

BEFORE AN INDEPENDENT COMMISSIONER

UNDER Section 104 of the Resource Management Act 1991

IN THE MATTER of a resource consent application to demolish the Hydro Grand Hotel building and develop a mixed use office, apartment, retail and hotel complex at 10 The Bay Hill, Timaru

SUBMITTER R M Lambie and T C Lambie as trustees of the J & R Lambie Family Trust

BRIEF OF EVIDENCE OF CHRISTOPHER JOHN WILSON

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Introduction

- 1 My full name is Christopher John Wilson. I hold the qualifications of B Arch (Hons) from Victoria, University of Wellington, School of Architecture and I have been a registered and practicing architect and urban designer in Christchurch since 1994. I have previously worked in London for DEGW.
- 2 I founded my current firm, Wilson and Hill Architects in 1995 and have been practicing in Christchurch ever since.
- 3 I was the Director responsible for the Master planning of Show Place Office Park. The development contains buildings for Solid Energy, Holcim, Hewlett Packard and IAG. I have designed a number of award winning residential projects, most recent was the Clearwater house which has been published widely.
- 4 I have worked with Boffa Miskell to produce the master plan for the Christchurch International Airport. I have also designed the HP building in Dakota Park, the new industrial park developed as part of the master plan.
- 5 I was also the Architect for the recently completed Environment Canterbury Building in the South Frame, and I worked with CERA to integrate the new building and its landscaping into the South Frame environment.
- 6 I am a past member of the Christchurch City Council Urban Design Panel, which reviews proposals for the rebuild of the central city.
- 7 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Scope of Evidence

- 8 I have been asked by R M Lambie and T C Lambie as trustees of the J & R Lambie Family Trust (**Trust**) to:

- (a) Review and assess the amenity and visual effects relating to the development of a mixed use office, apartment, retail and hotel complex (**proposed development**) at 10 The Bay Hill, Timaru (**Application site**); and
 - (b) In particular, my evidence focuses on both the effects of the proposed development on the adjacent property as it currently stands at 28 The Bay Hill, owned by the Trust (**Trust Site or Trust Property**), as well as the effects of the proposed development on any future development of the Trust Property.
- 9 I have reviewed the following documents in preparing my evidence:
- (a) Application by Bayhill Developments Limited (**Applicant**) (prepared by Planz Consultants) including:
 - (i) Architectural Design Statement (Appendix 2a);
 - (ii) Proposed Plans (Appendix 2c); and
 - (iii) Urban Design Panel Report (Appendix 8).
 - (b) Applicant's response to the Timaru District Council's request for further information (**Applicant's s92 response**) including:
 - (i) Amended hotel and basement ground floor plans;
 - (ii) Solar studies; and
 - (iii) Comments from the Urban Design Panel.
 - (c) Section 42A Report prepared by Andrew Henderson (**Section 42A Report**).
 - (d) The evidence of:
 - (i) Mr James Burgess; and
 - (ii) Mr Jonathan Clease.

Summary of the proposal

- 10 The key features of the proposed development as described in the application are:
- (a) Demolition of the existing Hydro Grand hotel;

- (b) Construction of an office building (**Office Building**) located in the south eastern corner comprising of six storeys with a maximum height of 21.6 metres;
- (c) Construction of an apartment building (**Apartment Building**) located at the centre of the site comprising of a total of 32 residential apartments with private balconies, with a maximum height of 23 metres; and
- (d) Construction of a hotel building (**Hotel Building**) located at the western end of the site comprising of parking on three levels and 68 hotel rooms located on the upper floor floors, with a maximum height of 21 metres.

The Trust's property

- 11 The Trust Property is located to the west of the Apartment Building and to the north of the Hotel Building. Notably the Apartment Building and Hotel Building are both proposed to be located close to, or on the boundary with the Trust Property which raises some particular issues regarding any future development on the Trust's property.
- 12 The Trust Property is also zoned Commercial 1A Zone in the Timaru District Plan (as is the Application site) and also has a 20 metre height limit.
- 13 The Trust's property, if developed in the future, would naturally lend itself to being developed up to the boundary with the Application site both on the southern and western boundaries of the Trust's property. I address the implications of this in the context of the design proposed by the Applicant further below.
- 14 Given the nature of the proposal, the Application site, and the potential future development on the Trust's property, the remainder of my evidence focusses on the:
 - (a) Visual Dominance/Height Effects (including shading) associated with the proposed development and its effects on the Trust's property; and
 - (b) Reverse Sensitivity Effects, particularly, the likelihood of complaint from the apartment and hotel owners in the future if the Trust's site is developed such that:

- (i) the views over Caroline Bay from these two buildings are fully or partially obstructed; and
 - (ii) amenity effects associated with natural light being restricted.
- 15 The Trust Property is particularly affected by the Apartment Building to the east and the Hotel Building to the south. I address the effects of each of these in turn, including commenting on the Applicant's evidence.

Effects associated with the Apartment Building

Height Limit

- 16 I have several concerns with how the application material has dealt with the non-compliances with the 20m height limit that applies to the Application site and assessed the effects of the proposed height of the buildings, particularly in relation to the Trust's site.
- 17 First, is how the height limit is shown on the plans.
- 18 The Applicant's drawings of the Apartment Building do not show the existing ground level or the 20m height limit so it is very difficult to establish the true degree of non-compliance, and assess the effects of that non-compliance. This is especially so from the perspective of the Trust's site. I have shown this by marking up the plan as set out in **Appendix 1**, page 1.
- 19 The height limit is shown on a cross section which I have had to rely on to assess the effects of the breach of the height limit. However, on this plan it is shown as a horizontal line, at two different heights, one for the Hotel and Apartment Buildings and another for the Office Building. This is presumably intended to reflect that the site slopes with a slight incline across the site to the west as described by Mr Burgess at paragraph 15 of his evidence. This is shown on page 2 of **Appendix 1**.
- 20 However, showing the height limit in this way does not reflect the definition of "height" in the Timaru District Plan¹ which is *the vertical height of that part of the building above the point on the existing ground level immediately below that point... The existing ground level is that occurring before the commencement of a proposed development.*

¹ Timaru District Plan, Part D8, pg 7.

- 21 Usually when preparing such plans, I would expect the existing ground level to be indicated on all elevations and sections to ensure that any breach of those limits can be easily identified and appropriately assessed. A height limit would also normally be established (and shown on the elevations and sections) by plotting the relevant height from the existing ground level. In order words, usually the height limit will reflect the underlying landform.
- 22 Turning to assess the effects of the height limit breaches, I consider that the Applicant's evidence downplays the effects of these breaches, especially in relation to the Trust's site.
- (a) Mr Clease, at paragraph 44 of his evidence, describes the proposed buildings as "*generally consistent with the height limit*". I disagree with this statement because none of the proposed buildings meet the height limit, and at some points the height limit is exceeded by up to 3.9m (as indicated on my marked up drawings, attached as **Appendix 1**, see page **2** and **3**).
- (b) Mr Clease also states that the exceedance is not uniform "*but rather varies in a manner that corresponds with the wavy roofline of both the office and apartment buildings*".
- (c) Mr Burgess also explains at paragraph 77 of his evidence that an alternative design solution of flat roofs would be functionally possible, however from an urban design perspective this is considered to result in a less attractive outcome for Timaru. He also states at paragraph 82 that the height component over 20m is driven by the varied roofline in direct response to the Urban Design Panel Feedback.
- 23 Based on the plans provided (albeit with the limitations I have identified), it appears that the bulk of the Apartment Building along the Trust Property boundary is in excess of 2.5m-3m above the height limit. Some exceedances are up to 3.9m. This is shown on **Appendix 1**, pages **2, 3** and **4**.
- 24 The boundary with the Trust Property is the most sensitive in terms of breaches of the height limit (given that almost all the other boundaries are with the road corridor).

- 25 This exceedance is predominantly uniform along the entire Trust Property boundary and is in the order of 10-15% above the height limit.
- 26 Potentially these estimates are 'best case' scenarios as there is no plan showing ground level at the boundary with the Trust Property, nor the height limit on the elevations of the Apartment Building viewed from the Trust's property. In addition, the fact that the site inclines to the west will potentially further 'downplay' the effects on the Trust's property, particularly when a uniform 20m limit is applied (measured from the western edge of the Hotel Building), rather than 20m from ground level as the District Plan requires.
- 27 In my opinion, such breaches of the height limit have the potential to have significant effects on the Trust Property and result in a building with significant dominance, beyond that anticipated by the District Plan. It is my understanding that the proposal is a discretionary activity in any event and the effects of the whole height of the Apartment Building can be taken into account.
- 28 While there appears to be some urban design justification for breaches associated with the office building, the breaches associated with the Apartment Building are not just to achieve a 'wavy roofline' and cannot be justified in the same way (i.e. it is not just the highest points of the 'waves' in the design causing the breaches).
- 29 In addition, the Urban Design Panel appears only to have supported breaches of the height limit in relation to the eastern corner of the site stating "*The Panel consider the full potential of the site, being clearly a landmark site in the City, has not yet been reached and that some additional height above the 20 metre height limit could be considered at the eastern corner of the site.*"²
- 30 The height limit could be achieved for the Apartment Building by employing essentially the same design, but with one less storey.

Shading and set back

- 31 The breaches of the height limit on the Apartment Building also have effects associated with shading.

² Urban Design Panel Report, Appendix 8 to AEE, page 4.

- 32 The shading diagrams provided in the Applicant's s92 response is shown at such a small scale (1:1000) that it makes it very difficult to properly assess the effects of the breach of the height limit. Usually I would expect such diagrams to be shown at a scale of 1:200.
- 33 Logically speaking, if the height limit is exceeded by 10%-15% then presumably the shading effects have also increased by 10%-15% above what would be expected if the buildings complied with the height limit.
- 34 This effect on the Trust Property will be particularly pronounced in the mornings, given the location of the Apartment Building which will block the sun rising in the east.
- 35 Mr Clease has stated that this is a "*negligible difference in shading compared with the permitted baseline of a compliant 20m high building.*"³ I do not agree that a 10% increase is "negligible".
- 36 Mr Clease also states that the shading effects are off-set by the Apartment Building being set in from the site boundary. However, the plans do not indicate that the Apartment Building has any significant set back from the site boundary with the Trust Property.
- 37 It does appear on some of the drawings that the top storey of the Apartment Building is set back, but the extent to which the roof is set back is not able to be ascertained from the plans in the application. The extent of the roof set back will be the key factor in determining the shading effects.
- 38 Overall, I accept and agree that the Trust Property must expect the possibility of a 20m building being constructed on the adjacent site. However, I consider that the scale of the Apartment Building as proposed will have significant effects on the Trust Property. In general, I consider that the scale of the Apartment Building to be huge in the context of Timaru. While there may be some urban design justification for this at least as far as the Office Building is concerned, the same justification does not exist for the Apartment Building which is located in a more sensitive location.

³ Mr Clease, at 46.

Loss of views and amenity effects from placement of windows

- 39 The plans show a significant number of windows along the eastern elevation of the Apartment Building which all face the Trust Property. There are also a number of balconies which are oriented to face the Trust Property.
- 40 I was quite surprised by the design of the Apartment Building along the Trust Property boundary. It is rare to see the level of windows and balconies that are proposed along an internal site boundary where there is a strong possibility that they would be blocked out by future development on neighbouring sites. Just as the Trust Property must expect development on the Applicant's property of up to 20m, the Applicant's Property must also expect development on the Trust Property up to the 20m height limit.
- 41 Usually buildings are designed so as to take into account the surrounding development potential either by:
- (a) not orientating significant numbers on windows on internal boundaries to face the neighbouring properties where those properties have the same or a similar height limit; or
 - (b) by having buildings setback a number of metres.
- 42 Either of these options would ensure that the development is able to satisfy Building Code requirements in relation to access for natural light (which is a requirement in the case of apartments) and also fire rating issues.
- 43 In the case of the Apartment Building, I have concerns that if development does occur on the Trust Property, then those apartments that face the Trust Property would no longer comply with Building Code requirements in relation to natural light, as it is likely that any future development on the Trust Property would also be constructed right to the boundary to best utilise the views from the Trust Property.
- 44 While this is a matter for the Council to consider at building consent stage for this Application, I consider that it is important to consider these issues at resource consent stage too. This is because any future development on the Trust Property will have potentially significant amenity effects on the future owners of the apartments.

- 45 As the views to the east are screened by wind shelters, almost all views from those apartments adjoining the Trust Property are likely to be lost if the Trust Property is developed. I note that Mr Burgess' evidence described one of the design philosophies being to design key apartments with grand space and 'hero views'⁴.
- 46 If any development does occur on the Trust Property in future, it is likely that the apartment residents would complain about losing their views, and natural light, particularly those residents likely to lose their 'hero' views.
- 47 The other issue with the design relates to fire rating issues. I would also expect that a setback from the boundary would be required to meet the requirements of the Building Code and for fire safety purposes, otherwise all the windows would need to be fire rated windows. While I am not a fire engineer as an architect I frequently have to take into account Building Code issues (including fire rating) when designing buildings.

Hotel

Height

- 48 Assessing the effects of the Hotel Building is also made difficult by the lack of elevations and information.
- (a) The existing ground level has not been shown on the elevations for the Hotel Building which is again surprising, particularly given Mr Burgess describes the site as having a slight incline across the site to the west (by approximately 1.5m).⁵
 - (b) The Application does not include any north elevations of the Hotel Building which has made it difficult to assess the extent, and effect of the height limit breach. As only the east elevations have been provided, it has been difficult to establish the overall effect of the proposed Hotel Building.

⁴ Mr Burgess, at 45.

⁵ Mr Burgess, at 15.

(c) Even the architectural perspective which is intended to show the overall scheme of the proposed development has omitted the Hotel Building from view.

49 This is shown on pages **5, 6 and 7** of **Appendix 1**.

50 The height of the Hotel Building results in multiple intrusions of the height limit by more than 1m (as stated in Mr Clease's evidence⁶) which has a greater effect on the Trust Property than what has been assessed.

51 While I do not consider the intrusions of the height limit to be as significant in relation to the Hotel Building as they are for the Apartment Building, I consider that together the scale of the two buildings, surrounding the Trust Property on two sides, creates a level of effect well beyond that anticipated by the District Plan. I note that the combined effect of the two buildings is not shown from the perspective of the Trust Property on the Applicant's drawings as shown in **Appendix 1, page 8**.

Loss of views and amenity effects from placement of windows

52 In a similar way to the Apartment Building, the design of the Hotel Building also has the potential to create amenity effects if the Trust Property is re-developed in the future.

53 If the Trust Property were to be developed, a building would likely be constructed along the east and south boundaries to make the most of the views and outlook. If this were to occur it would completely block out the direct views and natural light of approximately 12 of the hotel rooms, as the Trust Property boundary extends about half the length of the Hotel Building. An additional 8 rooms would also potentially have their views to the sea obscured.

54 While there is no Building Code requirement for natural light in relation to hotel rooms (given there are no permanent residents in such buildings), the loss of light and views will still have an amenity effect on the Hotel Building.

⁶ Mr Clease, at 44.

- 55 In addition, if any development did occur on the Trust Property in future, it is likely that both the Hotel Building owner (and the apartment residents) would complain about losing their views, and natural light.
- 56 Again, as for the Apartment Building, I anticipate that the design of the Hotel Building will create fire rating issues. In the case of the Hotel Building, the plans show the building directly on the boundary. In that situation the building will require either fire rated glass, or a further setback.

Section 42A Report

- 57 I have read the report by Mr Andrew Henderson, a Consultant Planner, prepared under section 42A of the Resource Management Act 1991, which contains statements relating to the proposed building height and shading effects. I address those statements in the following section of my evidence.
- 58 At page 20 of the Section 42A Report, the author addresses the submission made by the Trust. The author notes that the Urban Design Panel did not make any comment from a design perspective on the proposed heights.
- 59 However, the Urban Design Panel comments are not an assessment of the effects of the height limit exceedances.⁷
- 60 As set out above, the Urban Design Panel appears only to have supported breaches of the height limit in relation to the eastern corner of the site.⁸
- 61 The author goes on to state in the Section 42A Report that the height intrusion will not give rise to a significant degree of effect as they are offset by the varied roof design of the upper levels.
- 62 As explained above in relation to the Apartment Building, I do not consider that the varied roof design will offset these effects given the magnitude of the height limit breach, particularly in relation to the

⁷ As the Urban Design Panel Report states "the key purpose of the review is to assist the Applicant and the Council to promote a high quality urban design outcome for the site". Urban Design Panel Report, Appendix 8 to AEE.

⁸ Urban Design Panel Report, Appendix 8 to AEE, page 4.

Apartment Building, which uniformly breaches the height limit by approximately 2.5m – 3m, a height limit breach of some 15%.

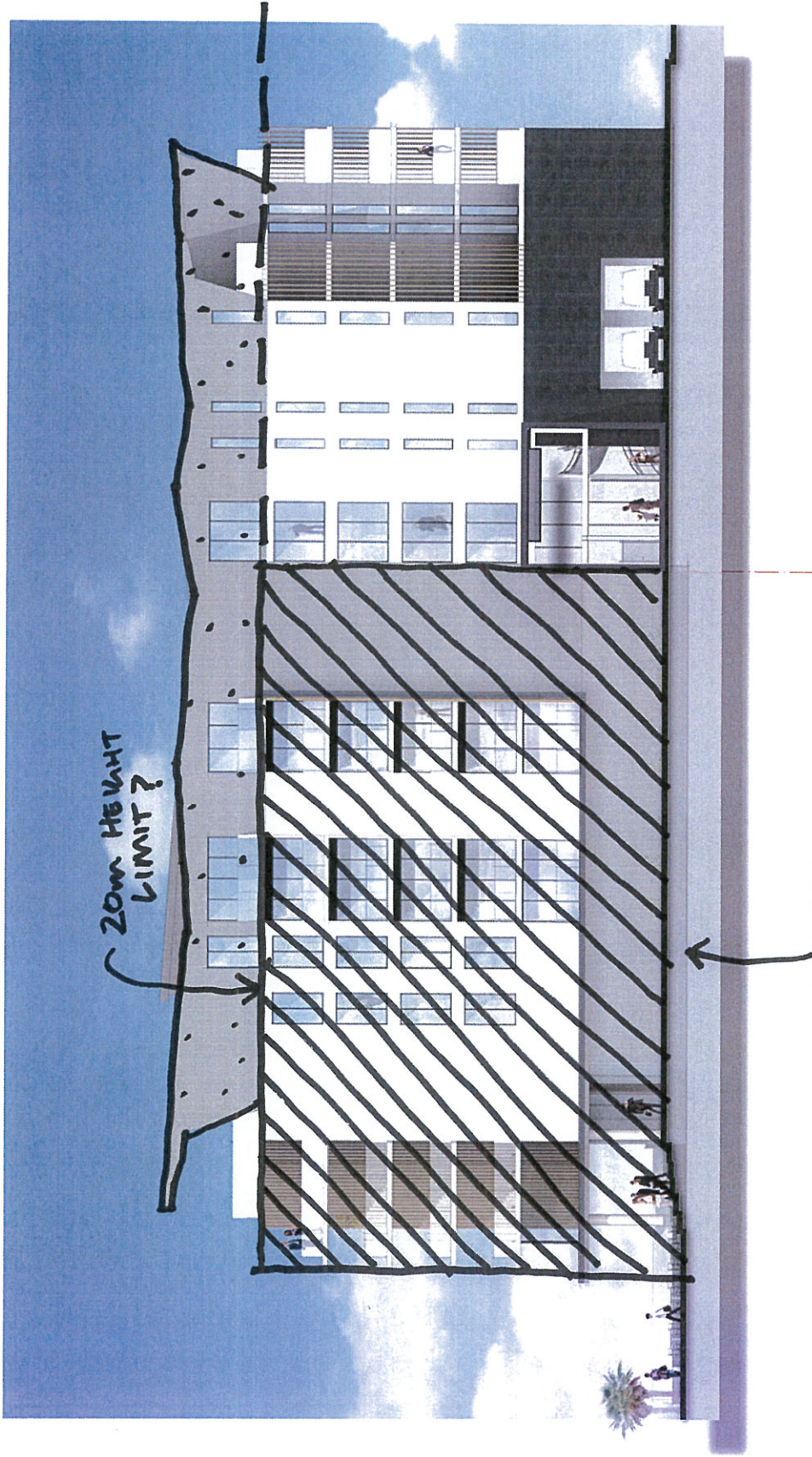
- 63 I note that the Section 42A Report gives no consideration to the potential for the views to be restricted from the Apartment Building and Hotel Building in the future nor to natural light being lost to parts of the buildings in the future if and when the Trust Property is developed. Potential fire rating issues have also not been addressed by the Section 42A Report author.

Conclusion

- 64 The drawings submitted as part of the application do not provide adequate information for me to fully understand the effects of the proposed development on the Trust Property.
- 65 The drawings do indicate a significant level of non-compliance around the Trust Property boundaries which will have a detrimental effect on the Trust Property. I see no reason that the development adjacent to the Trust Property needs to break the 20m height limit.
- 66 I am concerned that any future development of the Trust Property will have a significant effect on the future Hotel and Apartment owners if the development proceeds due to the nature of the design of the Apartment and Hotel Buildings.

Christopher John Wilson

30 November 2016



1 B2 - WEST ELEVATION
Scale: 1:100

B2 - WEST ELEVATION

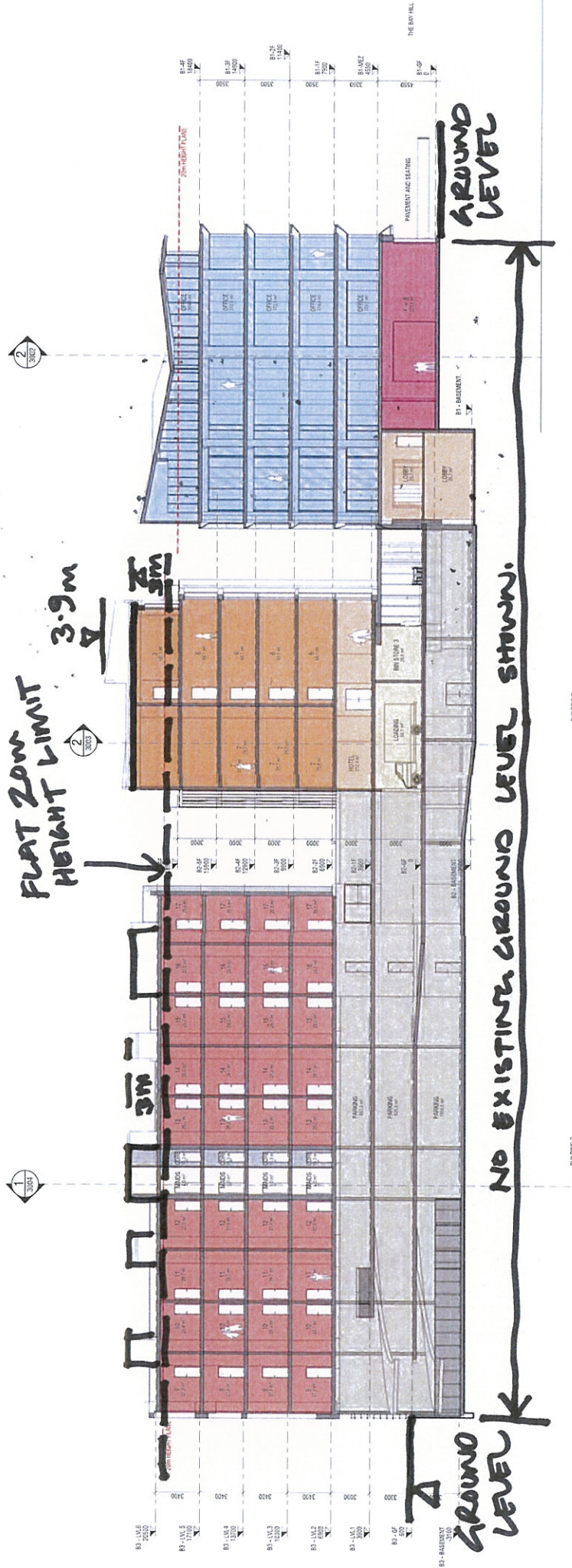
THE BAY HILL - MIXED USE DEVELOPMENT, TIMARU
THE BUCHAN GROUP



THE BUCHAN GROUP

SK - 2003

JULY 2016





1 SOUTH ELEVATION
Scale: 1:100

SOUTH ELEVATION



THE BAY HILL - MIXED USE DEVELOPMENT, TIMARU

SK - 2001
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JULY 2016

THE BUCHAN GROUP



1 EAST ELEVATION
Scale: 1:150

EAST ELEVATION

THE BAY HILL - MIXED USE DEVELOPMENT, TIMARU
BUCHAN

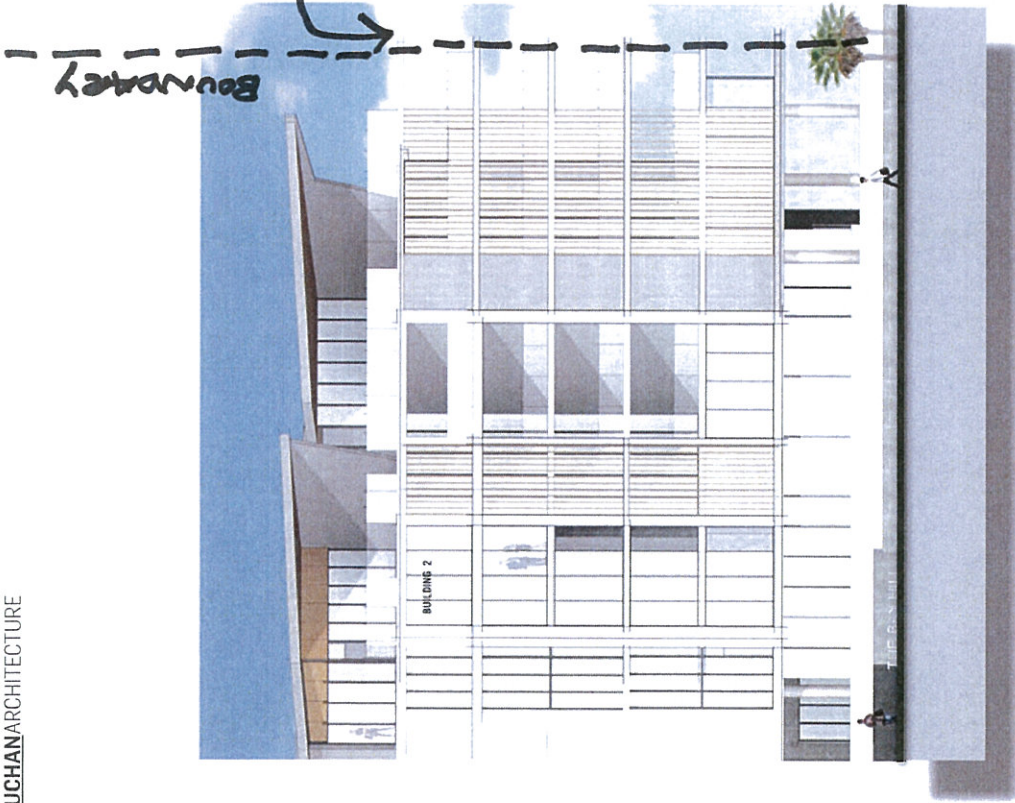


SK. 2000
THE BUCHAN GROUP

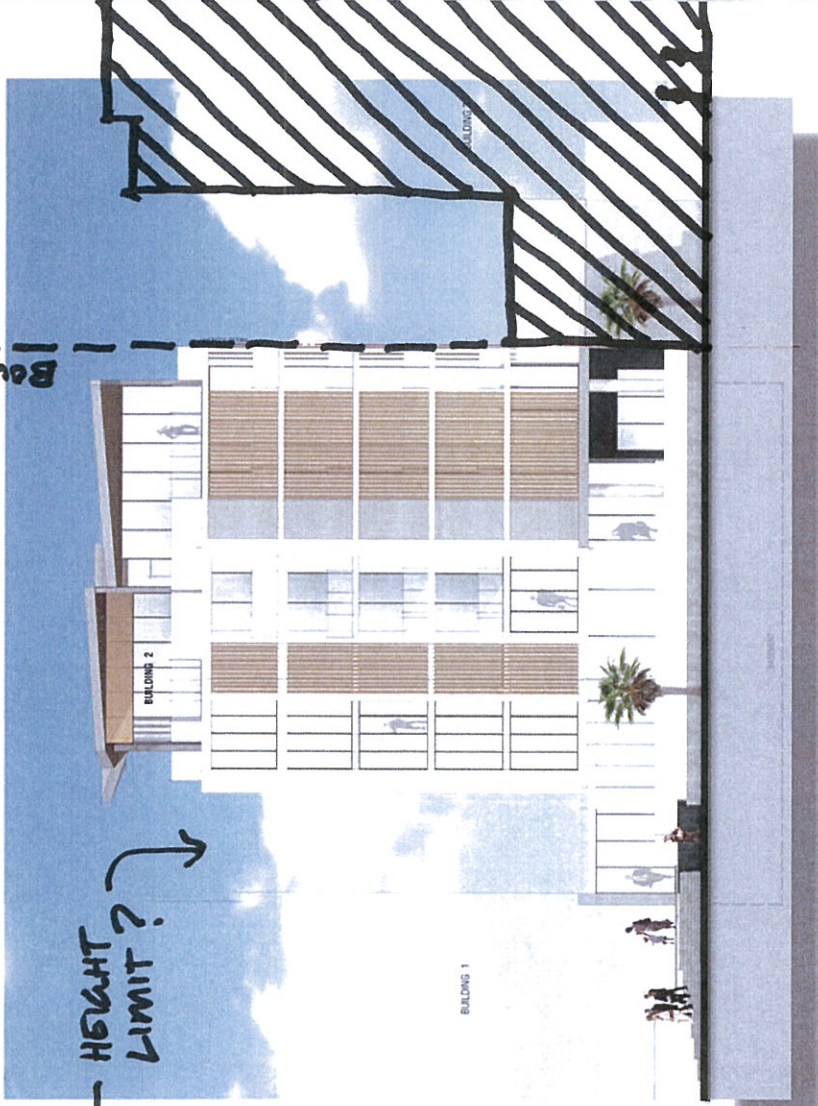
919319
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1:100 @ A1 & 1:200 @ A3





1 B2 - ELEVATION 1
Scale: 1:100



2 B2 - NORTH ELEVATION
Scale: 1:100

HEIGHT LIMIT
↑

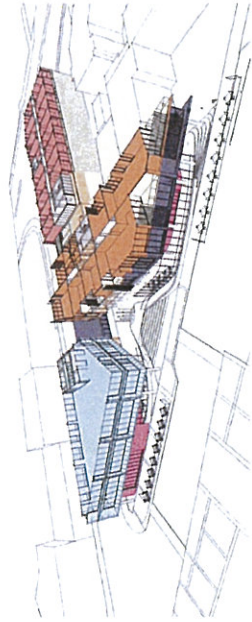
B2 - NORTH ELEVATIONS

THE BAY HILL - MIXED USE DEVELOPMENT, TIMARU
THE BUCHAN GROUP



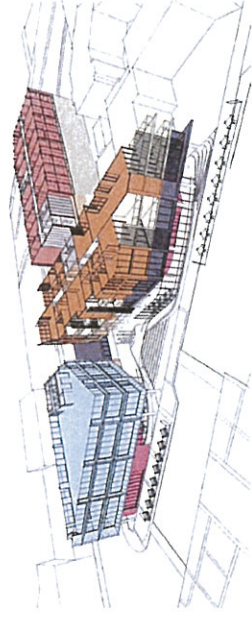
THE BUCHAN GROUP

1:100 at A1 & 1:200 at A3
JULY 2016



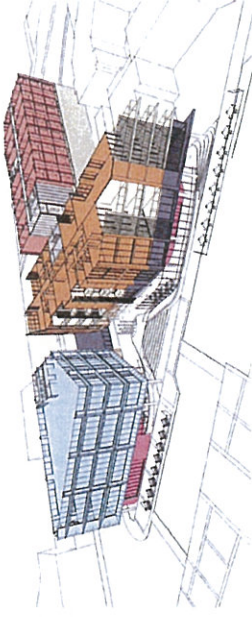
LEVEL 02

- **APARTMENTS : 7no.** apartments per floor.
- **OFFICE : 365sqm** floor plates
- **HOTEL : 17** rooms per floor.



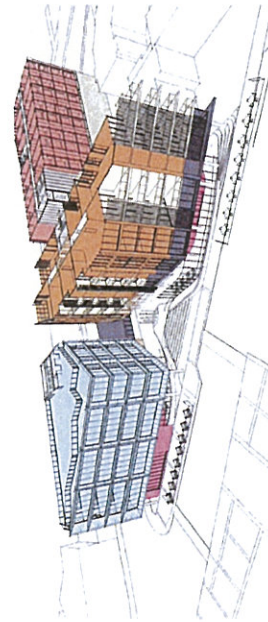
LEVEL 03

- **APARTMENTS : 7no.** apartments per floor.
- **OFFICE : 365sqm** floor plates
- **HOTEL : 17** rooms per floor.



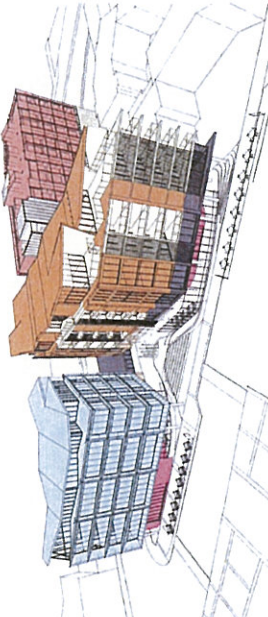
LEVEL 04

- **APARTMENTS : 7no.** apartments per floor.
- **OFFICE : 365sqm** floor plates
- **HOTEL : 17** rooms per floor.



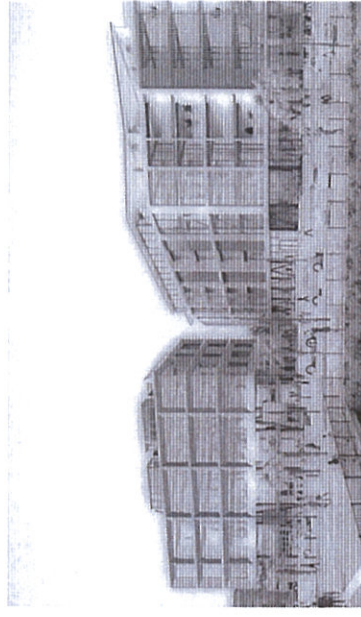
LEVEL 05

- **APARTMENTS : 7no.** apartments per floor.
- **OFFICE : 300sqm** floor plates
- **HOTEL : 17** rooms per floor.



LEVEL 06

- **APARTMENTS : 4no.** penthouse apartments per floors



THE VISION

- **OFFICE : 1326sqm** tenancy area
- **APARTMENTS : 32no** apartments
- **RETAIL : 855sqm** (including Food & Beverage)
- **HOTEL : 68no.** key hotel.
- **BASEMENT : 63no.** Car Parks.

DESIGN RESPONSE (CONTD.)

GROUND PLANE & PUBLIC REALM

The building elements of the office and residential functions, are grounded by stone clad plinths for the ground floor retail and entry lobby functions. The urban realm is to read as a beach washing deep into the heart of the development – rising up the shore across the natural level change utilised to provide elevated views across Caroline Bay Central within the space will be a sculptural element commissioned by the applicant. A planted bed of native species will also contain three cabbage trees aligned upon a north south axis – the purpose of which to provide geographic legibility and also lead the pedestrian to the northern tenancies. The wide sweeping steps will provide public and natural seating space.

Within the pavement of largely concrete paver selections; will be natural and local rock inserts including basalt and greywacke which will be inscribed with local stories. The overhanging office floorplate forms natural protection from the elements – and will have subtle references to Maori Rock Art cave pieces; the soffit above will have a larger panel dedicated to this – only visible when seated underneath.

