

15 August 2017

**MEMORANDUM TO:**

**MEMBERS OF THE HEARINGS COMMITTEE**

Commissioners Andrew Noone (Chairperson),  
Stephen Daysh and Gavin Lister

**Resource Consent Application LUC 2017-48 & SUB 2017-26, 143 to 193 Moray Place, Dunedin**

Please find enclosed the following:

Submissions on the additional information provided by the Applicant as per Minute issued 3 August 2017

- a) Liz Angelo  
Refer to page 1
- b) Nicholas Bollen  
Refer to page 2 to 5
- c) Peter Entwisle  
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- d) Esther Gilbert  
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- e) Stuart Griffiths  
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- f) John Holmes  
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- g) Duncan and Lynne Kean  
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- h) Rosemary McQueen  
Refer to pages 13 to 15
- i) Millennium and Copthorne Hotels  
Refer to pages 16 to 42
- j) Chris Naylor and Debbie Robb  
Refer to pages 43 to 46
- k) Athol Parks  
Refer to page 47
- l) Francis Ross  
Refer to page 48
- m) Valeri Schilling  
Refer to pages 49 to 50
- n) Catherine Spencer  
Refer to page 51
- o) David Tucker  
Refer to pages 52 to 53

- p) Paul Wernham  
Refer to pages 54 to 58
- q) Dr Selwyn Yeoman  
Refer to page 59

Thank you

A handwritten signature in cursive script, appearing to read 'Wendy Collard'.

Wendy Collard  
**GOVERNANCE SUPPORT OFFICER**

Encl

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Second Submission on Proposed Tosswill Hotel  
Liz Angelo

I have looked at the latest submissions from the applicant but as far as we resident 'investors' are concerned it will make little difference and we are now unconvinced that the main aim is even for a hotel. The hotel plan is an apartment block in disguise-attempting to bypass the usual city plans that other apartment developers must adhere to.

Lawyer for Mr Tosswill has stated that 'the changes were not intended nor expected to alleviate concerns about the hotel's height'

So we and our neighbours from the Town Belt to the CBD would still be adversely affected **visually** by the proposed building 'block'. The 'step down' and other revisions are just tinkering. It is just too darn high and wide and of unsympathetic design and materials.

I reiterate, it will change the city aspect from the window of our lounge, our roof garden and our street. Glittering glass by day and electric lights at night. **It will glow and be the most dominate feature from our living space - night and day.**

Dunedin's plans for 'Night Sky City' will have to take a back step.

We heard from the developers about the importance of a tall building to give views for the hotel and apartment users. Does a developer's aim take precedence over existing residents? City plans are in place to protect them and the city landscape.

Please put the community and cityscape first.  
Do not kill the goose that laid the golden eggs.



**Nicholas Bollen 14.8.17 “comments” to hearing on LUC-2017-48 and SUB-2017-26**  
(response to addit info requested by hearing panel, as Minute dated 3 Aug)

### Examples of Old & New together

#### Santiago, Chile

- Picture taken from Plaza de Armas (the main square of Santiago). Shows older heritage buildings – Cathedral and Central Post Office Building beside glass tower.



#### Boston, USA

- One of the oldest cities in the US founded in 1630.
- Population – 673,184 (2016), over 16 million visitors each yr
- Tourists attracted to rich history, sports, arts, culture and major international universities (Harvard & MIT)
- Trinity Church shown

The above is from the architect’s additional information, as examples of urban design he believes Dunedin should follow. The following are photographs I have found of the same locations he shows, the first being in Boston, then in Toronto:



The following two photographs are of his Montreal examples, but surely we don't need or want this for Dunedin, not this century anyway!



His examples from Prague are actually quite good ones to follow:



Clearly in Wenceslas Square new buildings have to be in scale with the old.

Also reasonably in scale is the architect's Prague example of the Intercontinental Hotel. Note how the skyline is "dominated" by historic towers:



His Hilton Hotel example in Prague offers five star accommodation, but still is low rise:



Frankfurt has tower blocks, but generally at a respectful distance from historic buildings:



London has a similar approach:



The Gherkin and the Shard are exceptional high rise buildings, in a part of London that is a showpiece. Elsewhere there are many inferior ugly towers. Anyone who has visited London will have been reminded of that by the recent Grenfell Tower fire. World wide there are many many inferior ugly towers

.

Building large is challenging, and carries much higher risk. Apart from technical issues like fire safety, and notably wind effects, the aesthetic and urban design risks of this proposal for Dunedin are significant, especially as the proposal is going for the Boston/ Toronto/ Montreal approach to context, ie ignoring it almost completely.

Having a tall tower is not going to establish Dunedin as “one of the great small cities”. It is more likely to do the opposite.

Stepping the tower down at the top –as is now proposed– does not solve the problem of the proposal being grossly out of scale.

Thank you

(Total 4No pages)

**From:** [REDACTED]  
**To:** [Wendy Collard](#)  
**Date:** Monday, 14 August 2017 09:54:46 a.m.

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Dear Ms Collard,

I submitted on this application. I do want to submit again on the additional information. This is what I want to say.

The revised design doesn't overcome my earlier objections that proposed development blocks views of the nearby heritage buildings and that its style and materials are too much of a contrast to them.

The applicant has provided 'examples of old and new together' instances from various places around the world. All this really shows is that New Zealand isn't the only place where contrasting modern buildings are constructed close to heritage ones. It doesn't show this is good urban design.

There are many examples so I'll only discuss one which I think is relatively successful I.M. Pei's glass pyramids in the main court, Cour Napoleon at the Palais du Louvre in Paris completed in 1989.

This doesn't impose too much on the historic palace because the court is extremely large and the pyramids are relatively small. The large one is nothing like so high as the highest parts of the palace. Also because it is non-reflective glass you see right through it to the masonry structures beyond. It has a steel lattice supporting the glass and that diminishes the benign effect. Doubtless there are structural reasons for the lattice. The pyramids don't dominate the palace in anything like the way the hotel/apartment complex proposed for the Filleul Street carpark would dominate the nearby heritage buildings.

I would like to speak to this submission.

Regards,

Peter Entwisle

14 August 2017

Ms W Collard  
Dunedin City Council  
By email: [wendy.collard@dcc.govt.nz](mailto:wendy.collard@dcc.govt.nz)

To the Committee

### **Additional Comments re LUC 2017-48 & SUB 2017-26**

Having considered the additional information that has been made available in the past week or so, I wish to strongly reiterate my objection to the project being considered.

#### *The building*

While there have been some attempts at lowering the height of the building, the efforts are pitiful and still leave the proposed building a behemoth which will overshadow a good part of our city centre.

I still firmly believe anything exceeding 16m to be extreme and not in keeping with the cityscape we wish to achieve. The additional views provided do nothing to dispel my disquiet at the possibility of this monstrosity being built and forever ruining our cityscape.

It is of concern that the Applicant is unable to produce documentation in relation to the glass reflectivity. The Applicant states this is “enormously complex and cannot be achieved before the resumption of the hearing”, however I believe is the kind of basic work the Applicant should have completed before asking the Committee to consider the application. The lack of documentation effectively means that the Committee is being asked to approve an unproven building methodology and simply hope that the end product will comply with conditions set. This seems to be a case of setting the cart before the horse, and I believe should not be permitted.

#### *Overseas comparisons as presented by the Architect*

I appreciate the images presented by Mr Craig to presumably convince the Committee that, as other cities in the world had built large glass buildings next to smaller, older ones, this would therefore be acceptable in Dunedin. However, a few points to note on the examples chosen.

- Most of the examples given are for cities with populations far in excess of Dunedin's and I believe it is disingenuous to compare our city with those. Would the Applicant be able to provide similar views for cities of similar populations? For example, Edinburgh (approx. 465,000), Canberra (approx. 382,000), or Berne (approx. 132,000) all provide attractive cityscapes without resorting to oversized monstrosities being built. Canberra especially is worth considering, as a very new and modern city.
- The Louvre pyramid is indeed a sympathetic modern addition to a historic building but it needs to be pointed out that the pyramid overshadows neither the original Louvre nor Paris as whole, instead fits snugly into the plaza in front.
- In Prague it is true that there are many examples of glass facades built in amongst the historic cityscape. However, as with the Louvre, none of the new builds are twice, thrice or even more higher than the historic buildings they sit next to, instead the overall city scape height has been maintained at a similar level throughout.

- The other examples very clearly show the disconnect between the historic, lower buildings and the new glass towers that overshadow them and in my view actually largely support the argument to decline the application before the Committee.

*Infometrics report on economic impact of the proposed hotel*

This report is, by its own admission, overly optimistic in that it considers only the possible economic impact should the hotel only attract new guests to Dunedin. Having worked in the hotel industry for many years, this is utopian in its outlook. More realistically, the proposed build will attract some new guests but at the same time also win guests who would otherwise patronise the city's existing hotels.

The economic benefits during the construction phase cannot be ignored but equally is a temporary impact only. Expecting the construction phase to not displace other projects again is utopian and hardly likely to mirror reality.

I therefore ask the Committee to consider the report with a degree of scepticism as to how well it is based in reality.

*Conclusion*

As per my original submission, I still wish the Committee to reject this application.

Nothing within the new documentation provided has provided me with any reassurance that this project will be beneficial to Dunedin other than to provide some hotel revenue – which I am still convinced can be gained equally or better by considering other locations available within the city.

Thank you for your consideration  
Esther Gilbert

## **Comment on the further information supplied by the applicant for the proposed new Hotel on Moray Place**

### ***Submission by Stuart Griffiths 14.8.17***

It would be reasonable to say that the Architectural statement is a cynical attempt to mask what is in fact a brazen attempt to capitalise on Dunedin's celebrated city scape.

The Architect's claim that this new Hotel proposal will resonate with its historic neighbours makes no sense, as this sense of resonance suggests a harmony will be achieved between old and new! But, in reality this Hotel design 'clashes and clangs' with the harmony that is this sole remaining magnificent historic vista which showcases the Town Hall and St Pauls Cathedral. It also provides an uninterrupted view into the historic central city with the spire of First Church in the background, the Regent Theatre and flanking historic buildings in the lower Octagon, and the Robbie Burns statue with the magnificently refurbished Municipal Chambers clock tower in the upper Octagon.

To describe this hotel proposal as an elegant vertical form is also clearly not the case, due to the building being not much taller than it is broad at its widest girth. To call it rather squat would be more fitting. To put a rather squat, and what is clearly an unattractive retro modernist building, or as the architect likes to put it an "object in space" in front of the quintessential view of the Inner city of Dunedin is fundamentally an iconoclastic action. In so doing it would be doing so in complete contravention to the aspirations of the Ara Toi - Otepoti Strategy for the future of the city, which the DCC is a partner with the community it serves.

It is important to remember that we live in contemporary times where design needs to be sympathetic with the demands of its context. The modernist supposition that the 'shock of the new' can be a valuable addition to an historic precinct, as much of the architects photographic evidence of buildings that do this around the world would like to suggest, is an old generally disused paradigm, and in most of the examples that are shown the historical building (s) are, to use his terms, 'the objects in space' !

It is plain to see, from all the montages showing the placement of this new proposed Hotel in relation to its surrounding buildings, that this Hotel is significantly out of scale in the architectural neighbourhood that it wishes to inhabit. To suggest that there is "...a dialogue with the Town hall providing linkages and connectivity at both a macro and micro urban scale." Can only be interpreted as an aggressive and domineering monologue in one direction!

To suggest that this Hotel design "... fits in well" and "... completes a triumvirate of 'iconic stand alone' structures because a "... town scape pattern exists", is a nonsense. As the Hotel would fundamentally need to have an iconic quality to match that of the Town Hall and the Cathedral which it clearly has not. It will be the very odd one out!

Where it is suggested that stepping down a floor from one of the three component towers would enhance the design, it is not true, it will in fact make the building both appear both more 'squat' and 'incongruous' in its geometric modernist guise.

Thom Craig is correct in that the altered design does "... retain its original architectural 'design generators' and is thus still unacceptable on this site, in this city, in this time in this form.

PO Box 5315  
Moray Place  
DUNEDIN 9058

15 August 2017

Wendy Collard  
Governance Support Officer  
Dunedin City Council

Dear Wendy

**Re: Dunedin City Council LUC 2017-48 & SUB 2017-26, 143 to 193 Moray Place, Dunedin**

I have reviewed the additional material about the weather / wind contained in the document DAM-994508-1-177-Dunedin-climate-statistics.pdf. I note that PatersonPitts have used Meteoblue.com as the source for some of their data. This is the same source as I used when estimating the direction of the prevailing wind in Moray Place. The document does not comment on wind direction at the site. This is of critical importance when estimating the effects of people in the vicinity of the building. Instead it has simply added a graph (5 Wind in Dunedin) showing that October and November are the windiest months but there are no units shown for the wind speed. On checking the website <https://weather-and-climate.com/average-monthly-Rainfall-Temperature-Sunshine,dunedin-otago-nz,New-Zealand> I note they are metres/ second so that the average winds in October and November are about 15 km/hour but there is no indication of the frequency of gusts. This was shown in my presentation.

I note the Draft Conditions (Appendix 7) require the appropriately qualified professional undertaking a scale model wind tunnel study make reference to the Report by JDH Consulting. I suggest that before wind testing is undertaken, more information is obtaining about the appropriateness of applying data from the Airport to Moray Place.

I suggest the Draft Conditions be modified by the addition of the words *in italics*:

**17 Wind Study**

The consent holder shall implement a scale model wind tunnel study undertaken by an appropriately qualified professional and final outcomes of this study and associated recommendations to reduce wind effects of the development to the satisfaction of the Resource Consents Manager by email to [rcmonitoring@dcc.govt.nz](mailto:rcmonitoring@dcc.govt.nz) prior to the commencement of construction, which shall provide for the following details:

- (i) Implement scale model wind tunnel study having regard to the assessment undertaken by JDH Consulting dated January 2017 and

| referenced Report JDH17/1; *having first verified the appropriateness of using wind data from Dunedin Airport for a property in Moray Place.*

- (ii) Recommendations of any design changes to mitigate wind effects within the public realm and within the site itself;
  - (iii) Details submitted by the project architect of any external design changes to the building that respond to the recommendations set out in condition 17(ii) above, subject to compliance with the approved design set out in condition 1.
1. Note: Any changes to give effect to condition 17(ii) should not materially change the external appearance of the Development otherwise a separate variation may be required, which would need to be addressed as part of a separate consent process.

I would like to speak to my comments.

Yours sincerely

Dr John Holmes

**From:** [REDACTED]  
**To:** [Wendy Collard](#)  
**Subject:** Hotel Submission  
**Date:** Sunday, 13 August 2017 04:51:39 p.m.

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To whom it may concern,

Please find enclosed additional observations from reviewing the additional information provided by the applicant 'NZ Horizon Hospitality Group Limited'.

The estimates presented by ' Infometrics ' are noted at the 'top end' of the likely range of economic impacts on the Dunedin economy. How successful would it be when the economic impact comes in much lower and the council is left with a ' blot' on the site. As a council you only have one shot at getting it right, so ruining a site with a less than appealing modernist towers requires significant evaluation and analysis. Heritage hotels are the way forward in a wonderful city that has so much to offer. Tourists (New And Old) will be searching for authentic heritage cities (Dunedin) that are very different from other cities in New Zealand. Unique leads to major spin offs. Being the same is boring!

The additional visual simulations show how out of place this hotel is on the proposed site. The view from the intersection of Moray Place and upper Stuart Street is dominated by the glass fronted object and is imposing and very unattractive in a heritage setting. The view from the Octagon (looking towards Harrop Street) would be permanently ruined. The only way to remove the hotel (assuming it was built) would be to photo shop it out of your pictures! Further, shading and low temperatures don't make for a conducive environment in the Octagon.

Yours faithfully ,  
Duncan & Lynne Kean

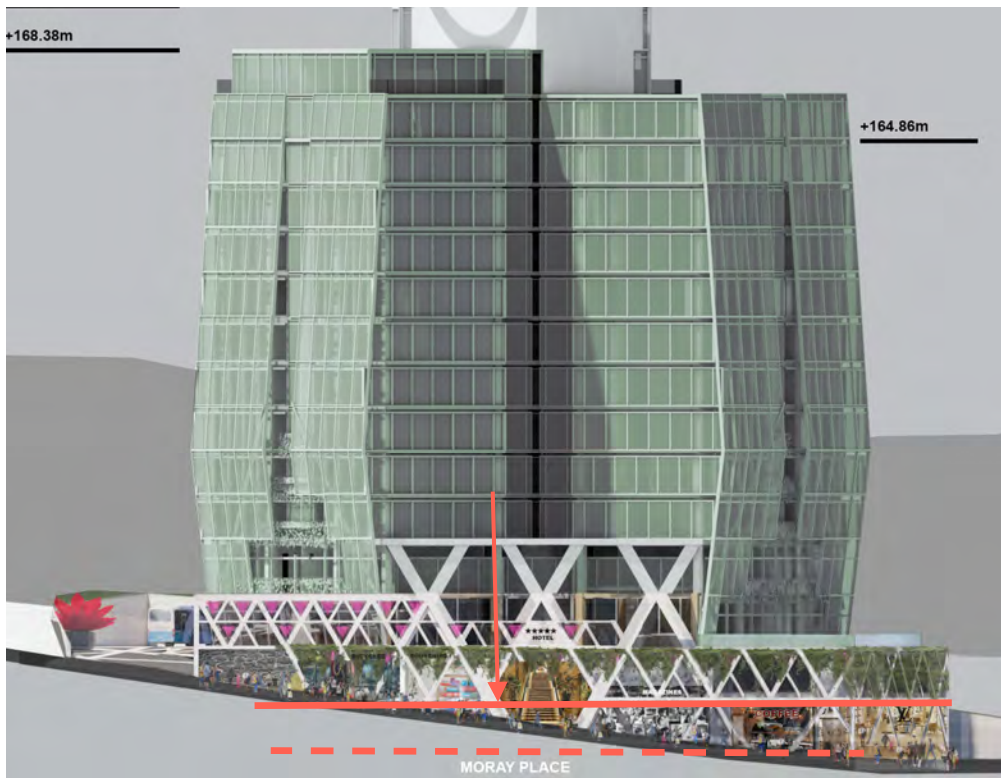
Extra submission from Rosemary McQueen LUC 2017 48

My extra submission relates to the attempt to make the development address the streetscape, to engage with the life and values of the street and to provide a porous edge to the development.

Lowering the building 3 metres into the ground hasn't altered the fact that the occupants and users of the building are carried well above the active street and are provided from inside the building with no views of street-life or any reason to wish to engage with the street below. Neither does it give passers-by any reason for engaging with the 14 storeys of development above the podium. This means that this measure fails to help the development address the streetscape, engage with its life and values, or provide a porous edge.

Lowering the towers sequentially in order to follow the slope of the land and street, can only help relate a building to its location in an environment where you can actually see both the lie of the land and the top of the building or buildings in a single glance. In this instance the height only of the nearest tower will be visible to the street passer-by and he or she will be unable to take in both it and the lie of the land in a single glance because the top is more than 60 metres above the land. A vertically panoramic view of the development will not be available from those streets where the lie of the land is visible. This means that this step designed to improve the building's connectivity with the streetscape fails.

Inserting the shops into the intermediate level below the podium (now named level 1 or the first floor) now means that only two of the shops - those on the right hand side of the steps - are at street level. The two shops on the left of the steps are completely submerged, in contradistinction to this illustration:

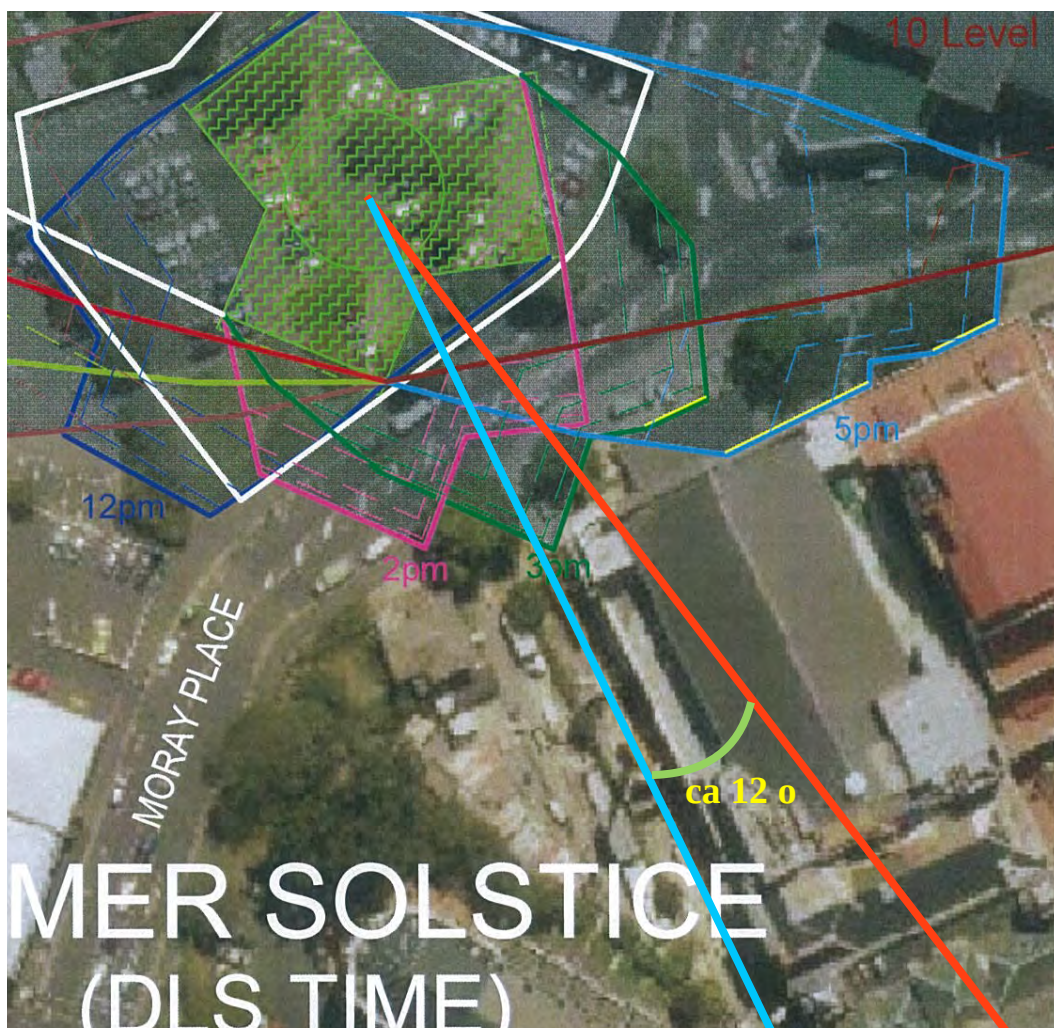


This means that the shops will be even more inadequate to carrying any of the burden of giving the development a lively and porous street edge.

Inserting a flight of steps from the street usually helps engage the passer-by with the building and the building's occupants with the street. It does this by taking the passer-by to the active centre of the business. Sadly in this case, the flight of steps leads not to the hotel lobby but to a blind wall with corridors leading to the left and right. Neither corridor takes you to the lobby either but if you choose the left hand one, you can take more stairs to reach the lobby. People exiting the building will espy the porte-cochère long before they see the corridor taking them to the steps and will exit the same way they first arrived - by the bus's carriage way. As a result, this flight of steps fails to provide a porous edge to the development.

Aligning these steps to Dunedin's most significant view-shaft along Harrop Street to the Octagon and First Church's spire, would be a grand way of recognising the Dunedin streetscape.

Unfortunately the flight of steps is not aligned to Harrop st - it's aligned about 12 degrees east.



This means that the “view shaft” does not offer “a strong visual and physical connection to the main public entrance of the proposed Hotel Development” any more than the hotel development provides a strong visual and physical connection or recognition of this iconic streetscape. Its lack of connection arises because the building was clearly designed without any knowledge or understanding of the lay-out of this part of Dunedin and has been plonked onto the site without making any connection to the streetscape's values. None of its many flanks faces the street or runs parallel to any of the facades of nearby buildings.

This site, being the end stop of one direction of Dunedin's most significant view-shaft, could have held a development that treated this view-shaft and the heritage buildings that form it, as its most precious view. Its lobby and all its front bedrooms could make this view-shaft their prize feature. Passers-by would be as delighted by the view from its entrance as much as patrons whose glimpses of the streetscape would encourage them to explore Dunedin's inner-city. But such a hotel would be only 3 or 4 storeys high because raising the view to anything greater than that reduces this prize view to a medley of roofscapes that were never designed to be seen from this close up. Instead the application for your consideration, by fixating on distant views of sprawling suburbs without any thought being given to local conditions, represents a sadly lost opportunity. And the measures belatedly taken to redress this loss merely underscore that it's a cuckoo in a fantail's nest.

**BEFORE THE DUNEDIN CITY COUNCIL**

**IN THE MATTER OF**

Land use consent application to  
construct and operate a commercial  
residential development by NZ  
Horizons Hospitality Group Limited

**SUBMITTER**

**MILLENNIUM & COPTHORNE  
HOTELS NEW ZEALAND LIMITED**

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**MEMORANDUM OF COUNSEL ON BEHALF OF  
MILLENNIUM & COPTHORNE HOTELS NEW ZEALAND LIMITED**

Dated: 15 August 2017

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**GREENWOOD ROCHE**  
LAWYERS  
CHRISTCHURCH  
Solicitor: L J Semple  
(Lauren@greenwoodroche.com)

Submitter's Solicitor  
Level 5  
83 Victoria Street  
P O Box 139  
Christchurch  
Phone: 03 353 0574

**MAY IT PLEASE THE COMMISSIONERS:**

- 1 In accordance with the invitation contained in the Commissioners Minute dated 3 August 2017, the Submitter has lodged Supplementary Statements from Mr McIndoe and Mr Carr in response to the Supplementary Information provided by the Applicant. In addition, Mr McIndoe yesterday participated in joint conferencing with the other urban design experts.
- 2 This Memorandum sets out the Submitters position with regard to the Supplementary Information provided by the Applicant and the Supplementary Evidence filed by the Submitter's witnesses.
- 3 The Submitter does not wish to appear at the reconvened hearing or to recall its witnesses to address these additional Statements unless requested to do so by the Hearings Panel to answer questions.
- 4 Specifically, both Mr McIndoe and Mr Carr have obligations in other parts of the country over the next few days which make appearing at the hearing logistically challenging (although not impossible). Counsel would be obliged if consideration could be given to either excusing the witnesses from attendance or arranging for them to attend by telephone if there are relatively few questions of them.
- 5 By way of summary, and having reviewed the Supplementary Information including the amended Proposal as set out in Mr Craig's Supplementary Statement, the Submitter's position remains as presented on 2 August 2017. That is, that the Proposal fails to meet either of the threshold tests necessary to pass the section 104D test and as such consent cannot lawfully be granted.
- 6 Should the Commissioners consider that one or other of the tests in s104D is met, it remains the position of the Submitter that the adverse effects of the Proposal are such that consent should be declined.
- 7 The Submitter also remains concerned at the lack of detail provided by the Applicant, together with its numerous and on-going attempts to redesign "on the fly" to resolve deficiencies identified by the expert analysis of others. As set out in opening submissions, the community is entitled to understand with some clarity the

implications of a building of this size and scale being constructed within the city.

- 8 The Submitter is particularly concerned that the lack of detailed design and analysis indicates an intention not to construct this particular building but simply to consent an “envelope” of visitor accommodation and residential development that will form the existing environment against which any future development is assessed. The Submitter therefore asks that the Commissioners give careful regard to the adequacy of the evidence provided by the Applicant in reaching your decision.
- 9 With specific reference to the Supplementary Information provided, the following matters are noted.

### **ECONOMIC ANALYSIS**

- 10 Receipt of the Infometrics Report dated June 2017 is acknowledged and the following matters are drawn to the Commissioners attention:
  - (a) The Report assesses a 210 room, 49 apartment proposal whereas the Proposal before you is a 210 room, 68 apartment proposal. It is not clear why the Proposal addressed in the June 2017 report is different from that for which consent was sought or the implications of this for the analysis contained therein.
  - (b) The findings are described by the report authors as “*crude estimates*” which are dependent on a number of assumptions, most of which are not verified by evidence before you.
  - (c) The findings assume that the hotel would attract “*new visitors who would not have visited Dunedin in the absence of the hotel*”. Putting to one side that the report authors say this assumption “*likely exaggerates the true economic impact of the Hotel*”, it is noted that no evidence is provided by which the veracity of this assumption can be tested.
  - (d) The “*anticipated room rates and restaurant revenue that was provided by the developer*” are used in the calculation of economic benefit. This data is not verified in the evidence before you.

(e) The findings assume a 5 star rating which is a "*first for Dunedin*". It is noted that the (albeit very small) Camp Estate in Dunedin has a 5 star rating.

(f) The report authors are not available to provide expert evidence as to their findings or to answer questions on their assumptions.

11 Even under the assumptions set out above, and using the Dunedin 10 year average occupancy rate of 65%, the hotel is anticipated to improve the annual GDP of Dunedin by just over one third of one percent (0.32%). No quantitative data on short or long term employment effects has been provided.

12 It is the Submitter's position that while there appears to be some evidence of positive benefit, the assessment is cursory, based on unverified assumptions and likely to be overestimated. Certainly, it is the Submitter's position that the modest positive effects identified do not outweigh the adverse visual and amenity effects set out in the Submitter's evidence and in the evidence of others.

#### **AMENDED PROPOSAL**

13 Mr McIndoe has considered the amended Proposal, being the reduction of one tower by one storey, the reduction of a second tower by two storeys and the third tower remaining at its current height, together with changes to the podium.

14 Mr McIndoe's assessment is set out in full in his Supplementary Statement. In summary, he finds that the amendments proposed will result in a negligible change in the adverse visual and townscape effects of the Proposal.

15 It is noted that Mr McIndoe also records some reservations about the podium amendments proposed. Counsel understands that a further variation to the design was provided at expert conferencing (referred to by Mr McIndoe in his evidence as Variation 3) which would resolve the issues identified by Mr McIndoe however the status of this further variation to the design is not clear.

## ADDITIONAL VISUAL SIMULATIONS

- 16 The 4 additional viewpoint simulations are acknowledged.
- 17 As with the balance of the visual simulations, no photographs showing the unmodified or existing environment are provided, making it difficult to assess the extent and significance of the Proposal. In addition, there are no visual simulations provided relating to the Amended Proposal.
- 18 Despite these shortcomings Mr McIndoe has assessed the additional material provided and as set out in paragraph 13 of his Supplementary Statement reaches the conclusion that the additional viewpoints confirm his original finding that the *"effects of the building on short and medium range views are significant and cannot be avoided, remedied or mitigated."*
- 19 It is noted that no further information has been provided by the Applicant on issues of reflectivity or the adverse effects of glare.

## SHADING DIAGRAMS AND CLIMATE DATA

- 20 Receipt of the re-annotated shading diagrams is acknowledged.
- 21 It is noted that no updated shading diagrams with respect to the amended Proposal have been provided and that the "complying" 11m building remains at RL 134.0m.
- 22 As set out in Mr Taylor's evidence for the Submitter, and as he discussed in his oral presentation, a non-fanciful building at RL 134.0m would **not** comply with the 11m height permitted height in the District Plan because the height of any such building would need to be taken from the lowest ground level. A non-fanciful building on that site would likely need to be built into the lowest corner which would make a complying building RL 129.0m – a difference of some 5m. The shading diagrams provided therefore continue to be misleading in this regard.
- 23 Receipt of the climate data is also acknowledged and this is reviewed and addressed by Mr McIndoe at paragraphs 25 and following of his Supplementary Statement. As he sets out, the number of sunny days per month is in fact higher in Dunedin in the winter months,

coinciding with the increased shading expected in the Octagon. Moreover, as Mr McIndoe states *"the issue of concern is not how much sun there is or how often it rains, but retaining the sunshine that is currently received by the city's premier central public open space...from an amenity perspective, sunshine becomes more rather than less important in winter when it will enhance perceptions of place as an antidote to grey wet weather."*<sup>1</sup>

#### **TRAFFIC DATA**

- 24 Mr Carr has reviewed the amended design of the perimeter road (version 4) and determined that many of the matters that he raised in his evidence have now been dealt with.
- 25 That said, he remains concerned about the potential for a coach to strike the building at the north-eastern corner of the perimeter road. He also sets out a number of matters which he considers should be imposed as conditions should consent be granted.

**Dated** this 15<sup>TH</sup> day of August 2017



**L J Semple**

**Counsel for Millennium and Copthorne Hotels New Zealand Limited**

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<sup>1</sup> Supplementary evidence of Graeme McIndoe at [29]

**BEFORE THE DUNEDIN CITY COUNCIL**

**IN THE MATTER OF**

Land Use Consent Application to  
construct and operate a commercial  
residential development by NZ  
Horizons Hospitality Group Limited

**SUBMITTER**

**MILLENNIUM & COPTHORNE  
HOTELS NEW ZEALAND LIMITED**

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**SUPPLEMENTARY STATEMENT OF EVIDENCE OF  
GRAEME ROBERT MCINDOE**

Urban Design  
15 August 2017

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**GREENWOOD ROCHE**

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## **INTRODUCTION**

- 1 My name is Graeme Robert McIndoe. My qualifications and expertise remain as set out in my Evidence in Chief. I confirm that this Supplementary Statement of Evidence has been prepared in accordance with the Code of Conduct for Expert Witnesses in the current (2014) Environment Court Practice Note, and I agree to comply with the Code of Conduct in giving evidence to this hearing.

## **SCOPE OF SUPPLEMENTARY EVIDENCE**

- 2 This supplementary evidence is provided in response to the proposed changes in design and to the additional documents supplied by the Applicant.
- 3 In preparing this statement I have reviewed:
  - (a) the additional modified shading diagrams (relating to the Original Proposal);
  - (b) the additional simulations for the four additional viewpoints (relating to the Original Proposal);
  - (c) the information provided on the Dunedin microclimate;
  - (d) the design changes proposed (reducing the height of two of the towers by one storey and two storeys respectively;<sup>1</sup>
  - (e) reconfiguring the form and planning of the lower levels including reducing the height of the base of the building, and providing a direct connection to Moray Place Amended Proposal);
  - (f) Mr Craig's 9 August Post Commissioner Hearing Architectural Statement including the examples he provides of new and old buildings together; and
  - (g) revised Drawings dated 14 August (which I reference as Version 3).

## **SUMMARY**

- 4 The reduction of the significant townscape and visual effects that result from the minor decrease in height of parts of the top of the Amended Proposal is negligible.

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<sup>1</sup> Mr Craig writes of a stepping down of each of the 3 towers by one floor, however that is not what is shown in the amended Proposal. I have assumed the amended proposal is as drawn.

- 5 While the redesigned base of the hotel provides an enhanced frontage to the street, it weakens the street edge definition. In addition, the entrance and lobby proposed at the edge of Moray Place does not appear to be possible as drawn on the Amended Proposal. Mr Craig's drawings of 14 August (Version 3) presented in expert conferencing would resolve these issues however I am not sure of the status of these amendments.
- 6 The additional climate data does not alter my view on the adverse effects of shading as a result of the Proposal (Original or Amended).
- 7 The additional viewpoints reinforce my view that the effects of the Proposal are significant and adverse.

### **TOWNSCAPE EFFECTS**

- 8 It is my assessment that the minor changes proposed to the top and base of the Proposal do not address the degree of contrast arising from radically contrasting height, plan form, materiality and façade type.
- 9 I disagree with Mr Craig that this form "resonates" with its neighbours. Resonance means that it echoes or resounds with its neighbours. Instead, as Mr Craig himself identifies in the same sentence, this is a singular building. It continues to contrast in fundamental ways with its neighbours, and as such it is visually discordant – the very opposite of resonant. I agree that it should resonate, but it doesn't.
- 10 I note that in his additional statement Mr Craig considers it appropriate to contribute to a 'triumvirate' of iconic standalone structures in this location. However, the term triumvirate suggests a certain equality in the expression of authority between the three structures. This Proposal continues to visually dominate the Cathedral and Town Hall despite the small amendments proposed. It remains in my opinion unsound to compromise the setting and special character of these two existing public buildings by introducing a third, much taller, aesthetically contrasting and visually dominant commercial residential building.

## **VISUAL EFFECTS**

- 11 In my opinion, reducing the height of the proposal as put forward by the Applicant (by one storey on one tower, by two storeys on a second, but retaining the height of the third tower and the plant room) will have a negligible impact on the identified adverse visual effects.
- 12 My assessment is that:
  - (a) Mid and short range views will continue to be overwhelmingly dominated by the height and bulk of the Amended Proposal.
  - (b) In mid-long distance views, the only difference will be minor changes to the shape of the skyline, the height of the building will appear much the same as the Original Proposal, and the changes to the top of the building will not materially alter its visual effects.
  - (c) The height and bulk of the Amended Proposal will continue to visually dominate the two significant public buildings, being the Cathedral and the Town Hall.
- 13 I note that four additional viewpoints have been provided showing the Original Proposal. Considering these, I reconfirm my Evidence in Chief that the effects of the building on short and medium range views are significant and cannot be avoided, remedied or mitigated.
- 14 I also note that none of these additional views (as with the previous views) were supplied showing the existing views or an indication of an 11m high complying form which would help to clarify the extent of the visual effects.

## **APPROPRIATENESS OF FORM, HEIGHT AND ARCHITECTURAL APPROACH**

- 15 Mr Craig has provided a new Architectural Statement which provides a number of examples of buildings, “new and old together” from various cities around the world. While these examples are informative, they do not, in my opinion, make a case for a tall glass curtainwall building in Dunedin. Instead, in my view, they provide clear evidence of the importance of similarity of height, form and relation to street edges.

- 16 New and old buildings can co-exist successfully and even in harmony, but only if there is an appropriate relationship between them. That relationship is demonstrated in several of Mr Craig's examples:<sup>2</sup>
- (a) From Prague, the new buildings (excluding the Hilton example) are similar in height to the established historic buildings. They define the street edge, two of them adopt corner accents which resonate with buildings around, and their materiality and façade type does not contrast radically. Frank Gehry's 'Dancing House' contrasts most here, but even that is the same height as its neighbours and, with its extroverted sculptural attributes, can clearly be seen to be derived from and relate to the more conventional 'hole-in-the-wall' street-wall buildings next to it.
  - (b) IM Pei's glass pyramid in the courtyard of the Louvre contrasts in materiality with the buildings around, however it conforms to the alignments and geometry of the Louvre. Significantly, it celebrates the main entrance to the Museum, and it is much smaller and lower than the buildings around allowing their majesty to be appreciated. This is an example of respectful contrast, and an astutely scaled and brilliantly executed light glass structure being a visual foil to the much larger, heavy masonry buildings to which it relates.
  - (c) The example of Church Museum Montreal illustrates how a new building clad with contrasting materials can relate successfully to old. This is achieved with the same street alignment, similar height, and proportions of window to solid wall on the extension that are also similar to those on the adjoining heritage building.
- 17 None of the above examples are evidence for a combination of radically contrasting height, façade alignments and materiality. That is, they all describe an appropriate approach and successful relationship with similar height, alignment and relationship to the street, the very things I am suggesting are required here.
- 18 Mr Craig also provides a number of examples from other cities in the world and includes descriptions of a number of large, glass clad buildings. It is my view that these examples have limited relevance. Good urban design is always context-specific. The issue is not

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<sup>2</sup> My comments relate to what is seen in the images supplied.

whether a tall and contrasting form is utilised in a large city overseas or whether a high quality, tall glass-clad building is possible somewhere else in the world (or even within the University of Otago campus), but whether this building is appropriate on this site on Moray Place in Dunedin.

- 19 My assessment relates to this Proposal (both original and amended) in this location in this city. It remains my firm view that this Proposal (in either form) is not appropriate to its context.

### **STREET EDGE**

- 20 With respect to street treatment, I consider that the Amended Proposal is superior to the previous scheme in that there is now an entrance to the street. However, the base of the building has been reduced in height and now only marginally defines the street edge.
- 21 Moreover, and perhaps more importantly, as described in the 9 August drawings of the Amended Proposal, the volume of the proposed pedestrian entry lobby shown on the Level 1 plan does not appear to be workable, because the Level 2 floor slab cuts through this space. Level 1 is at RL 113.6, but the footpath to Moray Place immediately in front of the entry is at around RL 116, some 2.4m higher. The pedestrian lobby entrance is therefore not feasible as drawn.
- 22 In addition, the area to the left of the lobby for 'souvenirs' is effectively underground, and if it is feasible at all, can serve only the lobby, and not the street.
- 23 At expert design conferencing on 14 August a Revised Proposal (Version 3) was provided by Mr Craig and reviewed. This version then formed the basis for paragraphs 4 and 8 in the Joint Conference Statement. Version 3 resolves the street edge design challenges I have identified in the two paragraphs immediately above.
- 24 Finally, I consider that the free-standing veranda beyond the southern edge of the façade as proposed in the Amended Proposal (and in Version 3) is a less than ideal outcome. It includes an awkward residual space behind and as a result of the rising levels will not allow for the retail outlets as drawn. I also note that this is not a

'street wall' and does not qualify as providing effective street edge definition.

### **ADDITIONAL SHADING AND CLIMATE DATA**

- 25 Paterson Pitts has provided the Panel with additional information about weather conditions in Dunedin and re-annotated their shading diagrams to more clearly show shading at different times of the day.
- 26 I have considered the data provided by Paterson Pitts to determine if it changes my views on the significance of the shading effects of the Proposal.
- 27 In doing so I have reviewed the data provided for Dunedin against the comparable NIWA data for other cities in New Zealand. In Table 1 below I set out an extract from the same NIWA source as in the Paterson Pitts Appendix A (8 August). This shows that winter sunshine in Dunedin is similar to other cities with mean sunshine hours broadly similar to Wellington, slightly less than Christchurch and Auckland and more than Queenstown.
- 28 In my view there is nothing in this data set that suggests that the winter sun can be discounted as an important aspect of amenity in Dunedin or that suggests that loss of sun to the city's premier urban open space is therefore acceptable.

|              | June  | July  |
|--------------|-------|-------|
| Auckland     | 110.3 | 128.1 |
| Wellington   | 99.1  | 118.9 |
| Christchurch | 117.1 | 127.1 |
| Queenstown   | 71.8  | 88.3  |
| Dunedin      | 95.3  | 110.6 |

**Mean monthly sunshine hours (period 1981-2010, source NIWA)**

- 29 The sunshine data from *Meteoblue* included with the Paterson Pitts statement, also shows that there are more “sunny” days through the winter months (in May, June, July and September) in Dunedin than at other times of year. The relationship between the fewer sunshine hours in winter, but nearly the highest number of sunny days, is presumably explained by the days being shorter in winter.
- 30 Interpreting the data supplied I therefore reach the following conclusions:
- (a) Sunlight in public open space is at a premium in mid-winter, and therefore avoiding unanticipated and unnecessary shading becomes more important when sunshine hours are reduced.
  - (b) The issue of concern is not how much sun there is or how often it rains, but retaining the sunshine that is currently received by the city’s premier central public open space. Urban public open spaces and plazas should provide the microclimate that suits, such as allowing for sun when it is needed, particularly in parks, plazas and places that people will occupy and ideally at the times of greatest occupation, and appropriate wind and rain shelter.
  - (c) The fact it rains, and there are overcast and partly cloudy/partly sunny days as well as fine weather through winter is not material. However from an amenity perspective, sunshine becomes more rather than less important in winter when it will enhance perceptions of place as an antidote to grey wet weather.
- 31 The importance of the winter sun as identified by the data is reiterated by empirical research. Systematic observation of seven plazas in Downtown Montreal by Zacharias et al<sup>3</sup> found:
- (a) Sunlight is most desired when temperatures are low and when low temperatures are combined with wind.<sup>4</sup>
  - (b) The number of people present is substantially greater on sunlit days over cloudy days for all public spaces.

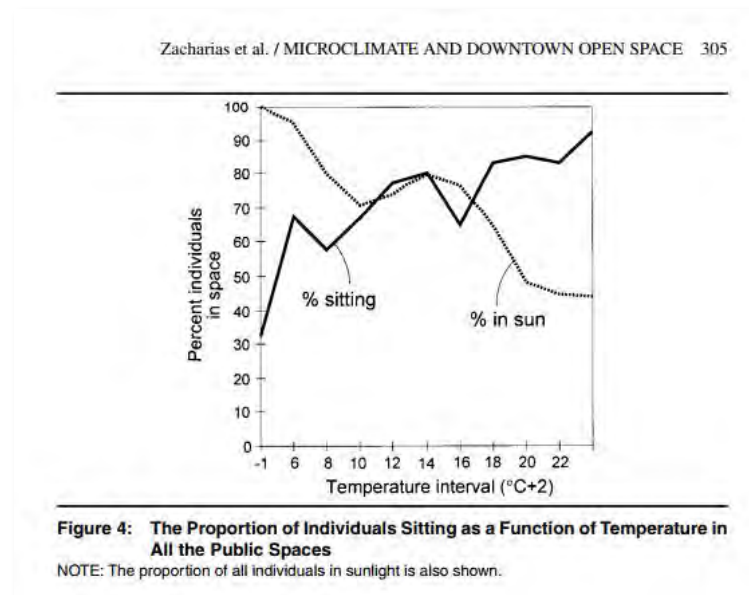
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<sup>3</sup> Zacharias, J., Stathopoulos, T. and Wu, H.: Microclimate and Downtown Open Space Activity. ENVIRONMENT AND BEHAVIOR, Vol. 33 No. 2, March 2001 296-315 Sage Publications, Inc. Montreal is a different climatic context, however the temperature range that can be seen in the researchers’ figures 4 and 5 is broadly consistent with temperatures in Dunedin.

<sup>4</sup> Ibid p 299

- (c) Presence (of people) rose on sunny days regardless of temperature, so we would also expect that people would sit or stand in the sun when in the public place.
- (d) People position themselves in sunlit areas increasingly as the temperature drops.<sup>5</sup>

- 32 The authors note that in their sample of seven spaces, *"the maximum area in sunlight does not often correspond to peak presence"*<sup>6</sup> however they identify other variables such as wind, and potentially pollution and noise as also influencing the timing of use.<sup>7</sup>
- 33 Sunlight is fundamental to success, and winter sun is particularly important. In addition to a reduction in the amount of sitting as temperature reduces, Zacharias' figure 4 (below) demonstrates that as the temperature reduces, people tend to seek the sun.



- 34 Recognising that when it is cold, people tend not to linger and move to keep warm, the researchers note that *"even at quite low temperatures, more than half the individuals are seated in sunlight"*.<sup>8</sup> This is seen below in Figure 5.

<sup>5</sup> Ibid pp 304 - 305

<sup>6</sup> Ibid p 304

<sup>7</sup> Ibid pp 304,3014

<sup>8</sup> Ibid p 306

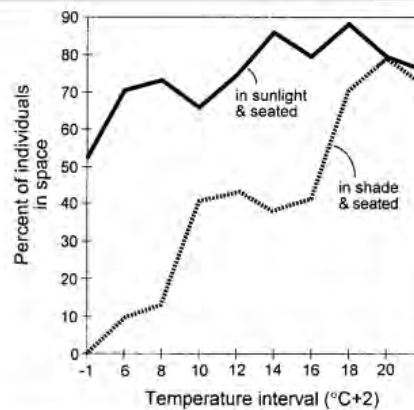


Figure 5: Of Those in the Sun, the Proportion Sitting as a Function of Temperature (also for those in the shade)

35 Finally, I note that in my experience over decades of undertaking shading analyses in consent hearings and Environment Court processes, the extent of sunlight received by a city has never previously been a factor in determining the acceptability of shading of a space within that city.

## CONCLUSION

36 Having reviewed the additional information on viewpoints and shading, together with the design of the Amended Proposal and the Version 3 Proposal presented at expert conferencing, my position remains unaltered from that provided in my original Evidence in Chief.

37 I do not consider that the Amended Proposal (or Version 3) sufficiently reduces the adverse effects of the building such that consent should be granted. It remains my firm view that this building creates significant and adverse visual and townscape effects.

**Graeme McIndoe**

**15 August 2017**

**BEFORE THE DUNEDIN CITY COUNCIL**

**IN THE MATTER OF**

Land Use Consent Application to  
construct and operate a commercial  
residential development by NZ  
Horizons Hospitality Group Limited

**SUBMITTER**

**MILLENNIUM & COPTHORNE  
HOTELS NEW ZEALAND LIMITED**

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**SUPPLEMENTARY STATEMENT OF EVIDENCE OF  
ANDREW DAVID CARR**

Transportation  
15 August 2017

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## **INTRODUCTION**

- 1 My name is Andrew (Andy) David Carr. My qualifications and expertise remain as set out in my Evidence in Chief. I confirm that this Supplementary Statement of Evidence has been prepared in accordance with the Code of Conduct for Expert Witnesses in the current (2014) Environment Court Practice Note, and I agree to comply with the Code of Conduct in giving evidence to this hearing.

## **SCOPE OF SUPPLEMENTARY EVIDENCE**

- 2 This Supplementary Statement of Evidence addresses the information provided by the Applicant in response to the Commissioners' Minute dated 3 August 2017 seeking further information. The particular documents I have reviewed are:
  - (a) Additional information from the Architect – updated plans; and
  - (b) Supplementary information from Traffic Engineer (Mr Facey).
- 3 My evidence is structured in the same manner as Mr Facey's additional information.
- 4 At the outset, I note that many of the transportation elements in the updated plans provided in response to the Minute have been revised when compared to the three sets of plans previously provided (the notified plans and the two sets of updated plans presented at the Hearing). As a result, I briefly discuss the nature of the amendments prior to assessing whether, in my view, the changes have addressed my earlier concerns.

## **GRADIENTS AROUND THE PERIMETER ROADWAY**

- 5 The applicant has revised the levels of the perimeter road, and has also provided a detailed breakdown of the gradients of each section. I have reviewed these, and can confirm that the gradients and breakover angles are now suitable for tour coaches and service vehicles.
- 6 The likely exception to this is where the perimeter roadway joins Moray Place. For vehicles turning right into the site, the breakover

angles are met but vehicles travelling downhill and turning left into the site must immediately then ascend on the perimeter road. The applicant notes that if this cannot be addressed then large vehicles will be prohibited from turning left into the site and that the hotel operator will advise of this when booking are made.

- 7 I agree with this approach, and consider that this should form a Condition of Consent. The rationale for this is that if the coach driver approaches from the west of the site and realises that they cannot turn left, then there is the potential for them to stop on Moray Place to discharge passengers and/or luggage. The effects of this on road efficiency and safety have not been assessed by the applicant, and thus a Condition of Consent is in my view required.

### **CAR PARK ACCESS**

- 8 The Applicant has changed the location of the car park access, which in turn changes the relative levels of the adjacent perimeter road and car parking floor. I agree that this now resolves the difference in levels which I previously identified.
- 9 Mr Facey notes that there is a kerb proposed adjacent to the building near the car park access to ensure that all vehicles negotiating the perimeter road are directed towards the boundary furthest from the building. This ensures that the potential for conflicts between vehicles, including those entering and emerging from the car park, is minimised.
- 10 I support this proposal, and recommend that positive direction of drivers to circulate around the outer side of the perimeter road forms a Condition of Consent. Based on this being implemented, vehicles circulating around the building will be positioned towards the site boundary and there will therefore be a sufficient gap to enable vehicles to emerge safely from the car park access.

### **LOADING BAY ACCESS**

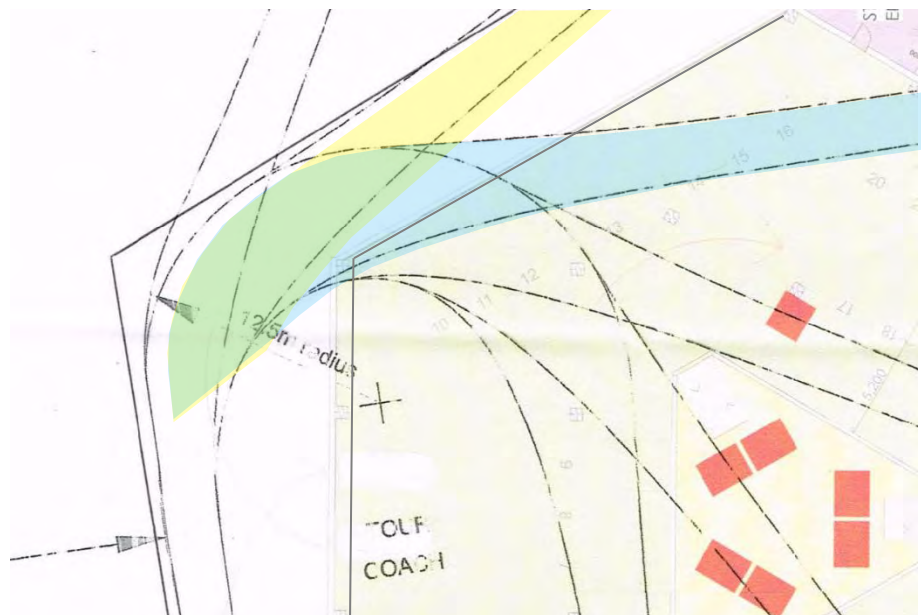
- 11 The revised levels associated with the perimeter roadway also address the matter which I previously raised of service vehicles turning into the loading bay from a steep gradient.

## LOADING BAY HEIGHT

- 12 The revised plans show that a double-level height is now proposed at the loading bay. This addresses the matters which I previously raised about service vehicles being unable to enter.
- 13 I note that Mr Facey considers that this issue is “*irrelevant*”, since “*this is not a transport facility*”. While this might be the case, I highlight that Rule 9.5.2(viii) of the Dunedin City District Plan requires that where a loading area is provided, it meets the performance standards in Section 20 (Transportation). Under Rule 20.5.6(i)(d), this requires every loading space to have “*unobstructed vehicular access to a road or service lane*”, which was not the case under the earlier iterations of the design.

## COACH SWEEP PATH ON PERIMETER ROAD

- 14 Mr Facey provides a graphic overlaying the swept path of a coach turning at the north-eastern side of the hotel, and sets out that this confirms a coach would not strike the building. The graphic is shown below.



- 15 I have highlighted two swept paths. One (yellow) is the swept path of the coach making a 60-degree turn. This shows that the coach would not strike the building at the corner that I previously identified was of

concern – however it also shows that the coach would have to turn through more than 60 degrees to avoid over-running the boundary.

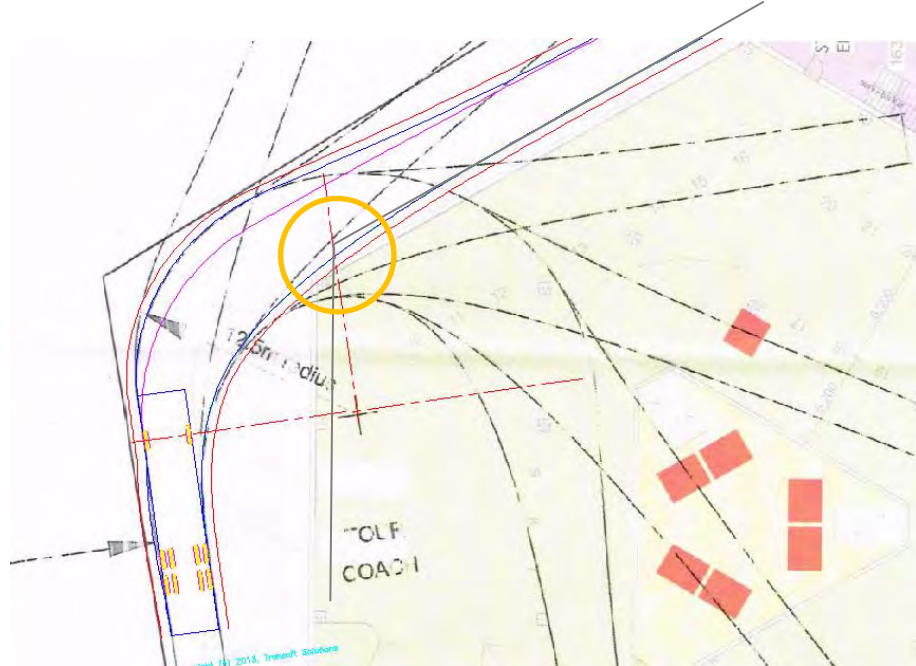
- 16 The second swept path is shown in blue. This is a 90-degree turn, and shows that the coach would strike the building at the corner. However it also shows that if a coach was to turn through 90 degrees then it would also drive through the wall of the building which clearly would not occur. In practice, the vehicle would turn through less than 90 degrees.
- 17 In fact, the angle of turn required to be made by the coach is in the order of 70 degrees, for which there is no standard swept path, and which is not shown by Mr Facey. I have therefore used the AutoTurn software package to generate a swept path, using the same 'design coach' that Mr Facey has used. In the first instance, I have overlaid a coach turning at 60 and 90 degrees, to ensure full alignment with that used by Mr Facey.



- 18 The graphic shows that the coach swept paths (the blue lines) overlay those used by Mr Facey exactly. This confirms that we are using a vehicle with the same parameters. The only difference is that my swept paths have a red line shown – this is a distance of 0.5m from each side of the vehicle bodywork, which allows for driver unfamiliarity, steering/judgement errors and differences between the

design vehicle and an actual vehicle (as set out in NZTA report RTS18 'NZ On-Road Tracking Curves for Heavy Motor Vehicles').

- 19 I have then generated a 70-degree turn and overlaid it onto the same graphic:



- 20 The graphic shows that the bodywork on the inside of the curve is 0.4m *within* the required clearance – that is, the vehicle body is just 0.1m from the side of the building. For comparison, this is less than the width required for a wing mirror.
- 21 In my experience, it is highly unusual to accept a layout which has such a degree of intrusion into the required clearance. Minor incursions are sometimes acceptable, but this represents a reduction of 40% in the total required clearances and so in my view the additional information presented confirms that there a very high potential for vehicle strike.
- 22 As I noted in my Evidence in Chief, if coaches cannot use the perimeter road then drop-off and pick-up activity will occur on the frontage roads instead.

**COACH PARKING MANAGEMENT**

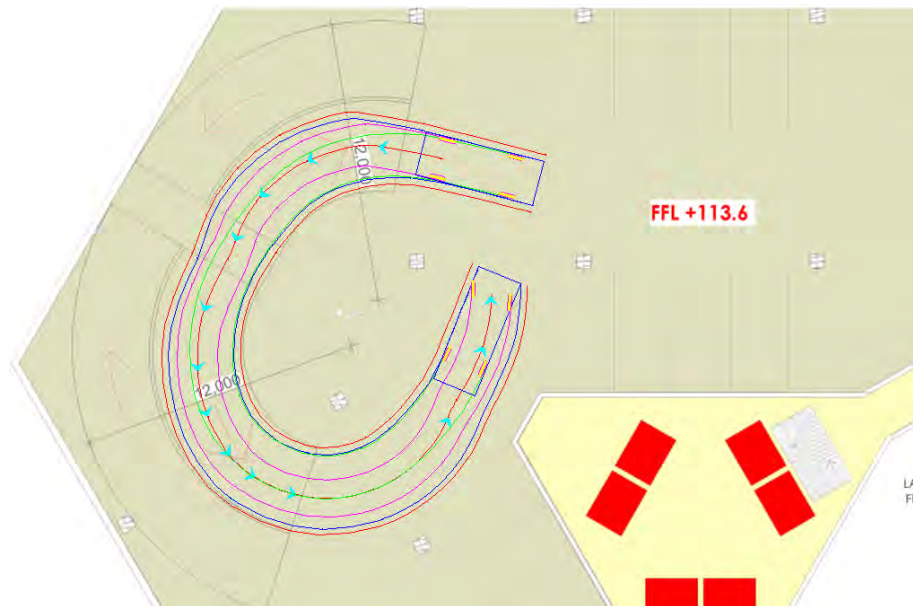
- 23 Mr Facey discusses two ways in which the potentially blocking of coaches in parking spaces will be addressed. He notes that:
- (a) Coaches will not be parked near the loading bay when service vehicles are present (paragraph 17).
  - (b) The hotel operator will manage the coach parking to ensure that the coach drivers are always available to move their coaches if they restrict the movements of others (paragraphs 24 and 25).
- 24 I agree that a coach parking management plan could be implemented to manage the on-site spaces, but since it is a mitigation measure required to manage a non-compliance with the District Plan, I consider that it should be formalised as a Condition of Consent.

**INTERNAL CAR PARK RAMP**

- 25 The ramp has been redesigned and now has a curved alignment with transition ramps provided at the bottom and top. I confirm that the revised ramp will meet appropriate standards/guides and can be traversed by cars without their bodywork scraping.

**SWEPT PATH ON INTERNAL CAR PARK RAMP**

- 26 Mr Facey includes a swept path showing how a car can turn onto the innermost traffic lane of the car park ramp. I concur that this shows that an appropriate vehicle can traverse the ramp.
- 27 However Mr Facey's graphic also shows that cars travelling between the ramps would occupy the majority of the adjacent manoeuvring area on the middle level (Level 1) and there would not be enough width left for a vehicle travelling in the opposite direction. The swept path below illustrates this.



- 28 In practice, this area is sufficiently constrained that it is likely one valet will need to temporarily pull into one of the two aisles to let the other vehicle pass – there is simply not enough space for them to pass otherwise. This then means that the valets will need to keep in contact with one another on Level 1, which in turn means that in my view some form of communication protocol needs to be specified within a Condition of Consent.
- 29 Mr Facey references Standard AS/NZS2890.1:2004 when discussing the car park ramp. The Standard requires a clearance of 0.5m on the outside of the ramp, and I note that this has not been provided. Further, the traffic lane width specified in the Standard is 3.6m, whereas the outermost lane is 3.3m wide. However I have checked the swept paths of a 99<sup>th</sup> percentile vehicle and confirm that the ramps operate satisfactorily.

### **PARKING SPACE NUMBERS**

- 30 Mr Facey suggests a Condition of Consent could be put in place to limit the number of apartments that can be managed by the hotel as visitor accommodation, to ensure that the number of car parking spaces is adequate. I agree with his suggestion as a pragmatic way forwards to ensure that the proposal does not generate off-site parking effects.

**ROUNABOUT DESIGN**

- 31 Mr Facey sets out that the roundabout has not yet been designed in detail, and so matters such as sight distance cannot be accurately assessed. He notes that roundabout design is "*still evolving*" and therefore does not wish to see the new design constrained. However he also provides a considerable amount of detail regarding the key parameters of the roundabout.
- 32 Having reviewed the design elements of the roundabout presented, I am satisfied that sufficient investigation has now been carried out to show that there a suitable layout *can be* provided. That said, since no detailed design has been produced, I consider that it is important to ensure that a suitable layout *will be* provided.
- 33 Mr Facey appears to set out that he does not consider it appropriate to specify that the roundabout will be produced in accordance with recognised best practice, such as the Austroads Guide. Rather, he relies on his own experience and that of the Council staff to develop a viable solution in future.
- 34 In my experience, specifying compliance with particular guides or standards is extremely common within conditions of consent as a way of ensuring that appropriate design outcomes are met. Further, if no guide or standard is set out, it becomes extremely difficult to word a Condition of Consent to ensure that the required outcomes are achieved. It is also possible that the future roundabout designers and/or reviewers will not have been involved in the resource consent application, and will therefore not be aware of the particular design issues which have been discussed or raised as concerns.
- 35 Consequently I do not consider that solely relying on the expertise of future designers without reference to any design guide or other material is a robust approach to ensuring that a safe roundabout design is produced. In my view either a layout should be produced as part of the application, or relevant design guides should be specified within a Condition of Consent.

## SUMMARY AND CONCLUSIONS

- 36 Based on my review, I consider that the revised layout now presented addresses my concerns with regard to the perimeter road gradient, car park access, loading bay access, and loading bay height.
- 37 I remain concerned about the potential for a coach to strike the building at the north-eastern corner of the perimeter road. The additional information provided by Mr Facey does not address this, but rather, on my assessment, seems to confirm it is more likely. I strongly recommend that a detailed swept path analysis is carried out in this location to show that the coach plus 0.5m clearances can be accommodated in this location.
- 38 I have recommended a number of Conditions of Consent, largely derived from mitigation measures discussed in Mr Facey's Supplementary Evidence:
- (a) In the event that the required breakover angles set out in AS2890.2 cannot be achieved, then large vehicles will not be permitted to turn left into the site;
  - (b) If large vehicles are unable to turn left into the site, then the hotel operator must advise of this when booking are made;
  - (c) Carriageway markings or other form of direction shall be provided for drivers on the perimeter road to ensure that they use the outer parts of the perimeter road and avoid conflicts with vehicles emerging from the car park access;
  - (d) The perimeter road will operate only in a clockwise direction;
  - (e) A management plan for coaches shall be put in place to ensure that coaches will not be parked near the loading bay when service vehicles are present, and that coach drivers are always available to move their coaches if they restrict the movements of others;
  - (f) A communication protocol will be put in place to ensure that valets are aware of the presence of one another and can manoeuvre safely on Level 1 of the building; and

- (g) The number of apartments managed by the hotel will be limited to ensure that the number of parking spaces available is appropriate.
- 39 I also consider that a Condition of Consent should be put in place to ensure that the proposed Moray Place/Filleul Street roundabout meets appropriate design guides, that is, the Austroads Guide to Road Design Part 4B 'Roundabouts'.
- 40 Finally, I remain of the view set out in my Evidence in Chief, that the design of the Moray Place/Filleul Street roundabout should be subject to an independent safety audit prior to construction commencing.

**Andy Carr**

**15 August 2017**

**From:** [REDACTED]  
**To:** [Wendy Collard](#)  
**Subject:** Re: Dunedin City Council LUC 2017-48 & SUB 2017-26, 143-193 Moray Place, Dunedin - additional information from applicant  
**Date:** Sunday, 13 August 2017 02:44:21 p.m.  
**Attachments:** [image001.png](#)

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Dear Wendy,

Re Additional information from 143-193 Moray Place Hotel.

Here is our brief response to the above.

1. This information arrived in our inbox on the 10th August and a response is required by the 14th. This is not a fair time frame and we doubt it would ever be imposed on the applicant yet it is imposed on the submitters.
2. The Economic Impact report hinges on 2 ridiculous assumptions. The first is that guests who stay in the new hotel would not have stayed in Dunedin otherwise. The second assumes that the construction of this hotel would not displace any further investment that would have occurred had it not been built. Furthermore the use of GDP as a measure of positive output is increasingly outdated. It is a measure of both undesirable and desirable activity so can't be seen as a net benefit. These are all so wrong-headed that we find this report worthless.
3. The additional shading plans do not in any way allay our initial concerns about shading.
4. The way the Applicant uses the data for sunshine hours implies that if the shading is worst at the time of least sunshine hours per day, it is not as significant a problem. We argue that the reverse is true. The less sunshine hours available, the more precious those sunshine hours are.
5. The Architects Statement is completely subjective and biased and we refute it. The supplied photos of modern glass high rise buildings adjacent to heritage buildings demonstrate the folly of this combination. We have recently visited Edinburgh where, in light of this application, we took note of numerous examples of modern developments alongside heritage buildings. By using elements such as similar scale and sympathetic materials these examples resulted in a vibrant, mutually beneficial outcome. It can be done! (with more time we could provide supporting photos)
6. Nowhere in this application do we see the forward thinking we would expect for such a significant investment. The fact of Climate Change and that NZ has signed the Paris Accord means we are on the path to a low carbon economy. Every activity that the Council consents should address this constraint. The additional information reinforces our view that this developer is a dinosaur who can do no better than look in the rear vision mirror whilst driving into the future. Unfortunately he has our city in the passenger seat.

Deborah Robb and Chris Naylor.

On 10 August 2017 at 08:48, Wendy Collard <[Wendy.Collard@dcc.govt.nz](mailto:Wendy.Collard@dcc.govt.nz)> wrote:

Good morning

The resource consent hearing for NZ Horizon Hospitality Group Ltd at 143-193 Moray Place was adjourned on **4 August 2017**, following a request from the Committee for additional information from the applicant.

The date for the reconvening of the hearing has been set and will commence on **17 August 2017** at **9.30 am** in the **Edinburgh Room, Municipal Chambers**.

The Applicant has provided the following information in response to the request from the Committee:

- Memorandum of Legal Counsel
- Architectural Statement
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- Four Additional views
- Seven additional shading diagrams
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This information is available for you to view on the Dunedin City Council website by accessing the following link [www.dunedin.govt.nz/luc-2017-48](http://www.dunedin.govt.nz/luc-2017-48)

Once you have viewed the additional evidence, should you wish to provide any comments to the additional information only, would you please provide this in writing by either emailing me on [wendy.collard@dcc.govt.nz](mailto:wendy.collard@dcc.govt.nz) or by post to the Dunedin City Council, PO Box 5045, Dunedin 9058. The period for submitters to make comment on the information closes at **5.00 pm** on **Monday, 14 August 2017**.

Please note that your comments must be confined to the **additional information only**, which is limited to:

- Memorandum of Legal Counsel

- Architectural Statement
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- Index of additional views
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There is no need to restate evidence that you have already presented to the Committee, as the Committee has your original submission, and all submissions together with supporting evidence (both oral or written) presented at the hearing in August, will be taken into consideration during the deliberation part of the hearing along with any comments made on the additional evidence.

You are welcome to attend the reconvened hearing and should you wish to speak to your written comments on the further information, please phone Wendy Collard on 477-4000 before **12.00 pm on Tuesday 15 August 2017**. There will be a time limit of **ten minutes** for each submitter.

It is anticipated that the programme will be as follows:

#### **Thursday 18 August 2017**

The applicant presents their additional information

The Committee conducts any further questioning of experts and staff if required.

Submitters who wish to speak and are present in response to the additional information

#### **Friday 19 August 2017**

Completion of Submitters if required

Kind regards

Wendy Collard

Governance Support Officer

Dunedin City Council

50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand

Telephone: 03 474 3374; Fax: 03 474 3488

Email: [wendy.collard@dcc.govt.nz](mailto:wendy.collard@dcc.govt.nz)



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**From:** [REDACTED] on behalf of [Athol Parks](#)  
**To:** [Wendy Collard](#)  
**Subject:** My comments re additional info re proposed development at 143-193 Moray Place  
**Date:** Monday, 14 August 2017 09:03:04 p.m.

---

Hi Wendy,

My comments, which follow, refer to the (additional) Architect's Statement.

Figure 1. does *not* clearly or accurately document the relevant townscape 'pattern making' in height and plan. Rather, it calls to mind the expression 'The map ain't the territory'.

The architect talks of 'linkages' and 'connections' and asserts that the proposed hotel will establish a 'dialogue' with the Cathedral and the Town Hall. Yeah right! The design shouts "F\_\_ you" at its neighbours. Contrast *per se* is not necessarily bad, the question must be 'Does *this* contrast work?' I stated in my original submission that I believe it does not - and nor do I think it works in most of the illustrations the architect has now supplied (Santiago, London, Quebec, Toronto, Sydney, Melbourne etc.). The fact that these other constructions exist (or are proposed) does not make them good! I note that the few examples which to my mind *do* work - including our own Centre of Innovation - feature 'modernistic' constructions which approximate their neighbours in size and/ or form.

I remain opposed to the development.

Athol Parks

--

CITY WALKS

[REDACTED]

NZ Freephone 0800 92 55 71

[REDACTED]  
[www.citywalks.co.nz](http://www.citywalks.co.nz)

**From:** [Campbell Thomson](#)  
**To:** [Wendy Collard](#)  
**Subject:** FW: Further submission on 143-193 Moray Place - Non-complying activity - LUC-2017-48 and SUB-2017-26  
**Date:** Tuesday, 15 August 2017 11:57:41 a.m.

---

Submission from Frances Ross - as discussed CSA put a call from Frances through to me and I suggested she email me and I would pass it on

-----Original Message-----

From: Sandy Ross [REDACTED]  
 Sent: Tuesday, 15 August 2017 11:48 a.m.  
 To: Campbell Thomson  
 Cc: Frances Ross  
 Subject: Further submission on 143-193 Moray Place - Non-complying activity - LUC-2017-48 and SUB-2017-26

To whom it may concern,

This is a further submission in response to the additional information supplied by the applicant to the proposed non-complying hotel development in Moray Place.

It is my understanding that the applicant was asked to supply further information, some of which he has done, but some, such as likely reflection effects from the glass cladding, he has not been able to provide.

However, I am primarily interested in this submission in two things: design and shading effects.

#### 1. Design

In the architectural amendments proposed, the building goes from a 3 part structure of 171.9 m to 3 different heights: 171.9 - no change, 168.38 ( a drop of one storey) and 164.86 (a drop of two storeys). In no way does this make a positive change to the building in terms of its original design and cladding and there is still a failure to acknowledge the smaller stature and heritage nature of the buildings of central Dunedin. In the architectural statement, it is said that the proposed building sets up a 'dialogue with' St. Paul's Cathedral and the Town Hall and 'resonates with its neighbours'. However, Nigel Bryce, Consultant Planner, says that it will have 'an adverse impact upon the pre-emminence of the existing heritage buildings'. and I share his view. As for the changes to the buildings itself, they seem to lack integrity with its own design, looking as if two towers have just been lopped off for expediency.

#### 2. Shade

There was considerable concern expressed by many submitters as to the effects of shade and loss of sunlight in the areas of the Octagon where people currently sit and enjoy the sun. In the new documents prepared on the effects on shading, the comment is made that the 'overall result' (of changes to the design) is not expected to be particularly considerable'. Thus, we can still expect a loss of sunshine in the Octagon when Dunedin is experiencing its coolest temperatures and sunshine is at its most valued. Again, Mr. Bryce talks of the Octagon with its 'sunny and pleasant microclimate' and that this is a 'precinct value which the Dunedin City Council wishes to enhance'.

I respectfully submit that this amended design does nothing to mitigate the effects of the original one and I urge the Commissioners to reject both the original proposal and the modified design.

Yours faithfully,

Frances Ross

[REDACTED]

**From:** [REDACTED]  
**To:** [Wendy Collard](#)  
**Subject:** Re: Dunedin City Council LUC 2017-48 & SUB 2017-26, 143 to 193 Moray Place, Dunedin  
**Date:** Tuesday, 15 August 2017 11:43:19 a.m.

---

Hi Wendy,

I have attached my previous submission below. My response remains the same despite the modifications the client has made to the project. I see no reason to allow this project to be granted any compensation. It is not in the city's best interest to do so.

Kind regards,

Valeri Schillberg



I would like to make a submission regarding the proposal to build an 18 floor mirror glass hotel on Moray Place opposite two of the city's key heritage buildings - the cathedral & town hall.

I am writing to express opposition to the proposal as it exists today.

As an international architect who lives off Stewart Street and has lived and owned property in Dunedin for nearly six years I would like to give my reasons for opposing the project.

- The project is out of scale for the area.
- The project is contextually not working with the surrounding fabric whether fitting in or juxtaposing it.
- The project is missing an opportunity to be a welcome addition to the city in such a prominent and important sight.

I wish the consent authority to oppose the project in its current configuration.

I am willing to be heard in support of my submission.

Kind regards,

Valeri Schillberg

On Aug 14, 2017, at 11:04 AM, Wendy Collard  
 <[Wendy.Collard@dcc.govt.nz](mailto:Wendy.Collard@dcc.govt.nz)> wrote:

Good morning

Further to our email on 10 August 2017, the Commissioners have resolved to allow additional time for submitters to provide comment on the further information provided by the Applicant. Therefore the period for comments on the additional information will close at **12.00 Noon** on **Tuesday 15 August 2017**.

The information you are able to provide comment on is as below:

Memorandum of Legal Counsel

- 
- Architectural Statement
- Additional Information from Architect – updated plans
- Paterson Pitts Assessment Statement
- Index of additional views
- Four Additional views
- Seven additional shading diagrams
- Dunedin Climate Statistics
- Dimensional rendering of existing building
- Supplementary information from Traffic Engineer

The hearing will still recommence on **Thursday 17 August 2017** at **9.30 am** with the anticipated that the programme as follows:

**Thursday 17 August 2017**

The applicant presents their additional information

The Committee conducts any further questioning of experts and staff if required.

Submitters who wish to speak and are present in response to the additional information

**Friday 18 August 2017**

Completion of Submitters if required

Kind regards

Wendy Collard  
Governance Support Officer  
Dunedin City Council

50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand

Telephone: 03 474 3374; Fax: 03 474 3488

Email: [wendy.collard@dcc.govt.nz](mailto:wendy.collard@dcc.govt.nz)

[<image001.png>](#) [<image002.jpg>](#)[<image003.jpg>](#)[<image004.jpg>](#)



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13 August, 2017

LUC-2017-48 & SUB-2017-26

I continue to oppose this application and the additional information provided by the applicant does not mitigate my opposition in any way. His assertion that the minor modifications offered “addresses many of the submitters concerns” is fallacious and is not based on any evidence. The majority of the submitters are dismayed at the height of the proposed building and it remains substantially unchanged and well in excess of the allowable district plan height. As one submitter put: “that is a lot of non-compliance.” It remains a lot of non-compliance.

Furthermore the architect's assertion that the hotel should be viewed as an 'object in space' is and therefore is in keeping with the other standalone buildings, principally the cathedral and the town hall/ municipal chambers and the few other office towers is an outdated modernist concept of city building that was seen to destroy communities with the urban renewal programmes begun in the 1950's in New York under the watch of Robert Moses and sweeping though swathes of other American cities. The modernist architects, who proposed such a theory of architecture, did not know about the reality of life. The street is where the life of the city resides and if you either take that street away, or make it uninhabitable by the shading and wind of high towers, and consequent lack of connection with a human scale built environment, that life disappears. Once the people no longer use the streetscape for their everyday purposes and recreation security also disappears. Many people increase the city's safety. Empty streets are desolate and liable to crime and vandalism.<sup>1</sup> We have at least retained in Dunedin many buildings, which still operate on a human scale and afford the Octagon as prime recreational space, even on a winter's day. On a fine day the sun floods the outdoor café space of the southern Octagon and the grassed upper Octagon. Take that away (up to 3.5 hours in winter is a lot of amenity capital to lose) and you will begin to create a dead and empty city centre. Furthermore comparing the proposed hotel with the height of the spire of the cathedral is also disingenuous, in that as the spire and finials rise they become finer and do not shade in the way a solid tower block does. There is good reason why 11m is the height restriction in the operative city plan, and 16m in the 2GP as demonstrated by the shade drawings included in the further tabled information. Some of the additional images, I believe belie the reality: For example standing just a few feet to the side the view (Sheet1 of 4 Additional views) up Harrop St would be completely obliterated. I am therefore also not confident that the towering effect of the building is correctly shown from the viewpoint of a person standing in the Octagon from these images.

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<sup>1</sup> See Jane Jacobs: **The Death and Life of Great American Cities**

Not only out in the Octagon but light will also be excluded from within the cathedral, which means its stained glass windows, and the sunlight through the windows in the chancel will be severely compromised and their function, whether as part of worship, inspiration and enjoyment of art or other activities will no longer be fully realised in a gloomy and darkened building. This would be an irreversible loss to our heritage and connection to daily practices. Likewise the memorial garden at the back of the cathedral will suffer dramatically from loss of sunlight.

The proposal remains well outside the spirit of the operating city plan, as well as the 2GP and heritage strategy and the newly realised Ara Toi Otepoti Strategy, written in partnership with the DCC. The latter serves as a fine guideline of best practice for the City and its creative development into the future. The hotel proposal is an affront to those who live and visit the city and comes nowhere near the kind of forward future planning and innovation, we should be demanding of our built environment to serve the next generations of Dunedin citizens.

Catherine Spencer

Resource Consent Application Submission 2/262 for Moray Place Hotel.

The modifications proposed in the new documents by the applicant cannot disguise the fact that the Hotel remains an over height and bulky building which will significantly dominate and change the ambiance of the Town Hall and Octagon area. In addition to the written and spoken submission on behalf of St Paul's Cathedral the following is submitted.

1. Shading. The original proposal building height is now (reduced) by one storey, and the profile adjusted by stepping back some of the towers. The shading caused by the building is thus only minutely modified. These small building changes do not change the shade profile to any significant extent.

The shade at midwinter solstice affects the Cathedral garden from before 12 noon to about 3 pm, (and the Octagon further until 4 p.m.) The Memorial Garden on the north side of the Cathedral will be in full shade from about 1.30 to 3.00 p.m.. As the sun gets higher in the sky these hours will be altered, but the shade profiles offered do not show this. I believe the Cathedral Memorial Garden will be shaded at least partly for about 6 months of the year, shaded from the sun, so important during the winter.

A note about the Cathedral gardens. The main part, to the east of the Cathedral building, is used frequently by the public, for lunch under the two registered trees on the north facing grassed slope, and as a path through to the Octagon. The Memorial Garden is where Urns containing the last remains of about 100 people are interred, Bishops and priests of course, but also Knights of the Realm, Professors and University men and women, business people and others, many of whom have contributed significantly to Dunedin over the last century. It is sacred ground, and has been so for most of the Cathedral's 99 year existence.

2. Architects Notes. A number of photos showing international examples of mixing 'old' with 'new' buildings have been submitted. In my eyes those photos mainly confirm the concerns of many submitters, that the erection of a large, glass curtain walled tower building within an area of much smaller heritage buildings creates a disastrous picture. Only when the buildings are generally of the same height, and the 'new' has architectural significance in its own right does it please the eye.

Thus the Louvre in Paris, and perhaps the Dancing House in Prague.

The Cathedral is the central Anglican church of Dunedin, built on land given by pioneer businessman John Jones. It replaces the Old St Pauls built in 1863. It is described as "forming a major architectural group of older buildings in the Octagon".

St Paul's Cathedral is an Historic Place, Category 1, building No. 376, listed in 1987, which should not be downgraded by a dominating, over high, glass tower behind it.

D H Tucker,



Keeper of the Cathedral Fabric. August 2017.

**From:**   
**To:** [Wendy Collard](#)  
**Subject:** Re: Dunedin City Council LUC 2017-48 & SUB 2017-26, 143-193 Moray Place, Dunedin - additional information from applicant  
**Date:** Sunday, 13 August 2017 11:14:20 a.m.  
**Attachments:** [image001.png](#)

---

Dear Wendy Collard

Thank you for directing me to the link [www.dunedin.govt.nz/luc-2017-48](http://www.dunedin.govt.nz/luc-2017-48), which provides substantial listings to look through. I have after perusing a number of these listings, not changed my view that the structure under review should not be allowed to proceed.

Indeed reviewing many of the 2 Dimensional views of the structure, my concern has increased. I agree with submitter 220, John Holmes who states:

“Submitter believes a model included with the application would be better than the series of artistic photographs, which he considers underestimates the height of the building.”

It would help considerably if the applicant were to put on public display a true representation of the surrounding area, including the octagon at minimum, a 3 Dimensional representation of this proposal for the public to view. This would demonstrate its physical reality to the proposed area. The newly supplied images of the hotel increase my concern for the effect this structure will have on the inner city precinct.

My concern has increased further after reading the other submitters to the proposal. In particular I found submitter 213 Suzanne Lund's submission raised concerns that I had not foreseen. I agree with her submission where she states:

"Against the design, height and scale of the proposal ‘and all of the effects generated from the scale and height and lack of regard to District plan Townscape and other provisions’. Believes there would be a precedent for other tall, noncompliant buildings in the city centre. Submitter states the hotel height and design do not fit in with the precinct values."

I concur fully with that statement which goes further than my own about setting precedent.

"Submitter suggests that if the hotel was accepted, it would set a precedent and therefore ‘make an irrelevance out of the Council’s 2GP plan’."

This is a significant concern for me as this clearly makes a mockery of public consultation for the Council’s 2GP plan.

But other considerations in the economics of the proposal and also the construction companies intent to bring foreign workers to construct this hotel. This is a whole new level of concern.

“Submitter has ‘serious’ doubts over the financial viability of the scheme, and estimates that the hotel construction alone would cost over \$100 million, after design and furnishings etc the submitter estimates the end value of the project would need to be ‘at or over \$160 million’. She states there is an ‘unproven demand’ for the hotel rooms and apartments. ‘Mr Toss will may be planning to bring in a Chinese construction company who will park a retired cruise ship at the waterfront for the duration of the project and have their workers stay there’ but submitter suggests this is not ‘fanciful’ nor will it drive the cost of construction down enough to make the project financially viable.”

The City council needs to clarify these intentions for the public record, and I ask for all those thinking they are getting a job out of this, will they, actually? Is the same intent for those who might work in this hotel proposal? Who is behind this hotel? These issues must surely be part of the consent process, particularly if the City Council may incur any liabilities. There are far too many vague elements to this proposal that need to see the light of day.

Finally the confusing amount of information supplied by you through the website link leaves me wondering what changes have been made to the proposal, if any? Are they of significance? If the structure has been reduced by four stories, is this in fact the case? And, if indeed this is the case it would not change my submission.

If this proposal is accepted by the committee, then I would view that as contempt of the Council's 2GP plan. What would its purpose be as an irrelevant document to the city of Dunedin?

I remain unconvinced that this proposal go ahead. I remain opposed to the proposal.

M P Wernham.

On 10 August 2017 at 08:48, Wendy Collard <[Wendy.Collard@dcc.govt.nz](mailto:Wendy.Collard@dcc.govt.nz)> wrote:

Good morning

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Kind regards

Wendy Collard

Governance Support Officer

Dunedin City Council

50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand

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Email: [wendy.collard@dcc.govt.nz](mailto:wendy.collard@dcc.govt.nz)



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**From:** [Church of Christ Community](#)  
**To:** [Wendy Collard](#)  
**Subject:** Submission on Moray Place Hotel Proposal  
**Date:** Monday, 14 August 2017 04:08:23 p.m.

---

Dear Wendy

1...The Architect's statement includes examples of modern buildings alongside older ones. Some of these are interesting and even inspirational but others show unrelentingly flat and bland vast areas of glass. Unfortunately this remains one of my objections to the Dunedin proposal.

...Further, in relation to the Architect's statement, elevations are shown to demonstrate proposed height reductions on two of three towers. These are so little as to be unnoticeable to the unaided eye.

The developer does not seem to be hearing the concerns that many of us have about the impact on our city of this particular proposal!

2...Images 1-4 showing revised views of the hotel still show a building of uninteresting bulky mass, disproportionate to its surroundings. To my mind the towers need to be stepped back/staggered so that they noticeably step up the hill and noticeably do not impede winter sun. The Civic Centre and Library are examples of the kind of "staggering/stepping" that I envisage. Even the revised proposal comes nowhere near achieving this effect. Furthermore, glass cladding alone contributes to the facelessness of the building. A mix of materials is far preferable in this particular environment.

3... TO KEEP THE OCTAGON FREE OF FURTHER SHADE should in my mind be a primary consideration in decision-making about this project.

Assessing the images provided is not easy as some designate the building by the number of levels while others designate it by height eg shading images 5-7.

Shading image number 3 of 7 still shows shadow falling across the Octagon through the whole afternoon.

Only a 10 level building avoids this and is therefore to be preferred. Nevertheless, shade still falls all day on the Cathedral garden.

Shading image 6 of 7 (an 11m building) does show the Octagon in the sun throughout the Winter Solstice. Therefore, from the point of view of shading issues only, this would be a preferable option.

4... I see no indication that other concerns have been addressed.

Yours faithfully

Dr Selwyn Yeoman