

Before an Independent Hearing Commissioner appointed by Dunedin City Council

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In the matter of      a notice of requirement by Dunedin City Council to designate the  
Mosgiel Community and Recreation Area

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**Evidence of Michael William Moore**

30 January 2019

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**anderson  
lloyd.**

## **Qualifications and experience**

- 1 My name is Michael William Moore. I hold the degrees of Bachelor of Science from the University of Canterbury, Master of Regional Resource Planning from the University of Otago and the post graduate Diploma of Landscape Architecture from Lincoln University. I am a registered member of the New Zealand Institute of Landscape Architects.
- 2 I have over thirty year's professional experience and am currently an independent consultant landscape architect based in Dunedin. Prior to this, I worked for the Dunedin and Palmerston North City Councils. My work experience includes the preparation of visual and landscape effects assessments, evidence for Council and Environment Court hearings, and site planning and design for development projects. I have also undertaken assessments and mapping to assist in the preparation of landscape protection provisions in District Plans and other statutory documents, including both the Operative and Proposed Dunedin City District Plans and the Proposed Clutha District Plan. These have amongst other things, involved recommendations on appropriate provisions to protect amenity values.
- 3 Whilst this is not an Environment Court hearing, I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. The evidence that I give is within my area of expertise except where I state that my evidence is given in reliance on another person's evidence. I have considered all material facts that are known to me that might alter or detract from the opinions that I express in this evidence.

## **Background**

- 4 In June 2018, I was asked by Dunedin City Council Parks and Recreation Department to prepare a Landscape and Visual Effects Assessment Report on the proposed Mosgiel Community and Recreational Area Designation. This report, dated 20 June 2018, forms part of the application documentation. It describes the character of the site and surrounding area, assesses the landscape and visual amenity values, recommends conditions to protect landscape and visual amenity values, and assesses landscape and visual amenity effects, and the effects of the proposed designation against the landscape relevant statutory planning provisions. I will not repeat this material in detail in this evidence, but highlight the key matters below. The site plan and photographs that accompanied my report is also appended to this evidence.
- 5 My evidence is structured as follows:
  - (a) Summary of key findings of my report;

- (b) The landscape and visual amenity related conditions;
- (c) Comments on the submissions; and
- (d) Conclusion.

### **Summary of key findings of my report**

- 6 The proposed designation covers Memorial and Peter Johnstone Parks. The key landscape and visual amenity related values associated with the parkland are:
  - (a) Strong open space linkages (both visual and physical) throughout the parkland and with the streets surrounding and the Silver Stream;
  - (b) Strong contrast of the parkland with surrounding urban areas in terms of larger scale and the dominance of natural elements; and
  - (c) The amenity values associated with the gardens and trees in Memorial Gardens.
- 7 The proposed designation is for community and recreation purposes and will provide for the continuation of the existing activities on the parks and for further development of community and recreational facilities, including the proposed Mosgiel Aquatic Centre. The aspects that could potentially give rise to effects on landscape and visual amenity are the provision for new or extended buildings, car parks, roadways and pathways, signage, changes to landscaping including tree removal, and lighting.
- 8 The specific details of developments authorized by the designation will be addressed by the preparation of an outline plan submitted to Council prior to construction. In order to appropriately protect or enhance landscape and visual amenity values, conditions have been recommended largely as outlined in the application, but amended after consideration of the Council Planner's report. These will be discussed in more detail later.
- 9 The designation provides for the continuation and further development of the activities and facilities that are already existing on the site presently and generally, the existing landscape character is unlikely to be significantly changed. Whilst this is the case at the overall scale, provision is made for an increase in the scale and presence of built form and associated parking areas, and changes to the layout and to the proportion of land under sports field, amenity garden, community or recreational facility buildings etc could ensue. Whilst the designation needs to retain flexibility for development, the proposed amenity conditions provide safeguards that the open space / parkland values will be protected. This aside, it is acknowledged that development could result in the reduction of openness or loss of trees in some areas. Equally however,

development of facilities has the potential to improve the landscape values e.g. through associated additional tree planting or the quality of building design.

- 10 In terms of the significance of changes to the landscape in this area, it is my assessment that in general, the values are mostly modest and that, considering the mitigation conditions proposed, any adverse effects on landscape character are likely to be of low significance or could be positive. The area of greatest landscape character sensitivity and value is the Memorial Park Gardens which has locally significant value derived from the presence and impact of mature trees and attractive gardens. Development which involved the loss of trees and garden space and scale would have adverse effects that could be at least moderate in this context.
- 11 As regards visual amenity effects, people likely to be most sensitive to change are passive recreational users and adjacent neighbours. For most neighbours the parks are experienced currently as open green space. Those next to Memorial Park Gardens also benefit from the amenity provided by the mature trees.
- 12 The designation provides for further development of buildings and car parks, and could involve the removal of trees. This entails the potential for adverse amenity effects. The proposed conditions however, will mitigate adverse effects to a standard considered generally consistent with amenity standards in residential zones. Potential building scale (both height and footprint) is greater than that permitted in Residential or Recreation Zones but the setbacks proposed are greater to recognize this. Conditions are also proposed to mitigate any adverse effects associated with car parking, signage and lighting.
- 13 In my assessment, the designation entails potential for adverse effects on neighbours but these are appropriately mitigated by the proposed conditions and considering the amenity standards anticipated for Residential zones, adverse effects will be no more than low.
- 14 Assessed against the provisions of the relevant statutory documents, it is my conclusion that landscape and visual amenity considerations will be appropriately addressed by the proposed designation and the associated conditions.

#### **The landscape and visual amenity related conditions**

- 15 Suggestions for amendments to the conditions have been made in the Council Planner's report and as a result, a revised set of conditions are now proposed by Ms Taylor. The proposed conditions that relate to landscape and visual amenity matters are outlined and discussed below.

## **1. Height**

- a. New buildings and structures and extensions to existing buildings and structures shall be a maximum height of 10m, excluding servicing equipment on a roof, provided the servicing equipment does not exceed the maximum height by more than 3m, except that:
- b. New lighting towers and goal posts shall be a maximum height of 30m.

### **Comment**

- 16 In my opinion, it is important to set a building height limit to protect amenity values. In combination with other conditions, this will limit the potential bulk of new buildings and their effect on the outlook from adjacent properties and roads. The 10m limit proposed is generally consistent with the height of the highest building that exists on the parkland presently i.e. the Memorial Park grandstand building (approx. 9.5m high) and is only slightly greater than the 9m maximum permitted height provided for in the Recreation Zone and surrounding Residential zones in the Operative and Proposed District Plans. Additionally, it is my assessment that the scale of the parkland is such that buildings of up to 10m high can be accommodated without significant effects on the existing landscape character. I support the proposed amendments to place a 3m limit above the maximum height as this provides further amenity protection.
- 17 It is my understanding that the proposed 30m maximum height for lighting towers provides for optimal current sports field lighting technology and for higher, but fewer lighting towers than exist in the area presently. Fewer, higher towers will result in less 'clutter' and enhanced amenity values generally and in my assessment the scale of the parkland is large enough to absorb structures of this height, particularly as lighting towers are typically slender and of low bulk. This combined with the building setback from boundaries provisions will protect the amenity of neighbours. Whilst included with lighting towers, it is unlikely that goalposts will reach the 30m high limit, and these are also slender and low bulk.

## **2. Building floor area (per building)**

- a. The maximum building footprint for any individual building (new or existing extended) shall be 3200m<sup>2</sup>.

### **Comment**

- 18 In my opinion, a maximum footprint area limit per building is an important amenity protection provision. The proposed 3200m<sup>2</sup> footprint area limit provides for the foreseeable needs for community and recreational facility development. It is my assessment that the scale of the parkland is such that buildings of up to approximately 3200m<sup>2</sup> (in combination with the proposed building height limit and

proposed design and appearance standards) can be accommodated without significant adverse effects on spaciousness and the existing landscape character.

**3. Combined building site coverage**

- a. The maximum building site coverage within the designation area shall be 5.5%.

**Comment**

- 19 In my opinion, a maximum combined building site coverage control is required to provide protection for the green open space values of the parkland. The existing building site coverage is approximately 3% and does not significantly adversely affect open / green space values. An additional 2.5% will provide for the foreseeable needs for community and recreational facility development but (in combination with other proposed amenity protection provisions) will not significantly adversely affect the existing spaciousness values and landscape values of the parkland in my assessment.

**4. Minimum building and structure setbacks from boundaries and height in relation to boundaries**

- a. The minimum building setbacks from designation boundaries shall be 4.5m.
- b. For all designation boundaries other than road boundaries, buildings and structures (excluding lighting towers, goal posts and fences) must not protrude through a plane rising at an angle of 45 degrees measured from ground level at the boundary.
- c. For all designation boundaries other than road boundaries, lighting towers and goal posts must not protrude through a plane rising at an angle of 75 degrees measured from ground level at the boundary. [note this results in an 8.4m setback for a 30m lighting tower].
- d. There are no boundary setback or height plane controls for fences.

**Comment**

- 20 It is my opinion that minimum building setbacks and height in relation to boundaries controls are important amenity protection measures. The setbacks proposed are consistent with or more stringent than, those notified in the Recreation zone and the Residential 1 zone in the 2GP.
- 21 It is my assessment that the 4.5m setback proposed from road boundaries will assist in protecting spaciousness values. The proposed 4.5m setback from other boundaries, in combination with the proposed height in relation to boundary

controls will also help mitigate any adverse effects on spaciousness and shading. In combination, these controls are more restrictive than those notified in the 2GP for the Recreation and Residential zones – to recognize that buildings provided for under the designation could be higher and larger than permitted buildings in these zones.

- 22 The more permissive height in relation to the boundary control proposed for lighting towers, recognizes that these structures are slender and of low bulk, and also that there are practical space constraints in relation to the sports fields. In my opinion, a setback is required however, to mitigate effects of visual dominance from an adjacent site and it is appropriate that this is related to the height of the structure.

## **5. Building design and appearance**

- a. The maximum length of any new or extended existing building shall be 65m, however any building façade greater than 20m in length shall have glazing or other architectural feature to break up the solid appearance of the building. For any portion of a building closer than 10m from the designation boundary other than a road boundary, the maximum length of that portion of the building (as measured parallel to the boundary) shall reduce by 5m for every 1m closer to that boundary.
- b. Painted finishes for new or extended existing buildings shall not exceed Light Reflectance Values (LRV) of 35%.
- c. Outline plans shall identify service and storage areas associated with new or extended buildings demonstrating effective screening to maintain amenity within the parks, on adjacent streets and for neighbours.

### **Comment**

- 23 The length of buildings is an important determinant of their apparent scale and degree of prominence. The combined length of the Memorial Park Grandstand / Squash Courts buildings is approximately 78m and I consider that this is unduly prominent. A 65m maximum is proposed to provide for the foreseeable needs for community and recreational facility development but (in combination with other controls) will provide a reasonable limit to the apparent scale of buildings. The amendments proposed by the Council Planner i.e. architectural features to break up facades greater than 20m and progressive reductions in maximum length with increasing proximity to the boundary, help to further protect amenity values and are supported.

- 24 In my assessment, light reflectance values are an important determinant of the visual prominence of buildings. Mid and darker tones as proposed are more recessive and contrast less with parkland elements such as trees and grass. The exception for lighting towers recognizes that these are mainly seen against the sky making lighter tones more appropriate.
- 25 Service and storage areas can contribute clutter and reduced amenity levels which can be effectively mitigated by screening.

## **6. Landscape treatment to car parking areas**

- a. New or extended car parking areas are to be set back a minimum of 1.5m from all designation boundaries and these areas are to be planted to mitigate adverse effects of the car parks on adjacent residential properties, including from light spill from vehicles.
- b. New or extended car parking areas are to have a minimum of 12% of the total area of the car park planted, including at least 1 tree, which is expected to grow to at least 3m high, per 120 m<sup>2</sup> of the total car park area.

## **Comment**

- 26 In my assessment, c parks can detract from amenity values through the visual impact of large areas of sealed surfaces and clutter associated with parked vehicles. Vegetation, in particular trees, helps to relieve and soften this effect. Planting areas and the plants themselves, need to be of appropriate scale and frequency to provide for the mitigating effect required.

## **7. New Signage**

- a. General
  - i. Signs visible from a public place must meet those of the following performance standards which are relevant, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m<sup>2</sup> are exempt from these standards.
  - ii. Signs must also comply with Rule 6.7.3 of the DCC Second Generation Plan where visible from a road.
- b. Performance standards that apply to all ancillary signs, except commercial sponsorship signs:
  - i. Ancillary signs must only display the name, and logo of the relevant land use activity or organisation (e.g. DCC), locational, directional or informative



information relevant to the area, or rules of the area or use of the area.

- ii. Ancillary signs that promote or advertise retail, restaurants, or conference, meeting and function ancillary to sport and recreation must not be visible from a public place outside the recreation area.
- c. Signs attached to buildings:
  - i. any signs displaying the club/s name on clubrooms must not exceed a maximum total area of 5m<sup>2</sup> per building face;
  - ii. the maximum number of permanent commercial sponsorship signs is one sign for the naming rights sponsor of the sport and recreation activity (club), with a maximum area of 3m<sup>2</sup>, except: for clubs that operate in an enclosed area that is only open to members, apart from during events, there is no maximum number of commercial sponsorship signs, provided those signs are not visible from outside of the enclosed area;
  - iii. other signs must not exceed a total maximum area of 1m<sup>2</sup> per building face;
  - iv. signs must remain entirely within the visual profile of the building or structure; and
  - v. signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.
- d. Freestanding signs
  - i. must not exceed a maximum total area of all display faces of 3m<sup>2</sup>; and each display face must not exceed 1.5m<sup>2</sup> in area;
  - ii. must not exceed a maximum height above ground level of 4m; and
  - iii. must be positioned within the designation boundaries and located so they do not obstruct any parking, loading or access areas.
- e. Portable freestanding signs:
  - i. Commercial sponsorship and other signs erected for matches, competitions, or events must not be displayed for more than one day before the

competition/event, and must be removed within one day of completion of the competition/event.

- ii. Any other portable signs must not exceed one sign per activity, and 0.9m in height and 0.6m in width.
- iii. Signs must be positioned within designation boundaries.

Comment

27 In my assessment, controls over signage are required to protect amenity values and I consider that those outlined in Section 20.6.10 of the 2GP (replicated above) are appropriate to this area.

#### 8. Tree protection

- a. Any trees that are removed through the development of community and recreational facilities are to be replaced and their replacement with suitable trees and their location shall be addressed in the outline plan.
- b. No new trees shall be planted within 1.5m of Council drains.

Comment

28 The trees within these areas contribute positively to the amenity of the parks themselves and the wider townscape. In my opinion, development of community and recreational facilities should not result in reduced tree cover and associated amenity in the long term.

#### 9. Lighting

- a. Light spill measured at any point of the vertical plane that marks the boundary of a residential zone or any site used for residential purposes must not exceed the following limits:

Time		Limit
a	7am – 10pm	10 Lux
b	10pm – 7am	3 Lux

- b. This standard does not apply to light spill from the headlights of motor vehicles.
- c. Light spill must not be emitted in the angles above the horizontal.
- d. All outdoor lighting, except street lighting, must be shielded from or directed away from adjacent roads and designation boundary.

Comment

- 29 In my assessment, controls over lighting and in particular light spill are required to protect amenity values and I consider that those outlined in Section 20.5.4 (and 9.3.5) of the 2GP (as above) are appropriate to this area.

**19. Aquatic Centre Location**

There shall be no aquatic centre or parking area for an aquatic centre located within the Memorial Garden as identified in Figure 1:

Comment

- 30 This is a newly proposed condition from the Applicant, included to provide assurance to those submitters concerned about potential effects of future development of an Aquatic Centre on Memorial Garden. In my assessment, this condition will recognise and protect the significant amenity that Memorial Garden provides. This will ensure that current amenity remains, so I support this condition.

**Comments on the submissions**

- 31 Submitters in opposition to the proposed designation have expressed the following key concerns relating to landscape and visual amenity effects:
- (a) Memorial Garden may be adversely impacted by building development. (B Sim, P Sim, J Sim, M Sim, R Sim, Hands off Memorial Gardens);
  - (b) Loss of green open space generally (B Sim, P Sim, J Sim, L Ratcliffe, M Sim, R Sim, Hands off Memorial Gardens); and
  - (c) Adverse amenity effects on neighbouring properties associated with development of buildings, car parking areas, lighting etc (B Sim, P Sim, J Sim, S Paul, Jenco Properties Ltd).

*Effects on Memorial Garden*

- 32 Proposed condition 19 has been included to recognise and protect the significant amenity values associated with the gardens and trees in this area and to provide some assurance to those submitters concerned about potential effects on the garden. In my assessment this is an appropriate condition as the garden is a facility that along with the service centre, library and playground, forms a core part of the central Mosgiel community facilities hub, and should be appropriately recognised as such in the designation.

### *Loss of green space*

- 33 The designation provides for the further development of recreation and community facilities, which could include buildings, car parks, roadways and pathways, signage and could involve tree removal. This will potentially result in some loss of green open space. Parameters however have been set by the proposed conditions to limit the reduction of green / unbuilt space and to ensure that parkland character and amenity remain strong. In particular the maximum combined building site coverage control will be effective in this regard. The designation does not control building siting and its effects on open space linkages but this matter can be dealt with through the outline plan process.

### *Adverse amenity effects on neighbours*

- 34 For most neighbours the parks are experienced currently as open green space and the parkland affords significant amenity benefits including qualities of spaciousness and openness. Those neighbours next to Memorial Park Gardens also benefit from the amenity provided by the mature trees.
- 35 Amenity is protected in the District Plans by zone rules and standards. As discussed in the Council Planner's report, those of most relevance in this case are the Recreation Zone provisions in the 2GP as it appears that there are no appeals against the zoning of the designation site as Recreation, and just one relating to the Recreation Zone rules (Rule 20.6.1 – fence height and design), meaning that most of the Recreation Zone rules may be effectively operative.
- 36 The main effect of the designation will be to authorise the development of larger scale buildings and car parking areas than provided for under the Recreation Zone provisions and this entails the potential for adverse amenity effects. In my assessment however, the proposed conditions will mitigate adverse effects to an acceptable standard.
- 37 In relation to buildings, the following comparisons between the Recreation Zone and the proposed designation provisions are relevant to amenity considerations.

	Recreation zone standards	Proposed designation standards
Maximum building height	9m – (6.5m from boundary due to recession plane)	10m – (10m from boundary due to recession plane)
Maximum building length	20m	65m
Minimum building setback	2m – (max 4.5m building height due to recession plane)	4.5m – (max 4.5m building height due to recession plane)

- 38 Essentially, the larger scale buildings provided for in the designation will be mitigated by more generous setbacks, along with controls on colour and screening for service areas. Whether additional amenity mitigation measures such as screening or softening planting are appropriate can be considered through the outline plan process.
- 39 In relation to car parks, new car parks or additions to existing parking areas that result in up to 50 or more new parking spaces are already provided for as a permitted activity in the Recreation Zone. All parking areas have to have screening 1.4m high along the boundaries of residential zone sites in the form of fencing or dense planting. In comparison, the designation provides for a setback of 1.5m from boundaries as well as planting to mitigate adverse visual effects including from light spill. Additionally, trees have to be provided to provide general softening.
- 40 Conditions are also proposed to mitigate any adverse effects associated with signage, lighting and tree removal associated with development of community and recreation facilities. The signage and lighting conditions replicate the provisions of the Recreation Zone. The tree protection condition has no parallel in the Recreation Zone rules and provides additional mitigation.
- 41 In my assessment, whilst the designation entails potential for adverse effects on neighbours, these are appropriately mitigated by the proposed conditions and considering the amenity standards anticipated for the Recreation Zone, adverse effects will be no more than low.

## **Conclusion**

- 42 Dunedin City Council proposes to designate Memorial and Peter Johnstone Parks for community and recreation purposes. These parks are already developed for community and recreation purposes and are in an environment that is highly modified by urban development. Whilst natural landscape character values are low, the parks have amenity values associated with large areas of open green space and the relief and contrast from the urban environment that this provides.
- 43 The designation will provide for the operation, maintenance, upgrading and expansion of community and recreation facilities. The development of new or expanded facilities, involving buildings and car parks in particular, has the potential to give rise to adverse landscape and visual amenity effects. In recognition of this, a suite of conditions are proposed, dealing with building scale, site coverage, setbacks, and design and appearance. Conditions are also proposed addressing the effects of car parks, signage, and lighting, as well as tree protection and the protection of Memorial Garden.

- 44 In terms of landscape effects, the existing values of the parks are modest, and the areas are already developed for community and recreational activities. Further development of the area for these purposes will not fundamentally change its character and the proposed conditions will limit and mitigate the effects of further built development on the green open space values. Overall, any adverse landscape effects are assessed as being of low significance. Development involving sensitive (building and landscape) design and could also have positive effects.
- 45 As regards visual amenity effects, people likely to be most sensitive to change are passive recreational users and adjacent neighbours. I conclude that the mitigation conditions proposed will appropriately protect amenity values, with any adverse effects being of low significance.
- 46 Assessed against the provisions of the relevant statutory documents, it is my conclusion that landscape and visual amenity considerations will be appropriately addressed by the proposed designation and the associated conditions in Ms Taylor's evidence.

**Michael William Moore**

30 January 2019





**Figure 1 : Location and Site Plan, Memorial and Peter Johnstone Parks, Mosgiel**





Figure 2 : Peter Johnstone Park looking south-westward



Figure 3 : Peter Johnstone Park looking eastward



Figure 4 : Peter Johnstone Park and playground looking northward from Murray Street





Figure 5 : Peter Johnstone Park carpark looking southward



Figure 6 : Memorial Park looking south-westward



Figure 7 : Memorial Park looking eastward





Figure 8 : Mosgiel Pool



Figure 9 : Memorial Park Gardens looking southward





Figure 10 : Memorial Park Gardens looking westward



Figure 11 : Mosgiel Service Centre and Memorial Park Playground from Hartstonge Avenue