

under: the Resource Management Act 1991

in the matter of: an application by Ryman Healthcare Limited for resource consent to construct, operate and maintain a comprehensive care retirement village at 26 Donald Street and 37 Campbell Street, Karori, Wellington

between: **Ryman Healthcare Limited**
Applicant

and: **Wellington City Council**
Consent Authority

Supplementary Statement of **Andrew Davies Burns** on behalf of Ryman Healthcare Limited

Dated: 20 September 2022

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**SUPPLEMENTARY STATEMENT OF ANDREW DAVIES BURNS
ON BEHALF OF RYMAN HEALTHCARE LIMITED**

- 1 My full name is Andrew Davies Burns. My qualifications and experience are set out in my statement of evidence dated 29 August 2022. I repeat the code of conduct statement contained in my statement of evidence.
- 2 The purpose of this supplementary statement of evidence is to respond to questions from the Commissioners regarding the extent of shading effects on Scapa Terrace properties between midwinter and the equinox.
- 3 I also respond to questions from the Commissioners regarding:
 - 3.1 Distances between the rear façade and the southern Site boundary for properties along the north side Scapa Terrace – see Appendix C; and
 - 3.2 Drawing references for the images shown during my summary presentation – see Appendix D.

Shading effects on Scapa Terrace properties

- 4 Ryman has prepared additional or modified shading diagrams for 22 June, 22 July, 22 August and 23 September at the following times: 8.30am, 9.30am, 10.30am, 12pm, 3pm, 4pm and (August and September only) 5pm as follows:
 - 4.1 The shading diagrams for 22 June and 23 September as previously presented in the RCA set have been modified to highlight the difference between shading from a 2m tall, permitted fence and that generated by the Proposed Village.
 - 4.2 The additional shading diagrams for 22 July and 22 August describe the change in sunlight access and shading between midwinter and the spring equinox. These studies also show the difference between shading from a 2m tall, permitted fence and that generated by the Proposed Village.
- 5 I provide a table of the sun studies at **Appendix A** to this statement. This table allows helpful visual comparisons to be drawn across the months of June, July, August and September at the identified times of the day. I also provide a summary of the depth of shade cast by a permitted fence at **Appendix B**. My analysis of the sun studies is set out below:
 - 5.1 At 8:30am on 22 June shade covers 50%-100% of the rear outdoor areas of the eight western-most properties along the Site's southern boundary. Shade from a permitted fence overlaps with proposed shade by 50%-80%. One month later

(22 July) shade is noticeably reduced for all properties though the rear area of 20 Scapa Terrace is still largely shaded. Fence shade overlaps by 40%-60% of proposed shade. On 22 August no shade cast by the Proposed Village falls on any of the properties and again on 23 September no proposed shade falls on any of the properties.

- 5.2 At 9:30am on 22 June the shade pattern is highly varied due to the castellated forms of B02-B06, however all properties receive varying amounts of sun to rear outdoor areas and only four properties (16, 18, 20, 22 Scapa Terrace) appear to receive sun to less than 50% of their outdoor areas. Fence shade overlaps with proposed shade by 50%-80%. One month later (22 July) proposed shade is noticeably reduced with all properties receiving sunlight to 50%-100% of their outdoor areas. On 22 August no shade falls on the subject properties except for negligible shade to 16 and 20 Scapa Terrace. On 22 September no shade cast by the Proposed Village falls on any of the properties.
- 5.3 At 10:30am on 22 June the shade pattern is highly varied due to the castellated forms of B02-B06. However, all properties receive sun to 50%-100% of their rear outdoor areas and only two properties (16 & 20 Scapa Terrace) appear to receive sun to less than 50% of their outdoor areas. Fence shade overlaps with proposed shade by 40%-80%. One month later (22 July) proposed shade is noticeably reduced with all properties receiving sunlight to 60% or more of their outdoor areas (except 20 Scapa Terrace that receives circa 40%). On 22 August a small amount of shade falls on four properties only (14, 16, 18, 20 Scapa Terrace) and I note that shade overlaps with permitted fence shade. On 22 September no shade cast by the Proposed Village falls on any of the properties.
- 5.4 At 12 noon on 22 June the shade pattern is highly varied due to the castellated forms of B02-B06. However, all properties except four (14, 18, 20, 24 Scapa Terrace) receive sun to 50%-100% of their rear outdoor areas. Fence shade generally overlaps with proposed shade by 50% or more. One month later (22 July) proposed shade is reduced with all properties receiving sunlight to 60% or more of their outdoor areas (except 14 and 20 Scapa Terrace that receive 30%-40%). On 22 August shade is reduced further and all properties receive sunlight to 60%-100% of their outdoor areas. I note only four properties (14, 16, 18, 20 Scapa Terrace) include shade beyond that cast by a permitted fence. On 22 September no shade cast by the Proposed Village falls on any of the properties.

- 5.5 At 3pm on 22 June the shade pattern is highly varied due to the castellated forms of B02-B06. Shade cast by the Proposed Village falls onto all properties (except 6 Scapa Terrace) shading most of their rear outdoor areas. Exceptions occur at 42 Donald St and 6, 10, 16, 24 Scapa Terrace. Shade cast by a permitted fence overlaps with 40%-100% of proposed shade. One month later (22 July) proposed shade is reduced with most properties receiving varying degrees of useable sunlight to their outdoor areas with the exceptions of 8, 14, 18, 22 Scapa Terrace. On 22 August shade is reduced further and all except three properties (14, 18, 22 Scapa Terrace) receive a good level of sunlight to 50% or more of their outdoor areas. On 22 September all properties receive good sunlight to the majority of their outdoor areas. All shade cast by the Proposed Village mostly overlaps with shade from a permitted fence with small exceptions at 14, 16, 18 Scapa Terrace.
- 5.6 At 4pm on 22 June - the sun sets at 4:58pm and therefore shading from the Proposed Village at 4pm extends over most of the lot area of the properties. Exceptions include parts of 49 Campbell Street, 42 Donald Street and 14 Scapa Terrace. Shade cast by a permitted fence extends over the majority of the outdoor areas of all properties. On 22 July a similar through reduced shading effect occurs and the majority of the outdoor areas of all properties are in shade with a similar extent of shade cast by a permitted fence. On 22 August shade is noticeably reduced over the properties however eight of the twelve properties along the boundary still receive sunlight to less than 50% of their outdoor areas with 8, 16, 18, 20, 22 Scapa Terrace being particularly shaded. On 22 September all properties receive good sunlight to 50% or more of their outdoor areas. All shade cast by the Proposed Village mostly overlaps with shade from a permitted fence with exceptions at 12, 14, 16, 18, 22 Scapa Terrace.
- 5.7 Shading at 5pm on 22 June and 22 July was not tested given the times at which the sun sets (4:58pm and 5:16pm respectively). On 22 August proposed shade extends over most of the lot area of all properties with a few exceptions. Shade from a permitted fence falls on the majority of the outdoor areas of all properties. On 23 September shading is significantly reduced such that all properties except 20 Scapa Terrace receive varying levels of sun onto rear outdoor areas. Shading from a permitted fence accounts for 40%-100% of shade.

Conclusion on updated studies

- 6 I observe sunlight shading noticeably reduces between 22 June (midwinter) and 22 July for the morning / midday period (8:30am –

12noon) such that all nearly all properties receive sun to 50% or more of their outdoor areas on 22 July. Significant reduction in shading occurs by 22 August and again by 23 September such that all properties receive very good sunlight access at these times.

- 7 For the late afternoon period (3pm-5pm), shading reduces between 22 June and 22 July but not to the same extent as in the morning. At 3pm on 22 July most properties receive improved, useable sunlight with some exceptions. At 4pm the reduction in shade is negligible with respect to the rear outdoor areas. However, noticeable reduction in shade occurs by 22 August at 3pm and again by 23 September at that time. The change is less marked at 4pm in August though in September sunlight access is good for all properties. At 5pm the change in shading between August and September is noticeable such that almost all properties receive sunlight to varying degrees.
- 8 Shade cast by a permitted 2m tall fence has been overlaid on all sunlight shading studies and can easily be distinguished from shade cast by the Proposed Village. I note that fence shade overlaps with proposed shade by 40%-100% depending on the time of day and month and generally fence shade is more significant in the afternoon period. Further conclusions can only be drawn in relation to specific times and properties by reference to Appendix A.
- 9 Shade cast by a form compliant with Operative Plan and Proposed Plan height, yard and HIRB standards exceeds shade cast by the Proposed Village on properties adjoining the southern boundary of the Site at all times of the year.
- 10 Overall, I confirm that the additional and modified shading diagrams do not cause me to change the conclusions in my UDA and primary evidence on the effects of shading being minor or less than minor.

24 Scapa Terrace (submitter #75)

- 11 Mr David King referred to the importance of sunlight into internal living spaces at midwinter. My primary evidence states Mr King's property receives 1.5hrs at midwinter onto the outdoor area and rear façade (paragraph 345). However, in the UDA (page 43) I also referred to the extent of shade onto the dwelling's rear façade and therefore the amount of sun that will penetrate internal living spaces. Based on the UDA I note the dwelling will receive a minimum of 5 hours direct sun into the rear north-facing living and/or dining areas at midwinter. This exceeds the RDG guideline of "at least 4hrs at midwinter" (G2.5). At all other times of the year the amount of sunlight increases (22 July: 6.5hrs, 22 August: 7.5hrs; 23 September: 8.5hrs, 22 December: 13hrs).
- 12 I consider internal sunlight access to the submitter's dwelling to be acceptable. I am mindful of the issue raised by Mr King that his


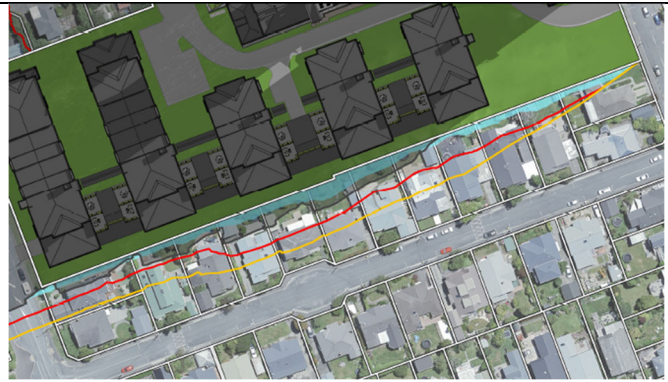
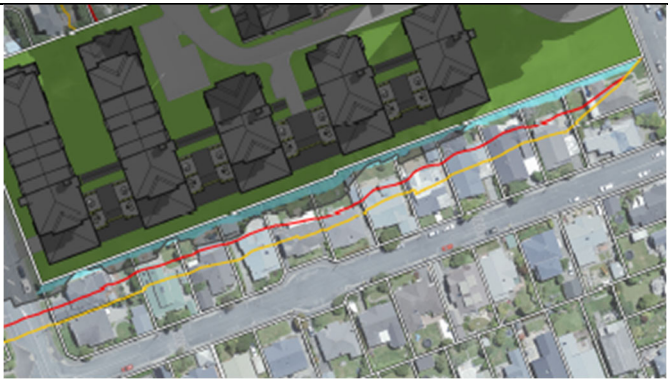
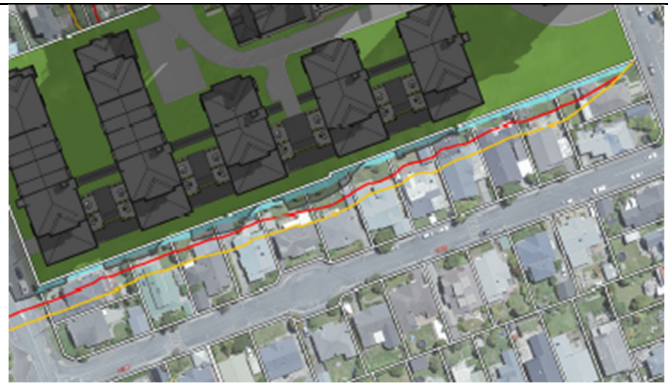
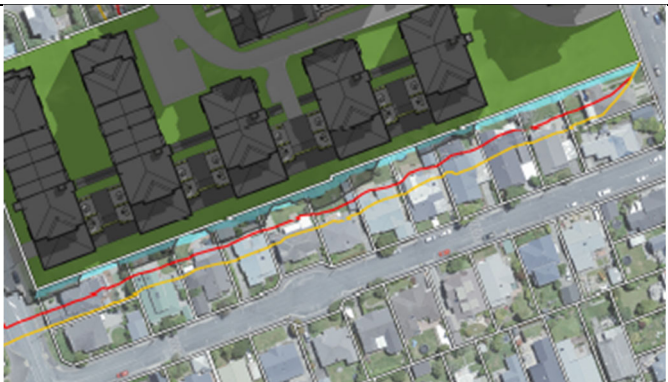
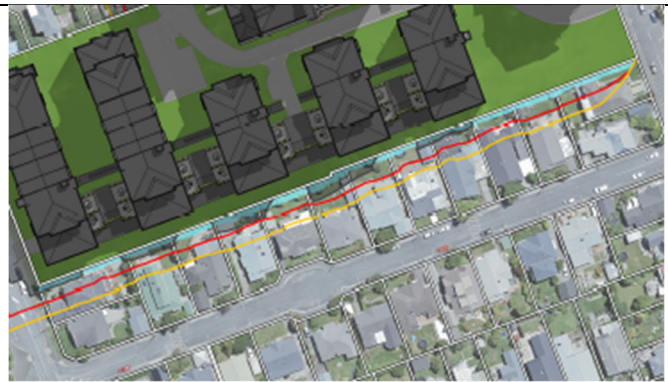
particular needs should be taken into account. The RDG does not identify the specific needs of occupants as an assessment matter. In my experience, consideration of specific user needs is unusual and any assessment is made objectively given the difficulties of understanding individual needs. RDG G2.7 calls for development to “*avoid unnecessary or unreasonable shading of private outdoor spaces or windows to main living rooms...*”. I have determined whether sunlight shading is reasonable based on an assessment of typical situations rather than any that of any particular individual. Nevertheless, I have specifically addressed my views on sunlight access to internal living spaces above.

- 13 With regard to sunlight onto outdoor areas, I confirm the conclusions in my primary evidence that sunlight access is acceptable and not more than minor. I base this conclusion on the high level of sunlight reaching the property at the equinox and midsummer; the additional shading diagrams that show good sun onto the submitter’s outdoor areas in July (6.5hrs) and August (7.5hrs); the shade cast by a permitted fence; and the likely shade cast by a form compliant with Operative Plan and Proposed Plan height, yard and HIRB standards.

Andrew Burns
20 September 2022

Appendix A
Table of additional and modified sunlight shading studies

Appendix A - Supplementary Sunlight Shading Studies (A3 sheet size)

Time	22 June (midwinter)	22 July	22 August	23 September (vernal equinox)
8:30am			No shade on subject properties from the Proposed Village	No shade on subject properties from the Proposed Village
9:30am			Negligible shade on 16 & 20 Scapa Tce only Any shade overlaps with fence shade	No shade on subject properties from the Proposed Village
10:30am			Very limited shade on 14, 16, 18 & 20 Scapa Tce Any shade overlaps with fence shade	No shade on subject properties from the Proposed Village

12noon				No shade on subject properties from the Proposed Village
3pm				
4pm				
5pm	N/A (Sunset 4:58pm)	N/A (Sunset 5:16pm)	Sunset 5:46pm 	Sunset 6:18pm

Proposal shade to 9 properties though only 14, 16, 18, 20 Scapa Tce extend beyond fence shade

Proposal shade to 8, 10, 12, 14, 16, 22 Scapa Tce and 49 Campbell extends beyond fence shade

All properties rear areas mostly in shade

Appendix B
Depth of shading generated by a 2m tall, permitted fence on
properties along the southern boundary of the Site

TIME	2M TALL FENCE SHADE DEPTH RANGE
22-Jun	
8:30	3.5m - 8.5m
9:30	2.4m - 4.0m
10:30	2.2m - 4.0m
12:00	2.1m - 4.6m
3:00	3.4m - 9.5m
4:00	4.8m - 15.4m
22-Jul	
8:30	1.7m - 6.4m
9:30	1.2m - 3.4m
10:30	1.2m - 3.5m
12:00	1.8m - 4.2m
3:00	2.7m - 7.8m
4:00	4.0m - 11.4m
22-Aug	
8:30	0.8m - 1.4m
9:30	0.7m - 2.3m
10:30	0.8m - 2.3m
12:00	0.9m - 2.8m
3:00	1.4m - 4.5m
4:00	2.0m - 6.9m
5:00	2.8m - 12.4m
22-Sep	
8:30	0.2m - 0.4m
9:30	0.4m - 1.1m
10:30	0.5m - 1.3m
12:00	0.7m - 1.8m
3:00	1.2m - 3.3m
4:00	1.4m - 4.5m
5:00	1.7m - 6.2m

Appendix C

Distances between the rear façade and the southern Site boundary for properties along the north side Scapa Terrace.

(Measurements taken from WCC Online Maps)

Property Address	Setback (m)
49 Campbell Street	3.7-7.3
24 Scapa Terrace	6.8-13.1
22 Scapa Terrace	7.0-11.5
20 Scapa Terrace	9.1-13.1
18 Scapa Terrace	9.1-13.0
16 Scapa Terrace	14.0-15.6
14 Scapa Terrace	9.6-13.1
12 Scapa Terrace	10.7-11.8
10 Scapa Terrace	8.7-10.3
8 Scapa Terrace	5.0-8.7
6 Scapa Terrace	11.4
42 Donald Street	2.0-7.0

Appendix D

Urban Design Summary Statement Graphics



1 Local street grid and former Teachers' College access (Evidence Fig 2, UDA Fig 28)

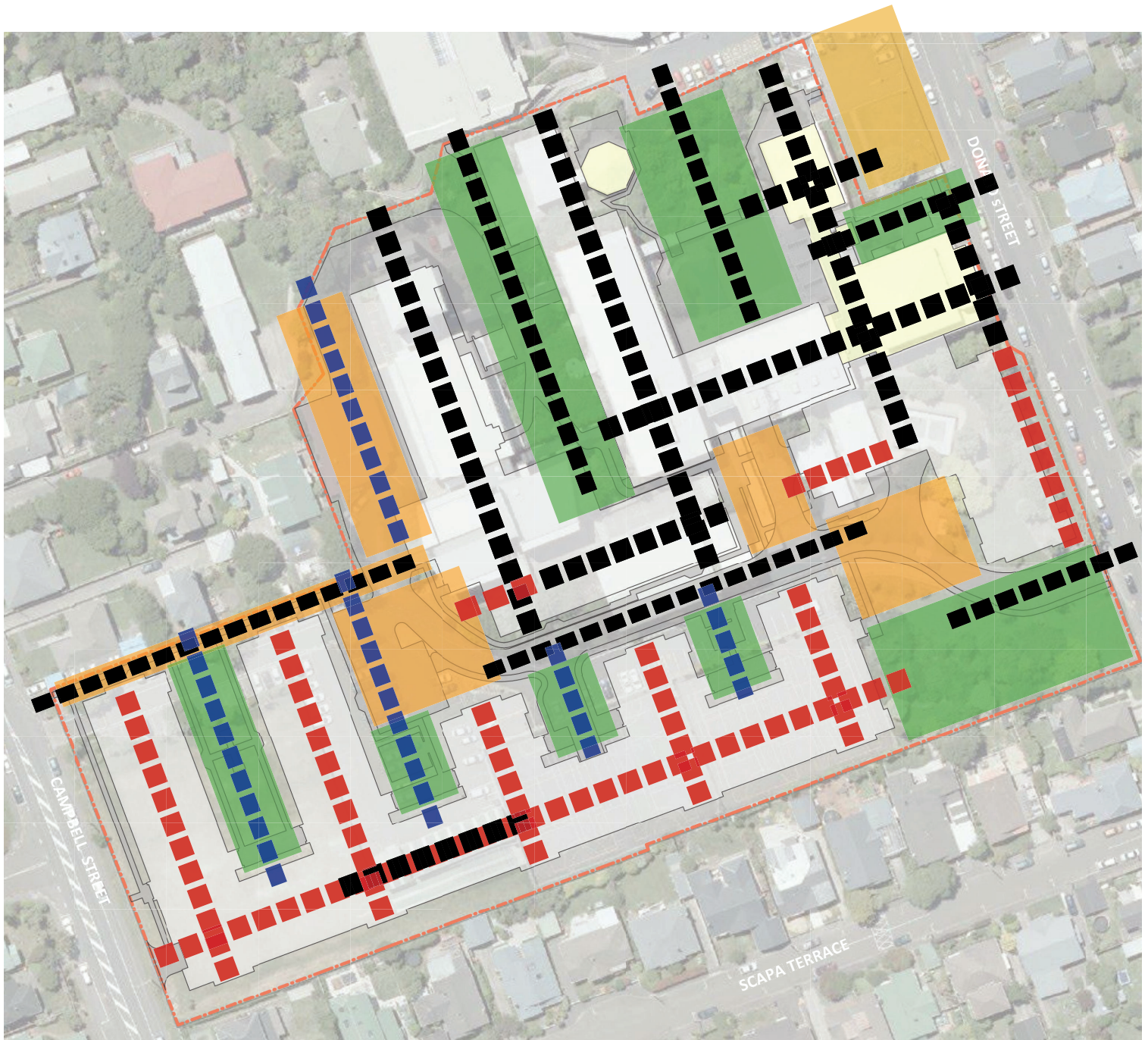


2 Local street grid and Proposed Village access (Evidence Fig 3a, UDA Fig 32)



3 Former Teachers' College - Alignments
 (Evidence Fig 2, UDA Fig 31)

- Streets / spaces
- Buildings

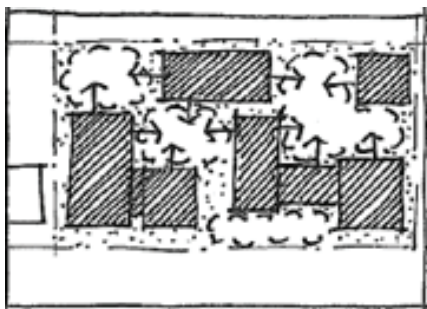


4 Proposed Village - Alignments
(Evidence Fig 3b, UDA Fig 34)

- ■ ■ Retained alignments
- ■ ■ New built alignments
- ■ ■ New open space alignments



5 Proposed Village - Open spaces
(Evidence Fig 4, UDA Fig 38)



RDG G2.2 Positive Open Spaces
(Evidence Fig 4, UDA Fig 38)



(UDA Fig 55)



6 Proposed Village - Massing and height
(Evidence Fig 6, UDA Fig 12)



Former buildings distribution (UDA Fig 10)



7 Existing land use patterns
Evidence Fig 5, UDA Fig 4)



8 Existing character (UDA Fig 8)



(UDA Figs 5, 6, 7)

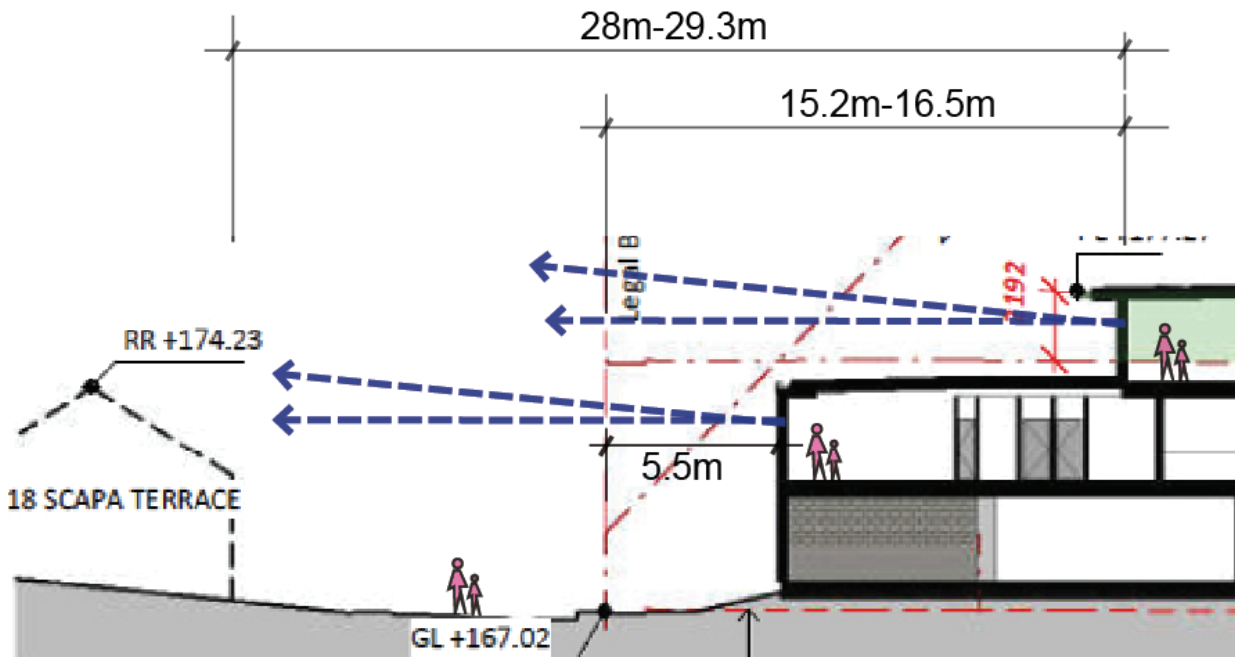
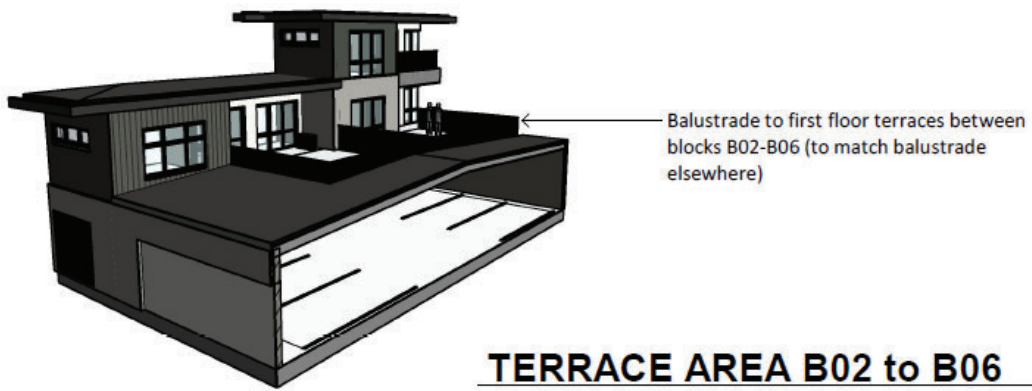


Rear open space
 Parking

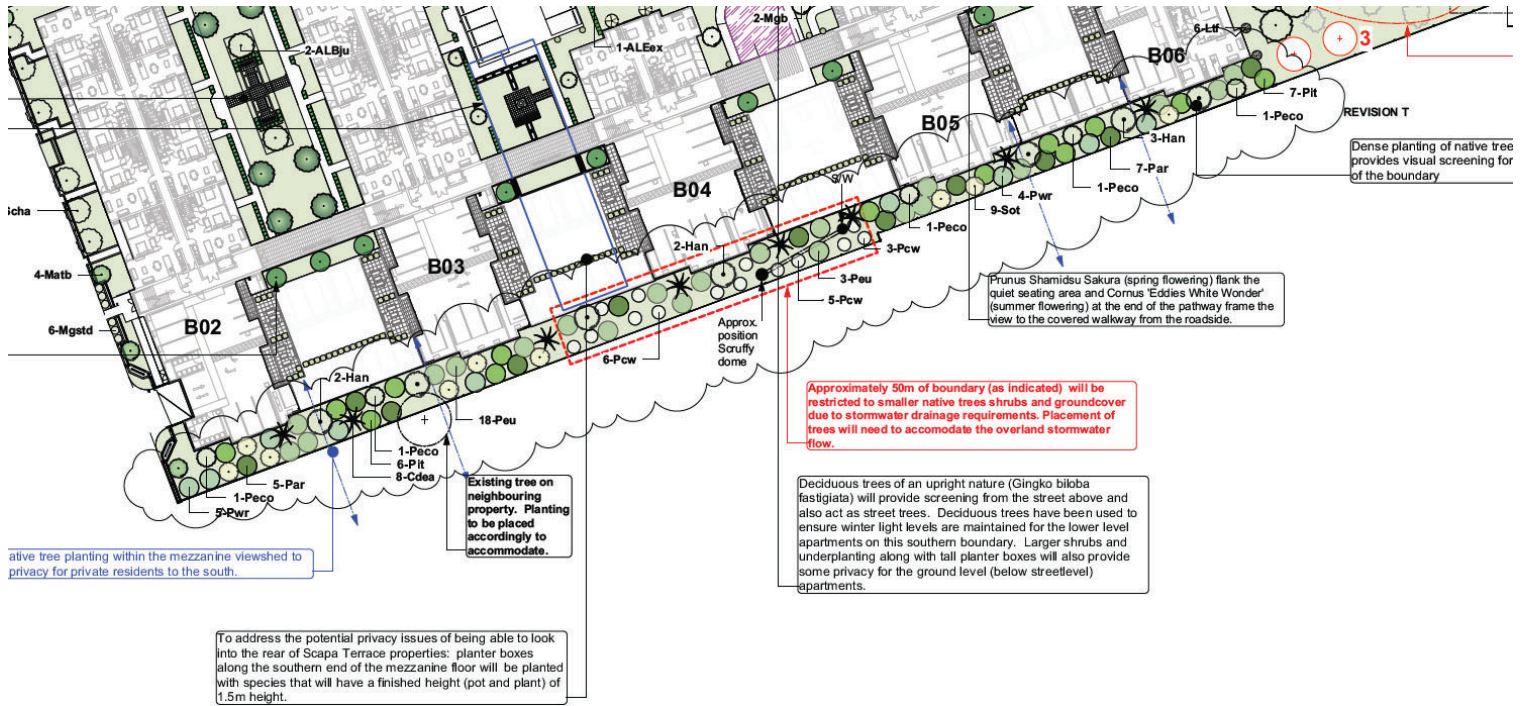
(UDA Fig 43)



9 Proposed Village interface with the Scapa Terrace boundary
(RCA 13)



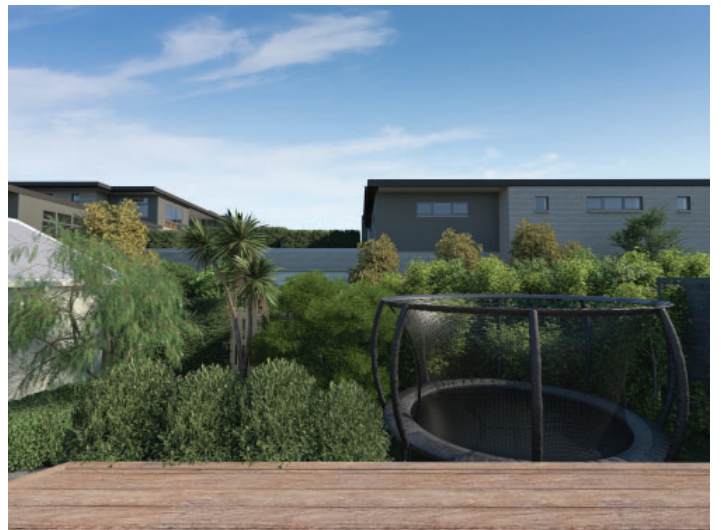
Typical cross section (at 18 Scapa Terrace)
 (UDA Fig 46 updated according to revised B02 - B06 south elevation window positions)



11 Proposed Landscape Plan (Sullivan + Wall L0-010_P in the 'RCA' set)



View from rear of 24 Scapa Tce
(Evidence Appendix F)



View from rear of 20 Scapa Tce
(Evidence Appendix F)



12 Proposed Village - Character and identity (UDA Fig 53)



Proposed Village - Former Brutalist style language carried through into new buildings (Area C) (UDA Fig 54)

13 Proposed Village - Street frontages



Donald Street frontage
(Top image: Viewpoint 3, Bottom image: RC 12)



Campbell Street frontage
(Top image: Viewpoint 10, Bottom image: RC 35)