

# Dee Street Hotel

Application for Resource Consent to Demolish a Class II  
Heritage Building and Construct and Operate a Hotel  
Prepared for the Invercargill Licensing Trust

6 August 2018



## Document Quality Assurance

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# 1.0 Introduction

The Invercargill Licensing Trust (the Trust) is a community owned organisation that operates 24 hospitality businesses in Invercargill, including hotels, motels, restaurants, bars, and retail liquor outlets. The Trust's mandate is to provide quality accommodation, food, beverage, and entertainment facilities for the residents of, and visitors to, Invercargill. Ongoing benefits to the people of Invercargill are delivered through returning a share of its profits to support and fund cultural, sporting, education, and community groups, events, and facilities in the community.

The Trust has been a significant donor in supporting heritage restoration projects in the inner city, with over \$5m spent on projects such as the Civic Theatre, St Mary Basilica, St Johns Anglican Parish Church, First Presbyterian Church, St Patricks Parish, and Sacred Heart Catholic Parish.

The Southland Regional Development Strategy, and related action plan completed in 2015, identified the rejuvenation of Invercargill as an opportunity to support the goals of the strategy to grow Southland's population. The action plan identified five transformational projects which if developed will provide the focus and confidence in the Invercargill inner city for other businesses to thrive. These were:

- An art gallery housing all local collections in public hands, the I-site, and DOC information centre.
- Motorcycle mecca, a private motorcycle museum.
- The Cambridge retail precinct, containing boutique retail, located between Tay and Esk Streets.
- An upgraded museum.
- A new hotel to service higher end tourism and national events hosted in the City, to be delivered by the Trust.

Throughout 2017, the Trust undertook extensive planning to determine the feasibility of a new hotel, and flow on benefits to the community. This work led to the confirmation of a site on the corner of Don and Dee Streets for the location of a hotel, on land owned by the Trust.

The Trust is seeking resource consent from the Invercargill City Council for the construction and operation of the new hotel on this site. In summary, the proposal involves the following:

- Demolition of all the existing buildings on the site, including the existing building 73 – 81 Dee Street which is a Class II heritage building in the Invercargill District Plan.
- Construction and operation of an 8 level, four and half star hotel incorporating 80 guest suites, a restaurant, café, bars, function rooms, car parking, and other guest facilities. The proposed hotel has been designed by Warren and Mahoney architects.

The proposed design has been developed to complement and enhance the urban environment of the Invercargill inner city, including engaging with the street and the corner in a positive way and being inviting to visitors and residents of the city. The tower at the corner of Don and Dee Street will provide a new contemporary landmark in the cityscape, and reinforce the importance of the corner site. The building takes cues from the historical built fabric, while at the same time creating a vision for Invercargill which is forward looking and iconic.

Consideration has been given to alternative development options which involved either retention of the existing heritage building in its entirety, or retention of the façade and incorporation of a new building behind. Assessment of these options has determined that while they are technically feasible, they would result in a form of development that is financially unviable, or a design which is suboptimal in meeting the functional needs of a modern hotel.

Resource consent is required under the Proposed Invercargill District Plan for the following:

- Demolition of the heritage building and relocation of heritage features within the street.
- The form and design of the new building, including its height, setback from the street, veranda and ground floor window provision, and vehicle access.
- Earthworks.
- Construction noise.
- Storage and use of hazardous substances.

Resource consent is also required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). Overall the activity, is a **discretionary activity** for the purposes of the Resource Management Act 1991.

This Assessment of Environmental Effects (AEE) assesses the actual and potential environmental effects of the proposal, and assesses its consistency with the relevant statutory planning documents.

## 2.0 Applicant and Property Details

A completed application form is attached as **Appendix 1**. The details of the applicant and subject site are as follows:

Applicant	Invercargill Licensing Trust
Address for Applicant and all Fees	P O Box 208 Invercargill 9840 Attn: Chris Ramsay Phone: 03 211 3640
Address for Service	Greenwood Roche PO Box 110 Christchurch 8140 Attn: Lauren Semple Phone: 021 771 340 Email: Lauren@greenwoodroche.com
Physical Location and Area:	Corner of Don and Dee Streets, Invercargill Total site area 1371m <sup>2</sup>
Legal Description:	Lot 1 and 2 Deposited Plan 383622, Lot 2 DP8108, and Part Section 1 Block X Town of Invercargill (refer Computer Freehold Registers, <b>Appendix 2</b> )
Site Area:	3029m <sup>2</sup>

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Proposed District Plan Zoning:	Business 1 Zone
Proposed District Plan Overlays:	Entertainment Precinct Priority Redevelopment Precinct Pedestrian Friendly Precinct Centre City Heritage Precinct

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### 3.0 Site Description

#### 3.1 Application Site and Surroundings

The site is located on the south-eastern corner of Don and Dee Streets, and incorporates several existing buildings (refer **Figure 1** below). The site has a total area of 3029m<sup>2</sup>.



Figure 1: Location of Site (source – Google Earth)

The existing buildings/premises located on the site include:

- 73-81 Dee Street, comprising a three storey corner building (and basement level) which is currently vacant. The building is listed as a Class II heritage building in the Proposed Invercargill District Plan. The heritage values associated with this building are further described in **section 3.2**.
- 57, 61, and 67 Dee Street, comprising a two storey building, which contains Barluca, a restaurant and bar owned by the Trust on part of the ground level. The remainder of the building is vacant.
- 5 and 7 Don Street, comprising a two storey building, which contains The Kiln, a restaurant and bar owned by the Trust, and a pop up art gallery operated by the Southland Museum and Art Gallery.
- 11 Don Street, comprising a two storey building also containing the pop up art gallery operated by the Southland Museum and Art Gallery at ground level. The remainder of the building is vacant.

The surrounding area is characterised by commercial activities, including retail and hospitality activities. Residential apartments are located on the upper floors of the Alexandra Building on the northern side of Don Street, and 55 Dee Street to the immediate south of the application site. A car park is located on the land to the immediate east of the application site on Don Street.

The road environment fronting the site comprises Dee Street (SH6) which is formed with two lanes in each direction separated by a central median. Don Street is a one way west bound street which meets Dee Street at a signal controlled intersection.

The annual average daily traffic volumes on SH6 reported by NZTA was 15,073 in 2017. Traffic volumes from 2008 – 2011 have grown at less than 0.5% per annum. Traffic volumes rise rapidly from 6.00am to 8.00am and then more slowly during the day to a peak of about 1,500 vehicle movements per hour (vph) in the late afternoon. This differs from the weekend which has a late morning peak with volumes gradually falling through the rest of the day.

There are 12 angle car parks on the east side of Dee Street between Don Street and Esk Street and 44 on Don Street between SH6 and Kelvin Street. There are two public parking spaces on the Don Street frontage of the site and nine parking spaces on the Dee Street frontage. Parking demands have been recorded as high along Dee Street, but moderate along Don Street.

## 3.2 Heritage Values

The existing three storey building at 73 – 81 Dee Street was designed by renowned architect Frederick W Burwell, as the corner end to a block of matching symmetrical buildings, known as Langland's Block which were built on the east side of Dee Street between Esk and Don Streets during the 1870's and 1880's (refer **Figure 2** below).

Three original facades which made up part of Langland's block remain today, including the building at 73 – 81 Dee Street (refer **Figure 3** below). The building is listed as a Class II heritage building in the Proposed Invercargill District Plan, however is not listed in the Heritage NZ list. Veranda support posts and kerb cobblestones that exist along the site frontage are also listed as historic street furniture in the Proposed District Plan.



*Figure 2: 73 – 81 Dee Street as part of Langland’s Block (source – Southland Museum and Art Gallery)*



*Figure 3: 73 – 81 Dee Street, Current (source – Warren and Mahoney)*

The Trust engaged Heritage Properties Ltd to undertake an assessment of the heritage values of the building. Their initial report prepared in June 2017 which assesses the existing heritage values is contained in **Appendix 5**.

The building was constructed in 1884 – 1885, and may have been one of the latter or last building to be constructed in the Langland’s block. Over its life the building has had a number of owners and tenants, including Stewart Chemists, and Australian T&G Mutual Life Assurance Society Ltd. Major and minor renovations have been carried out including following a fire in January 1931. Changes to the original building have included the addition of a veranda, removal and replacement of the parapet, and various other external and internal changes.

The main exterior feature of the building is its façade which the Heritage Properties assessment considers is a good example of a commercial Victorian Romanesque, Italianate or Renaissance revival style with characteristic store fronts, detailed upper storey windows with decorated round arches, separated by columns. The decorative ornate pediment or cornice that previously existed has however been removed and replaced with a low parapet, giving the façade an unbalanced appearance and lacking appropriate proportions.

Within the building there have been many modifications to accommodate changing retail, office, and storage spaces. The existing lifts and fireplaces have been boarded, and many of the internal walls have been removed or added over time, and doors and windows changed or boarded. There is a mix of original and later features and materials present.

Heritage Properties have assessed the building and site as having **moderate-high** local heritage values due to archaeological, architectural, historical and contextual values associated primarily with its connections to its original architect Burwell, its context within Langland's block and prominent Invercargill heritage streetscapes, and its associations with the development of Invercargill. As a building designed and exhibited by Burwell it also been assessed as having moderate-high national and international architectural values.

Although the façade has been modified at ground and parapet level, it has been assessed as having strong heritage values and is recognised as a key characteristic of Invercargill's heritage. While the façade contributes to the overall heritage value of the buildings itself and was the reason the building was identified on the ICC Heritage Record, its heritage significance is also due to the architectural, historical and contextual values of the building as a whole which has potential for understanding the architectural, scientific and technological values further.

A number of the other existing buildings in the surrounding area are heritage buildings listed in the Proposed Invercargill District Plan and/or Heritage NZ list. These include the three storied brick Alexander Building on the opposite corner of Dee and Don Street, and another remnant façade of the Langland's block at 55 Dee Street, adjoining the site to the south.

The application site has been recorded as an archaeological site by the New Zealand Archaeological Association (NZAA), with the site number E46/63. The other properties within the application site are also associated with pre-1900 human activity, and therefore are deemed archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014.

## 4.0 Description of the Proposal

### 4.1 Development Overview

The Trust proposes to demolish all the existing buildings on the site, and construct and operate a new 8 level hotel incorporating 80 hotel suites, a restaurant, café and bars, function spaces, car parking, and other guest facilities. The new hotel has been designed by Warren and Mahoney architects, and plans of the new building are contained in **Appendix 3**.

The new development comprises a number of connected built components. At the corner of Dee and Don Streets, an 8 storey tower will rise above the corner, providing a reception, lobby, and bar at the ground floor. Hotel suites will occupy levels 2 – 6, with a function room and associated exterior terrace located at level 7 providing expansive views across the City.

Adjacent to the tower, two 5 storey blocks will extend along the frontage with Don Street separated at the midpoint by a central laneway which extends some 15 metres into the site. A café, restaurant, and second boutique bar will be located at ground level with associated outdoor dining located fronting Don Street and within the laneway. Kitchen facilities, storage areas, loading dock and external plant areas will be located to the rear. A conference room and private dining area will be located on level 2, with hotel suites on levels 3 and 4.

A Porte Cochere will be located on the Dee Street facilitating covered guest arrival and departure. An electricity substation located adjacent to the southern boundary on Dee Street has been integrated into the Porte Cochere structure. The Porte Cochere will accommodate two car parks and sufficient space for three other vehicles for guest pick up and drop off. The Porte Cochere will connect to an at grade car park to the rear of the development, providing 34 car parks, including two mobility spaces, and cycle parking. A coach park is proposed to be located on Dee Street adjacent to the Porte Cochere.

Access to the loading dock will be from a separate access along the eastern boundary of the site from Dee Street. On site manoeuvring is provided which enables goods vehicles to manoeuvre and exit the site in a forward direction.

Hard and soft landscaping is proposed in the exterior spaces around the building, and within the streetscape fronting the site. This includes incorporation of bluestone, concrete, and aggregate paving, street trees, and other planting contained within kerb extensions, raingardens, and mobile planter boxes. Historic kerbstones and cobblestones on Dee Street will be incorporated into the streetscape design. Timber seating will be included on the Dee Street frontage adjacent to the coach park.

Demolition and construction activities will be managed to ensure any environmental effects on surrounding properties and the environment are avoided or mitigated. Management methods will be detailed in a Demolition Management Plan, and Construction Management Plan to be prepared by the selected contractors, and certified by the Council, prior to any work commencing. These will include management measures for site safety, traffic management, noise and vibration management, erosion and sediment control, and the management of any soil contamination.

The design provides the ability for an additional 40 rooms to be added in the future through expansion in the area where the Porte Cochere is located. Resource consent is not being sought for this expansion as part of this current application.

## 4.2 Design Rationale

The Trust's vision for the development was to provide a contemporary hotel which will be both attractive and inspiring, improve the overall architectural quality of the cityscape, and create a new landmark, revitalising the urban culture of the city, and enhancing the strong sense of pride for both the city and the wider region. Warren and Mahoney have produced a design which responds to this vision and is designed to provide an iconic landmark building which will complement and enhance the existing urban environment, and meets best practice urban design principles. The drivers for the design, and the design features of the development are set out in the design statement from Warren and Mahoney contained in **Appendix 4**.

The scale and mass of the building has been broken down into three forms. The taller 8-storey structure at the corner of Don and Dee Street is intended to provide a new contemporary landmark in the cityscape, and provide a strong counterpoint to the 10-storey State Insurance Building further along the block. The change in scale with the larger mass on the corner will provide an anchor to the end of the street which reinforces the importance of the corner site.

The façade of the building has been broken into several layers, including a transparent base, a solid masonry central section, and a highly transparent glazed and lighter clad upper portion. The datum line running through the scheme makes reference to the historical parapet line of the original building, and human scale traditional urban form. Above this line, the transparent upper portion will become an ionic form in the city. The facades incorporate a high degree of articulation, through use of depth, repeating window patterns, a mix of materials, screening, and an angled roofline to create a strong silhouette on the skyline.

The building has been designed to be inviting to the community and activate the street edge. The transparent ground floor foyer space is designed to double as a community event space, and the café, restaurant, and bar along Don Street are located and designed to invite the public in and bring vibrancy and life to the city. The laneway and covered portico adjacent to the café, restaurant, and bar will provide a sheltered intermediate space between inside and out, and street furniture and landscape planting will enhance the human experience.

High quality materials are proposed to be used which correspond with the form of the building, with a mix of glazing and pre-cast concrete at ground level, and re-used brick from the existing heritage building within the laneway. The brick will be separated to create a lantern effect with light permeating through it to create character. The lower middle portion of the building will be clad in terracotta tiles to match the masonry tradition of Invercargill and reinforce the parapet line of the existing building. The upper portion of the building will include large areas of glazing and high quality fibre cement panels to give it a lighter appearance that will 'hover' over the city.

## 5.0 Reasons for the Application

### 5.1 Proposed Invercargill District Plan

The proposed development is subject to the provisions of the Proposed Invercargill District Plan. All relevant rules of the Proposed District Plan are beyond challenge, and therefore to be treated as operative under section 87F of the Resource Management Act 1991.

The site is zoned Business 1 under the Proposed District Plan. The stated purpose of the zone is to seek to maintain and reinforce the viability and vibrancy of the Invercargill city centre by enabling a wide range of activities, by encouraging and maintaining a high level of amenity, and by encouraging good urban design.

In addition, the site is located within the following Proposed District Plan precincts:

- Priority Redevelopment Precinct.
- City Centre Heritage Precinct.
- Entertainment Precinct.
- Pedestrian Friendly Frontages Precinct.

The development requires resource consent under the following rules of the Proposed District Plan:

- Rule 3.4.2 where the demolition of buildings (other than heritage buildings) with an area of 120m<sup>2</sup> or greater is a controlled activity. Buildings located at 57 – 67 Dee Street and 11 Don Street will be demolished.

- Rule 3.8.6 where the relocation or demolition of any heritage building listed in Appendix II: 3 Sites of Local Significance is a discretionary activity. The building at 73 – 81 Dee Street which is to be demolished is listed in Appendix II: 3.
- Rule 3.8.7 where the alteration, addition, removal and/or demolition of, and/or the attaching of any signage to, any item listed in Appendix II: 4 Street Furniture is a discretionary activity. The veranda posts and kerbstones along the Dee Street site frontage which will be relocated are listed in Appendix II: 4.
- Rule 3.23.4 where the ground floor façade of all buildings in the within the Pedestrian Friendly Frontages Precinct is required to have at least 40% devoted to display windows. The Dee Street frontage will not have at least 40% devoted display windows and is therefore a discretionary activity under Rule 3.23.6.
- Rule 3.23.5 where any building in the Pedestrian Friendly Frontages Precinct is to be set back from the street boundary by no more than 3 metres. Part of the outdoor dining area and laneway fronting Don Street are setback more than 3 metres from the site frontage, as are elements of the Porte Cochere on Dee Street and are therefore a discretionary activity under Rule 3.23.6.
- Rule 3.23.8 where all buildings within the Pedestrian Friendly Frontages Precinct are to be provided with verandas across the public footpath for the full width of the site frontages. The veranda along the Don Street frontage extends only across the frontage of the tower, and is therefore a restricted discretionary activity under Rule 3.23.10.
- Rule 3.23.9 where any veranda across a public footpath is to have a maximum height of 3.5 metres above the footpath. The proposed verandas will in part be 3.8 metres above the footpath, and is therefore a restricted discretionary activity under Rule 3.23.10.
- Rule 3.23.11 where the height of building is to be no more than 10 metres. The proposed building will exceed 10 metres, and is therefore a restricted discretionary activity under Rule 3.23.12.
- Rule 3.23.14 where all buildings within the Pedestrian Friendly Frontages Precinct are to be two storeys high along the street frontage. The proposed building will exceed two storeys, and is therefore a discretionary activity under Rule 3.23.17.
- Rule 3.23.15 where the height of the two storeys is to be sufficient to match the first two storeys of the buildings on either side where the buildings are directly adjoining each other. The building will not match the height of the existing adjoining building at 55 Dee Street, and is therefore a discretionary activity under Rule 3.23.17.
- Rule 3.23.19 where the new buildings within the Priority Redevelopment Precinct which are on the corner of two roads are to be three storeys over at least 50% of the footprint of the building. The building will exceed three storeys at the corner, and is therefore a discretionary activity under Rule 3.23.20.
- Rule 3.7.1 where the storage and use of hazardous substances which exceed the qualities in Appendix VII is a discretionary activity. The storage of LPG on site will exceed the 300kg, and is therefore a discretionary activity under rule 3.7.2.
- Rule 3.13.4 where construction noise is to comply with noise limits of 70dB LA<sub>eq</sub> and 85dB LA<sub>max</sub> between the hours of 0730 – 1800, and 45dB L<sub>eq</sub> and 75dB LA<sub>max</sub> at all other times. Construction noise will at times exceed these limits, and therefore is a discretionary activity under Rule 3.13.18.

- Rule 3.17.2 where earthworks are limited to 50m<sup>3</sup> per 1000m<sup>2</sup>. On the basis of a site area of 3029m<sup>2</sup>, up to 150m<sup>3</sup> of earthworks are permitted. Earthworks are likely to exceed this volume, and therefore is a discretionary activity under rule 3.17.7.
- Rule 3.20.11 where any new vehicle access from, and egress to, a State Highway for any discretionary activity where the speed limit exceeds 50kph is a discretionary activity.

Given the above, the activity is a **Discretionary Activity** under the Proposed District Plan.

## 5.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations (NESCS) applies to the disturbance of soil, removal of underground fuel storage systems, or the change in use of a piece of land where an activity described in the Hazardous Substances and Industries List (HAIL) has been undertaken on it. This is except where a Detailed Site Investigation demonstrates that any contaminants are at or below background conditions.

Envira Consulting Ltd has undertaken a Preliminary Site Investigation to determine whether the site has been subject to an activity described in the HAIL list, and assess the risk to human health, given the land use history. Their assessment is contained in **Appendix 16**.

The investigations have identified that the site has been subject to the following activities described on the HAIL list:

- **A10. Persistent pesticide bulk storage or use** - use of pentachlorophenol (PCP) at 73 – 81 Dee Street.
- **A13. Bulk storage of petroleum or petrochemicals above or below ground** – underground bulk storage of diesel at 11 Don Street, and above ground storage of diesel at 57 – 67 Dee Street.
- **A17. Storage tanks or drums for fuel, chemicals or liquid waste** – chemical storage at 57 – 67 Dee Street, and 73 – 81 Dee Street.
- **E1. Sites with buildings containing asbestos products known to be in a deteriorated condition** – use of asbestos containing roofing materials at 73 – 81 Dee Street.
- **I. Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment** – use of lead containing materials at 73-81 Dee Street.

Accordingly, the provisions of the NESCS apply to any proposed soil disturbance, removal of fuel storage tanks, or change of use on the site. No Detailed Site Investigation report has been completed to determine the extent of any soil contamination due to the location of the existing structures on the site which prevent soil sampling as part of a detailed investigation being completed. Given that no Detailed Site Investigation has been completed, any soil disturbance, removal underground fuel storage tanks, and the change in use is a **discretionary activity** under clause 11(2) of the NESCS.

### 5.3 Activity Status

Overall the proposal is considered a **discretionary activity**. As a discretionary activity, under section 104B of the Resource Management Act 1991, the consent authority after considering an application may grant or refuse the application, and if it grants the application, may impose conditions.

### 5.4 Description of Other Authorisations Required

An archaeological authority to modify an archaeological site from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014 will be required. The Trust has had ongoing discussions with Heritage New Zealand, as a precursor to making an application.

Further authorisation from the City Council may also be required for the changes and physical works proposed within the streetscape fronting the site, including kerb extensions, landscaping, paving, and the coach loading area. Any authorisations will be sought prior to work commencing on site.

## 6.0 Assessment of Environmental Effects

In accordance with Section 104(1)(a) of the RMA this part of the application provides an assessment of the environmental effects of the application in such detail which corresponds with the scale and significance of effects that the activity may have on the environment. For the purposes of clause 7 of Schedule 4 of the RMA, the assessment focusses on the relevant effects arising from the provisions specified in the District Plan and NESCS.

In assessing the effects of the proposal, section 104(3)(a)(ii) of the Resource Management Act 1991 provides that a consent authority must not when considering an application have regard to any effect on a person who has provided written approval to the application. For the purposes of this assessment of effects, the applicant has secured written approval from the owners of 10 Don Street (Alexandra Building) on the opposite side of Don Street. Copies of these written approvals are contained in **Appendix 17**.

### 6.1 Benefits of the Proposal

The development will assist to meet future demands for visitor accommodation in the inner city where such activities are appropriately located in terms of accessibility to complementary services, visitor attractions, and transport connections. It will also create additional employment opportunities with up to 80 new staff likely to be required in the operation of the hotel, with additional flow on benefits for employment also expected in Invercargill to service the hotel and its guests.

Enhancement of the inner city to support its viability and vibrancy, and reinforce its role as a primary centre for retaining, business, cultural, and entertainment activities is a focus of the Proposed District Plan. The development will contribute significantly to this by providing high quality visitor accommodation, and associated activities which will enhance the amenity and

vibrancy of the inner city and assist to catalyse further revitalisation. In so doing, it will also assist to achieve the goals and actions of the Southland Regional Development Strategy.

## 6.2 Heritage Values

### 6.2.1 Alternatives to Demolition

In recognition of the Heritage Properties assessment which has determined the existing building at 73- 81 Dee Street has moderate–high heritage values, consideration has been given to alternative development options which retain the existing building in its entirety or in part. The options considered by the Trust included the following:

- Retention, strengthening and re-tenanting of the entire building for commercial use (office and retail).
- Retention and strengthening of the existing heritage façade as part of the proposed hotel.

The Trust engaged BECA Ltd to undertake initial seismic and structural assessments of the existing buildings on the site, including 73 – 81 Dee Street. Their reports are contained in **Appendix 7**. The building is constructed of unreinforced masonry with double and triple brick structural load bearing walls with internal timber floors. The building has a partial basement of a relatively low depth constructed on concrete. The condition of the building has been assessed as typical for its age with some distress in the external façade with cracks evident through the external plaster work and masonry construction. The internal floors are in good condition, but with the lateral load transfer through to the load bearing brick walls noted as unpredictable. The building is assessed as earthquake prone, with a seismic structural rating of <20% of the New Building Standard (NBS).

BECA have developed preliminary strengthening options for the existing building to bring it up to 34%, 67%, and 100% NBS, which are detailed on the plans contained in **Appendix 8**. 67% NBS is the minimum seismic structural standard that the Trust requires its buildings to meet. The proposed strengthening for the 67% NBS option includes tying the timber floors to the load bearing walls, adding a floor/ceiling overlay diaphragm to all floors, addition of reinforced concrete block sheer walls, and parapet strengthening.

Batchelor McDougall Consulting Ltd has undertaken a further structural assessment of the building façade to determine its ability to be retained from a structure perspective as part of a new building. Their report is contained in **Appendix 9**. This has confirmed that retention the existing façade is technically feasible, albeit with extensive bracing during demolition and construction, and strengthening as part of its incorporation into a new building.

WT Partnership has undertaken an estimate of the costs associated with various building strengthening and façade retention options prepared by BECA. Their report is contained in **Appendix 10**. The options and the estimated costs of them are as follows:

- Strengthening of the existing building to 34% NBS (IL2) - \$2,910,520.00.
- Strengthening of the existing building to 67% NBS (IL2) - \$4,628,194.00.
- Strengthening of the existing building to 100% NBS (IL2) - \$7,035,003.00.
- The differential cost of retaining the existing façade, including temporary support (as compared with building a new façade) - \$1,856,169.

The cost analysis has identified the cost to retain the building in a similar configuration to its current form with strengthening to 67% NBS are substantial, with the cost estimated at \$4.62 million. The cost of retaining the existing façade on a new building is estimated to be \$1.85 million greater than the cost of a new façade covering the area.

Harcourts has undertaken an assessment as to the commercial feasibility of using the existing building for commercial uses following strengthening, or retention of the façade with a new building. Their analysis is contained in **Appendix 11**.

With respect to retaining and reusing the existing building for commercial (office and retail) purposes, Harcourts find that rental returns in the region of \$266 to \$500 per square metre would be required to meet the 2017 New Zealand average commercial rate of return of 10.4%. This compares with predicted rates of return of between \$80 to \$350 as assessed by Harcourts. Further analysis by Harcourts suggests that if the second floor is unable to be tenanted due to the lack of lift access, required rentals will need to increase to between \$366 and \$700 per square metre. Harcourts do not consider that these rents are achievable.

In considering the option of retaining the existing façade as part of a hotel development the analysis by Warren and Mahoney set out in the design statement in **Appendix 4** indicates there are some additional aesthetic and design difficulties. The principle challenges identified are:

- The façade is missing key elements of the original ornamentation which historically provided a visually attractive top to the building, the loss of which results in a façade which is awkward in appearance, no longer achieving the proportion and integrity of the original design intent.
- The small scale of the existing windows, which do not align well with typical guestroom layouts, and would have poor acoustic performance which would not meet the acoustic requirements of the Proposed District Plan. Inclusion of replacement modern windows with better acoustic performance also detract from the heritage aesthetic.
- Retention of the façade would result in compromised space planning and inefficient functional design associated with additional first floor heights and horizontal window spacing.
- The strengthening works would involve new visually intrusive elements including steel tie rods and patras plates visible at regular intervals on the external face of the building which would detract from the visual appearance of the heritage façade. With strengthening works completed an element of public safety risk would still remain due to the heavy masonry elements suspended from the façade at height.
- The aesthetic and practical implications of a new hotel building sitting behind the façade, which would compromise the architecture of the new build and visual appearance of the heritage façade. If the upper parapet is reinstated that would further restrict the ability to create new space behind the heritage façade.

Overall, the various assessments undertaken have identified that while technically feasible, strengthening the existing building or retention of the façade would result in a form of development that would be financially unviable, and a design which is suboptimal in meeting the functional needs of a modern hotel. Specifically, with regard to the options considered by Trust:

- There would be a high cost of seismically upgrading to retain the building in a similar configuration to its current form (\$4.5M), and a high cost of retaining the façade in comparison to construction of a new façade over the same area (\$1.85M).

- Retention of the existing façade and construction of a new hotel would result in a rate of return on investment below what Harcourts would consider to be the normal industry standard. Although Harcourts acknowledge that ILT is in a unique position in the Southland market by virtue of its role as a community organisation and the legislation preventing the sale of liquor in venues other than those operated by ILT, their analysis indicates that the return on investment is sufficiently adversely impacted by the costs and uncertainty involved in retention of the heritage façade, so as to render this an unviable option.
- Retention of the existing façade (or construction of a replica façade) as part of a new hotel presents aesthetic and design difficulties which would have been difficult to overcome, including the unbalanced appearance of the existing façade, existing window configuration limiting efficient hotel layout and the visual effect of strengthening works.

### 6.2.2 Loss of Heritage Values

Heritage Properties Ltd has assessed the effects on those values from the proposed demolition. Their initial report prepared in June 2017 is contained in **Appendix 5**. The assessment identifies that proposed works will signal the end of Langland's block, of Burwell's design, and a pre-1900 scheduled building and its façade considered to be a key characteristic of Invercargill's city centre. There will be a final loss of façade continuity associated with Langland's block, affecting the visual coherence of the heritage streetscapes especially on Dee Street. Connection will be removed with local histories, reference points for architectural styles and cultural and social values. Furthermore, other buildings within the streetscape, may be at greater risk from accumulative effects in the future.

Given the moderate-high heritage values associated with the existing building, the assessment concludes the effects of demolition will be large, and recommended that less adverse options to building demolition should be explored, including the feasibility of retaining the existing building and façade.

Following assessment of the feasibility of alternatives to building demolition (as outlined in **section 6.2.1**) and completion of plans for the proposed replacement building, Heritage Properties completed an addendum report prepared in June 2018 which is contained in **Appendix 6**. The assessment notes that the merits of the project are high, and acknowledges there are difficulties in the retention of the façade, and engineering and hotel design requirements would see the façade used simply as a non-functioning veneer which would have reduced benefit to heritage values. Also acknowledged are the economic challenges in retaining the façade only, or strengthening the existing structure.

The assessment therefore recommends that on the basis of the heritage values, and considering the merits of the project, the following mitigation measures be adopted as effective mitigation for the effect that the development will have on heritage values, including:

- Naming of the hotel should consider a direct connection to the block and history to provide a continued connection to the place – e.g. Langland's Hotel, Hotel Langland's, Langland's Suite, Langland's Bar.
- Inclusion of public interpretation of the heritage in the development to enable the public to understand the relationship to the site, by way of either signage/panels, images, video's, or hotel information booklets.

- Recording information about the building prior to and during demolition of the building to a Level 2 standard as defined by Heritage New Zealand, in order to mitigate the loss of archaeological information.
- Re-use of transferable materials in either the new structure, street furniture, fixture or fittings, way-finding etc to provide for physical connections to the history of the site.
- Provision of a financial contribution of \$50,000 to establish a Council managed Invercargill Heritage Fund to provide a means to retain, reuse, and refurbish heritage assets elsewhere.
- The Trust put in place procedures for retaining other existing heritage buildings in its portfolio at 38, 90, and 197A Dee Street together with strategies and initiatives to leverage that commitment in improving the outcomes for adjacent or nearby heritage properties.

The Trust is committed to implementing the recommended mitigation and proposes the imposition of conditions of consent to that effect. In particular, the Trust will develop and provide to Council a detailed strategy for the retention and upgrading of its other heritage buildings. Furthermore, materials will be reused into the development, subject to confirming their condition as the building is deconstructed. The Trust will demonstrate to Council how materials will be reused within the development, by providing detailed design plans prior to construction commencing. Materials that may be reused include:

- Wrought iron veranda columns which will be repurposed inside the café/bar space.
- Kerbstones and cobblestones on Dee Street which will be moved where required, and reused in the streetscape design.
- Exterior carved pilasters and classical mouldings will be reused in the building interior and laneway area.
- Timber panelling from the main stairwell, flooring, ceilings, wall linings, and roof framing will be reused in the building interior.
- Red brickwork will be reused as exterior cladding within the laneway, and for key internal walls in the cafe, restaurant, and boutique bar.
- Pressed metal ceilings will be reused to clad the bar and café counters.

Aside from these direct mitigations for the loss of heritage values, the design of the replacement building also takes cues from the historical built fabric with regard to building footprint, height, and materials which will in part mitigate for effects on the streetscape. In particular, the design of the building acknowledges the historic grain of the original 20m wide urban plots, expressed through the articulation of the Don Street façade. The building heights are derived from the traditional parapet lines of the existing historic buildings on the site, which is through a material change and expression in the external form between the upper and lower portions of the building. Use of terracotta as one of the main cladding materials through the central section of the building will respond to the clay masonry building tradition of Invercargill.

The Porte Cochere façade has been designed to relate to the existing neighbouring remnant of the original Langland's block at 55 Dee Street, by aligning the height of the structure with the cornice of the neighbouring building, and incorporating a rhythm of solid and void that references its window layout.

Overall, while the effects on heritage values from demolition are assessed as significant, the effects will be mitigated both by extensive on site and off site heritage mitigation recommended by heritage specialists, and the design qualities of the replacement building which references the historic built fabric.

## 6.3 Urban Design

Warren and Mahoney have produced a design which responds to the Trust's vision and is designed to provide an iconic landmark building which will complement and enhance the existing urban environment, and meets best practice urban design principles. An assessment of the development against the design principles set out in policy 2.22.3 of the Proposed District Plan is included in the design statement in **Appendix 4** as follows:

### **A - Buildings and land uses respect their context**

*The building acknowledges the historic grain of the original 20m wide urban plots, expressed through the articulation of the Don Street façade. The Porte Cochere element of the Dee Street façade incorporates a rhythm of solid and void that references the window layout of the original Langland's block. The building heights are derived from the traditional parapet lines of the existing historic buildings on the site. This has been expressed through a material change and expression in the external form between the upper and lower portions of the building. The building is designed with a taller element on the corner to 'anchor' it to this important corner site.*

### **B - Buildings and land uses reflect and enhance the character of Invercargill**

*The character of downtown Invercargill is made up of a mix of historical facades from a variety of different eras and varying scales connected by a continuous pavement canopy that wraps around each city block. A number of these buildings are constructed out of stucco plaster or fair face brick. The proposed building is clad in a textured masonry terracotta facade to the lower portion, continuing this brick tradition.*

### **C - Building and land uses offer diversity and choice for people**

*The proposed building provides a high degree of diversity and choice for people. The ground floor foyer will be used for community events. A café / bar opens onto the street edge, with a colonnade providing shelter from the weather. A laneway cuts back into the site to provide a sheltered external space as a destination with a boutique bar and specialty restaurant facing into it. This mixed programme of uses provides a rich interface with the city and the street.*

### **D - Building and land uses are clearly linked by appropriate connections**

*The site for the hotel is on a prominent urban corner in the heart of the CBD area. This provides excellent pedestrian connections in both directions. The addition of the laneway provides public connectedness and permeability into the site.*

### **E - Buildings and land uses demonstrate creativity, encouraging innovative and imaginative solutions**

*The building is an architecturally designed response to the client brief and its context. Innovative design and a carefully selected palette of high-quality materials have been employed to enhance the streetscape. Attractive contemporary windows set up a pleasing vertical rhythm along the street. The stagger of the windows and change in scale provides a contemporary play on a traditional architectural strategy. The ground and first floor glazing provides a high degree of*

transparency to engage with the wider context. The upper portion of the building is designed as a suspended form hovering above the parapet line of the city. This form along with other parts of the external facade will be lit up at night in an inviting way to create a visually engaging element in the city when viewed from different viewpoints around the city. This new form will be a positive contribution to the cityscape of Invercargill, and is hoped will offer a symbol of civic pride and be a valued resource for the community.

The proposed design looks to incorporate several elements of the existing heritage building. A portion of the brick will be cleaned up and reused for some internal walls for the restaurant, café and wine bar area as well as the external cladding to parts of the laneway. Several classical capitals will be reused subject to condition as elements set in the walls. The original cast iron columns to the canopy will be reused around the café area and the pressed metal ceiling will be reused to form the bar counter. Heart rimu timber floor and ceiling joists will be made into internal and external furniture elements and some finishes subject to fire design restrictions. The overall intent is to ensure the design is tied to its history, practical and aesthetic requirements without resorting to a heritage 'pastiche.'

#### **F - Custodianship - Buildings and land uses should be environmentally sustainable, safe and healthy**

The safety and health of occupants and people passing by the site is of utmost importance. The building will be designed with a high degree of resilience which includes the choice of cladding materials and the overall structural and weathertightness of the design. This will make for a healthy internal environment. Sustainability is an important driver for the applicant and for Warren and Mahoney as the lead designers. Sustainable initiatives being discussed for this project include increased levels of insulation and airtightness to improve the overall performance of the building envelope. Building setbacks, deep window recesses and external canopies have been designed to shade the building in summer while reducing areas of glazing from that typical of many commercial developments will provide greater thermal efficiency.

The proposed building has been designed incorporating best practice from CPTED guidelines, including the following:

- Active street edge encourages pedestrians;
- Large windows overlook all parts of the street which is occupied through most of the day and the evening. Late at night the main foyer check in area will provide additional surveillance;
- Windows offer surveillance to all points of entry and opportunistic points of entry;
- Car park area to the rear is screened off with secure access to prevent unwanted entry;
- Car park area will have windows from staff areas such as kitchen to provide surveillance;
- The main entry Porte Cochere area has natural light coming in from above and will be well lit at night. It is also overlooked from the main reception area;
- Lighting design will be designed to prevent dark spots;
- All pathway areas will be well lit;
- Security cameras viewed from reception will cover the areas which are not easily in view.

## **G – Collaboration: stakeholders collaborate to achieve good urban design outcomes**

*The use of this site for a hotel, revitalising this part of the Invercargill central city has been the result of an extensive consultation and collaboration process with a range of stakeholders via the Southland Regional Development Strategy (SoRDS) process. Stakeholders involved in this process included representatives of Ngai Tahu, the Community Trust of Southland, City and Regional Councillors, Southland Institute of Technology and local business people. This process was informed by urban designers Kobus Mentz and Wayne Bredemijer of UrbanismPlus.*

*A dedicated design team led by Warren and Mahoney have been assembled to combine expertise from a number of different viewpoints. The latest thinking and technology has been brought to bear in terms of best practice for urban design, planning, architecture, interior design, traffic management, structural, façade and civil engineering as well as input from acoustic, mechanical and electrical engineers. A number of collaborative workshops have led to the current design.*

Overall, it is considered that the proposed development accords with best practice urban design principles, and will positively complement and enhance the surrounding environment of the inner city.

## 6.4 Built Form Effects

The proposed development results in a number of built form non-compliances with the Business 1 Zone rules of the Proposed District Plan. This includes non-compliances relating to the increased height of the building, the setback of the building from the street, the area of ground floor windows, and the extent and height of veranda coverage. An assessment of these non-compliances is included in the design statement in **Appendix 4**.

### **Building Height**

The proposed building exceeds the 10m maximum height (17.3m at its apex), is greater than two stories in general and is greater than three stories at the corner. Although heights are exceeded, the impact of this on the surrounding urban form is mitigated by a combination of design responses which include:

- Referencing the historical neo-classical context of the original Langlands Block with a defined middle, base and top positioned to reflect the original parapet line and incorporating a lighter glazed set back uppermost story and large double height portico addressing the street. The design strategy breaks down the visual mass of the building both with visual breaks in plan reducing the length of façade, marrying it into the existing urban grain and using defined recesses to express its verticality.
- Placing the taller element at the corner to anchor the building to the end of the block, positively contributing to the skyline of the city, enhanced by lighting to create a landmark structure viewed from all vantage points.

With respect to the effects of the increased height on shading of adjacent areas, a shading analysis has been undertaken by Warren and Mahoney and is included in **Appendix 4**.

That analysis evaluates shading effects comparing the existing situation with the proposal at various times of the year (June, September and December). For the vast majority of the time, the shading impact is either comparable or marginally improved over the existing situation. That improvement is partly attributed to the removal of the existing building which is positioned immediately along the southern site boundary. Notwithstanding that part of the proposed building

is taller, it is set back further from the southern boundary thus assisting in mitigating the effect of shading as described above. Where the shading impact is increased, properties across Dee Street and immediately to the south of the site are the most affected. With respect to the properties across Dee Street, shading of the facades will occur early in the day in September but these properties remain unaffected at all other times throughout the year.

With respect to the shading of the buildings on Dee Street immediately adjacent to the southern site boundary, the analysis shows relatively little difference in shading impact other than in mid-winter from midday through the afternoon where some slightly greater shading would be experienced. However, in respect of 55 Dee Street and the rooftop terrace, the analysis indicates that the degree of shading is substantially unaltered throughout the year. Given the immediate adjacency of existing buildings within the site to those buildings at 55 Dee Street built up to the southern boundary, it is unlikely that these buildings are oriented to the north (for light and sun purposes). As such, the actual impact of any loss of sunlight is likely to be marginal.

With respect to the effect of increased height on the overlooking of neighbouring properties, the potential impacts are greatest on the immediately adjoining property at 55 Dee Street and the Alexandra Building on the northern side of Don Street, both of which contain residential apartments on the upper floors.

The increased effect of the additional height (and therefore increased floors) on the Alexandra Building is mitigated in large part by the separation distances. The effect on 55 Dee Street is created by windows in the conference room, the lift stairwell lobby on the upper levels together with secondary windows in 4 guest suites on Levels 3 – 6. This effect has been mitigated in part by the design and placement of the Porte Cochere, providing additional separation distance, the impact of the built form screening the views from the conference room, and the internal configuration of the lift lobby which channels guests away from the south facing windows. In respect of the relevant guest suites the primary outlook and sunlight access is from the west and accordingly it is likely that the south facing windows will be screened to protect both guest privacy and the privacy of adjacent neighbours. Notwithstanding this, ongoing consultation is occurring with the owners of 55 Dee Street in relation to other measures to address any remaining privacy concerns.

#### **Setback from boundary**

The outdoor dining area and the laneway entrance on Don Street are both set back more than 3m from the site boundary. In addition, the hotels main entrance/foyer area within the Porte Cochere is set back more than 3m from the Dee Street boundary.

The laneway and outdoor dining areas have been designed to recognise the function of the spaces and to provide visual interest to the streetscape through articulation of the built form. The colonnades are brought forward to the street boundary to create a covered circulation area which forms a pedestrian orientated extension of the public realm. The articulation of this facade also serves to provide visual interest and richness to the urban experience. This maintains activation of the ground floor, providing a sheltered pedestrian friendly streetscape experience.

On Dee Street, the Porte Cochere provides the main entrance to the hotel and although the building entrance itself is set back more than 3m at ground floor level, the vertical timber fin screen, public seating and associated landscaping is brought up to the boundary, and it is intended to maintain a strong pedestrian focus around this important interface with the development.

### Percentage of glazing

The percentage of glazing at street level along the Dee Street elevation falls below the 40% threshold at 26%. The Don Street elevation comprises 95% glazing with a combined average for both elevations of 60%. This is consistent with the proposal being for an urban hotel rather than a retail space. Overall, the design promotes a pedestrian friendly frontage inviting interaction with activities within the development, along with design features such as a vertical timber fin screen and public seating to create public amenity and visual interest. The Porte Cochere also utilises skylights to ensure a safe, welcoming space for the main entrance to the hotel.

### Continuous footpath veranda

The proposed veranda for the new building aligns with the 3.5m canopy at 55 Dee Street, then necessarily steps up to 3.8m along the Porte Cochere area to allow taller vehicles to enter and exit the site. The height of the veranda is maintained at 3.8m around the corner to provide transparency and visual connectivity between the street and the hotel foyer.

As set out in the Design Statement at **Appendix 4**, the mass of the Don Street façade of the building is broken down with the introduction of visual breaks in plan reducing the length of the façade and ensuring it marries into the existing grain. Of necessity, this results in a break in the verandas. The veranda therefore transitions to a series of grand covered porticos at a height of 5.5m which in themselves offer weather protection for pedestrians. This transition creates variety to the urban experience while maintaining functionality and a protected pedestrian friendly environment.

## 6.5 Transportation

The proposed development complies with the transportation rules of the Proposed District Plan, with the exception that resource consent is required for the construction and use of the new vehicle access and egress from Dee Street.

Traffic Design Group (now part of Stantec) have undertaken an Integrated Transport Assessment (ITA) for the development, which is contained in **Appendix 12**. The assessment has determined the level of compliance with the Proposed District Plan transportation rules, identified the anticipated traffic generation and parking demands associated with the hotel, and assessed the resulting effects on the road network and inner city parking provision.

Based on conservative traffic generation rates derived from NZTA research<sup>1</sup> and the ITE trip generation manual, the 80 room hotel is predicted to generate 30vph during the morning and evening peak hours. An absolute upper limit of traffic generation for the site is predicted to be less than 40vph at the Dee Street driveway, based on all on site parking spaces being taken up or vacated in a one-hour period.

This level of movement together with the proposed configuration of the Dee Street access/egress is not expected by Stantec to have a noticeable effect on pedestrian movement along Dee Street or affect the existing level of road safety in the area. The signals at the Don Street intersection will create regular gaps in the southbound traffic flow along Dee Street that will ensure that it is easy for vehicles to depart the car park. The separation between the carriageway and footpath will also mean that vehicles stopped to give way to pedestrians can do so without obstructing the through movement of traffic on the state highway. The proposed configuration of the coach park

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<sup>1</sup> Trips and Parking Related to Land Use (RR453), New Zealand Transport Agency.

will allow a coach to stop clear of the traffic on Dee Street without obstructing access to the Porte Cochere or car park.

The parking demands generated by the hotel will be dependent upon the target market of the hotel and the relative proportions of corporate guests, coach based travellers, and independent travellers. Parking demand will also be influenced by the use of the café and restaurant by hotel and non-hotel guests, and use of the function facilities. The parking demand from the function facilities will be dependent on the size of event hosted, proportion of attendees who are not hotel guests, travel mode, and vehicle occupancy.

Based on surveys from other visitor accommodation facilities, Stantec considers that independent travellers will generate a parking demand of 0.8 spaces/room, while coach travellers will not generate any parking demands. Parking demands for an 80 room hotel at 90% hotel occupancy are therefore predicted to be 38 car parks based on a single coach load of travellers, and 18 car parks based on two coach loads. The peak parking period for hotel guests is overnight, with demand during the middle of the day predicted to be less than 50% of the peak demand.

Demand from the café and restaurant are predicted to be 5-10 spaces based on 10% of customers being non-hotel guests and all travelling by private car with an occupancy of 2 people. Parking demands from use of the function facilities is predicted to add 15 spaces above the accommodation parking demands when an event is being hosted, and a parking demand of 25 spaces for larger events.

Given the combination of guest and event parking demands, Stantec predict that the typical parking demand would be 55 – 65 spaces during a day time conference or evening event which coincides with high visitor accommodation parking demands. With 34 car parks provided on site, overflow parking demands are therefore expected to be between 20 – 30 spaces.

The Proposed District Plan provides that activities in the Priority Redevelopment Precinct are not required to provide onsite parking. The parking provision for the site is therefore consistent with the intended outcomes of the Proposed District Plan. Regardless, Stantec consider that the low parking demands on Don Street combined with the available range of off street parking facilities will provide capacity to adequately accommodate parking overflows.

Overall, based on the ITA, the transportation related effects of the development are considered to be minor, and consistent with those anticipated under the Proposed District Plan.

## 6.6 Hazardous Substances

Invercargill is not serviced by reticulated gas and accordingly it is proposed to service the proposed hotel development with Liquid Petroleum Gas (LPG), stored in cylinders. It is estimated that up to 1000megajoules of energy will be required to service the proposed hotel operation, which requires 16 x 45kg LPG bottles to be stored on site. The gas storage will be located within a purpose built enclosed facility located to the rear of the loading dock, and central to the site away from the site boundaries.

LPG Safety South has described the facility and undertaken an assessment of the proposed storage against the requirements of the relevant regulations and District Plan assessment matters, which is contained in **Appendix 13**.

The facility is located within the inner city where the use of LPG to supply commercial businesses is common. While there are residential apartments located nearby, the hotel facility is located in an area generally separated from sensitive activities (e.g. schools), and is also readily accessible to emergency services (e.g. fire, hospital).

The facility will be required to comply with the provisions of the Hazardous Substances and New Organisms Act 1996 (HSNO), and Health and Safety at Work Regulations 2017 (HSWA), including certification by a registered compliance certifier prior to any storage or use of any LPG on site. As part of this a Site Management and Emergency Response Plan will be prepared to set out the means by which risks are identified and managed, and the potential for effects on human health and safety and the environment will be avoided or mitigated. This will include:

- Hazard risk identification, hazardous control zones, and monitoring.
- Emergency response procedures, including alarm activation, emergency shut down, spill response, and evacuation and assembly protocols.
- Incident reporting and clean up actions.
- Plan effectiveness review requirements.

With respect to on site management, the plan will also address matters such as:

- Staff awareness induction and training.
- Site security and maintenance of the facility.
- Emergency equipment (PPE, fire suppression, first aid).
- Site manager responsibilities.

On this basis it is assessed that any adverse effects on human health and safety and the environment will be minor. A condition of consent is proposed requiring the preparation and certification of a Site Management and Emergency Response Plan, in accordance with relevant regulations, before the operation of the hotel commences.

## 6.7 Demolition and Construction

The proposed development will necessitate demolition of all existing buildings and clearance of the site prior to construction commencing. The proposed development complies with all rules of the Proposed District Plan which are related to demolition and building construction matters, with the exception of those relating to the volume of earthworks and levels of construction noise generated. Furthermore, resource consent is required in respect to potential soil contamination under the NESCS.

### 6.7.1 Demolition and Construction Management

Given the location of the site in the inner city amongst sensitive surrounding residential and commercial uses, demolition and construction activities will be fully managed in accordance with a Demolition Management Plan (DMP) and Construction Management Plan (CMP) to ensure any effects on surrounding properties and the environment are avoided or mitigated.

Demolition will be primarily conducted using excavators equipped with hydraulic jaws, hammers, clam/grab buckets, and digging buckets. Demolition is expected to take 12 weeks, subject to management of any archaeological material or soil contamination that is uncovered. Phased road or lane closures will be required during that time to ensure public safety. Construction of the new development is anticipated to take a further 2 years.

A preliminary Demolition Management Plan prepared by Ryal Bush demolition is contained in **Appendix 14**. This provides details on the proposed demolition methodology and management measures that will be employed. The plan will be finalised prior to work commencing to ensure that it captures any additional management measures required, including those incorporated in any conditions of consent. While a Construction Management Plan is yet to be prepared it is expected that similar management measures to those in the Demolition Management Plan will be employed given the similarities in the nature of effects that these activities will generate.

Taking into account the management measures in the preliminary Demolition Management Plan, the following management measures are proposed to be included in the Demolition and Construction Management Plans (as relevant to each plan):

- Completing an asbestos survey to confirm the presence of asbestos containing material (ACM), develop an asbestos removal plan, and remove asbestos by approved methods to ensure effects on human health are avoided.
- Preparation of a de-construction plan, and undertaking demolition in accordance with the directions of a structural engineer to avoid collapse of weakened structures, ensure the structural integrity of buildings on adjoining sites, and ensure demolition occurs safely.
- Undertaking structural surveys of adjoining buildings to ensure no structural or cosmetic damage has occurred.
- Sampling of potentially contaminated soils, and undertaking works in accordance with the directions of a contaminated land specialist (see **section 6.7.3** below)
- Confirmation of approved disposal sites for waste, including contaminated soils and asbestos containing material.
- Developing and implementing a communication strategy with affected parties, including ensuring they are consulted prior to high noise generating activities, and implementing a procedure to ensure action is taken into any complaints received.
- Preparing and implementing a Site Specific Safety Management Plan to ensure hazards are managed.
- Preparing and implementing a Traffic Management Plan (TMP) outlining how vehicle and pedestrian movements will be controlled to keep the public safe, including road closures.
- Preparing and implementing a Construction Noise and Vibration Management Plan (CNVMP) outlining how noise and vibration nuisance will be mitigated during demolition and construction activities. (see **section 6.7.2** below).
- Controlling noise by restricting use of machinery to between 7.30am – 6.00pm, and truck movements between 7.30am – 5.00pm Monday to Saturday, and avoiding works on Sundays and public holidays except in cases of operational necessity. Additional specific controls for high noise generating activities will be incorporated in the Construction Noise and Vibration Management Plan.
- Controlling dust by way of applying water to working faces during demolition, ceasing activities during high winds, and dampening truckloads of demolition material.
- Installing sediment control such as fencing, bunds to prevent sediment entering the stormwater system, and ensuring trucks are clean of material to ensure debris are not carted onto roads.

The specific management measures will be outlined in the final management plans. Conditions are proposed which require the final plans to be provided to Council for certification prior to works commencing. The final plans will also accommodate any specific requirements for archaeological site management to align with the requirements of any archaeological authority, and measures to ensure the recovery of heritage building materials/features for reuse within the new development.

Overall, while at times the demolition and construction related effects will be potentially significant for neighbouring residential and commercial uses, the effects will be temporary, and avoided or mitigated as far as practicable by the proposed management measures.

#### 6.7.2 Noise and Vibration Management during Demolition and Construction

Acoustic Engineering Services (AES) have undertaken an assessment of demolition and construction related noise and vibration, which is contained in **Appendix 15**. The assessment has determined likely noise sources and predicted noise levels, the level of compliance with the Proposed District Plan and New Zealand construction noise standards<sup>2</sup>, assessed the resulting effects on surrounding sensitive land uses, and identified noise and vibration avoidance and mitigation measures.

The assessment identifies that compliance with the long-term noise limits set out in NZS6803:1999 would be appropriate and would result in reasonable and acceptable noise effects. Where higher noise generating activities (e.g. high level demolition, piling, and concrete pouring) do not comply with the noise limits even with all practicable mitigation adopted, the assessment identifies that managerial controls will be required to minimise impact on neighbours. This includes consultation to identify less intrusive times to undertake high noise activities, and generally limiting the hours on site.

The assessment concludes that the activities generating noise which exceeds the noise limits will occur for short periods of the overall demolition / construction timeframe and for the majority of the time levels are expected to be lower. The assessment makes a number of recommendations to ensure the noise and vibration effects associated with demolition and construction activity are appropriately managed. The following mitigation is proposed to be implemented.

- Demolition and construction activities on the site complying with the long-term limits outlined in Table 2 of NZS6803:1999 as far as practical.
- Installing a continuous 3 metre-high screen/fence to the north, east, and south east boundaries with a 2 metre screen to the west, and constructed with a surface mass of 8kg/m<sup>2</sup>.
- Preparing and implementing a Construction Noise and Vibration Management Plan (CNVMP) outlining how noise and vibration will be mitigated. The plan would include restrictions on work hours, physical mitigation to be employed, limitations on the timing of specific activities including high noise generating activities.
- Consulting neighbouring properties prior to high level demolition, piling, and concrete pouring.

The Trust proposes to implement these recommendations and proposes conditions to that effect. The Construction and Vibration Noise Management Plan will be prepared by an acoustic specialist and incorporated into the overarching Demolition Management Plan (DMP) and Construction Management Plan (CMP) so as to ensure management of noise generating activities across the

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<sup>2</sup> New Zealand Standard NZS6803:1999.

entire demolition and construction works programme. The Construction and Vibration Management Plan will be provided to Council for certification prior to works commencing.

Overall, while at times the noise and vibration effects from demolition and construction activities are assessed as significant for neighbouring residential and commercial uses, the effects will be temporary, and avoided or mitigated to the extent practicable by the proposed management measures.

### 6.7.3 Land Contamination Management

As outlined in **section 5.2**, Envira Consulting Ltd has undertaken a Preliminary Site Investigation which has identified that the site has been subject to activities contained in the Hazardous Substances and Industries List (HAIL), and therefore the provisions of the NESCS apply to any soil disturbance, removal of underground fuel storage systems, or change in use of the site. The assessment from Envira Consulting is contained in **Appendix 16**.

No Detailed Site Investigation report has been completed to determine the extent of any soil contamination due to the location of the existing structures on the site which prevent a detailed investigation with soil sampling being completed. The Envira report recommends that further investigations pertaining to historic fuel storage is undertaken prior to the development occurring, and that testing of excavated material occurs of off-site disposal of soils is required.

In response to those recommendations, conditions are proposed to require the following management measures to be implemented:

- Assessment of the storage tanks and associated pipework at 11 Don Street, and 57 – 67 Dee Street and sampling of the underlying soil will be undertaken by a contaminated land specialist to assess the presence of residual contamination.
- Where off-site disposal of excavated soil is required, soil sampling will be undertaken by a contaminated land specialist to determine where the material should be disposed of.
- Where soil contamination is detected, works will proceed under the directions of a contaminated land specialist.
- Contaminated soils will be disposed of at a facility authorised to accept the material.

These measures will be incorporated into the Demolition Management Plan which will be provided to the Council for certification prior to work commencing. Undertaking works in accordance with these requirements will ensure that any adverse effects on human health or the environment will be minor or less.

## 6.8 Conclusion of Assessment of Environmental Effects

Having regard to the matters set out in the assessment above, it is considered that the proposed development will have a range of environmental effects which are both positive and adverse in nature.

The loss of the existing heritage building will have significant adverse effects on heritage values. This however will be mitigated by way of extensive on site and off site heritage mitigation recommended by heritage specialists, and the design qualities of the replacement building which references the historic built fabric, and accords with urban design best practice. These adverse effects will also be offset through the significant benefits of the development in enhancing the

amenity and vibrancy of the inner city, and providing a catalyst for further revitalisation of the inner city.

The adverse effects resulting from the collective built form non-compliances in the Business 1 Zone have been assessed as minor in regard to their effects on the amenity of neighbouring properties, the streetscape, and pedestrians. The development overall will provide a positive contribution to the urban environment.

Potential adverse effects on the transport network will be minor and consistent with those anticipated by the Proposed District Plan, and the storage and use of hazardous substances and any potential soil contamination will be managed to ensure there is minimal risk to human health and safety and the environment. Demolition and construction related effects will at times be disruptive and significant for neighbouring properties, however they will be temporary, and avoided or mitigated in accordance with best practice measures contained in Demolition and Construction Management Plans.

Given the above, it is considered that the environmental effects of the proposal will be acceptable given the proposed measures to avoid or mitigate adverse effects.

## 6.9 Summary of Mitigation Measures

Clauses 6(1)(e) and (g) of Schedule 4 of the RMA, requires a description of the mitigation measures and monitoring that will be undertaken. These are described above. Based on that assessment, conditions covering the following matters are proposed to be included in any resource consent to avoid or mitigate any adverse effects of the activity:

### Heritage

1. *Prior to demolition of the heritage building at 73 – 81 Dee Street commencing, the consent holder shall provide the following to the Council for certification that it provides suitable mitigation for the loss of heritage values:*
  - *The proposed name for the hotel, which shall provide a connection to the heritage values of the site.*
  - *Details how public interpretation of the heritage values of the site will be incorporated into the development, which may for example include signage/panels, images, videos of information booklets.*
  - *Details confirming how materials from the building will be reused in the development.*
2. *Prior to the demolition of the heritage building at 73 – 81 Dee Street commencing, the consent holder shall provide to the Council for certification a strategy for the retention and upgrading of the Trust's existing heritage buildings at 38, 90, and 197A Dee Street. The strategy shall outline how the Trust intends to retain, strengthen, refurbish, and use the buildings, including an indicative programme for those works.*
3. *Prior to the demolition of the heritage building at 73 – 81 Dee Street commencing, the consent holder shall provide to the Council a financial contribution of \$50,000.00 to enable the establishment of an Invercargill Heritage Fund to support the retention, reuse, and refurbishment of publicly owned heritage items elsewhere in the inner city.*

## Design

4. *The design of the development shall be in general accordance with the application documentation, including the Design Statement and Development Plans entered into Council records as XXX.*

## Hazardous Substances

5. *Prior to the commencement of the operation of the hotel, the consent holder shall provide to Council a Site Management and Emergency Response Plan (SMERP) which certifies that the storage and use of hazardous substances complies with all requirements of the Health and Safety at Work Regulations 2017. The SMERP shall address:*
  - *Hazard risk identification, hazardous control zones, and monitoring.*
  - *Emergency response procedures, including alarm activation, emergency shut down, spill response, and evacuation and assembly protocols.*
  - *Incident reporting and clean up actions.*
  - *Plan effectiveness review requirements.*
  - *Staff awareness training and induction.*
  - *Site security and maintenance of the facility.*
  - *Emergency equipment (PPE, fire suppression, first aid).*
  - *Site manager responsibilities.*

## Demolition and Construction

6. *Prior to demolition of any of the existing buildings commencing, the consent holder shall provide to Council a Demolition Management Plan (DMP) for certification that it provides suitable measures to avoid or mitigate the effects of demolition activities. The DMP shall include:*
  - *Measures to confirm the presence of asbestos containing material (ACM), and an asbestos removal plan which provides for the removal of asbestos in accordance with approved methods, and its disposal at a facility authorised to accept the material to ensure effects on human health are avoided.*
  - *A De-Construction Plan which provides measures for the recovery of heritage materials for reuse, avoidance of the collapse of weakened structures, structural inspection of adjoining buildings and retention of the structural integrity of buildings on adjoining sites, and to ensure demolition occurs safely.*
  - *Measures to provide for the sampling and assessment of potentially contaminated soils, undertaking works in areas of contaminated soils in accordance with the directions of a contaminated land specialist, and the appropriate disposal of contaminated soils at a facility authorised to accept the material.*
  - *A Communication Plan with affected parties, which includes procedures ensuring consultation prior to high noise generating activities occurring, and the receipt, recording, and resolution of complaints.*

- *A Site Specific Safety Management Plan which includes measures for the management of hazards to health and safety.*
  - *A Traffic Management Plan (TMP) which includes measures for the control of vehicle and pedestrian movements, including road closures, to ensure the safety of the public, and the continued safe and effective operation of the road network.*
  - *A Construction Noise and Vibration Management Plan (CNVMP) outlining how noise and vibration nuisance will be mitigated during demolition activities. The plan shall include restrictions on work hours, physical noise mitigation to be employed, and limitations on the timing of specific activities including high noise generating activities.*
  - *Measures for erosion and sediment control, including for the management of dust, and prevention of sediment being carted onto roads, or entering the public stormwater system.*
7. *The Demolition Management Plan certified by the Council under condition 6 above, shall be implemented for the duration of the demolition activity occurring on the site.*
8. *Prior to construction of the new development commencing, the consent holder shall provide to Council a Construction Management Plan (CMP) for certification that it provides suitable measures to avoid or mitigate the effects of construction activity. The CMP shall include:*
- *A Communication Plan with affected parties, which includes procedures ensuring consultation prior to high noise generating activities occurring, and the receipt, recording, and resolution of complaints.*
  - *A Site Specific Safety Management Plan which includes measures for the management of hazards to health and safety.*
  - *A Traffic Management Plan (TMP) which includes measures for the control of vehicle and pedestrian movements, including road closures, to ensure the safety of the public, and the continued safe and effective operation of the road network.*
  - *A Construction Noise and Vibration Management Plan (CNVMP) outlining how noise and vibration nuisance will be mitigated during construction activities. The plan shall include restrictions on work hours, physical noise mitigation to be employed, and limitations on the timing of specific activities including high noise generating activities.*
  - *Measures for erosion and sediment control, including for the management of dust, and prevention of sediment being carted onto roads, or entering the public stormwater system.*
9. *The Construction Management Plan certified by the Council under condition 8 above, shall be implemented for the duration of the construction activity occurring on the site.*
10. *Demolition and construction activities shall occur only between the hours of 7.30am – 6.00pm Monday to Saturday, and truck movements shall only occur between 7.30am – 5.00pm Monday to Saturday. No activities shall occur on Sundays and public holidays except in cases of operational necessity.*

11. *Demolition and construction activities comply with the long-term limits outlined in Table 2 of NZS6803:1999 as far as is practical. The Construction and Vibration/Noise Management Plan required under conditions 6 and 8 shall include measures for higher noise generating activities that cannot practically comply with NZS6803:1999.*
12. *Prior to demolition and construction activities commencing a continuous 3-metre-high screen/fence to the north, east, and south east boundaries, and a 2-metre-high screen to the west boundary, shall be constructed. The fence shall have a minimum surface mass of 8kg/m<sup>2</sup>, and be constructed with no gaps, with exception of where site access is required. The fence shall remain in place for the duration of demolition and construction activities.*

## Operation

13. *Operational noise from the site shall comply with the noise requirements set out in rule 3.13.2 of the Proposed Invercargill District Plan.*
14. *The hotel building shall be constructed and maintained to achieve the internal design sound levels set out in rule 3.13.9 of the Proposed Invercargill District Plan.*

## 7.0 Statutory Assessment

In accordance with Section 104(1)(b) of the RMA, this part of the AEE addresses the following statutory documents which are relevant to the assessment of the application:

- Proposed Invercargill District Plan.
- Southland Regional Policy Statement
- Part II of the RMA.

### 7.1 Proposed Invercargill District Plan

The following provides an assessment of the development against the objectives and policies of the Proposed District Plan.

#### 7.1.1 Heritage

The relevant objectives and policies relating to heritage are set out in Section 2.8 of the Proposed District Plan. The relevant objectives are as follows:

*Objective 1: Heritage values are identified and protected from inappropriate subdivision, use and development.*

*Objective 2: The built heritage of Invercargill is appropriately recognised and utilised.*

Objectives 1 and 2 provide relatively strong direction to *protect* heritage from inappropriate development and utilise existing built heritage. The supporting policies to implement these objectives are however less protective in their focus in that they provide for *avoiding, remedying, or mitigating* potential adverse effects on heritage (Policy 3), *encouraging* integration of new

development with heritage (Policy 4), and *promoting* adaptive reuse of buildings, including by evaluating *all reasonable* means of reuse as an alternative to demolition (Policy 5). Other relevant policies seek to protect cultural sites from the adverse effects of land disturbance (Policy 7).

Overall these objectives and policies together are considered to generally seek protection of heritage values from development, however the requirement for protection is not absolute, and demolition may be appropriate where all reasonable means of reuse have been considered, and effects on heritage values are at a minimum mitigated.

The potential reuse of the existing building in its entirety, or in part, for alternative commercial uses or a hotel has been considered through undertaking structural assessments of the existing building and façade, development and costing of strengthening options, assessing commercial feasibility of reuse, and considering practicalities as to the integration of the existing façade. That assessment has determined that while technically feasible, strengthening and reusing the existing building for commercial purposes or retention of the façade in conjunction with a hotel would result in a form of development that would be financially unviable and a design which is suboptimal in meeting the functional needs of a modern hotel.

While the effects on heritage values from demolition will be significant, the effects will be mitigated both by the design qualities of the replacement building, and heritage mitigation recommended by heritage specialists. In particular, continued associations with the past will be referenced through appropriate naming of the hotel, inclusion of heritage interpretation in the hotel, recording of heritage, re-use of materials, implementation of a strategy for retaining and upgrading the Trusts remaining heritage buildings and leveraging that expertise to neighbouring heritage buildings, and providing a financial contribution to assist with heritage preservation of public heritage features in Invercargill. Land disturbance will be undertaken in accordance with the requirements of any archaeological authority from Heritage NZ.

Furthermore, the design of the building also takes cues from the historical built fabric with regard to building footprint, parapet height, and materials and therefore will in part mitigate for effects on the streetscape. The replacement building is of a high quality and will complement and enhance the inner city, engaging with the street and the corner in a positive way that is inviting to visitors and residents of the city.

Overall, it is considered that while the proposal is not fully consistent with the heritage protection direction of the objectives and policies, it is not contrary to them in light of the unfeasibility of alternatives to demolition, the design of the replacement building, and the extensive heritage mitigation proposed.

### 7.1.2 Business 1 (Central Business District Zone)

The relevant objectives and policies relating to the Business 1 Zone are set out in Section 2.23 of the Proposed District Plan. The relevant objectives are as follows:

*Objective 1: Maintenance and enhancement of the primacy of the Invercargill Central Business District as the primary centre for retailing, business, culture, entertainment, education and social services for Invercargill City and the wider Southland region.*

*Objective 3: Identification, maintenance and enhancement of the amenity values of the Business 1 Zone.*

*Objective 4: Protection of the heritage values of the Central Business District.*

*Objective 5: An holistic approach to economic, social and geographical issues in the Central Business District is complemented through the District Plan.*

These objectives are supported by 23 policies. Policy 1 focusses on retaining existing and encouraging new commercial/retail activities, so as to maintain and reinforce the viability and vibrancy of the inner city. The proposed development will provide high quality visitor accommodation, and associated activities which will enhance the amenity and vitality of the inner city and assist to catalyse further revitalisation, consistent with this policy and the Southland Regional Development Strategy.

There are a number of policies relating to urban design and built form matters. These focus on encouraging the incorporation of best practice urban design and CPTED principles into the design of buildings and open space (Policies 3 and 19), creating safe, comfortable, stimulating, and enjoyable pedestrian experiences (Policy 4), having regard to the need to provide weather protection for pedestrians (Policy 10), and promoting pedestrian connectivity and legibility (Policy 20).

Acknowledging the inherent loss of heritage values, the proposal in all other respects meets these objectives.

Policy 16 seeks that the height of structures is controlled in order to create aesthetic coherence along frontages, avoid adverse microclimate effects, promote availability of sunlight to the street, and require new buildings on street corners to be an appropriate form and scale to address and articulate the street corner. Subject to the various mitigation measures proposed, the design adequately addresses the built form matters outlined in the Plan.

There are two Business 1 Zone specific heritage policies which support Objective 4 which seeks the *protection* of heritage values. These policies focus on *promoting* the retention of the character and scale of heritage buildings in the city centre (Policy 22), and *encouraging* owners to consider the re-use of buildings in preference to demolition (Policy 15). Where demolition occurs, adverse effects of demolition activity on amenity values are to be managed, and prompt redevelopment of sites encouraged.

As in the case of the other heritage specific objectives and policies, while Objective 4 seeks protection of heritage values, the corresponding policies qualify that protection is not absolute and demolition may be appropriate, where there has been *consideration* of re-use. As outlined in **section 7.1.1** above, the potential reuse of the existing building in its entirety for alternative commercial uses has been considered alongside retention of the façade in association with a new hotel building. Those assessments have determined that strengthening the existing building or retaining the façade would result in a form of development that would be financially unviable, and a design which is suboptimal in meeting the functional needs of a modern hotel. While the building will not be retained, the design of its replacement incorporates materials reuse and takes cues from the scale and character of both the existing heritage building and surrounding heritage buildings.

The effects of demolition activity on amenity values will be fully managed through the finalisation of a Demolition Management Plan which will incorporate measures for screening, traffic management, noise management, work hours, and dust control. A communication strategy implemented throughout the works will provide a means to ensure continued engagement with surrounding businesses and residents to ensure amenity effects are mitigated. Prompt redevelopment of the site for the hotel will occur following demolition to ensure ongoing active utilisation of the site.

Overall, while the proposal is not fully consistent with the heritage protection direction of Objective 4 and related policies, it is not contrary with them in light of the consideration given to alternatives to demolition, the design of the replacement building, and the management of demolition in respect of amenity values.

Other relevant Business 1 Zone policies seek to provide a level of ambient noise consistent with mixed land uses including residential (Policy 5), and having regard to the safety of the general public from the storage and use of hazardous substances (Policy 13). Operational noise from the hotel will comply with the District Plan noise standards so as to be consistent with the level of ambient noise. While demolition and construction activity will at times generate higher noise levels, this will be managed through ensuring compliance with New Zealand construction standards where practicable, and measures contained in the Demolition and Construction Management Plans. The storage and use of hazardous substances will occur in a manner which will protect the health and safety of the public and the environment. The proposal is therefore considered consistent with policies 5 and 13.

### 7.1.3 Transportation

The relevant objectives and policies of the District Plan relating to transportation are set out in Section 2.17 of the District Plan. The relevant objective is as follows:

*Objective 1: Development of transport infrastructure and land use takes place in an integrated and planned manner which:*

- (A) Integrates transport planning with land use.*
- (B) Protects the function, safety, efficiency and effectiveness of the transport network.*
- (C) Minimises potential for reverse sensitivity effects to arise from changing land uses.*
- (D) Provides for positive, social, recreational, cultural and economic outcomes.*
- (E) Minimises where practical the adverse public health and environmental effects.*

The supporting policies have a focus on providing for the safe and efficient operation and protection of transport infrastructure (Policy 1), having regard to the Council's roading hierarchy (Policy 3), and to avoiding, remedying, or mitigating effects on transport infrastructure, including reverse sensitivity (Policy 5).

The proposed development integrates with the transport network in a way which will ensure its continued safe and efficient operation. Specifically, the proposed access arrangements will ensure effective vehicle and coach access and egress to and from the site without adversely impacting on the safe and efficient movement of traffic on the frontage roads, and pedestrian movements at the access points. The hotel will be designed in a way which meets the internal acoustic performance standards of the District Plan so as to avoid reverse sensitivity effects on the operation of the transport network from the change in land use. Accordingly, the proposal is considered consistent with the transportation objectives and policies.

### 7.1.4 Hazardous Substances

The relevant objectives and policies of the District Plan relating to hazardous substances are set out in Section 2.7 of the District Plan. The relevant objectives are as follows:

*Objective 1: Protection of the environment and human health and safety from the adverse effects of the manufacture, storage, use, transportation and disposal of hazardous substances.*

*Objective 2: Avoid creating new areas of contaminated land and further contamination of already contaminated land.*

The supporting policies require the storage and use of hazardous substances to avoid, remedy or mitigate adverse effects on the environment (Policy 1), avoid adverse effects on public health (Policy 2), establish facilities, systems, and procedures which will minimise the risk of pollution in the event of accidents (Policy 3), and recognise the provisions of other legislation, such as the Hazardous Substances and New Organisms Act 1996 (Policy 5).

The LPG storage facility has been designed to comply with all relevant regulations, and a Site Management and Emergency Response Plan will be prepared and certified in accordance with those regulations prior to the operation of the hotel commencing. This will ensure the storage and use of hazardous substances will occur so as to avoid, remedy, and mitigate adverse effects on public health and the environment. Accordingly, the proposal is considered consistent with the hazardous substances objectives and policies.

#### 7.1.5 Earthworks

The relevant objectives and policies of the District Plan relating to earthworks are set out in Section 2.13 of the District Plan. The relevant objective is as follows:

*Objective 3: Earthworks in Invercargill are carried out in such a way as to avoid, remedy or mitigate adverse environmental effects.*

Policy 6 requires land use activities and development which propose to fill or re-contour land, or move or remove significant quantities of soil to be controlled.

The proposed Demolition and Construction Management Plans will include measures to ensure that any earthworks required to demolish the building, backfill the site, and construct foundations for the new building are undertaken in a way which avoids, remedies, or mitigates adverse environmental effects. This includes measures for screening, traffic management, noise and vibration management, work hours, and erosion and sediment control. Earthworks will also be undertaken in accordance with the requirements of any archaeological authority. The proposals are therefore considered consistent with the earthworks objective and policy.

#### 7.1.6 Contaminated Land

The relevant objectives and policies of the District Plan relating to contaminated land are set out in Chapter 2.5 of the District Plan. The relevant objectives are as follows:

*Objective 1: Land that is affected by soil contamination is identified, monitored and managed.*

*Objective 2: The adverse effects of contamination on subdivision, use and development of contaminated land are remedied or mitigated.*

The supporting policies require implementation and compliance with the National Environmental Standard for Assessing and Managing Contaminants in Soil (Policy 3), managing the development of land that is potentially contaminated so as to protect human health (Policy 5), and determining the appropriate management action for contaminated land (Policy 6). Undertaking further investigations in relation to historic fuel storage facilities, testing of excavated soils prior to off-site disposal, and undertaking activities in accordance with the directions of a contaminated land specialist will ensure that any adverse effects from potential land contamination on human health and the environment are remedied or mitigated. The proposal is therefore considered consistent with the contaminated land objectives and policies.

### 7.1.7 Conclusions of Proposed District Plan Assessment

When considered overall, the proposed development will be fully consistent with those provisions which seek to maintain and enhance the Invercargill inner city, including its amenity values. The development will also be consistent with those provisions which seek integration of development with the transport network, protection of the environment and human health from the storage and use of hazardous substances, and the requirements to avoid, remedy, or mitigate the adverse effects of earthworks, and the management of soil contamination.

While the proposal will not be fully consistent with the heritage protection focus of individual Plan objectives, it is acknowledged that the requirement for protection is not absolute given the recognition in the policies that provide that demolition may be appropriate where all reasonable means of reuse have been considered, and effects on heritage values are at a minimum mitigated. Taking into account the unfeasibility of alternatives to demolition, and the design of the replacement building and heritage mitigation proposed, it is considered that the proposal will not be contrary to the heritage objectives and policies.

Given the above, it is considered that the development overall is consistent with, and will support achievement of the objectives and policies of the Proposed District Plan.

## 7.2 Southland Regional Policy Statement

The Southland Regional Policy Statement was made operative in 2017, and provides the overall resource management direction for the region, including the content of District Plans. The Proposed District Plan has been developed to give effect to the provisions of the Regional Policy Statement, and therefore the District Plan objectives and policies are consistent with it. The following provides an assessment of the development against the relevant key objectives and policies of the Regional Policy Statement.

The Regional Policy Statement contains two relevant heritage related objectives, as follows:

*Objective HH.1 – Protection of historic heritage Historic heritage values are identified and protected from inappropriate subdivision, use and development.*

*Objective HH.2 – The built heritage of Southland is appropriately recognised and where possible utilised in a sustainable manner.*

The supporting policies require that adverse effects on heritage values from inappropriate development are avoided, mitigated, and where appropriate remedied (Policy HH.2). The policy allows other factors to be taken into account, including the significance of heritage values, financial cost, and technical feasibility when making decisions about protection of heritage. Other policies encourage integration of heritage with new development (Policy HH.3), and also encourage adaptive reuse (Policy HH.6).

These objectives and policies are consistent with those contained in the District Plan, and similarly allow other factors to be taken into account in determining the appropriateness of demolition. Taking into account the unfeasibility of alternatives to demolition, and the design of the replacement building and heritage mitigation proposed (as discussed in **section 7.1**), it is considered that the proposal will not be contrary to the heritage objectives and policies.

The Regional Policy Statement contains a single objective relating to urban development, as follows:

*Objective URB.1 – Urban (including industrial) development occurs in an integrated, sustainable and well-planned manner which provides for positive environmental, social, economic and cultural outcomes.*

Related policies require the adverse effects of urban development to be avoided, remedied, or mitigated (URB.1), urban development is to be managed to support energy efficiency and solar gain (URB.2), and high quality urban design is encouraged (URB.4). The proposed development has been designed in accordance with best practice urban design principles, and to achieve solar gain. Any adverse effects on urban amenity and human safety have been avoided, remedied, and mitigated through the design, and proposed demolition and construction management measures. The development is therefore considered consistent with the objective and policies.

The Regional Policy Statement contains other relevant objectives and policies which seek identification and management of soil contamination to avoid, remedy and mitigate adverse effects (Objectives CONTAM.1 and 2), to prevent or mitigate adverse effects from the storage and use of hazardous substances (Objective HAZ.1), and to protect the safety, efficiency, and effectiveness of the transport system (Objective TRAN.1). These requirements reflect equivalent objectives in the District Plan, and based on the discussion of the relevant matters in **section 7.1** above, that the development will be consistent with them.

Given the above, it is considered that the development is overall consistent with, and will support achievement of the objectives and policies of the Regional Policy Statement.

### 7.3 Part II of the RMA

When considering whether to grant or decline a proposal of this nature, regard must be had to Part II matters of the Act, pursuant to s.104(1).

In the recent decision (*AJ Davidson Family Trust v Marlborough District Council [2016] NZEnvC 81*) the Environment Court noted that the reference in section 104(1) of the Act 'subject to Part II' does not give a specific direction to apply Part II in all cases but only in certain circumstances. The Court found that, in addition to where there is a conflict between provisions, the decision maker should only resort to Part II of the Act when a planning document is invalid, has incomplete coverage, or is uncertain as to meaning. The Environment Court's approach was confirmed by the High Court in *RJ Davidson Family Trust v Marlborough District Council [2017] NZHC 52*, and although the High Court decision is subject to appeal, that approach remains relevant at the present time.

The Proposed Invercargill District Plan adequately addresses the Part II matters, and the proposal has been assessed against its requirements, and is overall consistent with them. There is no inherent conflict, invalidity, incompleteness or uncertainty. While an assessment against Part II matters is therefore not required, an assessment of the relevant matters is provided as follows.

Part II of the RMA sets out the purpose (**Section 5**) and principles (**Sections 6-8**) of the RMA. The overall purpose of the RMA is to 'promote the sustainable management of natural and physical resources'. This is to be achieved by managing resources in a way which provides for the social, economic, and cultural wellbeing of people and communities, while sustaining the potential of natural and physical resources to meet the needs of future generations, and avoiding, remedying, and mitigating adverse effects of activities on the environment.

Section 6 matters are of particular relevance to this application. Section 6(f) requires in achieving the purpose of the RMA to *recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development*. Section 7(c) and (f) relevantly requires particular regard be had to the maintenance and enhancement of amenity values and the quality of the environment in achieving the purpose of the RMA.

The proposed development will support social, and economic wellbeing through enabling development of a new hotel development which will enhance the viability and vibrancy of the Invercargill inner city, assist catalyse further revitalisation, and support wider Southland economic development objectives. While the development will result in the loss of historic heritage and associated social and cultural connections, such development is considered to be appropriate in considering the economic feasibility of retention of the existing heritage building, and the corresponding social and economic benefits of the replacement development.

The economic and social benefits of the development, will be realised while at the same time avoiding or mitigating adverse environmental effects, including those on urban amenity, the transport network, and human health and safety with regard to hazardous substances, and contaminated soils. Adverse effects from the loss of historic heritage will also be mitigated. Through the avoidance or mitigation of adverse effects, the development will maintain or enhance amenity values, and the quality of the environment, noting that any loss of amenity from demolition and construction activities will be periodic and temporary in duration.

Given the above, overall it is considered that the proposal will achieve the purpose and principals of the RMA 1991.

## 8.0 Consultation

The Trust has consulted with heritage preservation stakeholders and surrounding properties as part of preparing this resource consent application. The outcomes of this consultation are recorded in following sections.

### 8.1 Heritage New Zealand

There has been ongoing consultation with Heritage New Zealand during preparation of the resource consent application. Heritage New Zealand were provided with concept plans for the development on the 18<sup>th</sup> of April 2018, which was followed by a series of meetings to discuss the proposed design, outcomes of the heritage assessments prepared by Heritage Properties Ltd, and proposed heritage mitigation package.

Through these discussions, Heritage New Zealand has confirmed that an archaeological authority will be required for the project, and that the project information provided to date is likely to be sufficient for those purposes. Heritage New Zealand acknowledge that the determination of the resource consent application is a matter for Invercargill City Council. The details of the heritage mitigation package have, however, been discussed with Heritage New Zealand who are supportive of the Trust's proposal to develop a strategy covering the retention and upgrading of other heritage buildings in its portfolio and using that work to leverage other heritage redevelopment within the central city. Heritage New Zealand indicated general agreement as to the methodology used to calculate the financial contribution for heritage preservation.

## 8.2 Southland Heritage Building and Preservation Society

A meeting was held between representatives of the Trust and the Society on 31 July 2018. The Society indicated its disappointment at the loss of the heritage building but acknowledged the financial challenges inherent in retention. The Society was concerned to understand whether the heritage cobblestones and other heritage materials in the existing building could be reused. The Warren and Mahoney Design Statement at **Appendix 4** sets out the materials that are available for reuse. This includes the relocation of the cobblestones, the reuse of timber panelling from the main stairwell area, classical mouldings and wrought iron columns subject to condition.

## 8.3 Ministry of Culture and Heritage

A meeting was held between representatives of the Trust and the Ministry on 31 July 2018 in Invercargill. A general discussion took place about the need for the City to prioritise its heritage buildings overall. The potential loss of the existing heritage building was acknowledged together with the financial difficulties in retention and reuse.

## 8.4 Surrounding Properties

The Trust has consulted with a number of the surrounding property owners and occupiers, with a number of meetings held with individual properties to discuss the project, share information, and discuss and understand any concerns with the project. Outcomes from this consultation are described in the table below:

Property	Where Located	Consultation Outcomes
10 Don Street.	Alexandra Building on the north side of Don Street.	Owners supportive of the proposal, and have provided written approvals.
12 Don Street.	North side of Don Street.	Owner supportive of the proposal.
28 Esk Street.	Adjoins the southern boundary of the site.	Owner supportive of the proposal.
Units 1, 2, 3, 4, 5, and 6, Ground Floor, 55 The Arcade	Adjoins the southern boundary of the site.	Units subject to contract for sale to new owner. New owner has indicated support for the proposal.
Unit 7, Level 1, 55 The Arcade (Residential unit)	Adjoins the southern boundary of the site.	Owner concerned with loss of privacy on their balcony, the need for structural strengthening of boundary walls, location of the sub-station, and disruption during demolition and construction.
Unit 8, Level 1, 55 The Arcade (Residential unit)	Adjoins the southern boundary of the site.	No response received from owner.

Unit 9, Level 1, 55 The Arcade (Residential unit)	Adjoins the southern boundary of the site.	Owner concerned with the need for structural strengthening of boundary walls, and noise impact during demolition and construction.
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The Trust is continuing to consult with a number of these property owners and occupiers to understand any concerns, and discuss potential mitigation options.