

BEFORE COMMISSIONERS APPOINTED BY THE DUNEDIN CITY COUNCIL

IN THE MATTER of Application for Resource Consent
under Section 88 of the Resource
Management Act 1991

BY **NZ HORIZON HOSPITALITY
GROUP LIMITED**

LUC 2017-48 and SUB 2017-26

**EVIDENCE FOR THE APPLICANT OF
DON ANDERSON
PLANNING CONSULTANT**

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Evidence of Don Anderson, B Arch. Dip TP FNZIA,MNZPI

For the record, the panel members from outside Dunedin, and the submitters who are present, my full name is Donald Ray Anderson, I hold a planning qualification from the University of Auckland and I am a full member of the New Zealand Planning Institute. I have over 35 years experience in planning matters in Dunedin City. I also hold an architectural qualification from the same university but I no longer undertake architectural work.

I have read the Code of Conduct for expert witness contained in the Environment Court practice Note and I agree to comply with it.

SYNOPSIS

The only real issue in the resource consent application for 193-143 Moray place is the height of the proposed building and the resultant winter shading. All the other matters are peripheral and can be either accepted or managed via conditions of consent.

Height has been determined by the applicant's need to satisfy the memorandum of understanding reached with the Dunedin City Council as the land owner.

Winter shading will be a permanent effect but it is transitory over the year and a common feature in Dunedin because of the low sun angle during the winter months.

Granting the consent as sought with conditions will enable the Dunedin City Council to weigh up the positive effects of having a new 5 Star hotel on its land adjacent to the Dunedin Centre within the CBD verses the effects that arise from the building height.

INTRODUCTION

My initial involvement with the proposal at 193 Moray Place was after Council had entered into a memorandum of understanding with Tony Tosswell for the sale of the Council land at 193-143 Moray Place. I attended a meeting on 30 November 2016 with representatives of Council staff. The purpose of the meeting was to introduce the architect's preliminary design of the 5 star hotel on Council's land at 193 Moray Place and to seek feedback. From my perspective, the presence at that meeting of Council's Consent Manager, Team Leader Urban Design, and Urban Designer was significant, as was their undertaking to provide written comments on the preliminary design by 6 December 2016. The Consent Manager's subsequent comments identified the relevant provisions in the operative district plan, while the urban design subsequent comments were more specific and covered the following:

- The design treatment at the Moray Place/Filluel Street corner of the site.
- Pedestrian linkages through Harrop Street and Municipal Lane and within the site
- Public access and space along the Moray Place frontage.
- Choice of glazing to minimise glare
- Wind tunnelling effects
- Shade and shadows to neighbouring buildings and spaces.

These were all design matters that the architect Mr Thom Craig had to consider and address in the design for which resource consent is now sought. The comments did not raise any specific concern about the form of the proposal which included the 5 storied podium (including the entrance levels and facilities) and the 11 stories of bedrooms/apartment/pent houses plus the top of the lift.

This process of co-operation by Council staff while not unique, does not always occur (to the applicants' detriment). But Council has had a long term expectation that its site at 193 Moray Place was being held for the specific purpose of a hotel that would complement the Town Hall complex across Moray Place. Indeed in 1988/89, Council engaged Arrow International Ltd to promote such an outcome. From the information provided by Council staff, nothing came of the Arrow International exercise because no developer/ operator would commit to the project. The site at 193 Moray Place has remained a rental and casual car park ever since 1988/89 (nearly 30 years), and is popular with motorists visiting either or both the George Street retail area and what is now known as the Dunedin Centre, or for all day parking by commuters working within the CBD.

I prepared the AEE dated 29 March 2017 based upon the proposal as applied for assessed against the statutory documents, my understanding of the opportunity to unbundle the various district plan conditions attaching to permitted activities in the operative district plan, and the feedback on the "draft" AEE provided by Council's consultant planner Mr Nigel Bryce.

In doing so, I was aware that the public notification of the application was likely to result in concerns (submissions) about the loss of existing view shafts from the adjacent residential area to the west of the site, as well as the visual effect resulting from the height of the proposed building on the adjoining area.

I was and remain satisfied that neither the operative district plan (ODP) nor the reviewed district plan (2GP) contain objectives and policies that support such concerns. In contrast, there are assessment matters relating to effects on the adjoining residential area, amenity values within the Central Activity Zone and generally. There are also anticipated environmental results in section 9.10 of the ODP relating to the retention and sustainability of the Central Activity Zone as the focus of social, administration, commercial and retail activities within the city, and the protection and enhancement of the amenities of the Inner City Area.

Refusing consent because of the effects on the existing view shafts from the residential properties to the west of the site or the visual effects of the resulting building would not be consistent with the statutory documents.

In contrast, the S42A report supports both concerns as being inconsistent with both the ODP/2GP objectives and policies, and this justifies recommending that the consent sought cannot be granted because of the statutory limitation contained in S104D RMA. There is no such statutory limitation in respect to granting consent with or without conditions in S 104C RMA for a restricted discretionary activity. In planning terms, that is where the effects relating to view shafts and visual effects rightly belong.

LAND USE IN BOTH THE ODP AND THE 2GP

The Hearings Panel can be assured that the proposed combination of land uses are, in themselves all permitted activities in the Central Activity Zone (ODP section 9.5 map 35) and CBD in the 2GP (section 18/planning map)

The full extent of the land use activities is set out on Form 9 of the application and repeated in the S42A report.

The S42A report agrees that the land uses are listed as permitted activities for the site in both the ODP and the 2GP (see para 30/31 in the S42A report)

CONDITIONS ATTACHING TO PERMITTED ACTIVITIES IN THE ODP

Rule 9.5.2 on the ODP sets out a number of conditions attaching to the permitted activities. These relate to the following (with the status if not complied with indicated):

- Yards- non-complying activity
- Height- restricted discretionary activity
- Verandah-non-complying activity
- Identified Pedestrian Frontage- non-complying activity
- Minimum Carparking-restricted discretionary activity
- Signs-non-complying activity
- Rubbish and storage areas- restricted discretionary activity
- Loading and access- non-complying activity
- Residential activities- restricted discretionary activity
- Noise insulation- restricted discretionary activity

For reasons that are not obvious from the Activity zone objectives and policies, non-compliance with some of the conditions attaching to the permitted activities are listed in rule 9.5.3 as restricted discretionary activities. Rule 9.5.3 restricts Council's discretion to the condition or conditions which the activity fails to comply. The other conditions that are not complied with are listed in Rule 9.5.4 as non-complying activities.

S104 C RMA provides that restricted discretionary activities may be granted consent with or without conditions, or may be refused. However, only the matters to which the exercise of discretion has been reserved can be considered. Case law has established that Part 2 matters may be relevant to whether consent should be granted but not to determining whether consent should be refused (13 ELRNZ 243).

S104D RMA states that consent may be granted for a non-complying activity only if the consent authority is satisfied that the adverse effect of the activity will be minor or the activity will not be contrary to the relevant objectives and policies in either or both the ODP/2GP. Case law has established that "*contrary*" means "*repugnant to/ opposed to*" an objective and policy but does not mean beyond the provisions of a rule or rules. 193 Moray Place and the proposed hotel are an exception within the Central Activity Zone in respect to the yard condition attaching to the

permitted activities. There are no existing hotels in Dunedin within the Central Activity Zone that have been built boundary to boundary while still providing the required on-site parking,

The S42A report agrees with the distinction between the conditions attaching to the permitted activities in the Central Activity Zone.

UNBUNDLING of the CONDITIONS ATTACHING TO PERMITTED ACTIVITIES

It is usual for resource consent applications for land use consents to be treated as a single entity under the most stringent provision in the RMA. That would mean that all aspects of the proposal for 193 Moray Place would be considered in terms of S104D RMA.

Alternatively, unbundling the conditions attaching to the permitted activities enables the relative significance of the two sets of conditions to be considered within their respective statutory context.

The S42A report supports processing the land uses that have been applied for as a non-complying activity in terms of S104D RMA. That requires that one or the other of thresholds in S104D must be satisfied to enable consent to be granted. Para 83 states: *"...Councils discretion is not limited in any way or over any matter"*. And para 388 states *"As the proposal is considered likely to give rise to adverse effects that will be more than minor and is contrary with the ODP, the proposal is considered to fail both limbs of S104D gateway test. Consideration cannot be given to granting consent to the proposal in such a circumstance"*. (emphasis added)

Such an approach is inconsistent with S87A(3) RMA which states that the consent authority's power to decline or grant consent and impose conditions is restricted to the matters over which discretion is restricted. This means that the conditions attaching to the permitted activities must be unbundled so that a separate decision can be made in respect to height/minimum carparking/rubbish&storage areas/residential activities/ noise insulation/earthworks/transporation/townscape.

CONSIDERATION of the NON-COMPLYING CONDITIONS

i. Yards

The podium has incorporated retail activities along the Moray Place frontage as anticipated by the condition that there be no front yard. However, extending the building across the entire frontage would be impractical in terms of providing bus access onto/from the site, and fanciful in terms of the side boundaries.

The yard condition is appropriate along Dunedin's retail frontages such as George Street but is unworkable where bus access to a 5star hotel is required.

It is the provision of vehicle access that has triggered the non-compliance within the no-yard requirement. That issue would be the same regardless of the height of the building proposed because vehicle access is fundamental to compliance with the Plan's carparking and access requirements. The 42A report is therefore wrong that bundling is appropriate because the yard issue is in some way connected to the building height (see paras 53-54). It may be possible that in other cases the issues are connected, but there

is no connection in this case. I therefore do not support bundling because it undermines the reason why the Council made non-compliance with the height condition restricted discretionary in the first place.

It is worth noting that the section 42A reports assessment of effects on the environment does not actually blend the yard issues with the height issues. No overlap between the issue is identified at all. The yard issue arises in the discussion of “Design and Street Frontage” at para 126 through to his conclusion at a paragraph 136. No adverse effects are identified. In the “bulk and location” section (paras 137-) the yards issue is not mentioned at all. The concern in that section related to the height of the building and something called “dominance”, that I will mention again later.

My opinion therefore is that not only should height and yard compliance be assessed separately (unbundled), but in fact that has what has happened in the 42A report. It therefore makes not sense to subject the height issue to the section 104D test.

- li Verandah
The architect has now amended the initial design to incorporate a glass verandah to the podium. The design needs to provide the 3m required width, together with under verandah lighting.. There is no verandah on the adjoining properties.
- lii Identified Pedestrian Frontage
This does not apply to 193 Moray Place.
- lv Signs
The proposal will comply with the permitted signage condition
- V Loading and Access
The proposal will comply with the permitted loading and access condition

In terms of S104D RMA, the vehicle access onto/ from the site effectively prevents compliance with the no front yard condition, and the lack of building along the side yards is an issue. On the site at 193 Moray Place, both non-compliances are assessed as having effects that are no more than minor.

The S42A report acknowledges that the access into and from the site is accepted given that the “active frontage along Moray Place” makes a positive contribution to the streetscape amenity of the area (see para 128). Neither does the report seek the extension of the podium to avoid the yards to the side boundaries. The S42A report does not raise either the access to/from the site or the yards to the side boundaries as being environmental effects that are assessed as being more than minor for the purpose of S104D RMA. This is significant to the reason given for recommending that the panel must decline the consent sought.

CONSIDERATION of the RESTRICTED DISCRETIONARY CONDITIONS.

i Height

The podium provides a 9m to 11m height to Moray Place as required. Above the podium, the tower extends 42.4m (measured from the entrance to the top of the lift tower) with the consequential effects beyond the permitted baseline of its visual effect within this part of the CBD, its obstruction of existing view shafts, and the resultant additional shadows.

There are 17 specific assessment matters (Section 9.8 in the ODP) for the Activity zones with the following being relevant:

- 9.8.3 Adverse effects on other areas
Proximity to residential areas
- 9.8.4 Bulk and location
The bulk and location of buildings associated with the proposed activity and their effects on amenity values of the environment in which they are located and the environment of surrounding areas.
- 9.8.5 Amenity values
The impact on amenity values in general

Dealing with each in turn;

The Residential 4 zone adjoining the site contains a mixture of land uses as follows:

- 10 Smith Street - Commercial
- 8A Smith Street - Carpark
- 8 Smith Street -Electricity substation
- 6 Smith Street -Carpark
- 4 Smith Street - Residence
- 72 York Place - Residence
- 62 York Place - Carpark
- 56 York Place - Commercial
- 52 York Place -Childcare
- 44 York Place -Commercial



The height of the proposed building will have effects on these adjoining and adjacent properties arising from additional shading during the morning and a visual effect beyond a 9 to 11m high building. The effects of shading on each of the properties within the Residential 4 zone will obviously vary as the sun moves with the seasons and time during each day (see the evidence of Kurt Bowen). The residential properties involved are orientated away from the site and none have been built in reliance on the permitted base line for they all pre-date Dunedin's first district scheme. On the other hand, the commercial properties have been built more recently and they have created their own on-site amenity based on fronting York Place their own car parking. The Kingsgate Hotel has been built partly within the Residential 4 zone (former Moray Motel) and partly within the Central Activity Zone. Both parts presently enjoy the openness to the north provided by the carparks at 6A Smith Street and 143 Moray Place. Assessment matter 9.8.3 is only applicable to the portion of the Kingsgate Hotel that is within the Residential 4 zone. The other residential areas in proximity to the site are across York Place and in the area fronting Cargill Street and London Street. The shading does not affect any of the existing residential properties fronting Cargill Street or London Street, and only affects a few of the residential properties across York Place prior to 8am during December and January. For the rest of the year, the sun rises further to the east and the shadow does not fall on the properties across York Place.

The bulk and location of the building has been mitigated by breaking up its footprint and by siting it away from the site boundaries, both as described in the architectural statement. That said, the photomontages from the London Street/Filleul Street intersection and from 96 Cargill Street illustrates the visual effect of the proposed building when viewed within the context of the existing small scale surrounding commercial foreground and adjoining Residential 4 zone surrounding context rather than in the context of the Central Activity Zone where Moray place creates a precinct of

Dunedin's larger commercial buildings (see Dunedin Central City Plan March 2017). There is nothing in either the District Plan or Central City Plan to indicate that these zones require different management at their boundaries.

Amenity values in general are defined in the RMA as relating to the appreciation of pleasantness, aesthetic coherence, and cultural and recreational attributes. Building height within the Central Activity zone is not referred to specifically in the introductory description of the Inner City Area in the ODP, where heritage Victorian/Edwardian design/views of skylines/rural areas/open space, and continuous frontages on the main streets are the noted features. There has been a long held expectation that 193 Moray Place has been held by Council specifically for an inner city hotel but no realistic expectation that such a hotel would be able to be established below the 11m maximum height limit in the ODP. Providing for any additional height in excess of the permitted 11m maximum height as a restricted discretionary activity acknowledges that fact while retaining a discretion on the resultant effects on the amenity values of the area.

Shading of the Cathedral site, the Dunedin Centre, and the Octagon in the afternoon falls to be considered in terms of *"the impact on amenity values in general"*. The Cathedral (Mr David Tucker) has submitted in opposition, particularly in respect to the shading of the rear garden of the Cathedral. During the winter months, similar shading would occur from a permitted 11m high building on the application site, and greater shading would result from the proposed 16m high building proposed in the 2GP. The Council owns /manages both the Dunedin Centre and the Octagon and was aware of the proposal when it entered into the memorandum of understanding with the applicant.

The S42A report provides a detailed analysis against the permitted baseline of both the additional shading and building bulk of the proposal as applied for and concludes that the resulting effects are more than minor. As a consequence, the S42A report recommends that the proposal must fail the first limb of S104D RMA. But height above 11m is a restricted discretionary activity, not a non-complying activity and so S104D RMA is not applicable.

ii Minimum car parking/rubbish and storage areas/loading and access

Both matters have been assessed as part of the application documentation and both comply with the requirements save for one required on-site coach park being shown at the porte cochere. While provision is to be made for coaches to be parked on the site adjacent to the entry, there are two practical reasons for all coaches to move away from the site having unloaded:

- Firstly. Coaches must be serviced. It is not appropriate that such an activity takes place adjacent to the entry to a 5 star hotel

- Secondly, health and safety is likely to actively discourage both coaches reversing within the site and having coach passengers accessing coaches other than within the designated porte cochere.

The S42A report at para 280 accepts that the on-site parking provided is an acceptable outcome.

lii Residential activities / noise insulation

Both matters have been assessed as part of the application documentation and both comply/will comply with the requirements.

The S42A report accepts compliance has been achieved/will be achieved via a condition of consent.

REVIEW of OBJECTIVES and POLICIES

i. ODP

The operative district plan objectives and policies for the Activities Zones are set out in clause 9. They cover all three specific zones with the following being particular to the Central Activity zone within which 193 Moray Place is located:

- **Objective 9.2.1**
Provide for business, recreational, social, cultural, religious and commercial activities in the Central Activity zone and the Local Activity zones and enhance the amenity there to make them pleasant for people.

This objective encompasses two aspect, firstly the range of the permitted activities that the proposal is consistent with, and secondly the amenity within the zone for people. The urban design emphasis on the Moray Place frontage is consistent with the objective as set out in the architectural and urban design statements.

- **Objective 9.2.3**
Avoid, remedy or mitigate the adverse effects of activities undertaken in the Inner City Area and Local Activity Zone.

The explanation to the objective cites traffic, pedestrian safety, impacts on amenity values and impacts upon heritage and townscape values as the adverse effects in issue. The amenity values within the Central Activity zone are listed in the explanation to Policy 9.3.3 as follows:

- *Sense of place, identity, ownership*
- *Mix of functions and activities, both commercial and non-commercial*
- *Human scale-pedestrian city scale as opposed to car city scale*
- *Accessibility*
- *Protection of heritage, townscape and archaeological values*
- *Admission of sunlight*
- *Shelter from adverse weather conditions*

The admission of sunlight is undoubtedly linked to the question of the height of buildings within the Central Activity Zone. The rules that implement that policy sets the permitted baseline based on no front or side yards and a maximum permitted building height. The effects of proposed buildings above the permitted baseline height fall to be considered on the merits as a restricted discretionary activity.

For completeness, there are no objectives and policies in the ODP for the Central Activity zone and the adjoining Residential 4 zone concerning cross zone boundary matters.

The S42A report sets out all of the objectives and policies in the sustainability, manawhenua, central activity, townscape, subdivision, transportation and environmental sections of the ODP and concludes that:

- The proposal is consistent with 12 of the relevant objectives and policies
- The proposal is inconsistent with 4 of the relevant objectives and policies

The S42A report has not identified any of the objectives and policies in the ODP that the proposal is “contrary to” which is one of the required limbs of S104D RMA.

ii Reviewed District Plan (2GP)

S104 RMA requires consideration of the relevant objectives and policies in the 2GP.193 Moray Place is to be zoned Central Business District (CBD) in the 2GP and there are two objectives of relevance to the proposal at 193 Moray Place as follows:

- *Objective 18.2.2*
The potential for conflict between activities within the commercial and mixed use zones, including residential activity and noisier activities, and between activities within the commercial and mixed use zones and sensitive land uses in the adjoining residential and recreation zones is minimised through adequate separation distances and other mitigation measures which ensure
 - a. *The amenity of adjoining residential and recreation zoned sites is maintained; and*
 - b. *The potential for reverse sensitivity effects from more sensitive land uses (for example residential activities) on other permitted activities in the commercial and mixed use zones is minimised.*

Policy 18.2.2.1 requires fencing of adjoining residential zoned properties and Policy 18.2.2.3 requires buildings to comply with rules concerning the height in relation to the boundary and setbacks to side boundaries adjoining a residential zone.

- *Objective 18.2.3*
Land use and development maintains or enhances the amenity of the street scape, including the visual and environmental amenity for pedestrians along identified pedestrian frontages.

Policy 18.2.3.1 requires that development maintain or enhance streetscape amenity in all commercial zones via attractive street interfaces and building height reflects the general heights of buildings of the block. At 193 Moray Place, the “block” encompasses both sides of Moray Place which includes all of the post 1970’s commercial buildings within Dunedin central area that are above the 11m height limit. These include Council’s administration building, Burns House across George Street from the Council building, the Westpac building on the corner of George Street and Moray Place, the extension to Kingsgate hotel, Forsyth Barr House on the corner of Stuart Street and the Octagon, and Otago House on the corner of Princes Street and Moray Place. The proposal for 193 Moray Place is consistent within its “block”. It is unrealistic to limit the “block” to just Moray Place between Filluel Street and Stuart Street. 193 Moray Place sits within the acknowledged core of Dunedin’s CBD and the proposed building will add

the much talked about vibrancy to what is currently mostly just a car park for commuters.

The S42A report states in para 341 *“As such, whilst the 2GP objectives and policies must be given regard to, in my opinion, little weight should be given them in the decision making process”*. The report then cites a number of objectives and policies concerning strategic direction, CBD, transportation and concludes that the proposal is consistent with 3 and contrary to 2. The first policy that the proposal is said to be contrary to is *“manage the height of buildings in the CBD to maintain a primarily low-rise heritage cityscape”*. The second policy that the proposal is said to be contrary to is *“building height reflects the general height of the block”*. Caution is needed in respect to both policies for they could both be read as going much further than objective 18.2.3 from which they are derived. The CBD in Dunedin is not a historical museum of *“low rise heritage city scape”* and has not been since its redevelopment commenced in earnest in the 1960’s. The highest buildings within the CBD core and in the Exchange area are now very much part of Dunedin’s cityscape. I do not understand how, as a consequence of development of this site, how the CBD would cease to have *“a primarily low-rise heritage cityscape”*. The development of the additional site at 193 Moray Place does not seriously challenge the townscape qualities of the CBD. Rather it further enhances the vibrancy that the statutory document is seeking to achieve. Given the lack of certainty about these policies and the strategic direction objective 2.4.3.4 of a Vibrant CBD and centres, the S42A report advice to put little weight on the objectives and policies in the 2GP is appropriate.

URBAN DESIGN

Urban design is concerned with the buildings, places, spaces and networks that make up towns and cities , and the ways people use them (New Zealand Urban Design Protocol, Ministry for the Environment 2005). It’s emergence in New Zealand post-dates both the Resource Management Act that was enacted in 1991 and the operative Dunedin City District Plan that was notified in 1995.

For both reasons, the operative district plan provisions do not directly refer to the seven urban design qualities of context, character, choice, connections, creativity, custodianship and collaboration that underpin urban design considerations.

Rather the RMA and the ODP both refer to a more generic term *“amenity values”* which is defined by the RMA as:

...those natural and physical qualities and characteristics that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

In terms of the statutory documents, this limits the scope of the matters that fall to be considered.

The section 42A Urban Design report expresses concerns about an adverse effect arising from something called *“dominance”*. I am unsure what that means in planning terms because it is not a term used in the Plan in the way that the report uses it, and does not offer its own definition. Dominance seems to be something different to the direct adverse effects of building height such as shading and blocking views, but I do not know what the basis for concern about that might be since

the District Plan does not use the term. For these reasons, in my evidence I have not used that term and instead rely on terms used in the operative District Plan and in the Act.

The S42A report attaches as Appendix 6 the urban design consultant's report on the proposal. It contains the following positive statements:

- The proposal offers a bold contemporary design and high quality built form
- The proposal would bring much needed activity and vibrancy to the centre city particularly in the weaker area north of the Octagon.
- The proposal is situated within the centre city cluster where there is already a context for taller buildings.

It also contains the following negative statements:

- ...the tallest buildings in the central city and create significant adverse effects to its north (along Filleul Street) and west (York Place/Cargill Street/London Street)
- ...shading effects are considered to be significant adverse effects, they will be permanent and will be extremely difficult to mitigate, unless the scale of the development was reduced in height (by 4 floors)

The report does not reconcile these conflicting statements other than to recommend reducing the building height by 4 floors.

PLANNING OVERVIEW

The Council has had an expectation that its site at 193 Moray Place will only be developed for a 5 star hotel and has entered into a memorandum of understanding with the applicant on that basis.

That makes the site and the proposal unique in the Dunedin context. The breaches of conditions attaching to the permitted activities that require consent as a non-complying activity when considered on their merits, are not contrary to the objectives and policies in the ODP and with suitable conditions of consent will have no more than a minor adverse effect on the environment. The objectives and policies in the 2GP are still subject to decisions on submissions and as recommended in the S42A, little, if any weight should be given to them at this time.

The Operative District Plan framework for the Central Activity Zone is concerned primarily with the quality of public space. The over-riding objective is to deliver a vibrant CBD that delivers an attractive public realm. Although the building height rule is not explicitly explained, it is apparent that above-limit buildings are anticipated, but their effects are to be managed against the policy framework on a case-by-case by way of a restricted discretion.

In terms of the restricted discretionary considerations, the height of the building does have effects on adjoining and adjacent neighbours but those effects are not fatal to granting consent. I say that because 9m to 11m or 16m height limits in the ODP/2GP are rules that trigger the need for resource consent. They are not a prohibition and to the extent necessary, can be managed via conditions of consent.

As noted in the synopsis, granting consent as sought subject to conditions of consent is appropriate so that Council can weigh up the positive effects of having a 5 star hotel on its land adjacent to the Dunedin Centre within the CBD verses the effects that arise from the building height.

Don Anderson

14 July 2017