties will be less than minor.

#### ***Applicant's assessment***

As part of the response to the request for further information, the applicant considers that the owners and occupiers of 90 Park Terrace may be adversely affected to a minor extent for the purposes of section 95E(1) of the RMA.

#### **Peterborough Site**

The Peterborough Site was previously occupied by the 'Terrace on the Park Apartments which consisted of five residential buildings and a building containing an indoor swimming pool and changing rooms. The tallest of these buildings was approximately 31m high. These buildings were demolished following the Canterbury Earthquakes and the site has been vacant since demolition took place. There is a significant tree located in proximity to the Peterborough Street boundary.

The District Plan height limit for this site at 20m reflects the prominence of this corner location and the former high rise buildings which were located on the site. The 7 storey western wing of building B07 is approximately 4.9m over the permitted 20m height limit and Ms Schroder considers that this further increases the strong contrast in scale between this site and those residential sites adjacent and opposite, which have a 14m height limit.

Both Ms Schroder and Ms Skidmore agree in regard to the layout and proposed massing of building for the Peterborough Site, being the most significant building mass proposed, the western wing of B07, located on the



corner of Park Terrace and Salisbury Street, responds to the corner location. It provides a landmark quality to the site with a strong relationship to Hagley Park and definition to the western edge of the site. The western wing of B07 steps down, to a 4 storey component to the southern boundary, better reflecting the scale of the property at 76 Park Terrace, and the 14m height limit of the adjacent residential zone.

The proposed 5 storey eastern wing of B07 is located adjacent to Salisbury Street, separated from the western wing by open space. This building provides a step down in height, being approximately 17.5m in height, providing a transition to the adjacent residential properties to the east and across Salisbury Street to the north. Ms Schroder considers this building, with respect to scale, is more compatible with the adjacent residential context, however unlike the western wing of B08 the building has a flat roof.

To the south east side of the site B08, a four storey building with the upper storey located within the roof form, which addresses Peterborough Street. Ms Schroder considers the scale and form of this building is compatible with adjacent residential development.

Given the scale of development on the Peterborough Site, Ms Schroder considers it critical that the proposed trees, particularly those that provide visual relief and filter views when viewed from outside of the site, are able to be of a moderate and large scale and this is particularly the case in respect to Park Terrace and Salisbury Street, which is discussed in more detail below.

Ms Schroder considers at this stage that with the limitations on tree growth and the consequent planted amenity, the proposed development and more particularly B07, will have a mass and scale resulting in a bulk that is visually incompatible and out of scale and character with the local environment.

#### *Street Interfaces*

As outlined above, with regard to street interfaces, the relevant matters of discretion consider the extent to which the proposed buildings detract from the coherence, openness and attractiveness of the site when view from the street and adjoining sites, the requirement for the reduction in setback and whether the development is appropriate for its context.

Both Ms Schroder and Ms Skidmore agree in regard to the boundary treatment along Park Terrace in that it "strikes an appropriate balance between solidity and openness to create definition and enclosure of outdoor terraces and maintaining good engagement with the adjacent street". They also agree the suitability of the site is recognised to accommodate an increased scale of buildings through the 20m height limit that applies across the site, and that it is appropriate to locate the mass and scale on the corner of Salisbury Street and Park Terrace, as noted earlier.

Ms Schroder considers that in regard to the Park Terrace interface - the combination of small pocket park and associated tree planting, the boundary treatment, building setback and architectural response, including differentiating the bottom, middle and inset top of the building (roof apartments), with good modulation and articulation - will provide a good level of engagement with Park Terrace and a strong visual edge to Hagley Park, while reducing the apparent scale of building. This is dependent on the effectiveness of the proposed tree planting.

However Ms Schroder does not consider the response to Salisbury Street is as effective which relates both to context and compatibility and the street interface, and considers that a good level of engagement between the northern façades (each 21m in length) of B07 with Salisbury Street will be achieved as a result of the level of glazing and use of Juliet balconies. These façades are well-articulated in respect to materiality and glazing, but with minimal modulation until the top floor setback.

The two wings of B07 are separated on the Salisbury Street frontage (illustrated below) by a planted open space, which provides some visual relief. However, while the building setback to Salisbury Street meets the built form standard of 2m, this is effectively divided in two by the fence, and in combination with the significant height of the façade of the western wing, which is over the 20m (plus rooftop apartment), Ms Schroder considers that this results in a sense that the space and planting is squeezed in, without a suitable element of transition between public and private space like that provided on the western aspect. Further the tree root systems are limited by the extent of the basement, and the canopy by the proximity to the building façade.





Figure 8: Salisbury Street frontage  
Source: application documents

Salisbury Street itself contributes no amenity by way of street trees or relief from extensive asphalt, both in the space as a pedestrian (more transitional viewers) and when viewed from existing and future residential properties across the street (permanent viewers). As a result Ms Schroder does not consider that the Salisbury Street frontage responds effectively to its setting and will have a moderate to high adverse impact on amenity, and more specifically in regard to visual dominance, in terms of the contribution to the street environment or context, particularly for pedestrian users, and when viewed from the north side of Salisbury Street.

Building B08 is a four storey building which presents its narrow end to Peterborough Street. Ms Schroder concurs with Ms Skidmore that the architectural elements and outlook provided by B08 positively engages with the Peterborough Street and that the roof form echoes other building forms in the proposed village.

Overall, Ms Schroder considers two of the three building interfaces with the adjacent street positively contribute to and engage with the street, including the over-height western facade of the western wing of B08. However she is of the view that the same cannot be said for the Salisbury Street interface, with effects on the amenity and scale of the streetscape for users, and permanent residents living opposite. I concur with Ms Schroder and consider the effects on the owners and occupiers of 5, 1/13, 15, 1/17, Salisbury Street to be at least minor.

#### Visual Quality

As outlined above, in regard to the visual quality, the relevant matters of discretion in the District Plan relate to the visible scale of buildings, degree of openness, building materials and design styles. Ms Schroder generally considers that the visual quality of the buildings are generally positive, with some exceptions in regard to specific building façades. Buildings are separated on the site, with a series of open spaces and planted areas between and this provides visual interest in combination with an architectural style and quality of material that reflects the Christchurch vernacular and references the former and existing heritage of the site.

In regard to the visual quality of the Peterborough Site, Ms Schroder generally considers that this is positive, with some exceptions in regard to specific building façades. The wings of B08 are separated by open space and there are pathways and planted areas across the site and along boundaries. This provides visual interest in combination with an architectural style and quality of material that reflects the Christchurch vernacular but provides some variation.

There is some variation in the building heights and forms across the site, but Ms Schroder considers this less effective in providing visual interest than other aspects of the design approach, such as the level of modulation and articulation in respect to most of the building façades, provided through balconies, steps in plan, angled end walls, cladding materials and glazing. This is with the exception of the eastern façade of B07, and the northern

facades of B08. While lacking modulation, Ms Schroder considers that B08 is more successful in the articulation of these façades, for the reasons noted earlier. B07 however, does not achieve an adequate level of visual interest, given that its eastern façade is the primary outlook for quite a number of apartments to the east, at 15 Peterborough Street (1/15, 2/15, 3/15, 4/15, 5/15, 7/15, 9/15, 11/15, 13/15, 15/15, 17/15, 18/15, 19/15, 20/15, 21/15, 22/15, 23/15, 24/15 and 25/15 Peterborough Street). The effect on the owners and occupiers of these properties is at least minor.

Overall however, as with the Bishopspark Site the design response provides human scale elements when viewed in close proximity, and visual interest when viewed from immediately outside of the site, of what are otherwise a series of buildings of significant scale and mass within this context. The roof forms are well articulated and characteristic of the area, adding an additional level of visual interest, with the exception of the eastern wing of B08, which appears an anomaly, given the flat roof.

Overall, Ms Schroder consider that the design approach results in a good level of visual quality and interest. I concur with Ms Schroder and adopt her assessment for the purposes of this report.

### *Landscaping*

As outlined above the relevant landscape matters that can be considered fall broadly into site context, visual quality, street interface, residential amenity for neighbours and CPTED. As outlined above, Council's Landscape Architect, Ms Jennifer Dray, and Council's Arborist, Mr John Thornton have provided landscape advice on the proposal. I accept their assessment and adopt it for the purposes of this report.

The Peterborough Site has two key street interfaces at Salisbury Street and Park Terrace and a further narrow frontage on Peterborough Street. There is a protected Common Lime tree which is situated on the southern end of the site, alongside the Peterborough Street boundary. Proposed works will occur within close proximity this tree. This is discussed in detail further below.

The basement car park extends almost to the boundaries of the Peterborough Site, creating limitations for tree planting across the site. As discussed earlier, the tree planting is a critical element in addressing the existing site context, and contributing to visual amenity beyond the site, assisting to mitigate the visible scale of the buildings, given the scale of development on the Peterborough Site. This is particularly the case with regards to the Park Terrace and Salisbury Street frontages.

Proposed tree planting for the Peterborough Site is as follows:

- Park Terrace frontage. The western wing of the B07 apartment building presents its long side to the Park Terrace frontage. The outdoor living areas are separated by landscape beds and hedging, and punctuated by a Variegated Elm tree on the western edge of each small courtyard. These trees are to be planted in a tree and garden raised planter over the carpark basement podium and are to be maintained at an estimated height of 8.0m. English Beech are to be planted either side of the vehicle entrance also in raised planters, and are also to be maintained at an estimated height of 8.0m.

A Scarlet Oak is to be planted in the north-western most corner of the site. These tree varieties were also provided as a response to discussions with Council regarding a more appropriate reflection of the Hagley Park and Avon River streetscape which is located on the opposite side of Park Terrace. Ms Dray considers that the Elm trees are likely to mostly establish successfully in their planter boxes but will also suffer from space constraints, and that the likely lack of daylight penetration to the western side of these apartments and outdoor living areas will prompt either the topping of these trees, in which case their form and structural integrity will be compromised, or the removal of these trees which will then detract from the street interface and the residential amenity for the neighbours.

Hagley Park users are at a distance from the site, and views are tempered by intervening trees. Overall Ms Dray considers that the adverse effects of the proposal for Park Terrace and Hagley Park users to be acceptable and there are no individual persons considered to be adversely affected greater than the public in general.

- Salisbury Street frontage. The western and eastern wings of the B07 apartment building are located 2.0m from the road boundary and are separated by a common plaza/courtyard which fronts on to Salisbury Street. The perimeter of the courtyard lawn is to be planted with a double row of Maple 'Jeffers Red', in small tree planter boxes over the basement carpark podium.

Ms Dray considers that this courtyard will provide a break in the building elevation, and will also provide some depth to the tree planting, benefitting the street interface.

The Salisbury Street frontage is to be planted with a line of Fastigate Oak trees in tree and garden raised planters over the carpark basement podium, and are to be maintained at an estimated height of 8.0m. Mr Thornton has raised concern regarding the size of the containers, and the 2m setback, and considers that there will not be enough room for the tree canopies to grow to their usual potential size. Further, if the trees are to be continually topped and maintained, this will impact on their growth form, health and vitality.

As is the case with the Park Terrace frontage, Ms Dray also has concerns with regards to the likely lack of daylight penetration to the northern elevation of these apartments, combined with the very constrained space to the point where the foliage will be in direct contact with the building. Concern is raised that this will prompt either the reasonably severe pruning, or topping, of these trees, in which case their form and structural integrity will be compromised, or the removal of these trees which will then detract from the street interface and the residential amenity for the neighbours.

Ms Dray has also considered what mitigation and amenity these trees would provide should they successfully mature to 8.0m in height at perpetuity. The trees would likely provide sufficient amenity to footpath users, by providing a filtered screening of the building elevation while serving to reduce the building scale. From further afield, Ms Dray does not consider that these trees will function adequately to fully mitigate the scale of the development from the Salisbury Street frontage.

Overall, Ms Dray considers that there is a real concern 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 sizable trees proposed to be grown within a very constrained space. Further, site context with regards to the existing trees within the site has seemingly been disregarded, losing an opportunity to engage with the former residential context of the sites.

I accept the advice of Ms Dray and Mr Thornton and consider that the adverse effects from the proposed landscaping will be at least minor on adjacent owners and occupiers.

#### *Residential Amenity for Neighbours*

As I noted earlier, it is acknowledged that the proposal will result in a considerable change to the residential character of the area due to the form, density and scale of the proposal.

The applicant has provided a useful drawing which clearly shows the areas of buildings which intrude the height plan. Although not to scale the drawing clearly identifies the height intrusions across the site.



Figure 9: Height Plane SW (Peterborough)  
Source: Application – Height Plane – South West – Drawing No. S02.A0-071



The proposal also breaches a number of recession plane rules at almost all boundaries, albeit at various heights, lengths and depths. Similar to the height intrusions, the applicant has provided a number of useful drawings which clearly show the areas of buildings which intrude the recession planes, see below.

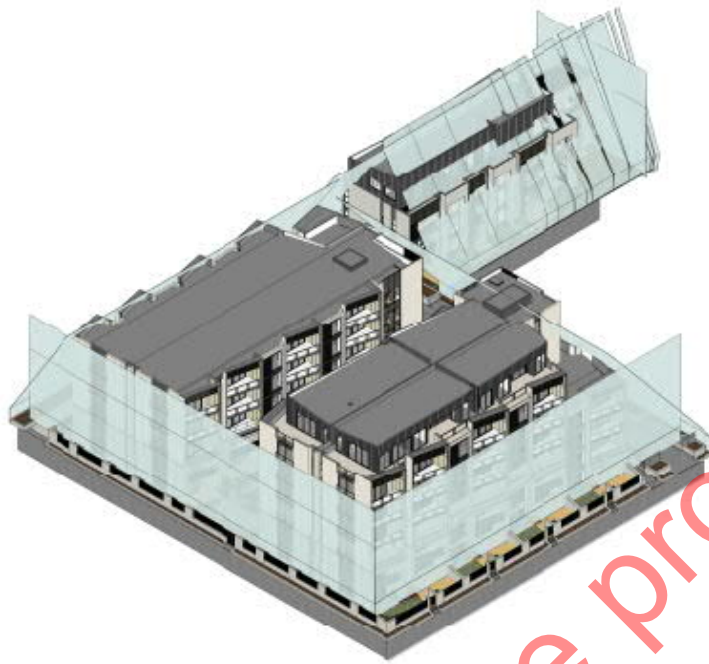


Figure 10 Height Plane NW (Peterborough)

Source: Application – Recession Plane – North West – Drawing No. S02.A0-070

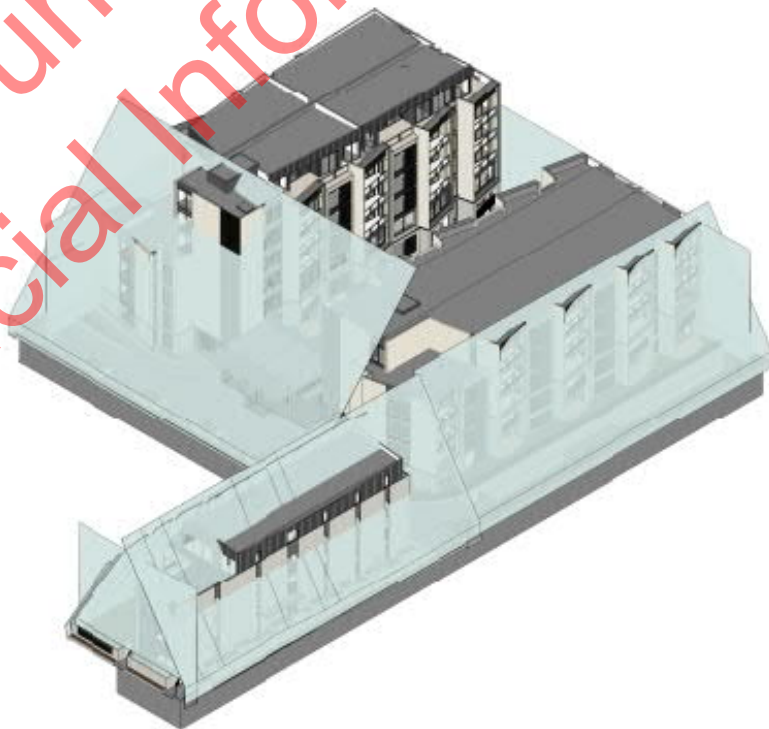


Figure 11: Recession Plane SW (Peterborough)  
Source: Application – Recession Plane – South West – Drawing No. S02.A0-070

In considering the potential residential amenity effects on surrounding properties from shading, the applicant has provided a table which assessing the shading on neighbouring properties. This table is attached as Appendix B to this report. I generally agree with this assessment with respect to the times of days that the shadowing is occurring. I do not share the same conclusions however with regard to the level of effects and these are discussed further below. I also make the following comments with regard to height and residential amenity.

#### **54 Park Terrace and 12 Peterborough Street**

These two properties contain The George Hotel. The applicant has identified that additional shading extends slightly further across the hotel roof briefly around mid-morning in the winter. Given the location of the intrusion and the use of the site the owners and occupiers of this property are not considered to be affected by the additional shading.

Given the location and outlook of these properties I do not consider they would be affected by the height intrusions.

Any effects on the owners and occupiers these properties are considered to be less than minor.

The applicant has obtained written approval from the owners of these properties, so pursuant to section 95D(e) any effects on them must be disregarded.

#### **62 Park Terrace**

This property is currently vacant. I agree with the applicant that additional shading will occur in the central area of the property around midday throughout the year. Given the extent of shading the effects on the owners of this property from shading are considered to be at least minor.

With regard to the height intrusions, this property is separated by No. 76 on its northern boundary. Given the site separation and the location of the height intrusions the owners of this property are not considered to be affected by the height intrusion, in terms of outlook, visual dominance or privacy.

#### **76 Park Terrace**

The applicant advises that due to shading and visual effects the owners and occupiers of this property are potentially adversely affected. Around the equinox, from mid-morning additional shading extends mostly across the driveway and northern boundary garden. In the middle of the day additional shadows extend to the northern face of the dwelling. In mid-summer a small portion of additional shading extends over an area of driveway and garage by the middle of the day the property is free from shade.

Building B07 is approximately 4.9m over the permitted 20m height limit and is located on this property's northern boundary. I consider this scale of the building will dominate this property and will have effects that are more than minor.

The effects on the owners and occupiers of this property from the height and shading are considered to be more than minor.

#### **1/15 – 25/15 Peterborough Street**

Additional shading will occur on these properties as a result of the proposal in the summer when there will be additional shading in the afternoon. The majority of these properties have an outlook towards the application site and the shading will fall on the indoor and balcony living spaces.

There are no height intrusions adjacent to these properties.

I note the applicant has identified some of the units adversely affected due to shading and visual effects. I consider the owners and occupiers of 1/15, 2/15, 3/15, 4/15, 5/15, 7/15, 9/15, 11/15, 13/15, 15/15, 17/15, 18/15, 19/15, 20/15, 21/15, 22/15, 23/15, 24/15 and 25/15 Peterborough Street to be affected in at least a minor way by the proposal. These being the apartments that have an outlook towards the west.

#### **1/18 – 8/18 Salisbury Street**

The shadow diagrams provided show that the proposal does not create any additional shadowing compared to a structure built to the 20m height limit and recession plane and internal boundary controls. The exception to this is for 8/18 where there will be shading at 2pm however there are no windows on the western face of this building and the additional shading, falls onto the roof of the dwelling. Therefore any effects on the owners and occupiers as a result of shading are considered to be less than minor.

There are no height intrusions adjacent to these properties.

## **20 and 22 Salisbury Street**

The shadow diagrams provided show that the proposal does not create any additional shadowing compared to a structure built to the 20m height limit recession plane and internal boundary set back controls.

There are no height intrusions adjacent to these properties.

The effects on the owners and occupiers of these properties are considered to be less than minor.

### *Applicant's assessment*

Ryman consider the following properties may be adversely affected to a minor extent for the purposes of section 95E(1) of the RMA:

- 76 Park Terrace – shading and visual effects.
- 1/15 – 25/15 Peterborough Street– shading and visual effects

In terms of Crime Prevention through Environmental Design (CPTED) both Ms Skidmore and Ms Schroder consider this has been effectively addressed across each of the sites.

Vehicle and pedestrian access for both sites are legible and direct from the street, and given car parking is contained within the basement of the buildings, this allows much of the ground to be available for safe pedestrian use, and parking does not dominate the sites. While cycle parking is provided, this is in the basement areas and Ms Schroder considers that this is not convenient for all cycle users and has a relatively convoluted access.

A further matter of discretion is with regard to environmental efficiencies, however limited details have been provided with the application on this other than the orientation of buildings for solar gain, and this is not a matter considered to affect any person for the purposes of s95.

### *Signage*

The signage outside the main entrances to the sites will be approximately 160cm by 80cm. The name of the village has not been confirmed and thus the number of letters within each sign has not been confirmed. The relevant matters of discretion relate to the visual amenity on the surrounding area, the visibility of the signage and the potential distraction of the signage.

The signs will be erected on the two Park Terrace road frontages. Although limited details have been provided on the signage, a sign of 160cm by 80cm is considered to be appropriate for Bishopspark and Peterborough site and will not create visual clutter or cause distraction to drivers. The signage will be relatively discrete and not adversely affect the visual amenity or character of the surrounding environment. Further, given there is only one sign for each site and the surrounding area is mostly residential in character with limited signage, the proposed signage will not result in visual clutter. The signs will not obscure or detract from the interpretation of any traffic signs or controls,

With regard to the Bishopspark site, the signage will be located away from the heritage building and setting given it is to be located on the Park Terrace road frontage.

### *Traffic*

Included with the application is a transportation assessment prepared by Commute and this has been reviewed by Council's Traffic Planner Mike Calvert. Access on the site will not comply with the relevant standards in the District Plan. The relevant matters of discretion can be summarised as follows:

- Whether landscaping adjacent to the road will be adversely affected by the location of the vehicle crossing;
- Whether safety will be adversely affected by conflict between manoeuvring vehicles at crossings;
- Any cumulative effects; and

Whether the physical form of the road will minimise adverse effects of extra vehicle crossings.

With regard to the Bishopspark site vehicular access to and from the village will be provided via a two way access fronting on to Park Terrace. A secondary service access will be provided via Dorset Street. Both of these accesses comply with the standards in the District Plan.

The Peterborough site will have a separate entrance and exit for vehicles. Vehicles will enter via Park Terrace and will exit via Salisbury Street. The District Plan requires the main access points (serving more than 15 parking spaces) to have a minimum 6.5m legal width and a 5.5m minimum formed width. The vehicle entrance and exit points are both 4.0m in width and therefore are narrower than the minimum formed width for an access point serving more than 15 spaces. However, both the applicant and Mr Calvert accept that these standards as

designed for a two way arrangement and that given that both these access points are either entry or exit only, reflecting the one way nature of the internal road layout, the reduction of width to 4m is acceptable and would not create any adverse effects.

It is also noted that both sites comply with the balance of traffic related District Plan rules including car parking dimensions, vehicle crossings, proximity of the vehicle crossings to intersections, visibility splays, loading and servicing, and ramp gradients. I note there are no minimum car parking requirements in the Central City (other than mobility parking) but where parking is provided it must comply with the relevant standards.

#### *Earthworks*

Earthworks for Bishopspark comprise 55,000m<sup>3</sup> loose volume, of which most will be cut to waste. Earthworks for Peterborough comprise 32,000m<sup>3</sup> loose volume, of which most will be cut to waste. These earthworks are for building construction (including basement), service installation and hard landscaping.

The District Plan set outs the relevant matters of discretion and considers nuisance and land stability effects; the timing, location, scale and nature of earthworks; the earthworks methods; and mitigation of effects as they impact flooding and surface drainage.

Council's Senior Subdivision Engineer, Ms Yvonne McDonald, has reviewed the proposal and provided advice. Ms McDonald has also provided a number of conditions which have been reviewed by the applicant.

The applicant states a Construction Management Plan (CMP) will be prepared and applied, to control dust, noise, vibration, traffic, hours of work and contaminated soil removal. Dust management measures suggested include staging of works, stabilising stockpiles and sprinklers. The applicant states construction stage sediment and erosion control will be managed through the application of an Erosion and Sediment Control Plan (ESCP) including a suite of measures, complying with the Environment Canterbury toolbox and maintained by the contractor on site. Draft ESC plans have been provided which include reference to dewatering discharges. Ms McDonald advises that as these plans do not include management processes it is suggested that if consent is granted that conditions are imposed requiring the submission of a full ESC plan for acceptance.

The application also addresses the construction period of 36-40 months and states that Ryman is conscious to ensure that these temporary construction activities are suitably managed in order to minimise nuisance effects for neighbours. They note that residents will move into the Proposed Village once the first buildings are completed, thus adding an extra imperative to ensure that the construction effects are minimised.

In terms of nuisance, this has been addressed through the CMP which states that traffic will be controlled to reduce its impact on the area with detail of the works programme, hours of work, traffic management including routes and the access points set out in a Construction Traffic Management Plan (CTMP).

Noise and vibration will be addressed in a similar manner through a Construction Noise and Vibration Management Plan (CNVMP) which will ensure that suitable measures are employed by the applicant so that construction noise and vibration levels comply with NZS6803:1999 and DIN 4150 199902 – these being the standards that apply to permitted earthworks activities under the District Plan. The applicant has proposed that the CNVMP will include the following:

- The construction noise and vibration criteria to be applied;
- The identification of the most affected locations where the potential for noise and vibration effects exist;
- Description of the works, anticipated equipment/processes, and durations; time and days when construction activities causing noise and vibration will occur;
- Mitigation options, including alternative strategies where full compliance with the relevant noise and vibration criteria cannot be achieved. (It is noted that if noise and vibration could not meet the District Plan rules then a further resource consent would be required).
- Methods for monitoring and reporting on construction noise and vibration during each stage of construction;
- Procedures for maintaining contact with stakeholders; and
- Contact numbers for key construction staff, staff responsible for implantation of the CNVMP, and complains receipts and investigations.

The applicants have also proposed conditions for pre- and post-construction building condition surveys of neighbouring properties be carried out. I note these would be subject to the agreement of the neighbouring property owners.



In terms of change in ground levels and the impact this may have on trees in terms of access to water and drainage, there are no large trees in proximity to the areas of earthworks which would have root systems large enough which would be affected by the proposed works.

The applicant has provided a geotechnical assessment prepared by Tonkin and Taylor. This found the Bishopspark site is underlain with alluvial sand and silt over gravel and there is some peat within silt layers between 7.5-8m bgl and groundwater is between 1.1-1.3m bgl. The Peterborough site contains fill to 4-6m bgl over similar subsoils as for Bishopspark, with groundwater between 1.3-2.2m bgl. Ms McDonald advises that dewatering will be required for each site and liquefaction mitigation will be addressed in the building's designs. Further, the building consent processes will address foundation stability on site.

The applicant states the Bishopspark site will achieve the FFL of 16.7m and that conventional overland flow paths are provided within the site margins, discharging to the legal road frontages. Ms McDonald advises that the west end of the overland flowpath into Westwood Terrace appears to be higher than the FFL in the site but the applicant has explained that this flowpath is not the main secondary stormwater discharge mechanism. There do appear to be areas where stormwater drainage is adjacent to the boundary so, to address the lack of information in these areas, Ms McDonald suggests that if consent is granted that a preventative condition is imposed regarding cross boundary drainage.

Ms McDonald considers that as most structures are set off the boundary the potential to address cross boundary height differences with landscaping appears feasible. There is however no cross boundary detail for the boundary with 90 Park Terrace, and therefore if consent is granted, a condition would need to be imposed around land stability.

The Peterborough site has a proposed FFL of 16.70m and the applicant states the site will be retained around the boundary to achieve this level however no further details on this have been provided. Similar to the above, a condition would need to be imposed around land stability.

In terms of amenity, the proposed earthworks are unlikely to significantly change ground levels on the site, with these generally remaining consistent with the surrounding environment. Where these are changed, and as outlined above, Ms McDonald considers there is potential to address height differences with landscaping. I consider there will be no adverse effects resulting from the earthworks in terms of visual amenity, landscape context and character, views, outlook, overlooking or privacy.

With regard to Flood Management Areas (FMA), a small area of the Bishopspark Site along the western and southern corners of the Park Terrace boundary are located within the FMA, however none of the buildings or the basement encroach into this area. Accordingly, any earthworks within the FMA would be minimal and as such would have no effect on the flooding patterns.

#### *Heritage*

The Former Bishop's Chapel located at 100 Park Terrace is scheduled as a Highly Significant heritage item in the District Plan. Built in association with the Bishopscourt residence of the Anglican bishop for Christchurch in 1927, the building has high historical and social significance as a chapel built specifically for the use of the bishop and designed in the Georgian Revival style, with research to date suggesting that it may be the only Georgian Revival chapel in New Zealand. Prior to the earthquakes the chapel remained in use as part of the retirement home and units known as Bishopspark, run by the Social Services Council of the Diocese of Christchurch (Anglican Living).

The proposal includes new buildings and associated earthworks and landscaping in the heritage setting, and the Chapel will be repaired, restored, altered and upgraded to comply with the Building Code.

Submitted with the application was a heritage assessment prepared by DPA Architects. Council's Heritage Advisor, Suzanne Richmond, has reviewed this assessment and the application, and provided specialist heritage advice on the proposal. I accept and adopt the Ms Richmond's assessment for the purposes of this report. The relevant matters of control and discretion are found in rule 9.3.5.1 and 9.3.6.1 of the District Plan and in summary include the following:

- The form, materials, and methodologies to be used to maintain heritage values;
- The methodologies to be used to protect the heritage item;
- Documentation of change during the course of works, and on completion of work;
- Whether Heritage New Zealand Pouhere Taonga has been consulted and the outcome of that consultation.
- The nature and extent of damage incurred as a result of the Canterbury earthquakes of 2010 and 2011;



- The level of intervention necessary to carry out the works;
- Whether the proposal will provide for ongoing and viable uses;
- Whether the proposal, including the form, materials and methodologies are consistent with maintaining the heritage values of heritage items and heritage settings, and whether the proposal will enhance heritage values, particularly in the case of Highly Significant (Group 1) heritage items and heritage settings;
- Whether the proposed work will have a temporary or permanent adverse effect on heritage fabric, layout, form or heritage values and the scale of that effect, and any positive effects on heritage fabric, fabric, form or values.
- The extent to which the heritage fabric has been damaged by natural events, weather and environmental factors and the necessity of work to prevent further deterioration.
- The extent of photographic recording which is necessary to document changes, including prior to, during the course of the works and on completion, particularly in the case of Highly Significant (Group 1) heritage items, the need for a high level of photographic recording throughout the process of the works, including prior to the works commencing.
- For new buildings, structures and/or features in heritage items which are open spaces, whether the building, structure or feature will:
  - be compatible with the heritage fabric, values and significance of the heritage item including design, detailing and location of heritage item(s) within the open space;
  - impact on views to or from the heritage item(s), and reduce the visibility of heritage item(s) from public places; and
  - the relationship between elements, such as the layout and orientation, form, and materials within the open space.

As the works to the chapel relate to onsite effects only, I consider this assessment can be undertaken as part of the s104 assessment and there are no affected persons for s95 purposes.

With regard to the setting, the new buildings to be constructed around the edge of the chapel's heritage setting are large medium-rise blocks that Ms Richmond considers will dominate the single storey heritage building and parts of these buildings will encroach on the already small heritage setting. The closest building will be five metres from the chapel. Ms Richmond advises that these are generally significantly higher structures than previous buildings on the site, although the adjoining Bishop's residence was three-storey. The most substantial footprint of new construction within the heritage setting, the B04 building, has a single storey wing on the northeast side of the chapel which will be more in keeping with the modest scale of the chapel building than the east wing of the B04 building and the B01 building to the south of the chapel.

Comments on the proposal have been received from Heritage New Zealand Pouhere Taonga (Heritage New Zealand). Council have also been involved in discussions with them and it is noted that the chapel is listed by Heritage New Zealand as a Category 1 historic place. Heritage New Zealand are supportive and encouraged by the works to the chapel, but are disappointed at the scale and proximity of the proposed adjoining buildings and that the submitted building layout does not avoid a physical impact on the heritage setting or maximise opportunities for views to the chapel. It is noted that an archaeological authority (authority no. 2020/731) was issued for this project by Heritage New Zealand on 26 June 2020.

Ms Richmond considers that on balance the effects of the proposal are no more than minor on the heritage setting, I adopt Ms Richmond's report and agree with her recommendation and note that while the effects will be no more than minor and subject to a number of conditions, I am of the view that no parties/persons are able to be identified as being adversely affected by the proposal. In order to be affected, a person must be affected in a manner different from the public generally. The heritage values of a place are those held by the public, they exist because of the benefits they offer to the community in terms of identity and sense of place. In this regard I consider that there would be no persons affected in any way greater than the general public in terms of effects on heritage values of the building and its settings

### **Significant Tree**

The Peterborough site contains a mature Common Lime tree near the Peterborough Street entrance to the site which is established to be at least 80 – 85 years old. This is significant tree, as identified by the District Plan. The relevant matters of discretion relate to the effects on the tree, the extent of benefit or need for the works and the degree of impact on neighbourhood amenity values.

Works are proposed within the dripline of this tree as well as crown lifting. Included within the application is an assessment undertaken by AP Consulting and this, along with further information responses regarding the tree, has been reviewed by Council's Arborist, Mr John Thornton.

Mr Thornton has concerns regarding the Common Lime tree, particularly around the close proximity of the construction work, and in particular the installation of the underground basement within 5 metres of the base of the tree. Mr Thornton has advised that the root mass of the tree will be extensive by now, due to the long period it has had open ground around it, and the roots will extend well beyond the dripline if it has followed the typical growth pattern of trees of this size and species.

With respect to the canopy, Mr Thornton considers that the canopy of the tree will not be adversely affected by the proposed works other than the possibility of minor damage from the machinery on site. However, Mr Thornton does raise concern regarding the intrusion on the root system by the excavation and considers that the Common Lime tree will suffer root damage from the extensive works and will eventually go into a spiral of decline. It is acknowledged that Common Lime species do have the ability to withstand some root disturbance and are relatively hardy, however Mr Thornton considers the proposal to be a radical change to the tree's current environment. The works within close proximity of the Common Lime Tree have the ability to adversely impact on the neighbourhood amenity values currently enjoyed by adjacent properties.

The applicant has suggested a number of measures to ensure that any effects on the significant tree is limited and these include the following:

- Prior to construction any construction or piling activities on the Peterborough Site, protective fencing is installed to isolate the root protection area for the duration of construction.
- Contractors shall be briefed regarding the non-entry policy for the root protection area.
- To avoid contact of raw concrete with root mass during the infill of the clutch piling, it is recommended that the top 2m of the piles be lined with a heavy grade PVC or similar impervious material.
- Maintenance pruning be carried out following the clutch piling.

Mr Thornton has recommended number of conditions relating to an appointment of an arborist and pre-work meeting, temporary protective fencing, soil excavation and tree root protection, and machinery and materials. The applicant has reviewed these and is in general agreement with the intent of the conditions, subject to some refinements to clarify obligations and process. I consider that should the works impact on the tree in the manner identified by Mr Thornton, despite the conditions seeking to mitigate these effects that this will result in a reduction in the amenity of the immediate area which has the potential to adversely affect adjacent properties. The applicant has not offered to replace the tree should the works prove fatal, and therefore I consider the effects of the potential loss of the tree on the owners and occupiers of 62 Park Terrace to be at least minor.

### **National Environmental Standard – Soil Contamination**

Council's Senior Environmental Health Officer, Isobel Stout, has reviewed the proposal in terms of the NES. Ms Stout considers that the NES matters have been comprehensively addressed in the combined PSI/DSI that covers all the land involved across the two locations for this project. Ms Stout considers that as the project includes basement car parking at both sites a large amount of site material will have to be excavated and disposed of and this is effectively going to remediate the sites at the same time. Given this, a full Remediation Action Plan will not be required and Ms Stout agrees with the applicant that a Contamination Site Management Plan will be sufficient.

I accept the assessment provided by Ms Stout and adopt it for the purposes of this report.

### **Summary**

The adverse effects of this proposal are localised and relate only to the owners/occupiers of those adjacent properties as identified in the assessment above.

### **Assessment of affected persons**

For the reasons outlined above, I consider that the owners and (where applicable) occupiers of the following properties are affected persons because the adverse effects on them are likely to be minor or more than minor, and they have not given their written approval to the application:

- 62 Park Terrace
- 76 Park Terrace
- 84 Park Terrace
- 90 Park Terrace
- 108 Park Terrace
- 12 Dorset Street
- 16 Dorset Street
- 18 Dorset Street

- 5 Salisbury Street
- 1/13 Salisbury Street
- 2/13 Salisbury Street
- 4/13 Salisbury Street
- 15 Salisbury Street
- 1/17 Salisbury Street
- 6/17 Salisbury Street
- 1/15, 2/15, 3/15, 4/15, 5/15, 7/15, 9/15, 11/15, 13/15, 15/15, 17/15, 18/15, 19/15, 20/15, 21/15, 22/15, 23/15, 24/15 and 25/15 Peterborough Street
- 149 Victoria Street (residential unit only)

#### Step 4: Relevant to all applications – section 95B(10)

Do special circumstances exist that warrant notification to any other persons not already identified above (excluding persons assessed under s95E as not being affected)? **No**

#### Conclusion on limited notification

Having evaluated the application against the provisions of section 95B, my conclusion is that the application **must be limited notified** to the affected persons listed above.

#### Recovery Plans and Regeneration Plans

Section 60 of the Greater Christchurch Regeneration Act 2016 requires that decisions and recommendations on resource consent applications are not inconsistent with Recovery Plans and Regeneration Plans. For restricted discretionary activities such plans are an additional matter over which discretion is restricted.

I am satisfied that processing this application on a limited notified basis will not be inconsistent with the Christchurch Central Recovery Plan. The site is within the Central City and one of the visions of the plan is to attract more people to live and invest in the Central City, and be vibrant, well formed with a compact core, safe, accessible to everyone and responsive to future changes. The proposal is consistent with the Recovery Plan as it does not conflict with the vision of the plan.

#### RECOMMENDATION

That, for the reasons outlined above, the application be processed on a limited notified basis in accordance with sections 95A and 95B of the Resource Management Act 1991, and that it be served on all affected persons identified under section 95E who have not given written approval to the activity (as listed above).

Reported and recommended by: Louisa Armstrong, Senior Planner

Date: 28 August 2020

Reviewed by: Hermione Blair, Principal Advisor Resource Consents

Date: 28 August 2020

#### Decision

That the above recommendation be accepted for the reasons outlined in the report.

☒ I have viewed the application and plans.

☒ I have read the report and accept the conclusions and recommendation.

Decision maker notes Add any further notes of relevance/reasons for decision, otherwise delete this box

#### Hearings Panel:

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Released under the provision of  
the Official Information Act 1982

Released under the provision of  
the Official Information Act 1982



Released under the provision of  
the Official Information Act 1982

**RYMAN PARK TERRACE**  
**SHADING ANALYSIS BEYOND THE BUILT FORM STANDARDS FOR**  
**THE RESIDENTIAL CENTRAL CITY ZONE**  
**JULY 2020**

The reference to shading times in the table below relates to the shading depicted in the diagrams prepared by Warren & Mahoney. This is not to say that shading will not occur at times outside those noted.

**BISHOPSPARK SITE**

	21 June	23 September	22 December	Commentary
<b>Park Terrace</b>				
90	10am – 4pm	9am – 2pm & 4pm – 5pm	10am	During mid-winter additional shading is over a very small area towards the front of the property. This area is influenced by the large Oak tree (albeit without leaves in Winter). At the Equinox a small additional area of the driveway down the northern boundary is shaded for a short time in the morning. From 1pm to 2pm the shadow extends a short distance across the eastern garden area but largely avoids the outdoor terrace. Later in the day (4pm), the additional shading extends across the dwelling roof. <b>Overall effect on amenity: less than minor</b>
108	No shading	9am-10am	10am	For a short time between the Equinox and Summer, a very small area of additional shading will be cast over the driveway and roof of the apartment building. <b>Overall effect on amenity: less than minor</b>
<b>Salisbury Street</b>				
5	10am	9am – 11am	No shading	This property is currently vacant. In mid-winter the additional shading is over a very small area in the south western corner of the site. Around the Equinox, the additional shading only extends over a very small area at the rear of the

	21 June	23 September	22 December	Commentary
				property in the morning. It is unlikely that this area would provide the primary outdoor living area for subsequent site development. Around the middle of the day the property is free from shading. <b>Overall effect on amenity: less than minor</b>
1/13	10am	No shading	No shading	In mid-winter a small area of additional shading is cast over the driveway and building. <b>Overall effect on amenity: less than minor</b>
2/13	1pm	No shading	No shading	For a short time in the middle of the day in mid-winter, an area of additional shading extends over the eastern garden area. Given this shading occurs in the middle of winter, it is concluded that the adverse amenity effects will be less than minor. <b>Overall effect on amenity: less than minor.</b>
3/13	No shading	No shading	No shading	
4/13	No shading	No shading	No shading	
1-4/13 (shared space)	No shading	11am – 2pm	No shading	The additional shading extends over the carport roof around the Equinox. <b>Overall effect on amenity: less than minor</b>
15	No shading	9am – 2pm & 4pm	No shading	The property has an extensive rear garden with the additional shading extending over a small area near the rear boundary around the Equinox. <b>Overall effect on amenity: less than minor</b>
17 <sup>1</sup>	1pm	4pm	No shading	During mid-winter the additional shading will be cast over a small area of the building roof. Around the Equinox a small area of additional shading will be cast over the garden of Unit 6 towards the end of the day. <b>Overall effect on amenity: less than minor</b>
<b>Dorset Street</b>				

<sup>1</sup> the 17 Salisbury Street is split into units 1/17 – 6/17. It is not possible to accurately determine where each unit is on site.



	21 June	23 September	22 December	Commentary
5/2A	No shading	No shading	No shading	
6/2A	No shading	No shading	No shading	
2	No shading	No shading	No shading	
4	No shading	No shading	No shading	
6	No shading	No shading	No shading	
8	No shading	No shading	No shading	
10	No shading	No shading	No shading	
12	No Shading	9am	No shading	Around the Equinox additional shading will fall on the first floor unit extending across the kitchen window for a short time. By 10am the shade has completely moved off the property. <b>Overall effect on amenity: less than minor</b>
14	No Shading	No shading	No shading	
16	No Shading	9am	No shading	Around the equinox additional shading will fall on the ground floor unit extending across the kitchen window for a short time. By 10am the shade has completely moved off the property. <b>Overall effect on amenity: less than minor</b>
2 – 16 common parking area	10am	No shading	No shading	The additional morning shading across the communal parking area at the rear of the property will not result in a reduction in the residential amenity. <b>Overall effect on amenity: less than minor</b>
18	No shading	10am	10am	The additional shading in summer extends across the driveway along the eastern boundary to the face of the dwelling for a short time. By the middle of the day it has completely moved off the property. Towards the Equinox this additional shading extends across the rear of the property at 10am receding to less than the permitted standard by 11am. Most of the additional shading is over a carparking area. <b>Overall effect on amenity: less than minor</b>
28	No shading	5pm	No shading	A commercial building is currently being built on this property. The



21 June	23 September	22 December	Commentary
			additional shading will move further across the roof of this building late in the day around the Equinox. <b>Overall effect on amenity: less than minor</b>

#### PETERBOROUGH SITE

21 June	23 September	22 December	Commentary	
Park Terrace				
54	10am	No shading	No shading	Together with 12 Peterborough Street, this property contains the George Hotel. The additional shading extends slightly further across the hotel roof briefly around mid-morning in Winter. <b>Overall effect on amenity: less than minor</b>
62	1pm	9am - -11am	10am	This property is currently vacant. In mid-winter additional shading will extend across the central area of the property in the middle of the day. As the afternoon progresses, the shadow recedes further away than the shadow enabled by the permitted standard. By the Equinox, there is only a small additional area of shadow across the property in the morning. In Summer a small area of additional shading extends into the eastern portion of the Site in the morning. By the middle of the day the property is completely free from shade. <b>Overall effect on amenity: less than minor</b>
76	No shading	10am – 3pm	10am	Around the Equinox, from mid-morning additional shading extends mostly across the driveway and northern boundary garden. In the middle of the day the additional shadow does extend to the northern face of the dwelling. By 1pm it moves off the dwelling. The shadow does not extend to the outdoor terrace area adjacent to the dwelling.



21 June		23 September	22 December	Commentary
				In mid-summer a small portion of additional shading extends over an area of driveway and garage by the middle of the day the property is completely free from shade. <b>Overall effect on amenity: minor</b>
<b>Peterborough Street</b>				
12	10am	No Shading	No shading	See comments on 54 Park Terrace above
15 <sup>2</sup>	No Shading	2pm – 3pm	No Shading	In Summer there will be additional shading in the afternoon. For units where this falls on indoor and balcony living spaces, this will result in a minor adverse amenity effect. Around the equinox additional shading will fall on the unit extending across the kitchen window for a short time. By 10am the shade has completely moved off the property. <b>Overall effect on amenity: minor for some units</b>
<b>Salisbury Street</b>				
1/18	No shading	No shading	No shading	
2/18	No shading	No shading	No shading	
3/18	No shading	No shading	No shading	
4/18	No shading	No shading	No shading	
5/18	No shading	No shading	No shading	
6/18	No shading	No shading	No shading	
7/18	No shading	No shading	No shading	
8/18	No shading	2pm	No shading	There are no windows on the western face of this building and the shade extends slightly across the roof of this unit in the middle of the afternoon around the Equinox. <b>Overall effect on amenity: less than minor</b>
20	No shading	No shading	No shading	
22	No shading	No shading	No shading	

<sup>2</sup> 15 Peterborough Street is split into units 1/15 – 25/15. It is not possible to accurately determine where each unit is on the site.

## Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

*This form is for local authorities to provide comments to the Minister for the Environment on the decision to refer projects to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.*

Local authority providing comment	Environment Canterbury
Contact person (if follow-up is required)	Virginia Loughnan
	Consents Planning Manager
	s 9(2)(a)

### Comment form

Please use the table below to comment on the application.

#### Overall Comment:

Ryman Healthcare Limited (RHL) has already applied for resource consents from Environment Canterbury (ECan) in relation to the proposed Park Terrace Comprehensive Care Retirement Village. The following resource consents have been sought:

- Land use consent to undertake earthworks;
- Land use consent to install a bore;
- Water permit to take groundwater for dewatering purposes; and
- Discharge permit to discharge contaminants into air from the operation and maintenance of emergency generators.

Following lodgement of the application for the above resource consents, it has been determined that a discharge permit to discharge dewatering water to water is also required. RHL has been informed of the additional resource consent required. Further, a request for further information (RFI) has been sent to RHL's consultant in early May 2020. Neither a RFI response nor an application for the additional resource consent has been provided to date.

In general, it is our consideration that the effects from the proposed construction activities can be mitigated through appropriate resource consent conditions, requiring:

- Erosion and sediment control;
- Managing contaminated soils and contaminated groundwater (that is being removed from excavations to facilitate the works);
- Mitigation of any adverse effects on flora or fauna;
- Adherence to an archaeological discovery protocol;
- Reinstatement of all land disturbed by earthworks; and
- Dust management.

The actual and potential effects from operational but infrequent and temporary contaminant discharges into air from backup generators are well understood and can be mitigated appropriately through resource consent conditions.

<b>Project name</b>	Park Terrace Comprehensive Care Retirement Village
<b>General comment – potential benefits</b>	No comment
<b>General comment – significant issues</b>	Groundwater at the Peterborough site is potentially contaminated with hydrocarbons. A resource consent is required for the taking of groundwater for dewatering purposes due to the contamination status of the sites. A discharge permit to discharge the dewatering water to water is also required (unless it is discharged to the trade water network). However, it is not clear from the fast track application whether a discharge permit for the dewatering water discharge is being sought. For the discharge of dewatering water procedures for monitoring and testing of hydrocarbons, as well as detailed treatment procedures for hydrocarbon, erosion and sediment controls, unexpected contamination and contingency procedures should be included as conditions of consent. Further, additional pre-works groundwater testing may be appropriate.
<b>Is Fast-track appropriate?</b>	Click or tap here to indicate whether it would be more appropriate for the project, or part of the project, to go through RMA consenting or designation processes. Please state reasons.
<b>Environmental compliance history</b>	Ryman Healthcare Limited does not have a compliance history (see further comment below).
<b>Iwi and iwi authorities</b>	Te Rūnanga o Ngāi Tūāhuriri has been informed of the application lodgement. Mahaanui Kurataiao Limited
<b>Relationship agreements under the RMA</b>	Click or tap here to summarise any JMAs, Mana Whakahoio a Rohe, transfers of power, MOUs, accords or other relationship agreements under the RMA. Include the parties involved.
<b>Insert responses to other specific requests in the Minister's letter (if applicable)</b>	See below
<b>Other considerations</b>	Click or tap here to provide any other information you consider relevant to the Minister's decision on whether to refer the project to an expert consenting panel.

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

#### **Response to Other Specific Requests in the Minister's Letter**

1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to continue to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the Act?

##### **Response:**

Overall, there are no significant concerns with the proposal provided dewatering water is either tested and treated to remove any hydrocarbon contamination prior to being discharged to the Avon River (directly or via the Christchurch City Council's stormwater network), or discharged to the trade waste network (subject to acceptance by Christchurch City Council). If dewatering water is discharged via the reticulated stormwater network (following treatment), it is noted that the capacity of the stormwater network to convey the flow rates needs to be confirmed with Christchurch City Council.

The actual and potential effects from operational but infrequent and temporary contaminant discharges into air from backup generators are well understood and can be mitigated appropriately through resource consent conditions.

2. The status of the applicant's RMA consent applications (e.g. whether a notification decision has been made), and any significant issues that you are aware of.

**Response:**

The application is currently on hold under s91 and s92 of the RMA. No notification decision has been made yet.

If the RFI matters are addressed and the additional discharge permit is sought, then this proposal would likely be processed on a non-notified basis as there would be no requirement for limited or public notification.

3. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?

**Response:**

RHL does not have a compliance history.

It is noted, however, that the resource consents sought from ECan are primarily related to construction activities. While in this instance the applicant is RHL, resource consents get sometimes issued in the contractor's name if the contractor is the applicant. A compliance history for an individual contractor which are also consent holders for RHL projects would require us to do a more in depth analysis.

Released under the provision of  
the Official Information Act 1982