

Summary

TO: Hearings Committee

FROM: Nigel Bryce, Consultant Planner

DATE: 31st July 2017

SUBJECT: **RESOURCE CONSENT APPLICATION**
LUC-2017-48 & SUB-2017-26
193 to 143 Moray Place, Dunedin
NZ Horizon Hospitality Group Limited

INTRODUCTION

1. My name is Nigel Bryce and I am the author of the section 42A report relating to the abovementioned application. The following provides a brief summary of the key issues identified within my report, however, I first set out a correction to the content of my report.

AMENDMENTS

2. The terminology I have used in a number of locations in my report generates a number of contradictory conclusions relating to the policy analysis set out in paragraphs 339 to 343, which I would like to amend. This relates to the use of the word “inconsistent” and “contrary” in my assessment of the Operative Plan.
3. At paragraph 343, I conclude that *“my assessment indicates that the application, in its current form, is **contrary** to those provisions that seek to enhance the amenity of Dunedin (Objective 4.2.1 and supporting policy 4.3.1), more particularly that seek to avoid, remedy or mitigate effects on activities undertaken within the Inner City Area and to enhance amenity values in the Central Activity Zone (Objective 9.2.3 and Policy 9.3.3) and fails to ensure that the City Centre continues to develop as a ‘people place’ (Objective 9.2.4) and does not protect and enhance the townscape values of the TH02 Octagon townscape precinct (Objective 13.2.5 and Policy 13.3.4, Objective 13.2.6)...”*
4. My report in a number of locations concludes that the Proposal is “inconsistent” with the policy outcomes discussed, even though the proceeding explanation clearly indicates that an opposite outcome of the objective or policy is achieved by the Proposal. This is particularly the case where the policy outcome within the Operative Plan is seeking to either enhance amenity values, or maintain or enhance amenity values¹. As I will expand upon in my summary below, the building’s overall height is considered to generate more than minor adverse effects on the amenity values of residential properties to the west of the Site and on the Kingsgate Hotel to the south. Similarly, the Development will adversely impact upon the townscape values of the TH02 Octagon townscape precinct under the Operative Plan, including loss of sunlight penetration into the Octagon during the Winter Solstice and will adversely impact upon the setting and pre-eminence of existing heritage buildings such as the St Paul’s Cathedral and the Municipal Chambers building when viewed from the Octagon.

¹ Refer page 67 when discussing Objective 4.2.1 and policy 4.3.1, page 69 and 70 when discussing Objective 9.2.3 and policy 9.3.3, pages 72 and 73 when addressing Objective 13.2.5 and policy 13.3.4 and Objective 13.2.6

5. I understand that the word “inconsistent” means “lacking consistency”² and that the word “contrary” means “opposite”³. As I have set out in my report (refer pages listed in footnote 1) the Proposal neither maintains nor enhances amenity values of the Central Activity Zone and the townscape values of the Octagon Townscape Precinct. The Proposal, due to its height, does exactly the opposite and will result in adverse effects these values. As a consequence, and as I have already concluded at paragraph 343 of the section 42A report, the Proposal is, in my opinion, contrary to Objective 4.2.1 and supporting policy 4.3.1, Objective 9.2.3 and Policy 9.3.3, Objective 9.2.4, Objective 13.2.5 and Policy 13.3.4, Objective 13.2.6 of the Operative Plan. To avoid any confusion, I have attached a revised copy of the policy analysis setting out the amendments to my policy analysis as Appendix 1 to this summary.

SUMMARY OF SECTION 42A

6. A description of the Proposal, including subsequent amendments and associated additional information, is set out at paragraphs 13 to 19 of the section 42A report.
7. The subject Site is zoned Central Activity (CAZ) (planning map 35) in the Operative Plan and is located within the North Princess Street, Moray Place/Exchange Townscape Precinct TH03 (TH03 Townscape Precinct) in the Operative Plan. I note, that the Site also adjoins the TH02 Octagon Townscape Precinct.
8. The fundamental use of the Proposal is considered to fall within the definition of Commercial Residential Activity and provides for 210 visitor accommodation rooms (hotel rooms) identified on Levels 6 to 12 (refer Page 15 of architectural drawings attached as **Annexure 7** to the Application). The Proposal provides for 64 self-contained apartments (identified on Levels 13, 14, 15 and 16 identified on Page 16 of the architectural drawings attached as **Annexure 7** to the Application), along with 4 self-contained penthouse suites (identified on Level 16 on Page 17 of architectural drawings attached as **Annexure 7** to the Application). These units collectively fall within the definition of Residential Activity.
9. Under the Operative Plan the Proposal is a **Non-Complying Activity** with respect to the proposed land use consent sought and for the proposed unit title subdivision of the proposed building and common areas. Based on the principle of bundling, which requires that the most stringent activity status applies to an application, overall I have assessed the Proposal as a **Non-Complying Activity**. While the Application⁴ sets out that the application should be ‘un-bundled’ I have not adopted this approach for the reasons set out at paragraphs 53 to 62 of the section 42A report.
10. The application was publicly notified in the Otago Daily Times on 5 April 2017. 265 submissions were received by the close of the submission period. 206 submissions oppose, 58 submissions support and seven submissions are neutral on the Proposal. In addition six submissions were received after the closing date, they are included within the report, for completeness.
11. I have considered the application of the permitted baseline as it relates to the CAZ, however I note that under the Operative Plan, the Site forms part of the TH03 Townscape Precinct and requires consent for all new buildings as a controlled activity. This disqualifies the application of the permitted baseline in relation to the bulk and location of the building, given that no building can occur as a permitted

² As defined in the Merriam-Webster online dictionary.

³ As defined in the Merriam-Webster online dictionary.

⁴ The AEE supporting the application argues at paragraph 1.7 for the unbundling of matters relevant to (i) townscape (yards, frontage treatment such as verandas and signage), (ii) maximum height infringement, and (iii) conditions relating to car parking, loading and access.

activity. However, I do consider that the Panel, should have regard to what I have termed the 'controlled activity building outline'.

12. In broad terms the submissions have raised a wide range of issues as set out paragraph 70 of the section 42A report.
13. The Proposal can generally be categorised into the following effects:
 - Positive Effects;
 - Building Design, and Appearance;
 - Adverse Effects on Other Areas;
 - Bulk, Location and Effects on Amenity Values;
 - Effects on Dunedin's Heritage Character;
 - Transportation;
 - Infrastructure;
 - Hazards;
 - Archaeological Sites;
 - Cumulative Effects; and
 - Sustainability.
14. Positive Effects: The Proposal will generate a number of positive effects, in that it will provide additional commercial residential accommodation within this part of the City Centre, while also providing accommodation and facilities to support events such as conferences held in the City. The Development as amended is considered to respond positively to the Moray Place and Filleul Street frontages through the adoption of a centralised base upon which the tower components (pinwheel layout with three towers around a central service core) are sited.
15. External Appearance & Design: The erection of any new building within a townscape precinct is considered as a controlled activity under Rule 13.7.2(i) of the Operative Plan, with the matters of control limited to the external design and appearance of the building. There are 177 submissions that raise 'Design and Appearance' as a central issue within their submissions and many submitters raise concerns with the use of 'glass' in the design and appearance of the building.
16. Having considered the urban design evidence of Mr Falconer, prepared on behalf of the Council, I do not consider that the use of glass to be a design response that ultimately offends against the TH03 townscape precinct, nor do I consider that the use of glass will adversely impact upon the heritage character of this part of the City Centre. This is because the design of the building, in and of itself, incorporates sufficient design interest and modulation in its facades, including the tapering form, as to be appropriate in this setting. The design response is considered positive in that it promotes variation in built form, shape and orientation and seeks to promote greater visual interest.
17. Reinforcing concerns raised by submitters relating to glare, and the reliance on lighter tinting to mitigate the visual effects of the building proposed by the Applicant, the information provided by the Applicant, to date, does still not provide sufficient confidence that a building of this scale and clad in glass will remove all

glare or reflectivity issues. I consider that further detailed technical evidence is required to respond to this matter.

18. Bulk & Location & Amenity Values: 176 submissions raise 'height' of the Development as an issue. Many submitters raise the scale of the Development as a concern and consider that it will result in an over-bearing and dominance over the adjoining properties, including loss of views and impacts upon visual amenity values.
19. The bulk and location restrictions for this site are set out in the Central Activity section of the Operative Plan. The most significant breach of the bulk and location provisions is to the maximum 11 metre height limit (in terms of degree of departure from this maximum height limit). From existing ground level, the maximum height of the Development is 60.334 metres (measuring from existing ground level vertically up to the true right-hand side of the lift core on Drawing Section AA attached as **Appendix 21**). This represents a building that exceeds the maximum 11 metre height limit by approximately 49.334 metres.
20. The section 42A report, in addressing the height of the Development, is guided by assessment matter 9.9.4 which requires consideration of the bulk and location of buildings associated with the proposed activity and their effects on the amenity values of the environment in which they are located and the surrounding areas. This is important because the Operative Plan does not, in opinion, limit any visual effects assessment to the zone in which a development is located.
21. Relying on the technical assessment of Mr Falconer, it is concluded that the Development has the potential to generate the following effects:
 - From more distant views of the City Centre, Mr Falconer agrees with the DCM report that from more distant locations (referring to Paterson Pitts Anticipated View 18 described in the DCM report as VSR 12) the Development will be viewed in context of the rest of the city and that the visual effects will be less than minor⁵;
 - When viewed closer in, Mr Falconer considers that the Development will have different effects, including visual dominance and blocking of existing views;
 - Mr Falconer considers that when viewed from the north and west of the Site, the Development will be viewed against the abrupt change in scale of low-rise commercial (refer Anticipated Viewpoint 3 from upper Filleul Street) and the two to three level residential/ commercial to the west⁶;
 - With respect to views from the north and west looking back at the Development, Mr Falconer agrees with the DCM report that the Development will result in more than minor visual effects, however he does not agree that the increased transparency of the building's cladding, as recommended within the DCM report, can reduce the visual effects to a less than minor extent;
 - While many of the properties to the west are separated by distance, they are also located on higher and more elevated ground meaning that they have more open and expansive views towards the Development. The Proposal in this context will likely be over-bearing for those properties that immediately adjoin the Site and will similarly result in a significant reduction in outlook and visual amenity values presently enjoyed by residents located to the west of the Site; and

⁵ At paragraph 8.7

⁶ at paragraph 8.9

- Mr Falconer, when considering the visual dominance when viewing the Development from the south (including the Kingsgate Hotel), concludes that even a reduced height of 10 storeys (Level 14 on Drawing Section AA) would have more than minor adverse effects on the visual amenity enjoyed by existing properties to the south.
22. Impacts upon Dunedin's Heritage Character: 115 submissions raise issues with 'Heritage' associated with the Development. I note that the Octagon and its associated heritage listed buildings forms part of the setting within which the development will be viewed. While the Development is not located within the TH02 Octagon townscape precinct the building will be clearly visible within the Octagon and associated precinct. The key issue raised by the scale of the Development when viewed from the Octagon, is that the building will be viewed within the backdrop of the existing St Paul's Cathedral and Municipal Chambers and will generate additional shading over the Octagon.
 23. Mr Falconer raises specific concerns about the Developments impacts upon the townscape values of TH02 townscape precinct and associated heritage buildings concludes that "when viewing the development from within the Octagon and in context of the Octagon Townscape Precinct under the Operative Plan (and Heritage Precinct under the 2GP), the Building will have visual effects that are more than minor."⁷ I agree with this assessment. The scale of the Development has the potential to greatly diminish the high visual amenity values of the setting within which St Paul's Cathedral and the Municipal Chambers building are viewed.
 24. Wind Effects: An independent wind assessment, prepared by JDH Consulting and submitted with the application, concludes that any increase in localised wind speed associated with this Development could be further mitigated by façade and other architectural devices and that should the development be granted consent it should be conditional on a successful scale model wind tunnel study. I agree with this conclusion.
 25. Shading Effects on Amenity Values: The effects from 'shading' is a key amenity issue raised by 76 submitters. In broad terms, submitters have raised concerns about the shading effects on adjoining properties, shading of Moray Place and the adjoining Octagon, particularly during the Winter Solstice and I have addressed these issues at paragraphs 206 to 244 of the section 42A report.
 26. While the Operative Plan does not elevate access to sunlight as a standalone issue, it is evident that access to sunlight is a central component of amenity values that are specifically provided for. The Act requires the Council to have particular regard to the "*maintenance and enhancement of amenity values*" under section 7(c). The Operative Plan in turn gives effect to this outcome through Objective 4.2.1 which seeks to "*enhance the amenity values of Dunedin.*" In the urban context of the CAZ, this is achieved through the performance standards that set the bulk and location criteria for the zone, as well as recognising areas of importance such as the Octagon through the use of townscape precincts.
 27. As discussed at paragraph 196 of the section 42A report, a key precinct value identified for the TH02 Octagon townscape precinct is "the penetration of the maximum amount of sunshine possible", and is one of 16 precinct values which the Council wishes to enhance in the Octagon townscape. Currently, the Octagon is recognised for its "sunny and pleasant microclimate." Further still, a key threat identified under A2.2.2.3 (Principal threats to values) to the Octagon commercial heritage precinct under proposed 2GP is "new buildings within this precinct that are taller than the St Paul's Cathedral and reduce solar access in the Octagon." In this case, the building is not located within the Octagon commercial heritage precinct,

⁷ At paragraph 8.10

however still diminishes sunlight penetration into the Octagon during the Winter Solstice.

28. The Development is considered to result in no more than minor shading effects on adjoining residentially zoned properties, or commercial uses that are located within the adjoining residential zone and this conclusion is reached having regard to what I have termed the 'controlled activity building outline' for an 11 metre high building located on the Site.
29. In relationship to the Kingsgate Hotel, while I appreciate that the development an 11 metre high building on the Council owned southern carpark to the south of the Site will generate effects on the lower levels of the Kingsgate Hotel during the Winter Solstice, the Development greatly extends this effect over the eastern end of the adjoining Hotel. The Development will also extend this shading effect over the Equinox . As a consequence, I agree with Mr Falconer's conclusion, that this represents a more than minor effect on the amenity of this property. Further, given the scale of the effect, I do not believe that it can be mitigated.
30. With respect to the Octagon, the Revised Shading Analysis reinforces my own observations over the Winter Solstice and identifies that the western part of the Octagon already receives a significant level of shading from existing buildings, including the Civic Centre and Municipal Chambers during the early afternoon during the Winter Solstice. The Development will effectively block the ability for sunlight to penetrate through the open space corridor created by Harrop Street into this part of the Octagon from 2pm to 3pm in the Winter. No information has been provided by the Applicant that demonstrates the level of shading from the built environment before 2pm, and without this information it is difficult to consider whether the loss of light over the remaining part of the western side of the Octagon is a significant cumulative adverse or not. Based on Mr Falconer's evidence, however, it would represent a more than minor effect on the amenity values and utility of this urban space. I reinforce my earlier comment, that "the penetration of the maximum amount of sunshine possible", is one of 16 precinct values which the Council wishes to enhance in the Octagon townscape.
31. The Development is considered to result in more than minor effects on the Kingsgate Hotel and over the Octagon as a consequence of increased shading. The duration and extent of these effects could be mitigated a reduced building height 9 storey (Level 13, +157,500 on Section AA).
32. Loss of privacy is a matter raised by a number of submitters who own or occupy properties within the immediate vicinity of the Site, however, there is no direct protection provided within the bulk and location provisions of the Operative Plan that specifically cater for the protection of privacy between developments located within the CAZ. I note, however, that as the Site borders an adjoining residential zone that this has greater relevance, however again the Operative Plan does not seek to provide for development standards that control where balconies or where windows can be placed to protect privacy of adjoining land uses located within adjoining zones. I recommend at paragraph 242 that the scale of the development warrants an appropriate mitigation response along the common boundary of the Site in order to protect the amenity and privacy of this existing childcare facility to the west.
33. Construction Effects: A range of construction related concerns have been raised by submitters, which I respond to at paragraph 253 to 264 of the section 42A report. I am satisfied that construction activities involving earthworks and excavations close to adjoining boundaries will not adversely affect the amenity of neighbouring properties during or after construction. In my opinion, these matters can all be carefully managed to avoid and or mitigate effects on these adjoining landowners.
34. Transportation: A range of transportation related concerns have been raised by submitters, which I respond to at paragraph 268 to 298 of the section 42A report.

The Council's Transportation Planner, Mr Grant Fisher, has assessed the Proposal and consider the proposed hotel can be supported from a transport perspective, and is unlikely to give rise to adverse effects on the safety/functionality of the transport network that could be considered to be "more than minor". He recommends a number of conditions of consent that seek to respond to issues relating to transportation.

35. Infrastructure: The Council's Water & Wastewater Business Unit (W&WWBU) has assessed the infrastructural requirements and the W&WWBU Consents Officer, Ms Chelsea McGaw, considers that the Proposal will not result in any adverse effects on the Council's infrastructure network, that cannot be appropriately avoided or mitigated through the imposition of consent conditions. I have read and concur with her assessment.
36. Hazards and safety: The subject has not been identified as subject to any hazards. The applicant has engaged geotechnical input to respond to underlying geology.
37. Cumulative Effects: The Development is considered to generate a range of cumulative effects, traffic being appropriately responded to through the design response provided for on site and mitigated through conditions of consent. The Development is also considered to raise potential cumulative effects on the setting and use of the Octagon.
38. Assessment of Policies and Objectives: I am satisfied that the Proposal accords with most of provisions within the Subdivision and Transportation Sections of the District Plan. In my opinion, however, the development offends (and thus is contrary to) a number of policy provisions relevant to the consideration of development within the CAZ and to the District wide sustainability objectives and policies requiring development to enhance amenity values. As noted, above, at paragraph 343 of the section 42A report, the application, in its current form, is **contrary** to those provisions that seek to enhance the amenity of Dunedin (Objective 4.2.1 and supporting policy 4.3.1), more particularly that seek to avoid, remedy or mitigate effects on activities undertaken within the Inner City Area and to enhance amenity values in the Central Activity Zone (Objective 9.2.3 and Policy 9.3.3) and fails to ensure that the City Centre continues to develop as a 'people place' (Objective 9.2.4) and does not protect and enhance the townscape values of the TH02 Octagon townscape precinct (Objective 13.2.5 and Policy 13.3.4, Objective 13.2.6).
39. Other Matters – Plan Integrity: I consider that the Proposal generates plan integrity issues, such that it may be difficult for Council to resist a similar proposal in future for consenting over height development. To this end, I do not consider that there are any unique circumstances identified by this Site or as a result of this development that justify an exception to the height provisions to the scale proposed. I consider that approval of the proposal will undermine the integrity of the Operative Plan and potentially imperil the future policy direction of the proposed 2GP due to the scale of the development proposed. I believe that the Panel is wise to be concerned about the potential for an undesirable precedent to be set in this regard.
40. Section 104D: I consider that the actual and potential effects associated with the Development, as it is currently proposed, are unable to be mitigated and the Proposal will generate more than minor effects of the receiving environment within which it is located and on surrounding areas. Therefore, in my opinion the first limb or 'gateway' test of Section 104D is failed.
41. The proposal is assessed as being contrary to a number of the relevant objectives and policies of the Sustainability Section, Central Activity Zone, and Townscape Section of the Operative Plan. While the Development is considered broadly consistent with the strategic direction policies under the proposed 2GP, it offends against and is therefore considered contrary to the policy direction of the CBDZ, particularly as this relates to the scale of the Development and its inability to

integrate with the existing low scale built environment of the area within which it is sited. In my opinion, the proposed development also fails the second 'gateway' test outlined by Section 104D, particularly as this relates to the Operative Plan.

42. In summary, I consider that the application, in its current form, fails both 'gateway' tests in Section 104D of the Act. It is therefore my recommendation to the Panel that the application should not be granted resource consent.
43. Conditions: I have included a draft set of conditions (appended as Appendix 7) to assist and inform the Panel, in the event that the Panel approve consent. I reinforce that the conditions will not mitigate the visual effects or shading effects of the Development. They are to provide draft framework for the requirements the Panel may consider appropriate for giving effect to the land use and unit title subdivision consents, and management of environmental effects arising from the proposed development.
44. For the scale of the building to be mitigated to an acceptable level, and to maintain and enhance the amenity values of the City Centre and wider environs, Council's urban design consultant, Mr Falconer recommends reducing the proposed building height by four levels to bring the total height down to nine storeys (Level 13, +157,500 (datum level) on Drawing Section AA). This reduction would provide for a maximum height of 45.6 metres from existing ground level, or a maximum height breach of 34.4 metres (including the lift shaft). I note, for completeness, that the Applicant is not proposing to reduce the height of the Development as part of the application.

APPENDIX 1 – AMENDMENTS TO THE OPERATIVE PLAN POLICY ANALYSIS

Operative Dunedin City District Plan

Sustainability		
Provision	Objective / Policy	Consistent or contrary with planning provisions
Objective 4.2.1	Enhance the amenity values of Dunedin.	<i>The explanation to Objective 4.2.1 states “throughout the City there is a variety of significant amenity values in different locations. These include:</i> <i>• spaciousness and separation of activities in the rural area</i> <i>• heritage values throughout the City</i> <i>• urban and rural landscapes</i> <i>• natural and recreation areas.</i> <i>The Council seeks to enhance all amenity values in the future.”</i> The explanation to supporting Policy 4.3.1 states “Dunedin contains a wide range of amenity values in both urban and rural areas. Use and development of resources in some circumstances can adversely affect the pleasantness of an area, and where those effects are significant, such use and development should be avoided.” While the Development has the potential to enhance the streetscape amenity of Moray Place and Filleul Street with an active frontage, the overall scale of the building is not considered to be able to successfully transition with the smaller scale built environment to the west and north of the Site. Consequently, the Building will appear out of scale with its surroundings when viewed from the west and north. The Development will not maintain or enhance the amenity values of the adjoining Kingsgate Hotel, creating an over dominance and resulting in adverse shading over this property over the Winter Solstice and Equinox for an extended time during the morning period. The Operative Plan seeks to enhance sunlight penetration into the Octagon as a townscape value under TH02 Octagon townscape precinct. The Development is likely to generate adverse effects on the amenity values for users of the Octagon through the additional shading experienced over this important urban space. Relying upon the assessment of Mr Falconer, I am of the opinion that the scale of the Development will adversely affect the high visual amenity and townscape values of the TH02 Octagon townscape precinct and appreciation of heritage buildings that current have pre-eminence in the Octagon. The Development will provide an appropriate level of on-site parking, which will avoid any adverse effects due to increased traffic. For these reasons, the Development is not considered to enhance amenity values in accordance with Objective 4.2.1 or maintain and
Policy 4.3.1	Maintain and enhance amenity values.	

Sustainability		
Provision	Objective / Policy	Consistent or contrary with planning provisions
		enhance amenity values in accordance with policy 4.3.1. The proposal is therefore considered to be inconsistent contrary with this objective and policy.
Objective 4.2.2	Ensure that the level of infrastructural services provided is appropriate to the potential density and intensity of development and amenity values of the area.	The Council's Water and Waste Services team have advised that the existing stormwater, wastewater and water supply infrastructure has capacity for the proposed development and can be accommodated through infrastructure upgrades delivered as part of the Site development. The transportation network, with associated roundabout installation on the corner of Moray Place and Filleul Street can cater for the increase in vehicle and bus movements from the Development. The proposal is considered to be consistent with these objectives and policies.
Objective 4.2.3	Sustainably manage infrastructure.	
Policy 4.3.2	Avoid developments which will result in the unsustainable expansion of infrastructure services.	
Policy 4.3.5	Require the provision of infrastructure services at an appropriate standard.	
Policy 4.3.3	Promote the renovation and redevelopment of those sites within existing urban areas where there is under-utilisation of urban service infrastructure.	The proposal will redevelop a prime commercial site on the periphery of the CBD which is currently under-utilised. The proposal is considered to be consistent with this policy.
Policy 4.3.7	Use zoning to provide for uses and developments which are compatible within identified areas.	The proposed commercial residential development is in accordance with the zone expectations for this area. The Development is considered to be consistent with these policies as the land use is an appropriate development for this zone.
Policy 4.3.8	Avoid the indiscriminate mixing of incompatible uses and developments.	

Manawhenua		
Provision	Objective / Policy	Consistent or contrary with planning provisions
Objective 5.2.1	Take into account the principles of the Treaty of Waitangi in the management of the City's natural and physical resources.	The proposal has been assessed using the protocol established between Kai Tahu ki Otago (kTko) and the Dunedin City Council.
Policy 5.3.2	Advise Manawhenua of applications for notified resource consents, plan changes and designations.	A copy of the application was provided to kTko both as part of pre-application consultation undertaken by the Applicant and as part of the notification of this application. The consultation response received from kTko (set out in their pre-application consultation response attached as Document 16 attached to the application) does not indicate any specific concern, however identifies that any landscaping response supporting the Development incorporate appropriate native plants, including Kowhai. The proposal is considered to be consistent with this objective and policy.

Central Activity		
Provision	Objective / Policy	Consistent or contrary with planning provisions
Objective 9.2.1	Provide for	The proposed development will provide for all

Central Activity		
Provision	Objective / Policy	Consistent or contrary with planning provisions
	business, recreational, social, cultural, religious and commercial activities in the Central Activity Zone and Local Activity Zones and enhance the amenity there to make them pleasant for people.	these specific activities within the Central Activity Zone, and aims to do so in a manner which enhances the amenity in terms of site appearance and public enjoyment through both the public amenities provided on the podium level (including children's play area and water feature), as well as the hot pool and spa facilities located on Level 4. The development will provide for a broad range of commercial residential and supporting commercial activities and residential apartments, all of which are considered a compatible use for an Activity Zone.
Policy 9.3.1	Provide for a compatible mix of business, social, cultural, religious and commercial activities in Activity Zones.	The proposal is considered to be consistent with this objective and policies.
Policy 9.3.6	Require, where necessary, the formation of service lanes in Activity Zones, to provide off-street access and loading to activities.	
Policy 9.3.7	Require verandah on premises within identified pedestrian frontages in the Central and Local Activity Zones.	The application has been amended to include a veranda canopy that extends along both Moray Place and Filleul Street (except where the frontages include an accessway on Moray Place and egress on Filleul Street). This is consistent with the veranda canopies along the western side of Filleul Street and will provide for enhanced pedestrian amenity through adverse weather protection. The proposal is considered to be consistent with this policy.
Objective 9.2.3	Avoid, remedy or mitigate the adverse effects of activities undertaken in the Inner-City Area and Local Activity Zones.	The explanation to Objective 9.2.3 states <i>"adverse effects associated with activities undertaken within the Inner-City Area and Local Activity Zones include those that relate to traffic, pedestrians, safety, impacts on amenity values and impacts upon heritage and townscape values."</i>
Policy 9.3.3	Enhance amenity values in the Central Activity Zone.	The explanation supporting Policy 9.3.3 states <i>"improving amenity values in the Central Activity Zone will make the area more enjoyable for people. This requires consideration of:</i> <i>• sense of place, identity, ownership</i> <i>• mix of functions and activities, both commercial and non-commercial</i> <i>• human scale - pedestrian city scale as opposed to car city scale</i> <i>• accessibility</i> <i>• protection of heritage, townscape and archaeological values</i> <i>• admission of sunlight</i> <i>• shelter from adverse weather conditions</i> <i>reduced volumes of vehicular traffic, travelling at slower speeds, with a balance between pedestrian</i>

Central Activity		
Provision	Objective / Policy	Consistent or contrary with planning provisions
		and vehicular traffic • safety • appropriate lighting • protection of important vistas • clearly defined edges to activities • provision of appropriate street furniture and landscaping, places to sit, eat, talk, watch and such like." The Development has been designed to mitigate any adverse effects on the adjoining road network, with final detailed designs of upgrades to the roading network to be addressed by conditions of consent. The Development generates the potential to create adverse wind effects due to the Site's location and the buildings scale. This has the potential to diminish the pedestrian experience along Moray Place. However, it is recommended that the appropriate design responses to address these effects be addressed following a more detailed modelling assessment (undertaken as a condition of consent). The proposal has been designed with the aim of mitigating any adverse effects that may be created through the extra height of the building, including a recommendation within the DCM report that any visual dominance effects of the Development can be suitably addressed through avoiding the use of fully reflective or heavily tinted glass to allow partial views into the building; to avoid the building appearing as a single heavy mass with no detailing. Mr Falconer's evidence sets out that the mitigation response offered in the DCM report is not effective in responding to the abrupt visual transition of the built environment when viewed from the north and west of the Site. As a consequence, it is considered that the Development has the potential to generate more than minor adverse effects on the visual amenity values of those residents and properties located to the west of the Site (located on the upper terraces along York Place, Cargill Street and London Street) and when viewed along Filleul Street to the north. These effects are not able to be appropriately mitigated. The Development is also considered to result in more than minor adverse effects on the high visual amenity and townscape values of the TH02 Octagon townscape precinct. This includes the reduction of the admission of sunlight into the Octagon, and impacts upon important vistas of existing heritage buildings such as St Paul's Cathedral and Municipal Chambers, which are both recognised as being important within the Operative Plan. The scale of the development and the inability to mitigate these effects through the design response proposed within the DCM report

Central Activity		
Provision	Objective / Policy	Consistent or contrary with planning provisions
		means that the amenity values of the CAZ will not be maintained. The Development is therefore not considered to enhance amenity values of this inner-city area, and will also result in 'out of zone' effects due to the scale of the development and the Site being located on the outer periphery of the CAZ. For the reasons discussed above, the proposal is considered to be inconsistent contrary with this objective and policy.
Objective 9.2.5	Ensure that the Central Activity and Local Activity Zones continue to develop as 'people places'.	The explanation to Objective 9.2.5 states "[p]eople bring vitality and vibrancy to activity areas and it is important to enhance and sustain a people-friendly environment. The Central Activity and Local Activity Zones benefit when people take part in all the different activities which are located there." The development of a new commercial residential hotel development and associated residential complex will help ensure the receiving environment comprising Moray Place, Filleul Street, and George Streets will continue to be a 'people place'. However, given the scale of the Development has the potential to undermine the amenity and use of the Octagon during winter months, in my opinion, the proposal is considered inconsistent with this objective.
Objective 9.2.6	Avoid conflict between pedestrian and vehicle use in the Activity Zones.	Based on the conclusions reached in the memorandum provided by Mr Fisher, the Development is consistent with this objective and policy.
Policy 9.3.5	Avoid vehicle crossings providing access to and egress from sites along 'Identified Pedestrian Frontages'.	Pedestrians can access the Development and car parking area. The access / egress layout will seek to ensure that the effects of vehicle movements on patrons will be minimal.

Townscape		
Provision	Objective/Policy	Consistent or contrary with planning provisions
Objective 13.2.5	Ensure that the character of significant townscape and heritage precincts is maintained or enhanced.	The supporting explanation to Objective 13.2.5 states "<i>many areas within the City are valuable because of the concentration of heritage buildings within them, or because they exhibit a coherent townscape character. The Inner-City Area contains a number of precincts.</i> <i>Any redevelopment or changes to buildings within these precincts will need to be compatible with the values of the precinct. If not, precinct values will be lost.</i> <i>These precincts are important not only in isolation but also in the role they play in contributing to the character of the City."</i> The explanation to supporting Policy 13.3.4 states

Townscape		
Provision	Objective/Policy	Consistent or contrary with planning provisions
Policy 13.3.4	Protect and enhance the heritage and townscape values of the following precincts: (i) North Dunedin Residential (ii) The Octagon (iii) North Princes Street/Moray Place/Exchange Townscape (iv) South Princes Street (v) Crawford Street (vi) South Dunedin (vii) St Clair Esplanade (viii) Campus (ix) Royal Terrace/Pitt Street/Heriot Row (x) George Street (xi) Lower Stuart Street (xii) Anzac Square/Railway Station (xiii) Queens Gardens (xiv) Vogel Street (xv) High Street (xvi) Port Chalmers (xvii) Willowbank.	<i>"precincts are areas within which the combination of the buildings and the spaces defined by them has resulted in a character or appearance which allows the area to be recognised as an entity. In some cases, precincts also have qualities which suggest visual unity between various parts. The identified precincts are of special value to Dunedin as they influence the character of the City. In that context their sustainable management is an integral part of the social, economic and cultural wellbeing of the City for present and future generations. The identification of these precincts on the District Plan Maps, with associated rules, is the way to ensure that the heritage and townscape values already present in these areas are recognised, enhanced and protected. Precincts (i) to (vii) have been identified on the basis of their dominant townscape values. Precincts (viii) to (xvii) contain significant heritage values."</i> The Proposal raises consideration of townscape issues within two adjoining townscape precincts, including THO3 Moray Place townscape precinct within which the Development is located and the adjoining THO2 Octagon townscape precinct. The scale of the Development means that the building is seen in the context of both townscape precincts and as has been set out in this report, has the potential to adversely impact upon the THO2 Octagon townscape precinct against which this development will be viewed from the Octagon. While the Development's design is not considered to adversely impact upon the townscape values of the THO3 Moray Place townscape precinct, the scale of the Development is considered to adversely impact upon the townscape values of the THO2 Octagon townscape precinct, given that the building will clearly be visible from within this adjoining townscape precinct. The Development is also considered to result in more than minor adverse effects on the high visual amenity and townscape values of the THO2 Octagon townscape precinct. This includes reducing the admission of sunlight into the Octagon, and impacting upon important vistas of existing heritage buildings such as St Paul's Cathedral and Municipal Chambers, recognised as being important within the Operative Plan. The scale of the development and the inability to mitigate these effects through the design response suggested within the DCM report means that the amenity values of the CAZ will not be maintained, nor will the development enhance these values. Based on the evidence before me, in my opinion, the Proposal is inconsistent contrary with this objective and supporting policy.
Objective 13.2.6	Ensure development that (including alterations and	The explanation to Objective 13.2.6 states <i>"development must be compatible with the existing townscape character in order that the visual integrity of the central City precincts is retained."</i>

Townscape		
Provision	Objective/Policy	Consistent or contrary with planning provisions
	additions to buildings) does not adversely affect the character and amenity of the central City precincts.	<i>Amenity values and character should also be maintained and enhanced."</i> The explanation to Policy 13.3.5 states "<i>Within identified precincts, changes and development could adversely impact upon the values of these precincts. Specific controls are therefore necessary in the identified precincts to protect their established character from being compromised by building removal and development."</i>
Policy 13.3.5	Require within identified precincts that any development, including alterations and additions to buildings and changes to the external appearance of buildings, maintain and enhance the townscape, heritage character and values of that precinct.	The explanation to Policy 13.3.7 states "[t]he adverse effects of poorly designed and located signs can be significant in relation to the values of townscape and heritage values of buildings and precincts. This policy seeks to ensure that signs are designed and located in a manner that is sympathetic to the townscape character of these buildings and precincts."
Policy 13.3.7	Exclude signs which adversely impact upon the townscape or heritage values of buildings or precincts.	Given the scale of the Development, there is the potential for the building to adversely impact upon the visual integrity of the TH02 Octagon townscape precinct, through a building that will result in the loss of pre-eminence of existing heritage buildings located within this precinct, including the St Paul's Cathedral and Municipal Chambers. Both buildings form an important component of the overall character of this precinct and the development has the potential to greatly diminish this through the scale of development proposed. Further, the Proposal will block sunlight penetration into the Octagon at a time of year when this urban space is already subject to shading effects from existing buildings. Mr Falconer raises concern that the circular roof feature could be used for signage, as there are no proposals shown for the naming of the hotel. He recommends that this area be specifically exempted for signage to mitigate further visual effects. I also note should the Panel recommend approval of this Development, then any restrictions should also apply to the facades of the building that are visible from the Octagon, as signage could further diminish the high visual character values of the TH02 townscape precinct. Subject to these outcomes, I do not consider that the Proposal would offend against policy 13.3.7. Given the above, the Proposal is inconsistent contrary to this objective and supporting policy <u>13.3.7.</u>