

BEFORE THE HEARINGS PANEL OF THE DUNEDIN CITY COUNCIL

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of the PROPOSAL TO
CONSTRUCT AND OPERATE
A HOTEL IN 143-193 MORAY
PLACE, DUNEDIN

**EVIDENCE OF DAVID JOHN COMPTON-MOEN
ON BEHALF OF NEW ZEALAND HORIZON HOSPITALITY GROUP**

URBAN DESIGN, VISUAL AMENITY

31 JULY 2017

Introduction

1. My full name is David John Compton-Moen. I hold the position of Urban Designer / Registered Landscape Architect at DCM URBAN DESIGN LIMITED where I am the Director. I started DCM Urban in August 2016 where we focus on urban development and assessment work. Our office is based in Christchurch but we work throughout New Zealand including having recently completed a major design project with the University of Otago for their central campus.
2. I hold the qualifications of a Bachelor of Landscape Architecture (hons) and a Bachelor of Resource Studies (Planning). I am a Registered Landscape Architect of the New Zealand Institute of Landscape Architects, since 2001, a Full member of the New Zealand Planning Institute and a member of the Urban Design Forum.
3. I have worked in the urban design, landscape architecture and planning fields for approximately 19 years, here in New Zealand and in Hong Kong. During this time, I have worked for both local authorities, including Dunedin City Council, and private consultancies, providing expert evidence for urban design, landscape and visual impact assessments on a wide range of major infrastructure and development proposals, including the following relevant projects:
 - In 2015, I was employed by the Christchurch City Council to provide urban design and visual impact advice for the MAIL site as part of the Christchurch City Replacement Plan. Work included the impact of providing a hotel up to 20m in height, industrial buildings up to 15m in height and developing provisions to ensure an active edge was created along Memorial Avenue, as one of the main gateways to the city.
 - For the past 5 years I have been working with the University of Otago to improve their central campus area, with a view to improving pedestrian accessibility through the campus. This work included creating a shared street environment for the section of Castle Street between St David and Dundas Streets. The works have slowed vehicle movements and improved the overall amenity of the campus.
 - In September 2013, I was employed by the Christchurch City Council to ground truth the district plan provisions relating to height, setback and landscape in the city's business and industrial areas and whether these were achieving the anticipated outcomes.
 - Ngarara Farms Development, Waikanae, Kapiti Coast, 2013 to present. I am working with the developer to design and create residential and mixed use neighbourhoods for approximately 900 dwellings. The project has involved master planning, street

design and design guides for residential and commercial development. This includes building heights, setbacks and streetscape controls. The first neighbourhood of 300 dwellings has recently been approved by Kapiti Coast District Council.

Summary of evidence

4. In this capacity, I have been engaged by NZ Horizon Hospitality to give urban design and visual evidence in response to the hotel proposal for 143-193 Moray Place. In the preparation of my evidence I have read the Council's Section 42A report, the report prepared by Garth Falconer for the Dunedin City Council and submissions received. Where relevant I refer to these in my evidence.

1. My evidence addresses the following key issues:

- (a) Urban Character and Built Form
- (b) Active Frontages, Vibrancy and Activity
- (c) Visual Impact
- (d) Shading Effects
- (e) Options to reduce the building's height
- (f) Pedestrian Connectivity and Planting of Street Trees
- (g) Effects for people staying in the Kingsgate Hotel

CODE OF CONDUCT

2. I have read the Environment Court Code of Conduct for expert witnesses and agree to comply with it. I confirm that the topics and opinions addressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

Urban Character and Built Form

5. Prior to outlining the existing urban character of the receiving environment, there are a selection of key urban design issues from the District Plan which are particularly relevant:

5.1 Central Activity Zone Introduction page 9:2:

The character and amenity of the Inner City Area arise from:

- *the presence of a significant number of heritage buildings, some of which are also of historic importance*
- *a dominance of Victorian and Edwardian design*
- *views of skylines and rural areas*
- *the presence of amenity open space, particularly the Octagon*
- *continuous frontages of buildings on the main streets.*

These are the features which make the City's central area different from other centres in New Zealand.

5.2 Issue 9.1.1

The character and amenity of Dunedin depend on a strong and vibrant City centre.

Explanation

The City centre is the focus of business, recreational, social, cultural, religious and commercial activity within Dunedin, with necessary infrastructure in place to support that role.

That focus has been maintained over time, contrary to trends of decentralisation in other New Zealand urban areas. That has resulted in a vibrant central area which increasingly is attracting people to live, while still maintaining and embracing its role for visitors and business.

The City's sustainability is dependent on a strong central area that provides for the City's central retail and commercial activities.

Objectives 9.2.1, 9.2.5; Policies 9.3.3, 9.3.7, 9.3.10

6. In terms of the provisions of the Operative District Plan and the issues, objectives and policies listed above, I consider that the proposal will have significant positive benefits adding to the vitality and vibrancy of the city centre. Its position, in the central city, as opposed to a site further out, builds on the existing civic infrastructure of the immediate area, with the potential to enhance it due to the opportunities to improve accessibility, slow vehicle speeds in the area and provide additional shelter during inclement weather. The simple addition of more people into the area will improve vitality as well as influencing people's perception of a safe city (Townscape Issues 13.1.6 and 13.2.7). The proposal, with significant investment costs, will positively contribute to the vibrancy of Moray Place, spilling into the Octagon and George Street to compliment existing activities and reinforce this area as the centre to the city.

7. The existing urban character of the receiving environment is varied with heritage and modern buildings, varied setbacks, active and inactive frontages, carpark and accessways. The mix of activities is varied too with offices, retail, big box retail and community facilities such as the library and town hall. The site is within 200m of the Octagon and in close proximity to some of Dunedin's taller buildings which range in height between 30-40m. The site is on the edge of the central city, bordering a residential area which is transitioning into a mixed-use area with both residential and commercial activities. There are medium density residential units, typically being 2-3 stories, including a large number of flats as well as standalone dwellings. Many of the dwellings are used for small businesses and not all sites are developed to their full potential, being used for carparking. Where this occurs the continuity of the streetscape is weakened.
8. Townscape Policy 13.3.2 of the Operative Dunedin City District Plan states in its explanation:

"Gaps have an adverse effect on the sense of enclosure which is fundamental to the character of inner City outdoor spaces (both streets and reserves). In the case of the Octagon and Moray Place, the surrounding buildings not only give a sense of enclosure to the space but also define the octagonal shape which is an important Dunedin feature."

The current built character of Moray Place is not consistent with the above Policy.

9. In terms of the wider context of Dunedin and where the proposed building sits, the site is viewed as part of the central city and its development will help to consolidate the Octagon as the central focal point for the city, both in terms of physical mass but also in terms of its function and the number of people that will potentially use the building.
10. The built form in the area varies greatly with buildings ranging from single and double storey buildings to multi storey office blocks to heritage buildings and churches. It is considered that the built form of the receiving environment has a medium sensitivity to change given its proximity to high amenity heritage buildings but which is reduced by the current undeveloped nature of the site (being a carpark). While the height of the hotel tower is well above the permitted 11m, the podium design with a hard, active edge to Moray Place is considered a positive aspect with the tower set back slightly to reduce its visual mass. There is a precedence for taller buildings within the commercial centre of Dunedin with the Westpac Building (~34m); Anglican Cathedral (~35m); First Church top of Spire (50m); Kingsgate Hotel (~30m), John Wickliffe (~42m), Burns House (~35m), Town Hall (~32m) and Forsyth Barr Building on the Octagon (~35m). In this regard the proposed built form including the proposed height is not out of context, albeit constructed of different materials and taller. The podium and proposed courtyard on Level 4 is considered a positive aspect where people will be visible from the street (transparent balustrade), looking up Moray Place.

11. The proposal will have a Minor (positive) effect on the built form of the receiving environment by providing a well-defined edge to the street. Mr Falconer's report is in agreement with my initial assessment, that the surface carpark *'is one of the lowest forms of development and can only be seen as (a) temporary use awaiting development'*. Although it is taller than surrounding buildings, the development is considered a considerable improvement on the current carpark which is a 'gap' in the urban pattern and weakens the overall legibility of Moray Place.

Active Frontages, Vibrancy and Activity

12. After reading Mr Falconer's report for council, it is agreed that the 5-star hotel and apartments will *'add much needed activity and vibrancy to the central city'*. This is due to two elements being: active frontages; and increased activity, which combine to improve overall vibrancy.
13. Site visits observed that the octagon form of Moray Place, designed by Charles Kettle, does not have active frontages along large portions of the street or a well-defined built edge for large sections. Active frontages are a design attribute which should be desired from an urban design and urban form perspective – a desire to create a strong built edge to the streetscape with an active edge. In terms of active frontages, the Cinema at the base of the Town Hall is a great example of a small premise which activates the edge of the Town Hall – this highlights not much space is necessary to activate an edge. The library edge is largely devoid of activation with small windows and the main entrance located at the top of the stairs. The level of activation varies around Moray Place with developments like Countdown facing a carpark with their service entrance and a large blank wall facing Moray Place. From an urban design perspective a better design solution would have been for the supermarket to face onto Moray Place with an active edge with large windows.
14. At present the site does not have an active edge, being a carpark, and forms a gap in built development. This is further weakened by the Council carpark directly to the west and the Kingsgate Hotel carpark/service area which create a large gap in built development. Combined with the setback of the Anglican Cathedral this section of Moray Place is weak in terms of active frontages and built form. It is largely limited to a thoroughfare with limited vibrancy. The proposal will have a significant positive effect by providing an active edge along this portion of Moray Place, creating a destination.
15. The proposal will have a significant positive effect by providing an active edge along this portion of Moray Place. I have not been involved in the design of potential outdoor spaces and carparking areas to retain a degree of objectivity when assessing the project. I agree with Mr Falconer's comments that more detail could be provided on how the podium spaces will be used, but I consider it important that any balustrading used facing Moray

Place is transparent, providing the ability for people to be seen on the podium from Moray Place. This is in comparison to the podium on the Civic Centre and Library, which is largely solid and does not allow for any interaction between the street and the space.

16. In terms of vibrancy and activity, hotels, restaurants and supporting retail add significantly to the vibrancy and activity of an urban environment. This has been observed with the development of the Distinction Hotel in the old post office where the vibrancy of the area has lifted compared to the previous situation. While there is still room to improve, the Distinction has also helped provide the catalyst for other businesses to establish in the area.

Visual Impact

17. Visually sensitive receptors were classified in thirteen different groups to assist with assessing the likely visual effects from the proposal. The assessment is based on the sensitivity of users and the effects that they may be likely to experience such as the loss of views (harbour, open space, heritage buildings or the peninsula) or changes to the quality of a view as opposed to simply being able to see the proposal. There were a number of locations where the residual effects were described as “indiscernible”. This does not mean that the building is not visible, but simply that I do not consider that the building will have any adverse effect on the current view. Examples of this are views from Vauxhall and the Kitchener Drive. With the recent development of illustrations 22 and 23, by Paterson Pitts, from the south side of the Octagon and Lower Stuart Street I am of the opinion that any effects from these viewpoints are also Indiscernible. There is a change in the view, but there is no loss of view with the views largely characterised by the plane trees in the Octagon, the Civic building and the Town Hall. The tower on the town hall is still viewed as the tallest structure.
18. When summarising the effects on visual amenity and views of the proposal, it is considered that the proposal could have a ‘More than Minor’ adverse effect for residents living in houses at the upper ends of Cargill and London Streets where the building will partially interrupt views of the harbour and peninsula. Other nearby visually sensitive receptors, including travelling and workers, are considered likely to experience a ‘Small’ magnitude of change, resulting in effects ranging from Less than Minor to Minor. In most locations, views of the harbour and peninsula will be maintained, or are already blocked by existing urban development, as in the case of York Place, Haddon Place and the lower sections of Cargill and London Streets where the skyline is formed by a built cityscape.
19. The existing quality of many of these views is mixed, looking onto the service areas of the Meridian Mall, The Golden Centre and Wall Street Mall centre and its associated carpark.

- 20.** I consider that if the building windows have a high level of transparency, allowing views into and out of the building, then the perceived mass of the building will be less and will avoid the 'big-box' effect similar to that of Otago House or 258 Stuart Street where the windows are heavily tinted. With the design measures proposed, I consider that the residual effects would reduce to less than minor or Indiscernible depending on location, with the exception of the views from the upper sections of Cargill, London and York Place where I consider that the residual effects will remain minor.
- 21.** I have revised my original assessment of the residual effects likely to be experienced for these visually sensitive receptors (the upper sections of Cargill, London and York Place) having revisited the area following receipt of submissions. For all other viewpoints I consider my original assessment correct.

Shading Effects

- 22.** Using the Shade Assessment prepared by Paterson Pitts, dated 31 January 2017 and the later diagrams prepared on 30/6/2017 focusing on the Octagon, the following conclusions have been made:
- 22.1** During summer solstice, the proposal will affect residential properties to the west in the early morning but the extent of shading quickly reduces during the day with minimal effect on any other buildings or spaces with the exception of Moray Place itself. Shading does not extend past properties fronting York Place at 7am. The Octagon is not affected by the proposal during summer.
- 22.2** At the equinoxes, York Place is not affected by shading at 8am with a small section of Smith St being the most affected. The Kingsgate Hotel is partially shaded for most of the morning through to 11am. This also occurs with 11m and 16m high buildings but to a lesser extent. Moray Place, outside of the proposal site, is in shade from 12pm for the rest of the day.
- 22.3** At winter solstice, York Place is not affected by the proposal with shading extending towards and across Stuart St, crossing the eastern end of the Kingsgate building. My largest concern, based on the first set of drawings, was that the outdoor dining areas on the south-eastern side of the Octagon would be adversely shaded more than current conditions due to the building. Subsequent plans have been prepared by Paterson Pitts which include shading from existing buildings combined with potential shading from the hotel but not shading created by the existing plane trees. The plans show the restaurants on the southern side of the Octagon are affected by the proposal in the mid-afternoon. The Octagon will be most affected from approximately 2.30pm through to

about 3.30pm but is unaffected by the building during the important lunchtime period of 12-2pm.

23. Overall, I consider that the surrounding receiving environment has a medium sensitivity to shading due to its location to the southeast of the nearest residential areas and the amount of existing shading in commercial /open space areas. The effects on the Octagon are measurable but limited to a relatively small window of the day and year. I do not think the impact on the public amenity is significant with the potential year round benefits in terms of vibrancy and activity outweighing the slight additional shading.
24. I consider the effects of the proposed hotel on the Kingsgate hotel rooms to be less than minor. This is because that shading of these buildings would occur under the permitted baseline, and is generally accepted as common situation in most inner city situations

Options to reduce the building's height

25. A series of options of in terms of the building's height have been investigated in Mr Falconer's report. I am in agreement that the shadowing on the Octagon would be removed by a lower building as well as reducing the number of dwellings affected by the building at the upper end of London Street. However, further down the hill I do not consider that there is a noticeable change if the building is reduced from 13 storeys to 9 stories as the existing view will still be interrupted. It is only where the building would stop interrupting views do I see any benefit of reducing the building to 9 storeys.
26. I agree that the building will most effect views from the west where views of the harbour and peninsula will be partially lost and I have noted this in my assessment. I consider views from the north less affected, and less sensitive to change, however as the skyline of the current view is formed by buildings and not natural features. The reduction to 9 storeys would not change this outcome.

Pedestrian Connectivity and Planting of Street Trees

27. Pedestrian connectivity across Moray Place is currently often difficult with the pedestrian desire for the library plaza down and across to Filleul Street being at wide section of the street and conflicts with both traffic turning out of Filleul Street or traffic descending quickly down Moray Place. There are existing crossing points and pedestrian refuges across Filleul Street and further up Moray Place, just east of the intersection of Harrop Place. However, the majority of pedestrian movement comes out of the laneway between the library and the town hall or down the library steps. The active carriageway at these points is approximately 14-14.5m wide and with numerous vehicle movements possible and a flush median, crossing can be difficult. The traffic lights at George Street are considered too far from the main desire line to Filleul Street from the Octagon to be useful.

28. The proposed roundabout will assist with slowing vehicles coming down the hill but could be improved further with crossing facilities (traffic refuge) added on the downhill section to provide direct access to Filleul Street when walking from the library. The existing crossing facilities on Filleul Street should be maintained or redesigned to ensure a facility is provided across Filleul Street. The surface material used for the vehicle entry and exit crossings from the Hotel should be consistent with the footpath to ensure pedestrian priority is maintained.
29. There are 3 large pin oak trees on the site and road reserve which are underplanted with English ivy. At the top of the site there are 5 small silver birches (approximately 6m in height) and a scarlet ash (6m). There is a group of silver birches in the middle of the site. The trees on the site are of limited value along with the trees along the top boundary. The pin oaks though are part of a wider group of trees flanking both sides of Moray Place and provide a medium degree of amenity to the streetscape. The loss of these trees will have a moderate effect on the amenity of the area but it is considered that their loss can be mitigated by replacement planting.
30. It is recommended that 3 pin oak trees are planted as compensation for their loss, within the road reserve subject the location of underground services allowing for the planting of trees. Ideally the trees would be positioned on the outside edge of the footpath (closest to the carriageway) to provide a buffer between moving vehicles and pedestrians. It also moves trees away from the building to allow the trees to grow with a good form and habit.
31. Subject to underground services it is suggested a minimum of 3 pin oaks are planted on Moray Place, on the outside edge of the footpath, to compensate for the loss of the pin oak in the road reserve. The tree is approximately 12-15m in height and provides balance to Moray Place, partnering with the tree located outside of the Town Hall. Any planting is to be implemented in the first available planting season (1 April to 30 August) following the completion of construction, if not sooner.
32. A series of sketches were prepared to show options to improve connectivity across Moray Place, including the possibility of creating a shared street environment in Harrop Street which extends across Moray Place. I produce those sketches as appendix 1 to this evidence. This could provide an opportunity to improve pedestrian accessibility to the Dunedin Centre and links through to the Octagon. Some of these ideas have been shown in the Architect's drawings but I consider the changes to the streetscape could go further to include more street trees and greater options of pedestrian movement. However, the design of Moray Place is a project in its own right and would need input from a number of different parties and specialist, and funding from outside of this project. The hotel though could be the catalyst for this happening though.

Privacy for people staying in the Kingsgate Hotel

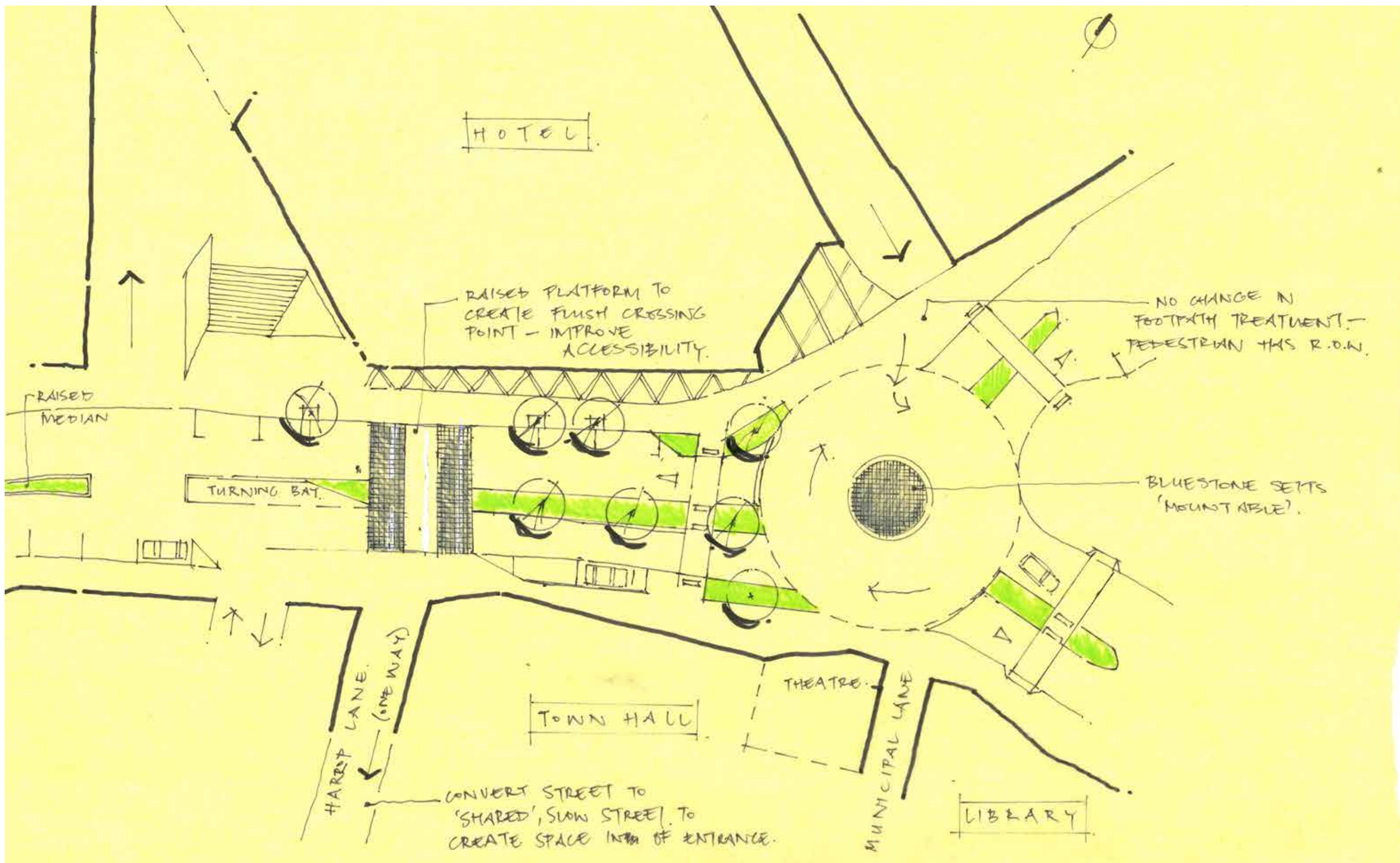
- 33.** One of the submissions raised issues of privacy for guests of the Kingsgate Hotel with views from each building looking into each other. This is a common occurrence in many cities with hotels and offices close together. This occurs with the Distinction Southern Cross hotels and surrounding buildings. Most rooms have net curtains for this reason with occupiers choosing whether to have them open or not.

Conclusions

- 34.** From an urban design perspective, the utilisation of the proposed site for a hotel meets many of the design criteria necessary to achieve a strong, safe and vibrant central city environment. The linkages with the Town Hall and the Octagon via Harrop Street offer an excellent opportunity to enhance the function of the Octagon as the City's social heart and create a vibrant civic hub within the city.
- 35.** Overall, I consider that the proposal, will result in significant positive urban design outcomes, improving vibrancy and activity, but with a number of visually sensitive receptors experiencing Minor residual adverse visual outcome due to the building's height interrupting a portion of their existing vistas.
- 36.** I consider that the proposal will have positive effects with the development of an active edge along Moray Place where it is currently a carpark (low value from an urban design perspective) and with the hotel supporting the businesses and facilities in the Octagon and George Street. The design has a podium style design which creates a 'hard, well-defined' edge to the street environment with a high level of detailing, with the tower setback to reduce the perceived bulk of the building. While the height of the tower is well above the permitted 11m, the podium design with a hard, active edge to Moray Place is considered a positive aspect with the tower set back slightly to reduce its visual mass. There is a precedence for taller buildings within the commercial centre of Dunedin with the Westpac Building (~34m); Anglican Cathedral (~35m); First Church top of Spire (50m); Kingsgate Hotel (~30m) and Forsyth Barr Building on the Octagon (~35m). in this regard the proposed built form is not out of context, albeit constructed of different materials. The podium and proposed courtyard on Level 4 is considered a positive aspect where people will be visible from the street (transparent balustrade), looking up Moray Place. There are few, if any, blank walls proposed. Verandahs are proposed in the design which will provide amenity during inclement conditions.
- 37.** In terms of visual amenity and views of the proposal, it is considered that the proposal could have a More than Minor adverse effect for residents living in houses at the upper ends of Cargill and London Streets where the building will partially interrupt wider views of the harbour and peninsula. Other nearby visually sensitive receptors, including travelling and workers, are considered likely to experience a Small magnitude of change, resulting in effects ranging from Less than Minor to Minor. In most locations, views of the

harbour and peninsula will be maintained, or are already blocked by existing urban development, as in the case of York Place, Haddon Place and the lower sections of Cargill and London Streets where the skyline is formed by a built cityscape. I consider that if the building windows have a high level of transparency, allowing views into and out of the building, then the perceived mass of the building will be less and will avoid the 'big-box' effect similar to that of Otago House or 258 Stuart Street where the windows are heavily tinted. With the design measures proposed, I consider that the residual effects would reduce to Minor or Less than Minor.

- 38.** Reducing the height of the building would benefit a small number of Visually Sensitive Receptors at the upper end of Cargill and London Street by avoiding any impact on their existing view. Further down the hill, where the view is interrupted by either a 9 storey or 13 storey building, I consider the benefits negligible.
- 39.** The proposal, albeit taller, than any of the surrounding buildings, is well placed to maximise the amount of vibrancy and activity which the hotel could bring to the city, with the levels of shading on to the Octagon considered Less than Minor.



MORAY PLACE - STREETScape DESIGN
NTS

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