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HWCP MANAGEMENT LTD
INNER CITY REDEVELOPMENT

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**RESOURCE MANAGEMENT ACT 1991
FOURTH SCHEDULE
ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

1. Introduction

HWCP propose to undertake a redevelopment of an Invercargill city centre block bounded by Dee, Esk, Kelvin and Tay Streets (the Block). This has been driven by the Southland Regional Development Strategy (SoRDS). SoRDS was commissioned by the Southland Mayoral Forum in 2014 to achieve a social and economic base for Southland that would provide a solid foundation for attracting and retaining more people to the region. The strategy acknowledges that:

“a balanced economy with strong social cohesion will produce the resilience required to counter the impact of mega-trends such as international commodity price fluctuations, the south to north population drift, the lure of the city and job losses in traditional industries, which constantly threaten the stability of regional economies.”

A significant part of the strategy is the rejuvenation of Invercargill. Five transformational projects were identified *“which if developed roughly in parallel will achieve the rejuvenation required. They will provide the focus and confidence in the inner city for other businesses to thrive. They are:*

- *Art Gallery*
- *Motorcycle Mecca*
- *Cambridge Retail Precinct*
- *Museum*
- *Hotel”*

(Southland Regional Development Strategy – Action Plan 2015-2025, p28)

The first stage of the Motorcycle Mecca is completed and is undergoing further expansion on the south side of Tay Street; the Invercargill Licencing Trust is currently progressing a hotel development on the corner of Don and Dee Streets; HWCP’s proposed retail precinct will achieve the third of the transformation projects identified by the strategy.

In 2017 First Retail Group prepared a Retail Strategy for Invercargill City Council, with the strategies intent *‘to support transformation projects, guide upcoming decisions and provide a clear vision for success’*. The Strategy focuses on the commercial requirements of the city and *‘necessary alignment with consumer needs and expectations.’* (p5 Retail Strategy)

The executive summary states:

While other New Zealand cities have transformed over the past decade, Invercargill’s building stock, streetscape and commercial performance remains relatively unchanged.

This has caused vulnerability for businesses, as consumers’ look elsewhere for the products and experiences expected from a city centre. Property owners have similarly been impacted as the CBD becomes less attractive to locate in.

Lack of reinvestment in CBD properties, competitive developments on the fringe and an environment lacking contemporary amenities or destinations has led to people falling out of love with the City Centre. This is reflected by reduced footfall and static sales growth.

Tellingly, Invercargill has one of New Zealand’s highest rates of spending attrition with many locals choosing instead to purchase products when travelling or online.

Spending attrition indicates the City’s retail offer misses meeting consumers’ needs and expectations. It also demonstrates potential for Invercargill business that can adapt strategically to meet the market.

This is a situation which the redevelopment proposed by HWCP Management Ltd aims to turn around.

HWCP Management Limited was formed as a joint venture between Invercargill City Property Limited and HWR Property Limited to give effect to the development of the city centre in accordance with the aims of SoRDS. HWCP's vision statement for the redevelopment can be summarised as *'The inner-city block will be a place full of vibrance, bringing new life to Invercargill's CBD.'* (www.hwcp.nz)

The following aspects are proposed to be incorporated within the redevelopment:

- A range of dining offerings, including a food court and boutique eateries.
- Retail shops, ranging from a large anchor retailer to small boutique stores.
- A covered, multi-storey covered carpark with 951 parking spaces.
- Open air internal laneways and outdoor dining spaces within the precinct.
- A central medical centre, conveniently located for those working in and around the CBD.
- Office blocks and apartments.

The Buchan Architects Masterplan for the redevelopment of the city centre can be found in Appendix A.

2 Site Description

The Block encompasses the area bounded by Dee, Esk, Kelvin and Tay Streets in the Invercargill CBD, excluding the Kelvin Hotel (20 Kelvin Street) and Reading Cinema (29 Dee Street) - these buildings are owned by third parties and are to remain. Figure 1 (Page 6) shows the Block area and the excluded buildings.

The Block is primarily made up of commercial premises and includes fashion, food and beverage, hairdressers and beauty, a convenience store, dance studio, office space and other retail. Cambridge Place runs through the site from Esk to Tay Street and includes similar types of commercial offering. There is no residential activity within the block boundaries. A public car park operated by Invercargill City Council is located in the western half of the block.



Figure 1: The area included in the Block is outlined in blue.

The following table lists the legal descriptions and corresponding addresses within the site area:

Legal Description	Address
Pt Secs 1 & 2 Blk II Tn Invercargill (CFR SL181/232);	33 Dee Street and 29 Esk Street
Pt Secs 1 - 3 Blk II Tn Invercargill, Lot 4 DP 3298 (CFR SL147/248);	31 Dee Street
Lots 1 - 3 DP 3298 (CFR SL147/247);	31 & 35 Esk Street
Pt Sec 3 Blk II Tn Invercargill (CFR SL147/270),	37 Esk Street
Pt Sec 3 Blk II Tn Invercargill (CFR SL10A/63),	41 Esk Street
Lots 1 & 3 DP 6653 (CFR SL12B/517, SL12B/526, SL12B/535);	45 & 49A-D Esk Street
Lot 2 DP 6653 (CFR SL12B/521, SL12B/530, SL12B/539);	49E Esk Street
Lot 1 DP 10282 (CFR SL12B/520, SL12B/529, SL12B/538);	53 Esk Street
Lot 1 DP 5659 (CFR SL12B/518, SL12B/527, SL12B/536);	55 Esk Street
Lot 2 DP 5659 (CFR SL12B/524, SL12B/533, SL12B/542);	51 Esk Street
Sec 7 and Pt Sec 8 & 16 Blk II Tn Invercargill (CFR SLA1/1188, SLA1/891);	59-61 Esk Street
Lot 1 DP 471245 (CFR 639052);	63 Esk Street
Lot 1 DP 326508 (CFR 107825);	67 Esk Street
Lot 2 DP 7637, Sec 24 Blk II Town of Invercargill (CFR SLB4/1194);	54 Tay Street
Lot 2 & 5 DP 2682 (CFR SL132/88); Part Lot 1, DP 2682 (CFR SL139/235)	18 Kelvin street
Sec 12 Blk II Town of Invercargill (CFR SL125/194); Part Lot 1, DP 2682 (CFR SLB4/1469)	2 – 16 Kelvin Street & 58-64 Tay Street
Lots 2 & 3 DP 4286 (CFR SL171/237);	50 Tay Street
Lot 1 DP 4286 & Lot 1 DP 15444 (CFR SL12B/412);	48 Tay Street
Lot 2 DP 471245, Lot 3 DP 3713 & Pt Sec 15 Blk II Town of Invercargill (CFR 639053); Pt Sec 14 Blk II Town of Invercargill (CFR SL6B/1377); Pt Sec 14 Blk II Town of Invercargill (CFR SL6B/1374);	42 Tay Street
Pt Sec 15 Blk II Town of Invercargill (CFR SL6B/1378); Pt Sec 16 Blk II Town of Invercargill (CFR SL6B/1375); Lots 1 & 2 DP 3713 (CFR SLA1/1189, SL1A/892);	1-26 Cambridge Place, 40 Tay Street
Lot 1 DP 2663 (CFR SL131/181);	36 Tay Street
Pt Lot 1 DP 2359 (CFR SL131/182);	32 Tay Street
Pt Secs 17 & 18 Blk II Town of Invercargill (CFR SL12B/523, SL12B/532, SL12B/541);	24 Tay Street
Lot 2 DP 2359 (CFR SL129/21);	30 Tay Street
Pt Sec 18 Blk II Town of Invercargill (CFR SL179/56);	24 & 26 Tay Street
Pt Sec 18 Blk II Town of Invercargill (CFR SL12B/522, SL12B/531, SL12B/540);	22 Tay Street
Pt Sec 19 Blk II Town of Invercargill & Lot 1 DP 303305 (CFR 13116, 14028, 14029); Lot 2 DP 303305 (CFR 13117);	20 Tay Street
Lot 2, DP 303305 (CFR 13117)	16 Tay Street
Lot 1 DP 14147 (CFR SL11B/732);	8-14 Tay Street
Part Lot 2, DP 14147 (CFR SL11B/733)	29 Dee Street
Lot 2 DP 4801 (CFR SL186/105);	4 Tay Street
Lot 3, DP 14147 (CFR SL12B/543, SL12B/534, SL12B/525)	6 Tay Street
Pt Section 22 Blk II Town of Invercargill (CFR SLA3/468);	5 Dee Street
Pt Section 22 Blk II Town of Invercargill (CFR SL6D/432);	7 & 7A Dee Street

Pt Section 22 Blk II Town of Invercargill (CFR SLA3/653); Lots 1, 2, 3 & 4 DP 5189 (CFR SL195/229);	9 Dee Street
Lot 5, DP 5189 (CFR SL195/230)	1 Dee Street

Table 1: Site Legal Descriptions and Addresses

Note: 1 Dee Street (Lot 5, DP 5189) contains the NSW Bank Building. A heritage covenant is registered on the title in favour of the New Zealand Historic Places Trust. The covenant requires the preservation and maintenance of the building. No works are proposed to be undertaken on or within the NSW Bank as part of this application.

There are twelve vacant ground floor commercial spaces within the Site, and almost all buildings have vacant second storeys (only six buildings have tenancies on the 2nd floor). The Lewis and Co and Newburgh buildings are each five stories tall with the top four floors having been vacant for a considerable number of years.

Dee and Tay Streets are each State highways (SH6 and SH1 respectively) and are four lane roads split by central medians. Angled public car parking is available on the north and south sides of Tay Street and the west side of Dee Street. Bus parking is available on the eastern side of Dee Street.

Kelvin Street is a two lane local road with parallel public car parks available on the western side and taxi parking available on the western side.

Esk Street is a one-way road which includes one traffic lane and angle parking on each side of the road. Esk Street is a mixed-use space with traffic calming measures allowing for free movement of pedestrians. The eastern end of the street is two-way to allow for service vehicles to enter the lane behind the Kelvin Hotel.

The surrounding area is a mix of similar commercial uses with some visitor accommodation, and residential use on Tay and Dee Streets. H&J Smiths is located opposite the site on Kelvin St. Wachner Place, a public open space, is located on the western side of Dee Street.

3. Urban Context

The central business district extends from Gala Street to the north to Forth Street to the south and from Leven Street in the west to Jed Street in the east. The main retail and entertainment area is however, contained the block bounded by Dee, Tay, Kelvin and Don Streets, with an outlying area of retail between Spey Street and Victoria Avenue on Leven Street. The Block is located in the heart of this main retail area. This is reinforced by the various precincts identified on the District Planning Maps (Entertainment, Priority Redevelopment and Pedestrian Friendly). The District Plan anticipates a highly urban, commercial environment in this area.

The urban grain of this part of Invercargill is made up of oblong blocks laid out in grid pattern with streets running north/south and east/west. The overarching activity type in the area is commercial, with a mix of retail and entertainment premises as well as some civic areas such as Wachner Place and the Invercargill Library located on Dee Street.

The CBD contains a high number of heritage listed buildings with these identified on the plan below.

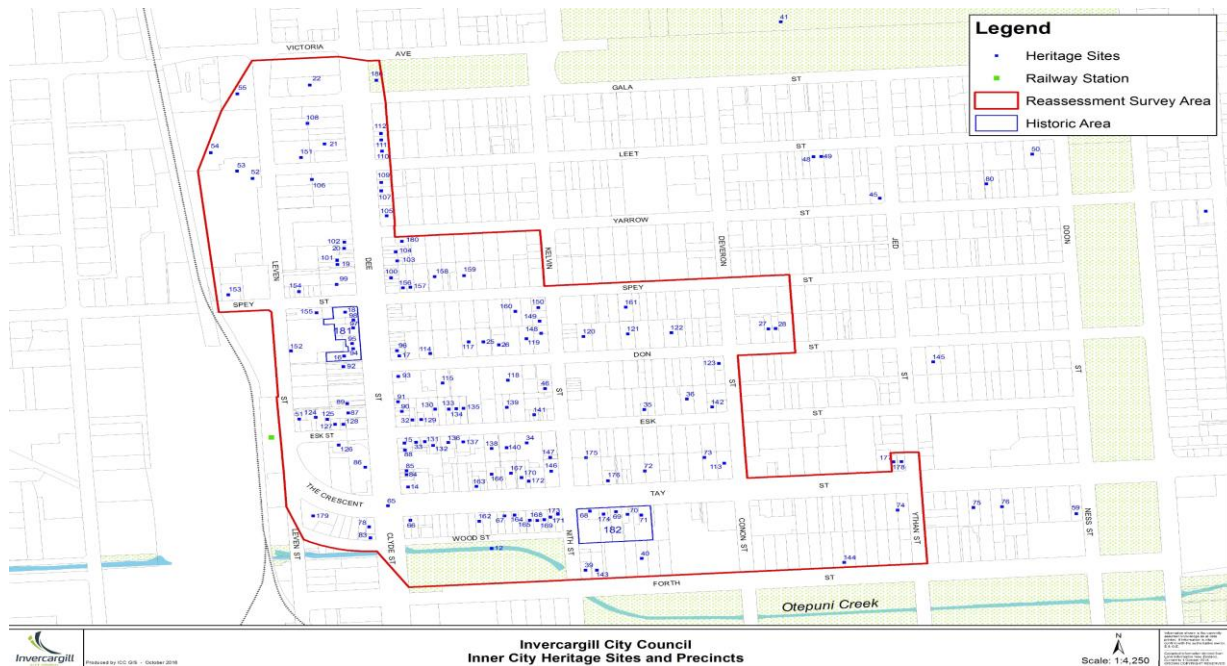


Figure 2: Inner City Heritage Site and Precincts

The Block includes twenty buildings listed in Appendix II of the Proposed District Plan as heritage buildings, including one Category I and three Category II NZHP listed buildings. Fourteen of the buildings that make up the site were constructed pre-1900 and these include some buildings which are not listed in the ICC Heritage Register. It is also noted the Block as a whole has been settled since pre-1900 and as such the whole block is an archaeological site. NZ Heritage Properties Limited (**NZHP**) have provided the plan below showing the heritage listed buildings on the block as well as those buildings constructed prior to 1900 (see Appendix C for larger version).



Figure 3: NZ Heritage Properties plan showing HNZPT listed buildings, ICC scheduled buildings and pre-1900 buildings.

Successive planning documents have recognised the rich heritage retained in the Invercargill CBD and outlying areas. The District Plan lists 169 buildings and structures within Appendix II - Heritage Record. Of these 64 are listed on the NZ Heritage List. Invercargill City Council commissioned Origin Consultants to undertake a Heritage Buildings Re-Assessment in 2016 and this assessment identified *'Tay Street, Dee Street and Esk Street as the 'crown jewels' of the Invercargill CCA [Central City Area] and should be considered from a perspective of the value they bring to the CCA and not from the perspective that they are a constraint to future development. It also identified that there is a need to place greater emphasis on the requirement for high quality, good, new design that is sympathetic and conscious of the heritage character of the CCA, in terms of frontages, storey heights and massing.'*

4. Description of Activity

4.1 Overview of Redevelopment

The proposed redevelopment of the block will see the majority of the site cleared to make way for a new retail precinct which will incorporate, food and beverage, office, retail and residential accommodation. The following features will make up the development:

- Open air entertainment/food and beverage area on the second floor overlooking Esk Street;
- Five storey building on the corner of Dee and Esk Streets which will include, retail, office and residential apartments;
- Covered retail precinct and food court;
- Open air 'piazza' behind the Bank of New South Wales building available for public use as a sheltered courtyard/park area;
- Four storey car park providing covered access to the shopping precinct with 951 car parks and the ability to close off the top floor for use as an events space/farmers market etc;
- Retained heritage facades on each of the Block frontages;
- Images reflecting past heritage buildings on Tay Street frontage;
- 30 buildings in total to be demolished.

Buchan Architects (**Buchan**) were engaged by the applicant to provide design and architectural services for the project. The starting point for the design process was to understand the end user desires and needs:

'The fundamental aim of the development is to reimagine and revitalise the central business district; to achieve this the design team needed to create a place for people. Reasons for coming to the central business district; not only for shopping and a variety of offers – but for work, good quality food option, heal and well being and civic functions. Multiple threads of activity to pull people through the development at a variety of times through the day and week. Overlaid upon this is the need to make the central business district compete with the accessibility of large format retail centres around the perimeter of the Invercargill central business district.'
(Buchan Design Statement – Usage)

4.2 Heritage Building Demolition

The redevelopment will require the demolition of thirty buildings located over the Block with only the Kelvin Hotel, Readings Cinema and NSW Bank building at the corner of Dee and Tay Streets to remain as they currently exist.

The recognised heritage buildings on site are listed in Table 2 above. The block includes one building registered as Category I by NZHPT and three registered as Category II by NZHPT. A further 16 buildings within the block are registered in Appendix II of the Invercargill City District Plan as Class II heritage buildings.

Building Category	Building Name	Building Address	Action
HNZPT Category I	NSW Bank	1 Tay Street	<i>Building to be retained</i>
HNZPT Category II	Newburgh Building	33 Dee Street	<i>To be demolished</i>
	Lewis and Co Building	29 Esk Street	<i>To be demolished</i>
	Southland Times Building	67 Esk Street	<i>To be partially demolished. Façade to be altered</i>

Table 2 – Heritage NZ Listed Buildings

As listed above the Category I NSW Bank will be retained with no works to be undertaken either externally or internally as a result of this application.

The Category II Lewis and Co and Newburgh buildings will be demolished in their entirety due to the lack of structural integrity in these buildings. The structural engineers reports will be discussed in detail in later sections of this report.

The façade of the Category II Southland Times will be retained but with alterations, while the rest of the building will be demolished.

Sixteen of the buildings, are identified as Class II heritage buildings in Appendix II of the Invercargill City District Plan (**District Plan**). These buildings will be demolished in their entirety other than the façades of the Coxhead building (31-35 Esk Street), the Fairweather building (58 Tay Street) and the Thompson building (18 Kelvin Street). Verandah posts which are identified as heritage street furniture will also be removed.

All other buildings located on the block will be demolished in their entirety.

Invercargill City Class II Heritage Building			
Building Name	Heritage Value (source from NZHP HIA, p48)	Address	Action
Thompsons Building	Low	18 Kelvin Street	<i>Façade to be retained</i>
Coxhead' Building	Medium	31-35 Esk Street	<i>Façade to be retained</i>
Fairweather Building	Medium	58 Tay Street	<i>Façade to be retained</i>
Martin, Maitland and Co's Building	Low	37 Esk Street	<i>To be demolished</i>
Temple Chambers	Low	49 Esk Street	<i>To be demolished</i>
NZIC Building	Low	51-53 Esk Street	<i>To be demolished</i>
Cambridge Arcade	Medium	59-61 Esk Street	<i>To be demolished</i>
Cambridge Buildings	Low	40 Tay Street	<i>To be demolished</i>
Nichol's Building	Low	63 Esk Street	<i>To be demolished</i>
Hotel Cecil	Low	1-16 Kelvin Street & 60-64 Tay Street	<i>To be demolished</i>
H&J Smith Building	Low	50 Tay Street	<i>To be demolished</i>
H&J Smith Building	Low	48 Tay Street	<i>To be demolished</i>
Annie Ibbotson's Building	Low	30 Tay Street	<i>To be demolished</i>
Barham's Building	Low	7 Dee Street	<i>To be demolished</i>
Lumsden's Building	Low	9 Dee Street	<i>To be demolished</i>
Smith's Building	Low	31 Dee Street	<i>To be demolished</i>

Table 3: ICC Class II Listed Heritage Buildings

On the Tay Street frontage, images of buildings which have already been lost over time will be superimposed on the new building frontage to provide a connection back to the Blocks past and also to the retained heritage buildings on each side of Tay Street.

4.3 Urban Design

The design needed to work around the existing usages on the block which are to remain – these being the Kelvin Hotel, the Reading Cinema and the NSW Bank building. The development has to work within the constraints of these buildings which are to remain and also be complimentary to them. The NSW Bank for instance is proposed to be incorporated as part of the civic buildings in the south western corner while access to the Reading Cinema will be provided internally from the precinct providing greater connection between food and beverage areas and the entertainment facilities.

Buchan started the design with food and beverage areas as the heart of the development, connected to a series of complementary activities. The Cambridge Arcade was identified as one of the significant features of the block and a new arcade space was designed to reflect this area but with some redesign to increase the sense of destination in this area, rather than providing a corridor from Esk through to Tay Streets. The following sets out the basic development layout as shown in the Buchan Architect Floor Plans (Appendix 1).

Dee Street:	includes the seven storey office accommodation on the Dee and Esk corner and the Civic Precinct on the Dee and Tay Street corner with a medical centre adjoining on Tay Street. A large open air plaza will be located behind the Civic area providing users outdoor area to enjoy the sunlight while being protected from the winds
Esk Street centre:	includes the food and beverage areas with a dining deck overlooking Esk Street
New Cambridge Arcade:	Fashion and retail runs along the approximate line of the existing Cambridge Arcade but with the south end offset to create a sense of destination within the retail area.
Big Box Retail:	Behind the retained Southland Times façade will be a large department store located over two levels.
Kelvin Street:	Adjoining the Kelvin Hotel will be six storey mixed use building suitable for accommodation, office use etc

A 951 space car park is provided over four levels with the entrance located at the east end of Tay Street and ramping up to the first floor. Direct access is provided from the car park to the retail space.

Buchan Architects as part of the project team undertook detailed consultation with New Zealand Historic Places Trust Pouhere Taongo (NZHPT) from the outset of the design process. The approach was to incorporate heritage where it would positively benefit the whole scheme and would highlight the heritage buildings of particular significance. The design has continuously evolved to include design input and feedback from both NZHPT and NZ Heritage Properties, employed as the applicants heritage architect experts.

The ability to retain heritage buildings and façades as functional parts of the redevelopment ensures the block remains cohesive with the surrounding streets, highlighting the heritage features and residents familiarity with the street scene and ensuring the long term viability and maintenance of these buildings.

The full Buchan Architects Design Statement and Master Plans for the development are located in Appendix A.

4.4 Demolition and Construction

The demolition phase of the development is expected to take up to 24 months. The demolition will be staged with work starting at the eastern end of the site and working towards the west. The following plan sets out the proposed staging methodology during the demolition works:

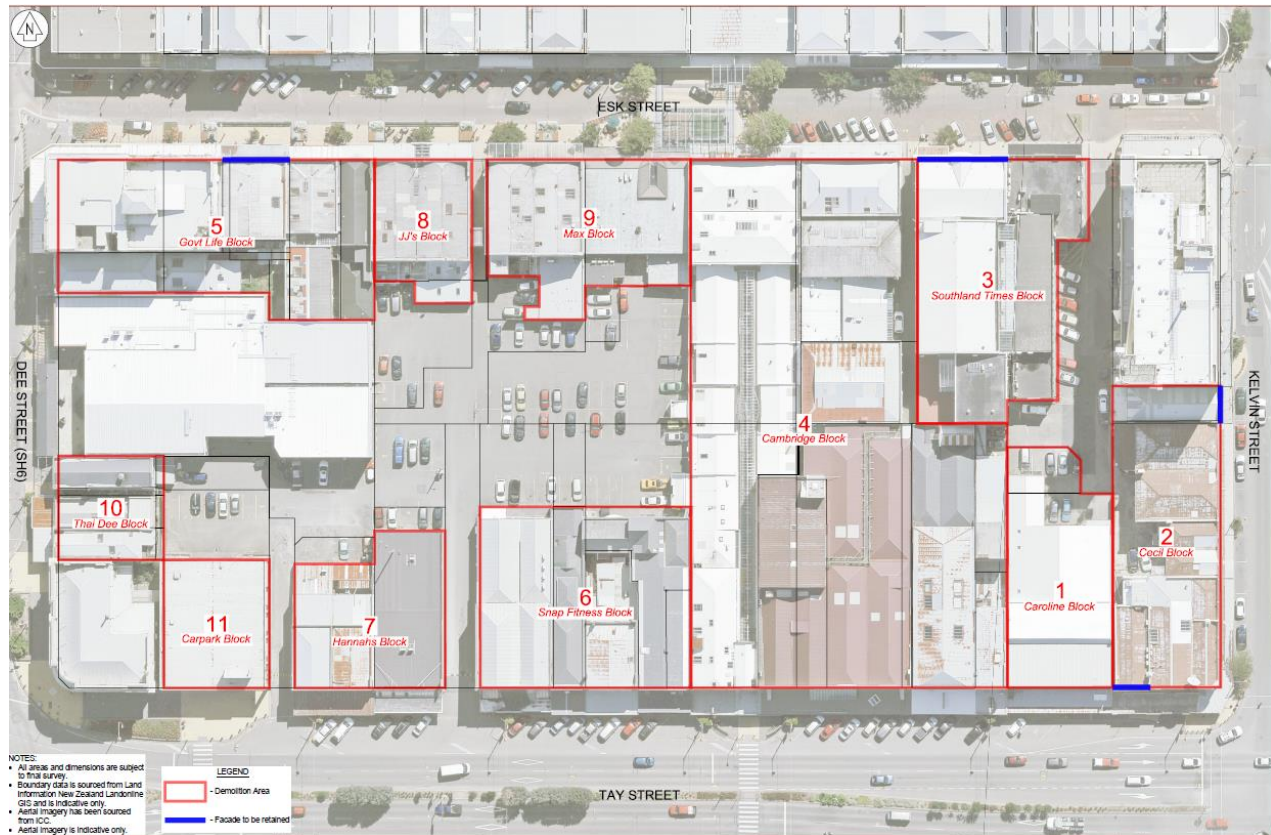


Figure 4: Proposed Demolition Staging

This staging program is intended to reflect the construction programme, with construction intended to begin while later stages of the site are undergoing demolition. Stages 3 and 4 generally correspond to the location of the anchor tenant with this area to be developed as a priority. Stage 1 will be undertaken first to allow a staging area and suitable entry/egress point for the demolition contractor. No demolition will be undertaken until such time as an anchor tenant has been confirmed for the site.

5. Invercargill City District Plan Assessment

Decisions on the Proposed District Plan were released in October 2016 and the Appeals version was released in January 2018. Any provisions of the Proposed Invercargill City District Plan that have not been appealed are beyond the point of legal challenge and therefore are to be treated as being operative, so the equivalent provisions of the Operative Invercargill City District Plan will cease to have effect. All provisions relating to the proposed development have reached the stage of being beyond the point of legal challenge and as such the related rules from the Operative District Plan have not been assessed in relation to this application.

5.1 Business 1 Zone

The Block sits within the Business 1 Zone which generally encompasses the Central Business District of Invercargill and is intended to be the commercial heart of the city.

The District Plan gives the purpose of the zone as ‘to seek to maintain and reinforce the viability and vibrancy of 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.’

The District Plan identifies the following issues for the zone:

The significant resource management issues for the Business 1 (Central Business District) Zone:

1. *The primacy of the City Centre as the City’s primary commercial and retail area is under threat, from the slow pace of development within the City, from new development locating outside the City Centre, from national and international changes in retailing, and from deferred maintenance and structural issues associated with old buildings.*
2. *The quality of the street environment and the standard of design and amenity can encourage the ongoing economic and social viability of the City Centre.*

The effects of these issues, in particular new development occurring outside the city centre, can be seen in the large number of vacant buildings that can be found in the CBD. The redevelopment of the block will address the Issues as set out in the District Plan for the Business 1 Zone and will also achieve the purpose for the zone – by establishing a complex designed to bring vibrancy to the city centre, providing a high level of amenity and urban design, and revitalising a tired part of the town, improving the street environment and potentially attracting other businesses that have established outside the central city back in to the CBD.

Site Overlays

The site is subject to a number of overlays as identified on planning map 9. These are as follows:

- Entertainment Precinct - *The Council wishes to see the Entertainment Precinct within the City Centre as the location of choice for entertainment establishments, including restaurants, bars and nightclubs.*
- Priority Redevelopment Precinct - *the Council has identified the area delineated as the Priority Redevelopment Precinct as the priority area to retain and augment retail and other business activity.*
- Pedestrian Friendly Precinct - *If the City Centre is to be a vibrant and attractive place for business to locate and people to visit, it must offer an environment which is safe, comfortable and attractive for pedestrians.*
- Centre City Heritage Precinct

Various policies and rules relate to these overlays and these are discussed in later sections of this report where relevant.

5.2 Activity Status

The following tables sets out the relevant District Plan rules as they relate to the proposed development and the required demolition of the existing buildings to provide for the development:

Rule	Assessment	Status
3.4 DEMOLITION OF REMOVAL ACTIVITIES		
3.4.1 <i>Unless Section 3.8 Heritage applies, it is a permitted activity to demolish or remove all buildings and structures with an area of less than:</i> (A) 80 square metres in the Residential 1, Residential 1A, Residential 2, Residential 3 and Otatara Zones. (B) 1,000 square metres in the Smelter Zone. (C) 120 square metres in other Zones	Buildings to be demolished will exceed 120m ² .	Does not comply
3.4.2 <i>Unless Section 3.8 Heritage applies, it is a controlled</i>	Buildings to be	Controlled Activity

<p>activity to demolish or remove buildings and structures with an area of:</p> <p>(A) 80 square metres or more in the Residential 1, Residential 1A, Residential 2, Residential 3 and Otatara Zones.</p> <p>(B) 1,000 square metres or more in the Smelter Zone.</p> <p>(C) 120 square metres or more in other Zones.</p>	<p>demolished will have areas exceeding 120m²</p>	
3.8 HERITAGE		
<p>3.8.1 Rule 3.8 applies to any building, structure, place or area identified in Appendix II – Heritage Record in this District Plan.</p>	<p>21 buildings on the site are listed within Appendix II of the District Plan.</p> <p>Some kerb stones and verandah posts along the site frontage are also identified in Appendix II.</p>	<p>Rule 3.8 applies to the site.</p>
<p>3.8.2 Repair and maintenance to preserve the integrity of historic buildings and structures is a permitted activity provided that such work is undertaken using the same type of material to that originally used, and must retain the original design, form and texture of the feature under repair.</p>	<p>The heritage buildings will all be demolished or modified so some degree.</p> <p>The verandah posts will be relocated.</p>	<p>N/A</p>
<p>3.8.3 Any alteration and/or addition to any building listed in Appendix II.3 Sites of Local Significance that does not affect the façade of the building is a permitted activity.</p>	<p>Facades of all but four of the buildings will be demolished as part of the redevelopment.</p>	<p>Does not comply</p>
<p>3.8.4 In relation to buildings listed in Appendix II.3 Sites of Local Significance the following activities are restricted discretionary activities:</p> <p>(A) Any alteration or addition to the façade.</p> <p>(B) Any signage attached to the façade.</p>	<p>Facades of all but four of the buildings will be demolished as part of the redevelopment.</p> <p>The four facades being retained will be modified to some degree.</p>	<p>Restricted Discretionary Activity</p>
<p>3.8.6 The relocation or demolition of any building listed in Appendix II.3 Sites of Local Significance other than listed in Rule 3.8.3 and 3.8.4 above, is a discretionary activity.</p>	<p>All but four of the buildings listed in Appendix II.3 on the site will be demolished.</p>	<p>Discretionary Activity</p>
<p>3.8.7 Any alteration, addition, removal and/or demolition of, and/or the attaching of any signage to, any item listed in Appendix II.4 Street Furniture and/or Appendix II.5 War Memorials/Relics is a discretionary activity.</p>	<p>The verandah posts and will be relocated.</p> <p>Kerbstones may be required to be relocated.</p>	<p>Discretionary Activity.</p>
<p>3.8.8 Any alteration, addition and/or the attaching of any signage to any building, structure or place listed in Appendix II.2 Sites Registered by Heritage New Zealand Pouhere Taonga is a discretionary activity.</p>	<p>The Southland Times building is listed in Appendix II.2 and the façade will be altered.</p>	<p>Discretionary Activity</p>
<p>3.8.9 The relocation or demolition of any building or structure listed in Appendix II.2 Sites Registered by Heritage New Zealand Pouhere Taonga is a non-complying activity.</p>	<p>The Newburg and Lewis and Co Buildings on the corner of Esk and Dee Streets are listed in Appendix II.2 and are to be demolished.</p> <p>The Southland Times building is to be partially</p>	<p>Non-Complying Activity</p>

	demolished and is listed in Appendix II.2.							
3.7 HAZARDOUS SUBSTANCES								
3.7.1 <i>The following activities are permitted activities: (I) Unless provided for by Rules 3.7.1 (A) - (H) above, the manufacture, storage, use and management of hazardous substances not exceeding the quantity limits and other requirements stipulated in Appendix VII Hazardous Substances.</i>	Storage of fuels on site will not exceed the limits and requirements in Appendix VII Hazardous Substances	Complies						
3.11 LIGHTSPILL								
3.11.1 <i>All activities are to be designed, constructed and operated to comply with the following maximum levels of lightspill: (A) Lightspill is to be measured and assessed in accordance with the Australian Standard AS 4282 1997: Control of the Obtrusive Effects of Outdoor Lighting.</i>	It is not expected that levels of lightspill will exceed AS 4282:1997	Complies						
3.11.2 <i>The generation of lightspill, measured at the boundary of the site, shall not exceed the following: Sunset through midnight to sunrise Business 1, Business 2, Business 3 and Business 6 - 10 lux</i>	Lightspill generated at the site will not exceed the limits set under 3.11.2	Complies						
Chapter 13 Noise								
3.13.1 Noise Measurement and assessment: <i>Sound levels are to be measured in accordance with the provisions of NZS 6801 2008: Acoustics - Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008: Acoustics Environmental Noise, except where expressly provided elsewhere in the Plan.</i>								
3.13.4 <i>Construction Noise is to comply with the following noise limits:</i> <table border="1"><tr><td><i>Days and Times</i></td><td><i>Noise Limit</i></td></tr><tr><td><i>Monday to Saturday 0730 – 1800</i></td><td><i>70dB LAeq and 85 LAm_{ax}</i></td></tr><tr><td><i>All other times</i></td><td><i>45dB Leq and 75 dB LAm_{ax}</i></td></tr></table>	<i>Days and Times</i>	<i>Noise Limit</i>	<i>Monday to Saturday 0730 – 1800</i>	<i>70dB LAeq and 85 LAm_{ax}</i>	<i>All other times</i>	<i>45dB Leq and 75 dB LAm_{ax}</i>	Noise limits will be exceeded.	
<i>Days and Times</i>	<i>Noise Limit</i>							
<i>Monday to Saturday 0730 – 1800</i>	<i>70dB LAeq and 85 LAm_{ax}</i>							
<i>All other times</i>	<i>45dB Leq and 75 dB LAm_{ax}</i>							
3.13.18 Activity Status and Matters of Consideration <i>(A) Where an activity does not meet the relevant Zone noise standards set out in Rules 3.13.1 – 3.13.17 above, the activity is a discretionary activity.</i>		Discretionary Activity						
Chapter 3.16 SIGNAGE								
3.16.1 <i>It is a permitted activity to erect signage that complies with the following maximum levels: Business 1 Zone (a) Signage painted on to, or attached parallel to, buildings: No limit to size of signage. (b) Free standing signage: (i) Maximum area: 14m²; (ii) Maximum height: 9m; OR (c) Signage attached at an angle to the building: 14m²; OR</i>	No free standing signage or signage attached at an angle is proposed. There is no limit to the area of signage painted on to or attached parallel to the building.	Complies						

(d) Any combination of (b) and (c) not exceeding a total of 14m ²		
3.17 SOILS, MINERALS AND EARTHWORKS		
<p>3.17.1 Except for within the National Grid Yard, Rules 3.17.2 – 3.17.8 do not apply to:</p> <p>(A) Land and activities in the Smelter Zone, Seaport 1 and 2 Zones or Industrial 1, 2, 3 and 4 Zones.</p> <p>(B) The movement, deposition or removal of material when it is a necessary consequence of building a structure for which a building consent has been obtained on that site.</p> <p>(C) The removal and deposition of material for the purposes of work in compliance with Council's Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure.</p> <p>(D) The movement, deposition or removal of material for the purpose of forming hard surfaces such as accessways and paths.</p> <p>(E) The cultivation of land.</p> <p>(F) The construction, maintenance and upgrading of utilities as provided for by Rule 3.9 Utilities.</p> <p>(G) The movement, deposition or removal of material associated with the removal and replacement of underground petroleum storage systems.</p>		
<p>3.17.2 Subject to Rule 3.1 Biodiversity, Rule 3.3 Contaminated Land, Rule 3.8 Heritage, Rule 3.9 Utilities, Rule 3.10 Natural Features, Landscapes and Townscapes, Rule 3.12 Natural Hazards and Rule 3.17.3 it is a permitted activity to undertake the following earthwork activities, provided these comply with the conditions in Rule 3.17.3:</p> <p>(A) Activities associated with the construction, operation, maintenance, repair and upgrading of utilities not provided for by Rules 3.17.1(C) and 3.17.1(F).</p> <p>(B) The excavation, stockpiling and use of material from a borrow pit.</p> <p>(C) The construction and operation of dead holes and farm landfills.</p> <p>(D) Earthworks in the National Grid Yard</p> <p>(E) All other earthworks provided that the quantity of earthworks undertaken in a 12 month period shall not exceed:</p> <p>(a) 50m³ per site up to 1,000m² , plus 50m³ each 1,000m² thereafter, in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 5, and Otatara Zones.</p> <p>(b) 2,000m³ per site in the Rural Zone.</p> <p>(c) 1,000m³ per site in all other Zones.</p>	Earthworks are likely to exceed 50m ³ per 1000m ² .	Does not comply
3.17.7 It is a discretionary activity to undertake earthworks not provided for by Rules 3.17.2 or 3.17.6.	Earthworks will not comply with Rule 3.17.2.	Discretionary Activity
3.20 TRANSPORT		
<p>3.20.1 Off-Street Car Parking Requirements: All land use activities specified in the table below shall provide the following minimum off-street car parking facilities except:</p> <p>(A) Within the Seaport 1 and 2 Zones, Smelter Zone and the City Centre Priority Redevelopment Precinct in the Business 1</p>	The site is within the City Centre Priority Redevelopment Precinct in the Business 1 Zone and as such is exempt	Complies

Zone.	from the off street car parking requirements of Rule 3.20.1.	
3.20.2 Car parking design: All car parking spaces are to be designed to comply with the car parking standards set out in Appendix VIII (Transport Standards).	All car parking spaces have been designed to comply with the standards in Appendix VIII.	Complies
3.20.3 Parking Spaces for Non-Residential Activities: Where parking spaces are provided for a non-residential activity located within or adjoining a Residential Zone, the area comprising the off street parking spaces, together with their respective access drives and aisles, shall: (A) Be screened by a close boarded fence, solid wall or hedge not less than 1.8 metres in height. (B) Be designed to comply with the parking standards in Appendix VIII.	Appendix VIII requires a queuing space for 57 cars. Queuing space of 2 cars per lane is provided.	Does not comply
3.20.4 Activity Status: Where any of the provisions of Rules 3.20.1, 3.20.2 and 3.20.3 above will not be met then the activity is a discretionary activity.	The activity will not comply with the queuing space requirements set by Rule 3.20.3.	Discretionary Activity
3.20.6 Loading Facilities and Manoeuvring Spaces: Provision is to be made for loading and unloading facilities and manoeuvring spaces on site for vehicles servicing that activity, except: (B) Within the Priority Redevelopment Precinct in the Business 1 Zone.	The site is within the Priority Redevelopment Precinct in the Business 1 Zone and as such no provision for loading and unloading is required.	Complies
3.20.7 Where any loading facility and/or manoeuvring space is provided: (A) It is to be so designed that vehicles using the facility are able to enter and leave the site in forward gear. (B) The facility and any associated vehicle manoeuvring area, is to be designed to comply with the manoeuvring diagram in Appendix VIII.	All service vehicles will be able to enter and leave the site in forward gear. The manoeuvring area complies with the diagram in Appendix VIII.	
3.20.11 Accesses to, and Egresses from, Roads: It is a discretionary activity to construct and use new vehicle accesses from, and egresses on to, State Highways: (A) For any activity, where the speed limit exceeds 50 kph. (B) For any discretionary or non-complying activity where the speed limit is 50 kph or less. Note: The approval of the New Zealand Transport Agency is required for any works on the State Highway.	Two new vehicle accesses are to be constructed and used on the State highway for a discretionary/non complying activity in a 50km/hr speed zone.	Discretionary Activity
3.23 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE		
3.23.1 Permitted Activities: The following are permitted activities within the Business 1 Zone: (A) Car parking activity (B) Early childhood education and care centre (C) Commercial recreation activity (D) Communal activity (E) Community service activity (F) Educational activity (G) Essential services activity (H) Healthcare activity (I) Hospital activity (J) Residential activity, except within the Entertainment Precinct. (K) Restaurants excluding drive-	The use of the site for potential: hotel, carpark, food and beverage, retail, gym, medical centre, office space is a permitted activity in the Business 1 Zone.	Does not comply

through facilities where access and/or egress is via the Pedestrian-Friendly Frontages Precinct (L) Retail sales (M) Shopping mall activity (N) Service stations, except within the Priority Redevelopment Precinct, the Entertainment Precinct and the Pedestrian-Friendly Frontages Precinct (O) Supermarkets except within the Priority Redevelopment Precinct (P) Temporary activities (Q) Visitor accommodation (R) Commercial Service Activity (S) Office Activity (T) Trade retail, except within the Priority Redevelopment Precinct, the Entertainment Precinct and the Pedestrian-Friendly Frontages Precinct (U) Community Corrections Facility	Residential Activity is not a permitted activity within the Entertainment Precinct	
3.23.2 Discretionary Activities: <i>The following are discretionary activities in the Business 1 Zone:</i> (A) <i>Any activity not listed as permitted (other than heavy industry) up to 5,000 square metres total floor space.</i>	The residential apartments within the HWR tower are not permitted under Rule 3.23.1.	Discretionary Activity
Pedestrian friendly frontages: 3.23.4 <i>The ground floor façade of all buildings within the Pedestrian Friendly Frontages Precinct is required to have at least:</i> (A) <i>40% devoted to display windows.</i> (B) <i>One public entrance with glazing comprising at least 40% of the doors.</i>	All site frontages will exceed the minimum 40% display windows. All buildings will have at least one public entrance on to Esk, Tay, Kelvin or Dee Streets with glazing comprising at least 40% of the entrance.	Complies
3.23.5 <i>Any new building within the Pedestrian Friendly Frontages Precinct is required to:</i> (A) <i>Be set back from the street boundary by no more than three metres.</i> (B) <i>Occupy at least 70% of the street frontage.</i> (C) <i>Make provision for any car parking or vehicle servicing to the side or rear of the building.</i>	All buildings are set back by no more than 3 metres from the street frontage. All buildings occupy at least 70% of the street frontage. Car parking is provided for internally on the site.	Complies
Weather protection 3.23.8 <i>Within the Pedestrian-Friendly Frontages Precinct all buildings are to be provided with verandahs across the public footpath for the full width of the site frontages.</i>	Verandahs are not provided along the full length of the Esk, Tay and Dee Street frontages	Does not comply
3.23.9 <i>Any verandah across a public footpath is to be designed and constructed to comply with the following:</i> (A) <i>Have a maximum height of 3.5 metres and a minimum height of three metres above the footpath.</i> (B) <i>Be set back 0.6 metres from the kerb line.</i> (C) <i>Be so related to verandahs on adjacent buildings as to provide continuous weather protection for pedestrians.</i>	All verandahs provided will exceed the maximum height of 3.5 metres. Where verandahs are in place these will be set back more than 0.6 metres from the kerb line. Where verandahs are located they will provide continuous weather protection for pedestrians.	Does not comply
3.23.10 <i>Where a verandah does not meet one or more of</i>	The activity will not	Restricted

these standards, or where weather protection is provided by other means, the activity is a restricted discretionary activity.	comply with the requirement for verandahs to be provided across the full width of the site frontage or the maximum height of 3.5 metres. The activity is assessed as a <u>restricted discretionary activity</u> pursuant to Rule 3.23.10.	Discretionary Activity
Height of Structures 3.23.11 Except as otherwise provided for in Rule 3.23.14 – 3.23.20 below, all new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes: (A) Maximum height: 10 metres. (B) Recession plane: Infogram 4 applies in relation to any boundary with any Residential Zone.	The buildings within the development block will generally exceed 10 metres. The site does not adjoin a Residential Zone.	Does not comply
3.23.12 Where an activity does not comply with Rule 3.23.11 above, the activity is a restricted discretionary activity	The proposed buildings on the site will generally not comply with the maximum height of 10 metres and the activity is assessed as a <u>restricted discretionary activity</u> pursuant to Rule 3.23.12.	Restricted Discretionary Activity
Street frontage and building height – Pedestrian-Friendly Frontages Precinct 3.23.14 Except as provided for in Rule 3.23.19, all new buildings within the Pedestrian-Friendly Frontages Precinct are required to be two storeys high along the street frontage.	All buildings will be at least two storey with some exceeding this as detailed on the elevation plans.	Does not comply
3.23.15 The actual 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 site has been developed to work as a cohesive block. As most buildings are being removed this rule is considered to be not applicable to the development.	N/A
3.23.16 Where the proposed building is to be single storey only, the additional height along the frontage is to be provided by a parapet.	No single storey buildings are proposed.	N/A
3.23.17 Any new building which does not comply with Rules 3.23.14 to 3.23.16 is a discretionary activity.	The activity will exceed two storeys for the majority of the site.	Discretionary Activity

	The activity is therefore assessed as a <u>discretionary</u> activity pursuant to Rule 3.23.17.	
Corner sites and building height – Priority Redevelopment Precinct 3.23.19 New buildings within the Priority Redevelopment Precinct which are on the corner of two formed roads are to be three storeys over at least 50% of the footprint of the building and the higher part of the building shall face the public streets.	All new corner buildings will exceed three storeys.	Does not comply
3.23.20 Any new building which does not comply with Rule 3.23.19 is a discretionary activity.	The proposed building will exceed three storeys and is therefore assessed as a <u>discretionary activity</u> pursuant to Rule 3.23.20.	Discretionary Activity
Side and rear yards 3.23.22 A side and/or rear yard at least four metres deep shall be provided for non-residential activities along boundaries adjoining a Residential Zone.	The site does not adjoin a Residential Zone and no yard areas are therefore required.	N/A
Outdoor Storage 3.23.25 Any area utilised for outdoor storage adjoining a Residential Zone is to be screened from that residential area by a close boarded fence, solid wall or hedge not less than 1.8 metres in height.	The site does not adjoin a Residential Zone.	N/A
Crime Prevention Through Environmental Design 3.23.28 Alleyways for public access are to be constructed and maintained so as to: (A) Not include hidden corners or blind spots. (B) Be provided with sufficient lighting to illuminate the pedestrian access route while the route is open to the public. (C) Have a legal width of not less than 3.5 metres.	There are no alleyways for public access provided as part of the application.	N/A

Summary of Consents Required

HWCP Management Ltd applies for Land Use Consent for the following activity:

- Rule 3.4.1** For those buildings that are not identified in Appendix II of the Invercargill City District Plan as heritage buildings the area of buildings to be demolished will exceed 120m².
Controlled Activity pursuant to Rule 3.4.2.
- Rule 3.8.4** The facades of buildings listed in Appendix II:3 Sites of Local Significance will be altered.
Discretionary Activity pursuant to Rule 3.8.4.
- Rule 3.8.6** Thirteen buildings listed in Appendix II:3 Sites of Local Significance will be demolished.
Discretionary activity pursuant to Rule 3.8.6.

- Rule 3.8.7** Street furniture listed in Appendix II.4 will be removed. Discretionary activity pursuant to Rule 3.8.7.
- Rule 3.8.8** The façade of a building listed in Appendix II.2 Sites Registered by Heritage New Zealand Pouhere Taonga will be altered (Southland Times façade). Discretionary activity pursuant to Rule 3.8.8.
- Rule 3.8.9** Two buildings listed in Appendix II.2 Sites Registered by Heritage New Zealand Pouhere Taonga will be demolished. Non-complying activity pursuant to Rule 3.8.9.
- Rule 3.13.4** Noise during the demolition and construction phases will exceed the limits set by the District Plan. Discretionary Activity pursuant to Rule 3.13.18.
- Rule 3.17.2** Earthworks undertaken on site are likely to exceed the maximum of 50m³ per 1000m² site. Discretionary Activity pursuant to Rule 3.17.7.
- Rule 3.20.4** The queuing spaces for the proposed car park will not comply with the District Plan requirements
- Rule 3.20.11** The redevelopment is a non-complying activity which will see a new access/egress point created off a State highway (SH 1). Discretionary Activity pursuant to Rule 3.20.11
- Rule 3.23.2** Residential activity is proposed for the top floors of the HWR tower on the corner of Dee and Esk Street. Discretionary Activity pursuant to Rule 3.23.2.
- Rule 3.23.8** The site is located within the Pedestrian Friendly Frontages Precinct but in some locations verandahs are not provided for the full width of site frontages. Restricted Discretionary Activity pursuant to Rule 3.23.10.
- Rule 3.23.9** Verandahs will exceed a maximum height of 3.5 metres at some locations and in some locations continuous weather protection will not be available for pedestrians. Restricted Discretionary Activity pursuant to Rule 3.23.10.
- Rule 3.23.11** Buildings within the site will exceed 10 metres. Restricted Discretionary Activity pursuant to Rule 3.23.12.
- Rule 3.23.14** The site is located within the Pedestrian Friendly Frontages Precinct and some buildings will exceed two storeys along the street frontage. Discretionary Activity pursuant to Rule 3.23.17
- Rule 3.23.19** The site is located within the Priority Redevelopment Precinct and the two new buildings proposed for the corners of Esk and Dee and Kelvin and Tay Street will exceed three storeys. Discretionary Activity pursuant to Rule 3.23.20.

Resource consent is also required for work in a potential HAIL site pursuant to Clause 10 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**discretionary activity**).

Generally it is accepted that where more than one activity is involved and those activities are inextricably linked, the activities should be bundled and the most restrictive activity classification applied to the overall proposal. The majority of the activity status' are discretionary, with the demolition of two Category II heritage buildings and the partial demolition of a third being non-complying activities. As the redevelopment of the site can be considered to be inextricably linked it is considered that the **non-complying activity** status can be applied to the activity as a whole.

6. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Clause 8(4) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health states that

Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:

- (a) A preliminary site investigation of the land or piece of land must exist:*

- (b) The report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:*
- (c) The report must be accompanied by a relevant site plan to which the report is referenced:*
- (d) The consent authority must have the report and the plan.*

A Preliminary Site Investigation of the land has been undertaken and a potential source of contamination has been identified on site. The activity cannot therefore meet the standards for a Permitted Activity.
(refer Section 7 Preliminary Site Investigation)

9 - Controlled Activities

Subdividing or changing use

- (1) If a requirement described in regulation 8(4) is not met, the activity is a controlled activity while the following requirements are met:*
 - (a) a detailed site investigation of the piece of land must exist:*
 - (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:*
 - (c) the consent authority must have the report:*
 - (d) conditions arising from the application of subclause (4), if there are any, must be complied with.*

10 - Restricted discretionary activities

- (1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity or a controlled activity.*
- (2) The activity is a restricted discretionary activity while the following requirements are met:*
 - (a) a detailed site investigation of the piece of land must exist:*
 - (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7:*
 - (c) the consent authority must have the report:*
 - (d) conditions arising from the application of subclause (3), if there are any, must be complied with*

Due to the existing structures on site a Detailed Site Investigation cannot be undertaken at this time. The activity cannot therefore be undertaken as a controlled or restricted discretionary activity.

11 - Discretionary activities

- (1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity, controlled activity, or restricted discretionary activity.*
- (2) The activity is a discretionary activity.*

Given the activity cannot be undertaken as a permitted, controlled or restricted discretionary activity and it is therefore assessed as a **discretionary activity** pursuant to Clause 11(2) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

7. Southland Regional Council

Consents from the Regional Council may be required during the demolition and construction phase. Any consents identified as being required will be obtained prior to the identified works being undertaken. The following rules from the Proposed Southland Water and Land Plan (PSWLP) and Regional Water Plan (RWP) have been identified as potentially applicable to the proposed activity:

Rule 12(RWP) & Rule 15(PSWLP): Discharge of Stormwater – consent for discharge of stormwater from the site where the conditions of Rule 15(a) are not able to be met may be required.

Rule 57(RWP) Rule 46(PSWLP): Land contaminated by a hazardous substance – the land has been identified as being subject to potential contamination which is required to be further investigated during the demolition process. The requirements for consents related to remediation and control of discharge will be assessed during that process.

Rule 54(ca)(PSWLP): Abstraction and use of groundwater – should groundwater be encountered that requires the site to be dewatered, consents may be required under Rule 54(ca).

Rule 22(RWP) Bores and Wells. Under the Regional Water Plan consent will be required for the pile foundations.

8. Consideration of Alternatives

There are 169 heritage buildings within the CBD area and two identified heritage precincts or historic areas. These heritage buildings are a significant contributor to the character of the Invercargill central city. Accordingly, the applicant, in conjunction with the consultant team, has considered alternatives options for the redevelopment. These included:

- Maintain status quo
- retention of fewer heritage buildings/facades
- retention of greater number of heritage facades/buildings
- construction of replica facades
- progressive demolition/construction

These options were informed by the Heritage Impact Assessment and Structural Assessments undertaken by NZ Heritage Properties and Batchelar McDougall Consulting respectively.

8.1 Structural Assessments

The applicant engaged Batchelar McDougall Consulting (BMC) to undertake seismic assessments of all buildings within the redevelopment block held by the applicant. Detailed Seismic Assessments were undertaken for the Southland Times, Newburgh and Lewis and Co buildings. Initial Seismic Assessments were undertaken for all other buildings within the site area with the exception of the Bank of New South Wales. All seismic assessments can be found in Appendix D.

BMC have provided a summary plan which shows the New Building Standard (NBS) rating for each building and this plan is reproduced below.



Figure 5: Seismic Rating Summary

Under Section 122 of the Building Act 2004 any building that fails to meet 34% of the current New Building Standard (NBS) is defined as Earthquake Prone. Of all buildings on the site only eight are above this categorisation. The summary plan details this as follows:

80-100% NBS

Only two buildings have NBS ratings of over 80% with these being the newer parts of the Southland Times buildings and 55 Esk Street (Starbucks/Lustys).

67-79% NBS

Two buildings have NBS ratings of between 67-79% being 41 Esk Street (Stirling Sports) and 26 Tay Street (DT Carters).

34-66% NBS

Four buildings have an NBS of 34-66% - 4 Tay Street (carpark), 16 Tay Street (Hannahs), 32-36 Tay Street (Just Incredible) and 54 Tay Street (Caroline).

All other buildings have an NBS rating of 33% or less with the majority of buildings on site having an NBS of less than 20%.

The Building (Earthquake-prone Buildings) Amendment Act 2016

An earthquake prone building is assessed as any building with an NBS of less than 34%. The Act contains maximum timeframes for Territorial Authorities to assess and identify potentially Earthquake-prone Buildings as outlined below.

Seismic risk area	TAs must identify potentially earthquake-prone buildings within:		Owners must strengthen or demolish earthquake-prone buildings within:	
	Priority	Other	Priority	Other
High	2 ½ years	5 years	7 ½ years	15 years
Medium	5 years	10 years	12 ½ years	25 years
Low	n/a	15 years	n/a	35 years

Figure 6 - Time frames for the identification and remediation of earthquake-prone buildings

Invercargill has been categorised as a medium seismic risk area. This means that Invercargill City Council must identify potentially earthquake-prone buildings within 10 years and building owners must strengthen or demolish earthquake-prone buildings within 25 years. The Invercargill CBD has been identified as a priority area due to the high levels of vehicular and pedestrian traffic.

The Council has not yet assessed any buildings as earthquake prone however it is considered likely that given the NBS ratings determined in the structural assessments undertaken by BMC, that the majority of the buildings within the site will be classified as earthquake prone and will be required to be demolished or strengthened within 12.5 years.

8.2 Alternatives

8.2.1 Alternative 1 - Maintain Status Quo

The option of retaining the buildings on site as they exist was considered. This is the cheapest option for the landowner with costs restricted to maintenance of the existing building stock. This would also leave the heritage buildings/façades in place and therefore have the least effect on heritage values in the CBD.

This option also does not resolve the issue of almost all buildings within the block having NBS's of less than 30% with these building all needing to be brought up to code in the near future. The evidence of Trevor Thayer and Geoff Thomson (Appendix H) discusses the issues for investors in refurbishing heritage buildings, with a high refurbishment cost resulting in a building which is worth less than the total cost of the building purchase and refurbishment and which still requires maintenance over and above what would be required for a new building.

The retention of the existing building also does not further the revitalisation of the city centre and the identified issues of retaining and attracting businesses to these buildings. Successive reports commissioned by the City Council have identified a retail drift to the outer CBD areas and the newer buildings constructed in these areas.

8.2.2 Alternative 2 – Funding to Upgrade Heritage Buildings

Funding for heritage retention is available via various funds including:

- Heritage NZ - National Heritage Preservation Incentive Fund
- Heritage EQUIP
- Unreinforced Masonry Buildings Securing Fund
- Regional Cultural Heritage Fund
- Lottery Grants

- Council Community Grants

The National Heritage Preservation Incentive Fund is available for nationally significant buildings, which are typically Category I buildings such as the NSW Bank building. It may be that requests for funding for the upgrade of this building will be requested in due course. The fund is not considered suitable for any other building within the Block.

Heritage EQUIP is available for Category I buildings or Category II Buildings which are also located in medium to high risk earthquake areas – Invercargill is classified as Medium Risk. This fund requires all consents to have been obtained prior to application and funding is available for up to 50% of seismic strengthening costs. This fund would be applicable to the Newburgh and Lewis and Co Category II buildings but as these buildings are unable to be strengthened (refer BMC assessments) this fund is not applicable.

The Unreinforced Masonry Buildings Securing Fund is not available in the Southland region.

The Regional Cultural Heritage Fund and Lottery Grants are available for not-for-profit organisations only. Small community grants are available where there is a clear benefit to the community, however the scale of this funding does not relate to the costs to retain or strengthen the heritage buildings on the Block.

Based on the availability of funding and the associated criteria it was determined that suitable funding for the retention of heritage buildings within the Block did not exist to a degree which would have an impact on the viability of the project.

8.2.3 Alternative 3 - Full Site Clearance/ Retention of Fewer Heritage Buildings

The complete demolition of all buildings within the Block was considered and this was initially an attractive option for the applicant. This option would allow for cost effective redevelopment without having to work around retained buildings or facades, providing free scope for the design.

However, the applicant, in working closely with both NZ Heritage Properties and Heritage NZ Pouhere Taonga, realised the value in the heritage buildings and developed plans to retain high value heritage facades wherever possible. This has resulted in the development as proposed.

Similarly the option of retaining fewer heritage facades was considered. This option would allow for greater flexibility in design and the ability to construct a more cohesive façade on the block. The applicant rejected this option following consultation and project design meetings with NZ Heritage Properties and Heritage NZ Pouhere Taonga. The ability to retain heritage within the block is considered by the applicant to provide an important connection to the past and the surrounding heritage buildings in the CBD.

8.2.4 Alternative 4 - Retention of a Greater Number of Heritage Facades

In working with Heritage NZ and NZ Heritage Properties the applicant considered the option of retaining a greater number of heritage buildings. This option would result in fewer of the heritage buildings within the block being lost. The applicant in particular considered retaining the Newburgh and Lewis and Co buildings. The applicant considered these buildings to be significant heritage buildings and key anchor buildings on the corner of Dee and Esk Street, perfectly suited to use as an office block. However, following the detailed seismic assessment undertaken by BMC the structural integrity of the buildings was determined to be between 10 – 20% of the NBS. BMC consider that the buildings cannot be repaired without significant loss of heritage fabric and values of the building.

Other buildings within the block were considered for retention but dismissed due to factors such as low heritage values, cost of retention, inability to work cohesively with the redevelopment design or poor structural integrity.

The applicant requested WT Partnership to provide costs to retain facades throughout the block. Without detailed recommendations on structural requirements this is able to be provided as an estimate only but is based on the known costs to retain the facades nominated as part of the development. WT Partnership estimate costs at \$4,000 - \$4,600 per m² of façade area. The following table lists the estimated costs involved in retaining facades over the block.

Building Name	Heritage Value	Façade Area (m ²)	Estimated Cost (Based on \$4000/m ²)	Estimated Cost (Based on \$4600/m ²)
Smith's Building (31 Dee Street)	Low	77	\$308,000	\$354,200
Martin, Maitland & Co.'s Building (37 Esk Street)	Low	92	\$368,000	\$423,200
Temple Chambers (49 Esk Street)	Low	217	\$868,000	\$998,200
NZIC Building (51-53 Esk Street)	Low	215	\$860,000	\$989,000
Cambridge Arcade (59-61 Esk Street)	Medium	239	\$956,000	\$1,099,400
Nichol's Building (63 Esk Street)	Low	201	\$804,000	\$924,600
Hotel Cecil (1-16 Kelvin Street, 60-64 Tay Street)	Low	274	\$1,096,000	\$1,260,400
H & J Smith Building (50 Tay Street)	Low	68	\$272,000	\$312,800
H & J Smith Building (48 Tay Street)	Low	134	\$536,000	\$616,400
Cambridge Buildings (40 Tay Street)	Low	133	\$532,000	\$611,800
Annie Ibbotson's Building (30 Tay Street)	Low	101	\$404,000	\$464,600
Barham's Building (7 Dee Street)	Low	35	\$140,000	\$161,000
Lumsden's Building (9 Dee Street)	Low	58	\$232,000	\$266,800
	Totals	2178	\$6,844,000	\$8,482,400

Table 4: Estimated Costs of Façade Retention

In comparison, to build the same façade area new is estimated at \$2,600,000 or \$1,200 per m². Based on this the cost of retaining facades and/or entire buildings within the Block is considered to be unfeasible and would not allow the development to proceed. The retention of all facades would additionally mean that the Block would not be able to function as a unit and there would be significant losses to amenity and the ability to provide a contemporary and functional retail precinct to draw in new businesses and thereby assist in the revitalisation of the CBD.

8.2.5 Alternative 5 - Construction of Replica Facades

Consideration was also given to producing replica facades where high value facades were not able to be retained in place. Although this is not considered a preferred option for retaining heritage it is an option to provide cohesiveness with surrounding areas and to serve as a reminder of the sites past.

WT Partnerships provided costs to rebuild the Newburgh and Lewis and Co buildings (referred to as Government Life building in WT estimate) to replica standard, however the costs for this were estimated at \$16.5 to \$19.9 million. This is not considered an economic option for the redevelopment based on existing property values and rental returns in the Invercargill market.

The design includes screen printing on the Tay Street façade showing heritage facades that once existed along this frontage.

8.2.6 Summary of Alternative Options

The applicant utilised the expertise of the heritage and structural engineering consultants, working in conjunction with their architect and Heritage NZ to evaluate options for the development of the site. The initial concept of full site clearance to enable an entirely modern development was quickly abandoned following an understanding of the heritage values of the site. From that point the ability to save more of the heritage buildings and features was informed by the assessments undertaken by the structural engineers and the valuations undertaken by the quantity surveyors. It is essential that the redevelopment is economically viable and the consensus is that the redevelopment as proposed provides a balance between economic considerations, creating a modern and vital city centre, and highlighting and preserving high value heritage features of the block.

9. Assessment of Actual and Potential Effects

Resource Management Act 1991

Section 104 Consideration of Applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of—*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104D

Section 104D sets out particular restrictions for non-complying activities, a consent authority may grant consent for a non-complying activity only if it is satisfied that either –

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

9.1 Anticipated Impact on Commercial Environment

The vision for the HWCP redevelopment is ‘*The inner-city block will be a place full of vibrance, bringing new life to Invercargill’s CBD*’. It is important that the redevelopment achieves this aim without compromising the viability and vitality of the larger Central Business District. The Block is a key city block but does not exist in isolation from the rest of the Central City.

The Retail Strategy prepared for Invercargill City Council by First Retail was undertaken to address the key drivers for a successful commercial centre. Key Pillars were assessed as follows:

1. *Attraction.* The City needs more people to visit and then encourage greater frequency in order to boost commercial opportunities for retailers, food and beverage operators and tourism businesses.
2. *Experience.* Once people reach Invercargill the City's offer must delight and encourage them to spend time and money. Invercargill needs to become a destination of choice and win consumers' advocacy.
3. *Place.* Public expectations and commercial needs have changed. Contemporary streetscapes along with modern shopping and dining environments are vital in delivering the appeal and destination value consumers are drawn to and businesses want to locate in.
4. *Performance* Invercargill's commercial culture must encourage new concepts to flourish and support growth for existing businesses by interpreting opportunity, driving performance & managing risk.

The City's major retail anchors include H & J Smith, Farmers & E. Hayes. These businesses are destinations in their own right, attracting consumers directly to their stores, but also benefiting the wider CBD economy by driving visitation and stimulating further spend.

H & J Smith's store effectively bookends the prime shopping strip of Esk Street while E. Hayes is a destination location on the City fringe. Farmers straddles the city fringe facing Dee Street, but with greater presence and visitation from the Leven Street entrance – away from the CBD. It is important to encourage current retail anchors to strengthen CBD connections – along with supporting development of new central city spaces. This would enable further large retailers to enter the market - helping attract consumers into Invercargill City's Centre.

The SoRDS strategy advocates for the re-development of the Cambridge Precinct – a proposed retail and hospitality complex located between Tay and Esk Streets. Provisioning for new store formats and larger scale requirements would encourage and enable major brands keen to enter the local market, but hampered by the availability of suitable space.

The Cambridge Place development would be transformational for the City in delivering modern shopping and dining environments - necessary to engage both consumers – and retailers with Invercargill's CBD. Priority should be given to accelerating progress on this project.

(ICC Retail Strategy, p19)

The above excerpts from the Retail Strategy highlight the importance of delivering modern shopping and dining environments to attract both consumers and retailers to Invercargill and the CBD. The current built environment is not an inviting one for larger national/international brands that may want to enter the market but are unable to find a suitable space within the old and rundown building stock. The modernising of the CBD and an increase in food and beverage offerings will also draw city residents and visitors to the CBD as a destination, increasing foot traffic and feeding into a wider development of the fringe areas. Currently the retail offerings of the city are spread out of the wide area with shoppers unable to easily walk between these areas.

This view point is supported by Colliers International with the National Retail Director of Colliers International commenting as follows:

"Internationally the regeneration and redevelopment of inner city CBD's has added considerable vitality and life to the overall CBD precinct and attracted new retailers.

...whereby it will reinvigorate and revitalise the CBD and attract top brand names not currently in the city and also potentially give the city a heart and centrepiece which may mean some retailers will relocate from fringe areas into the CBD, but those fringe areas will not necessarily become a vacancy, as retailers who perhaps cannot justify in being in such a high profile CBD location will move into those fringe locations.

This strengthening of the retail heart and giving it an identity then has the positive effect on the whole city by creating a critical mass centre point which attracts office development, entertainment uses and possibly not applicable in Invercargill, but in many larger cities residential usage to co locate in a vibrant retail heart.

In summary the development will be positive for the Invercargill CBD as a whole by generating new retailer interest and while providing for some redistribution of current tenants will not lead to an exodus from secondary areas to the new development, but will have an overall positive impact in both the primary and secondary retail areas."

Colliers International Statement - CBD Development Retail Impact, Appendix H

The applicants own experience of redevelopment of city blocks in Dunedin has shown that rejuvenation has a spreading effect, with the redevelopment of a city block in the Exchange area of Dunedin being credited by both Heritage NZ and Dunedin City Council as being the catalyst for wider redevelopment in that area. (evidence of Geoff Thompson, HWCP director)

The redevelopment is therefore expected to have overall positive benefits for the Invercargill CBD. There will likely be a 'shuffle around' of commercial activity across the whole CBD with existing businesses establishing themselves on neighbouring streets and in turn revitalising those areas, leading to an overall increase in activity.

9.2 Scale and Mass

9.2.1 Height

The overall mass of the development responds to the existing building mass on each of Tay, Esk, Kelvin and Dee Streets. The existing building stock was surveyed and analysed to provide mass, datum heights and boundaries which was then simplified to a grid system able to be used in the development of the new design. This can be seen on the Façade Ordering plan in the Buchan Design Statement.

The result is a generally 10 metre height at the built edge along each of the street frontages with higher elements on the corners corresponding to the District Plans intent to create landmarks at the corner junctions.

Shading diagrams are provided in Appendix A as part of the Buchan Architects Master Plans. These show the shading caused by the existing and proposed built form. As the scale and mass of the built form generally correspond to the existing built environment the shading on surrounding areas will remain the same with the exception being the south east corner of the site where there will be some effect resulting from the larger block of building proposed for the Kelvin/Tay Street corner. This is discussed further below.

Esk Street

The building heights along the Esk Street frontage generally respect the 10m height plane with small increases in height as identified on the Buchan elevations. The most significant of these being the height of the buildings adjoining the first floor food court where the height of the building is 11.46 metres. The retained heritage buildings of the Southland Times and the Coxhead building also exceed the 10 metre height maximum, with the Southland Times sitting at 15.36 metres. The increase in height to 11.46 metres will not be out of place along Esk Street when considered in the overall context.

The HWR tower to be located on the corner of Dee and Esk Streets will have a maximum height of 29.3 metres. The District Plan requires buildings on the corner of two formed roads to be three storeys over at least 50% of the building footprint. The HWR tower will be 7 storeys to accommodate retail, access to the precinct, office accommodation and residential apartments on the top floor. The existing building on site is five storeys with a height of 21.98 metres. Despite the increase in height the new build will generally

correspond to the scale and mass of the existing building and will also provide a strong counterpoint to the Kelvin Hotel, which sits at a height of 35.5 metres, on the eastern corner of Esk and Kelvin Streets. Esk Street will be 'book-ended by these two buildings and the tower will provide symmetry to the built form along Esk Street.

Troopers Corner & Tay Street

Buchan Architects have designed the civic building on either side of the NSW Bank building to reflect the buildings which once existed on these sites and which provided complimentary massing. The heights of these buildings exceed the maximum 10 metres with each having a height of 17.8 metres. This corresponds directly to the height of the NSW Bank and will be complementary to the existing street scene.

This higher building height extends down Tay Street reflecting historic urban fabric that once existed down this length. Buchan Architects comment as follows within their Design Statement:

Building height at the Dee and Tay Street junction relates to the Bank of New South Wales and forms a consistent datum higher than the 10m threshold. This continues to the adjacent Medical Centre – recreating an edge of development similar to the proposed intention of the Tay Street edge when initially conceived over 100 years ago. Civic nature buildings flanking generous open streetscape – we do not presume that the urban fabric in the gold rush periods of the 19th century saw Tay Street limited to a 10m height datum – this is a more contemporary inference following a programme of smaller more insignificant building stock following a two storey module. Whilst when considering isolated development; a 10m height datum may be appropriate in carrying out isolated development – when reconceiving a full city block a broader consideration needs to be taken.

Further down Tay Street from the Troopers Corner the building height drops down towards the 10 metre height datum, although still higher than this maximum.

Kelvin Street

The office/accommodation block on Kelvin Street is proposed to have a height of 29.8 metres. This corresponds to both the Kelvin Hotel and the HWR tower on the Dee and Esk Street corner. The main mass of the building will be slightly set back from the Kelvin and Tay Street road frontages with the Thomson Building (Beauty and Beyond) providing separation between the Kelvin Hotel and this building mass. The mass of the building will overall compliment the Kelvin Hotel and the effects of the increase in height relating to this building are considered to be minor. The setback from the street frontage ensures that the ground and first floors remain the dominant view from the street.

The shading diagrams provided show that the location of the larger building mass on this corner provide the most change to the surrounding environment. This will affect the buildings on the east corner of Tay and Nith the most with a lesser degree of shading on the H & J Smiths building. The effects of this increase in shading will be restricted to mid to late afternoon in winter when the sun is lowest.

Car Park

In the centre of the block is the four storey car park rising up behind the street frontages with a height of 19.7 metres. The car park is set back 20 metres from the Esk Street boundary and 6 metres from the Tay Street boundary. On Esk Street the car park won't be visible from the street due to the large setback. On Tay Street the car park will be visible from the south side of Tay Street but with the set back and the height of the car park being lower than the elements on each end of Tay Street the car park will not be a dominant feature on the skyline. The architects have collaged and composed images of the Takitimu Mountains (see Buchan Architects Design Statement – Illustrative Elevations) to clad the faces of the car

park. These will ensure the car park is not simply viewed as a concrete and steel box but is in itself part of the overall block design.

Height Summary

The heights over the block vary significantly but the general ordering provides for book-end structures on the corner sites with lower elements through the centre providing context to the surrounding area. The effects associated with the increase in maximum permitted height are considered to be minor and the overall design provides good context and connection to the surrounding street frontages.

9.2.2 Setbacks

The proposed built form is generally built up to the site boundary, reflecting typical central city land use in addition to providing continuity between the new build and the retained heritage buildings which are all constructed to the legal boundary.

9.2.3 Verandahs

The redevelopment provides verandahs along all street frontages, with only the NSW Bank building not having a verandah, with this being an existing situation. Verandahs are proposed to be of glass and steel to provide access to sunlight as well as visual access to the heritage facades along the Block.

Almost all verandahs exceed the maximum height of 3.5 metres set in the District Plan. Buchan Architects comment as follows within their Design Statement:

The district plan identifies a maximum height for a veranda as 3.5m. The rationale of developing a consistent philosophy for a veranda height is valid within the context of an individual building sitting in within the context of a streetscape – to ensure the veranda gives consideration to its context and neighbouring development. The second rationale for the height limitation is to ensure protection of the pedestrian from the weather.

The Invercargill Central development; the underlying design principle is to create a new city grain – rich, layered and an informed texture of a variety of architectural styles and forms working cohesively. To achieve this; the veranda is purposely varied in datum, material and section. This is a necessary reinforcement of the façade modulation.

Along Tay Street the veranda height is typically higher – The buildings are given greater vertical proportions generally to the Tay Street edge to respond to the wider road section and wide pedestrian footpath and to enable the ground floor to maintain strong visibility from road traffic and to avoid billboard signage or tenant branded canopy edge signage – both of which are detrimental to the architecture and public realm. As existing; and in compliance with the district plan the veranda ratio of very wide canopy and low height creates a feeling of a cavern at the Tay Street edge. The limited footfall on Tay Street does not need such proportions and is a condition not desirable to recreate within the proposed redevelopment.

The verandahs as proposed will form a consistent height around the Block and will achieve the purpose of protecting users of the CBD from weather, whilst also allowing views of the heritage facades and architecture on the Block. The overarching purpose of the requirement for verandahs in the District Plan will therefore be met and there will be positive benefits realised as a result of allowing more access to sunlight and of opening up the footpath as more pleasant place to be.

9.2.4 Crime Prevention Through Environmental Design

The redevelopment does not contravene the principles of Crime Prevention Through Environmental Design. The site has glazing and access/egress along all street frontages ensuring pedestrians will not be located in isolated areas. No alleyways are proposed for public use, with services lanes being gated at

each end. The open air plaza at the rear of the civic area has connection to all facets of the precinct and will be overlooked by the civic precinct and the HWR tower.

The food and beverage opportunities on the Esk Street frontage ensure surveillance opportunities will continue throughout both the day and night. The carpark is accessed through a controlled entry, is lifted above grade and is screened to prevent unwanted entry. Lighting will be designed and installed to prevent dark spots and all pathways areas will be well lit.

Overall the development is considered to have positive effects in relation to crime prevention through environmental design.

9.3 Loss of Heritage

The redevelopment of the site as proposed will see the loss of a large proportion of the heritage buildings on the block. The redevelopment will see the retention of the NSW Bank building as well as the facades of four heritage buildings as follows:

- Southland Times
- Coxhead Building
- Thompson Building
- Fairweather Building.

Overall, however, the existing heritage fabric will be lost resulting in significant effects on heritage in the Invercargill Central City. Esk Street will also largely lose the heritage connection between the north and south sides of the street. Although both sides of the street have been heavily modified over the approximate 150 years of human occupation of Invercargill, Esk Street retains an overall heritage aspect at second floor level. This change will not be experienced to such a degree on Tay, Dee and Kelvin Streets where heavy modification and lack of maintenance to buildings has meant that a significant level of heritage value has been lost.

9.3.1 Mitigation

Heritage Impact Assessment

New Zealand Heritage Properties (NZHP) have undertaken a Heritage Impact Assessment (HIA) for the redevelopment of the site and this can be found in Appendix C. The HIA has been undertaken using a robust methodology to assess the archaeological and heritage significance of each building and site with these assessments then used 'to inform the magnitude of the effects of the proposed development on each site and the block as a whole,...'. NZHP have then developed recommendations for ways to effectively mitigate the loss of heritage.

The applicant has been working closely with NZHP and Heritage NZ Pouhere Taonga to provide a design that respects the existing heritage on the block as well as the surrounding heritage fabric in the city centre. NZHP have provided a comprehensive assessment of the proposed mitigation and have included a Summary of Mitigative Measures (page 616 HIA) as follows:

1. Consideration of Alternative Less Adverse Options. *At the beginning of this project, the inner-city redevelopment proposed to demolish all buildings in the project area, with the exception of the BNSW, to create a clean slate from which to work. Through extensive consultation with HNZPT, Buchan Group and HWCP, the design of the redevelopment has evolved and now incorporates four heritage façades, the Southland Times, Coxhead's Building, Thompson's Building and Fairweather's Building. Additionally the proposed concept plans show the use of "Cambridge" for the name of part of the new development. While this may be a place holder, the retention of this label does form a connection to the original and provide a sense of place and historic reference point to the modern development. Thus, it is recommended that these naming*

conventions be adopted and continued in the redevelopment. This retains the location's link to its past use and helps to reinforce a sense of "place" and history to Invercargill Central. The design also follows the lines and mass of the historic buildings, to provide a sympathetic overall design.

2. Mitigation of the Effects of Demolition and Rebuild. From a heritage perspective, greatest consideration should be given to the effects that demolition and rebuild activity might have on the remaining heritage assets, the BNSW and the retained façades, and how secondary impacts will be minimised. Screening mechanisms and mitigation of the effects on earthworks must be addressed under Rules 3.8.4 (D-E) and 3.8.10 (F) of the District Plan. Mitigation will include operation under a vibration plan, adherence to proposed methods of façade retention and stabilisation, and the installation of hoardings. NZHP recommends that B Class hoardings be used that are customised to share with the public the story of the redevelopment and the history of key buildings and identities.

3. Building Recording. NZHP recommends that buildings on Appendix II.2 and II.3 scheduled for demolition or façade alteration be recorded under Rules 3.8.10 (I) and 3.8.4 (I) of the District Plan, apart from those pre-1900 buildings that will be demolished and will trigger this requirement under the Heritage New Zealand Pouhere Taonga Act 2014. The level of recording be commensurate with the significance assessment and follow the HNZPT standards for building recording (Heritage New Zealand, 2014).

4. Reuse of Building Material. Rule 3.8.10 (D) of the District Plan identifies that the potential for reuse and/or recycling of materials or heritage features be addressed. NZHP recommends that building materials be salvaged for reuse in the redevelopment or made available to other heritage building owners.

5. Public Interpretation. NZHP recommends that the information gathered during the historical research, archaeological investigations and that collected during the recording of the post-1900 buildings is disseminated to the public upon completion of the project and, if possible, incorporated into the redevelopment. Consideration should be given to installation of interpretive panels, displays of archaeological material and/or interactive installations in public areas such as the food court or courtyards.

6. Strengthening of Existing Heritage Resources. The former BNSW is protected by a heritage covenant and its inclusion in the redevelopment will also secure its restoration in accordance with its conservation plan as well as ensuring ongoing maintenance. Furthermore, as detailed plans for the building's use and alteration develop, consideration must be given to the requirements of the covenant. As per that covenant, an updated conservation or maintenance plan could be considered and/or requested by Heritage New Zealand.

7. In Situ Preservation of Archaeological Materials. One of the most tangible ways to maintain a site's links to past occupation and incorporate these into the new design is through the preservation of historical or archaeological features in situ. Incorporating extant archaeological and historic features is dependent on what is identified, their location, and the flexibility of the design team.

9.3.2 Assessment against District Plan Criteria

Rule 3.8.10 of the District Plan sets out matters which must be addressed in applications for demolition or alteration of heritage buildings.

(A) The extent to which the heritage values including the design of any buildings and the context of Heritage are likely to be retained, protected and/or enhanced.

Largely the heritage values of the block are being removed as a result of the site redevelopment, however the design seeks to ensure the heritage values and character of the wider CBD are retained. To achieve this the redevelopment has been designed as follows:

The new build has been designed to reflect the lines and mass of the historic buildings and thereby also be sympathetic to the remaining heritage on the north side of Esk Street and the south side of Tay Street. This symmetry in form is illustrated on the Buchan Architecture 'Site Analysis' sheets in Appendix A.

The new build around the Bank of New South Wales has been carefully designed to highlight this building. These new buildings wrap around the Bank building providing scale and presenting the Bank as a feature on the Troopers Memorial corner. Previously demolished buildings adjoining to the east, as can be seen in the photo below, were of similar bulk and scale and the intention is to reflect back to those lost buildings.



Heritage Properties HIA – p40. Figure 6-3. 1905 view of Tay Street, Block II (Muir & Moodie, 1905a).

The applicant intends to retain four façades within the block with one of these being the Category II Southland Times building. The others are Class II buildings under the District Plan and are the Thompson building (Beauty and Beyond) on Kelvin Street, the Fairweather building (ex Woosh store) on Tay Street and the Coxhead building (Bonsai/Quest) on Esk Street. With the inclusion of the Bank of New South Wales building this ensures that at least one heritage building is retained on each of the Blocks streets. The four facades have been chosen due to their heritage characteristics and representativeness, structural soundness and following consultation with Heritage New Zealand. The following comments on each façade are made by Heritage Properties and Origin Consultants:

Building	Origin Consultants Comments	Heritage Properties Comments
Southland Times	High streetscape and architectural values through its high quality, grand Edwardian aesthetic and three storey height. Strong historical and cultural values from its construction for, and association with, the Southland Times throughout the twentieth century	<i>Architecture</i> High. The Southland Times Building has previously been classed as having high architectural value due to the quality of its three-storey Neoclassical façade <i>Representativeness</i> High. The façade of the Southland Times Building is deemed a good example of period design
Coxhead	High architectural and streetscape values for the quality of its ornate Classical design and part of a group of notable Victorian commercial frontages along Esk Street.	<i>Architectural Values</i> High. Coxhead's Building has previously been classed as having high architectural value due to the quality of its ornate Italianate design <i>Representativeness</i> Moderate. The exterior of Coxhead's Building has not been extensively altered and is representative of late Victorian Classical design and the work of architect F W Burwell. The interior has been modified and retains less heritage fabric.
Thompson's	High streetscape and architectural values from the quality and interest of its Art Deco designed frontage.	<i>Architecture</i> High. Thompson's Building has previously been classed as having high architectural value due to the quality of its Art Deco façade <i>Representativeness</i> Moderate. The façade of Thompson's Building is deemed a good example of period design.
Fairweather	58 Tay Street has good streetscape and architectural value for its recognisable Victorian commercial frontage.	<i>Architecture</i> Moderate. Fairweather's Building has previously been classed as having good architectural value due to the quality of its modest Neoclassical façade <i>Representativeness</i> Moderate. The façade of Fairweather's Building is deemed a good example of modest period design.

(B) Whether the activity is likely to have cumulative adverse effects on heritage values.

The redevelopment will have local adverse effects on heritage values due to the loss of a significant number of heritage buildings necessitated by the redevelopment. The mitigation measures proposed will provide some amelioration of this loss. With the demolition resulting in the loss of only 16 of the cities 169 heritage buildings, the majority of the heritage buildings in the CBD will remain, including the two registered heritage areas on Dee and Tay Streets. The design of the redevelopment is intended to be sympathetic to the heritage buildings which will remain with heritage facades being retained on each of the street frontages and the scale of the new build referring back to the existing scale and mass of the buildings on site, providing continuity between the Block and the surrounding street scape.

(D) Potential for the re-use and/or recycling of any material or heritage features from the historic building.

It is intended that materials from within the heritage buildings will be retained and reused wherever possible. This may be as simple as the retention of timbers for use on other sites, or the retention of decorative elements for reuse within the development space. NZ Heritage Properties state the following in regard to re-use of materials from the site:

Materials that have been salvaged prior to demolition have the potential to be re-used in the new design or could be made available to other heritage building owners. Building materials are also a good candidate for reuse, including brick, timber, timber flooring, windows, doors, architraves and ceiling linings. Brick and timber are the easiest materials to reuse and incorporate into the new build because of their versatility, and even when materials are no longer structurally sound, they can be re-used (e.g., using bricks for paving, timber for linings and finishes, etc.). Historic bricks have a wonderful patina that simply cannot be replicated and are tangible pieces of the past that can be easily introduced into the new build. Similarly, historic timber is also a good candidate for reuse and recycling and bring a warmth that new timbers cannot replicate.

Consideration should be given to the incorporation of historic materials into the new design. In the case of Block II, one of the most obvious and practical candidates for reuse are the cast iron verandah posts found in front of numerous buildings. These posts are a treasured part of the streetscape and are listed as heritage items on the ICC District plans, so consideration of their reuse must be undertaken. Potential ways the posts could be incorporated into the development include lighting in public areas and/or thoroughfares, or simply as decorative elements. The prism lights used in the footpath outside of the Lewis & Co Building are unique materials that would be valuable to retain and re-use in the redevelopment (e.g., as an installation) that would provide an important link to this innovative part of the Lewis & Co Building.

Historic building owners are often challenged to find appropriate materials when altering or restoring their buildings. Many of the profiles of architraves, skirting boards, and cornices are no longer made, and additional cost is required to have new materials milled to match existing profiles. Salvaged building materials can remedy this issue and are a valuable resource for a city full of historic buildings in need of repair. Many of the buildings have pressed metal ceilings, which could be re-used if they were removed with care (i.e, punching nails through or cutting nails rather than pulling the panels down). There are excellent examples of pressed metal ceilings in the two adjacent buildings on Tay Street designed by E R Wilson (Macpac, 48 Tay Street and Zookeepers, 50 Tay Street). There may also be market for some of the fixtures that reflect alterations from the mid-century to 1970s (e.g., the glass pendent lights on the first and second floors of the Southland Times).

Consideration should also be given to salvaging modern building materials. Several of the ground floor shops have been recently re-fitted, and these materials may be able to be recycled.

Ref: NZ Heritage Properties HIA, p611

The re-use of the materials will be largely dependent on the ability to remove them without damage and to ensure they meet the aesthetics of the interior design.

(E) Consideration of any relevant Invercargill City Council heritage design guidelines.

Invercargill City Council has produced in 1998 a booklet entitled 'Design Guidelines' the purpose of which is stated as follows 'to assist owners and developers of buildings in the City Centre Heritage Precincts who want to renovate, alter or redevelop their properties. The redevelopment has been assessed against these guidelines as follows:

Setback

The guidelines encourage continuous building facades be built up to the boundary line to maintain visual integrity. The development as proposed generally maintains minimal setbacks and is considered to be in accordance with this guideline.

Façade

The guidelines state that facades should be in keeping with their immediate surroundings in terms of scale, rhythm of elements and window placement. Buchan Architects have modelled the existing built form on the block and designed the mass and scale of the new build to be in keeping both with the buildings which are to be demolished and with the buildings which are to be retained.

Materials

The guidelines recommend that building facades be constructed predominantly of solid construction, having sufficient detail, depth and similarity of materials to harmonise with their immediate neighbour.

The proposed redevelopment will generally not employ traditional heritage materials in the new build, with one of the main intentions of the redevelopment being to create a 'contemporary, functional centre that provides an engaging consumer experience' (www.hwcp.nz/the-plans). Heritage materials such as brick are not considered conducive to creating a 21st century place. Materials and colours are intended however, to be in context with the surrounding area.

Windows

The guidelines recommend that designers consider the grouping, symmetry and vertical orientation of windows within building facades.

As shown on the Buchan Architect Concept Design Plans there is a variety of window styling throughout the development, responding to the various location and design elements of difference segments of the build. In all cases symmetry is utilised.

Ornamentation, Parapets and the Skyline

The guidelines recommend that new or altered buildings include a formal capping or skyline feature to finish at a similar height to and be in context with their neighbours. As discussed under *Facades* above, Buchan Group Architects have modelled the new build to follow the heights, scale and massing of the heritage buildings which currently exist. In doing so the new build is considered to be in context with their neighbours and, in the case of Esk Street, with the buildings on the opposite side of the street. The heritage ornamentation and parapets which are a feature of many of the existing heritage buildings is not replicated in the new build.

Verandahs

The guidelines recommend that all existing original verandahs should be preserved and restored and new buildings fitted with verandahs in context with their neighbours. The design plans show verandahs on nearly all extents of the redevelopment block. The existing verandahs are severely run down and are unable to be saved or incorporated into the new design. The verandahs in the development will therefore be new and will generally align in height along the street frontages, with small variations in height in places. It is the intention to reuse the verandah posts as decorative elements within the block, although they will no longer be used in their existing locations.

NZ Heritage Properties have recommended the design elements of the verandah outside of the Fairweather building on Tay Street be reproduced in the new verandah design and the applicant has agreed to this incorporate this design element.

Corners

The guidelines recommend that corner buildings should be designed with one or more significant elements such as a tower, cupola, mitred or rounded corner, pediment or columns etc. The result intended is that corner buildings should possess a presence by properly addressing the corner and intersection and be at least as tall as or slightly taller than their neighbours.

Each corner of the development block contains a corner element addresses the corner and intersection and is taller than the surrounding built form, providing a landmark on each corner.

The HWR tower block on the corner of Dee and Esk Streets reflects the existing heritage buildings on this corner site with similar height and a façade treatment that invokes the existing building through window placement, mass and scale.

On the Tay and Dee Street corner the New South Wales Bank building remains and is enhanced through complimentary buildings in scale and mass to be located on either side of the Bank.

On the Kelvin and Tay Street corner a new six storey building is proposed to provide scale and mass on this corner and as a counterpoint to the seven storey Kelvin Hotel located on the Kelvin and Esk Street corner.

Design Guidelines Summary

The redevelopment of the block in generally meets the recommendations of the Design Guidelines. The overall intent of the redevelopment is to provide a modern, contemporary retail precinct and in some areas this means that heritage elements are not able to be incorporated into the new design. The applicant, working in conjunction with Buchan Architects, NZ Heritage Properties and Heritage NZ Pouhere Taonga has provided a design which is intended to pay respect to and acknowledge the existing and past heritage of the block without compromising the overall vision and intent of the development to bring people back to the city centre.

(F) The extent and effect of any earthworks, tunnelling, digging, vibration or excavation that may destabilise the site, structure, place or area.

BMC have provided a set of recommendations to be followed during the demolition and construction phases to ensure there are no adverse effects on surrounding buildings as a result of vibration or excavation on site. These recommendations are expected to be included as conditions of consent.

(G) The results of consultation undertaken including any written advice obtained as follows:

- (a) In the case of the site having identified tangata whenua values, comment from the relevant iwi.*
- (b) Any recommendations of Heritage New Zealand Pouhere Taonga, and the New Zealand Archaeological Association File Keeper.*
- (c) Where the site history indicates that there may be historical artefacts or other physical remains, any advice obtained from a suitably qualified and experienced archaeologist.*

The applicant along with Buchan Group and NZ Heritage Properties Ltd have undertaken extensive consultation with Heritage NZ Pouhere Taonga throughout the design process for the redevelopment. This consultation and the recommendations resulting from that consultation are discussed at length in other sections of this report.

There are no known sites of significance to tangata whenua within the Block, however the applicant is engaged in ongoing consultation with Te Ao Marama Incorporated as representatives of the Waihopai rūnanga.

(H) The reasons for the proposed activity and reasons why alternative less adverse options for achieving the same or similar outcome have been discounted. For clarification, reasons for discounting alternative options can include amongst other matters financial cost, natural hazards, safety and technical feasibility. With the vision and intent of the redevelopment the initial concept was to demolish all buildings on the block to provide a clean slate for development. In working with the applicant's consultants and Heritage NZ Pouhere Taonga the design of the redevelopment has evolved and now retains four heritage facades and utilises the existing built form to direct and influence the scale and mass of the new build. The structural integrity of the existing building stock has been assessed in detail and it has been determined that the costs to retain further heritage fabric within the block is unfeasible. Consideration of alternatives is discussed at length in Section 7 of this report.

(I) The creation and maintenance of a record of heritage features of the building on its original site (e.g. photos of existing vistas for public record of the history of the site).

NZ Heritage Properties have recommended Level III recording of the buildings within the site and for information gathered during the historical research, archaeological investigations and that collected during the recording of the post-1900 buildings to be disseminated to the public upon completion of the project and if possible incorporated into the redevelopment. The applicant is committed to following this recommendation.

The applicant is also committed to making the heritage information available in easily accessible modes such as the installation of interpretive panels, displays of archaeological material and/or interactive installations in public areas such as the food court or courtyards.

(J) Any proposals to strengthen the structural integrity and heritage value of the building, including the benefits of alterations for the purpose of implementing Building Code upgrades for seismic, fire and access purposes.

(K) Any proposals to strengthen or replace high risk elements, such as parapets, façade decoration and chimneys, with high quality light weight material.

Those facades that are being retained will be structurally strengthened as part of incorporating these into the new build to ensure they meet the requirements of the building code and do not pose a risk to the public which might result from unstable elements.

(L) The extent to which the proposed alterations, additions to or demolition of a listed heritage building have been informed by the advice of qualified professionals such as conservation architects, heritage consultants, engineers and quantity surveyors as appropriate. Such advice should include a thorough analysis of the alternative options available and the extent of professional advice obtained and should be proportional to the scale and intensity of the effects of the works being undertaken.

From project conception the applicant has entered into consultation with their architects, structural engineers, heritage architects and NZ Heritage to reach a point where retained heritage can be incorporated within the new build as a feature and as a means to providing context to the remaining and removed heritage. The structural integrity of the existing building stock does not allow the redevelopment of the city centre to proceed if all buildings are retained but it is considered that the mitigation proposed serves to reach a middle ground for most parties.

9.3.4 NZHP Assessment of Heritage Effects

An extensive assessment of the heritage values of all buildings on the block has been undertaken by NZ Heritage Properties Ltd and the assessments are compiled in the Heritage Impact Assessment. The Executive Summary sets out the summary of the assessment of effects undertaken by NZHP.

Demolition of a Listed Building

In considering the demolition of the Lewis and Co and Newburgh buildings NZHP assess the loss of these buildings as having a major adverse effect on heritage values. NZHP acknowledge that the poor condition of the Newburgh building and its connection to the Lewis and Co building means that strengthening and adaptive re-use is not feasible without the loss of heritage fabric and without this fabric, the connection to its heritage values are all but lost. NZHP conclude that on the balance of this evidence the loss of heritage can be mitigated through the proposed measures outlined above including the recording of each building to a Level III standard.

I concur with this conclusion and consider the effects of the loss of heritage resulting from the demolition of these building will be significant but, with the implementation of the proposed mitigation measures can be considered appropriate.

Demolition of a Scheduled Building

NZHP have considered the effects on heritage resulting from the full demolition of 13 buildings listed in Appendix II.3 of the District Plan. NZHP have assessed the heritage values of twelve of these building as low with two having medium heritage value. Based on this assessment and the magnitude of the impact, NZHP have assessed the overall significance of effects as slight to moderate for all buildings other than the Cambridge Arcade where the development will have moderate to large effects.

NZHP consider that based on the level of vacancy on the Block, the structural integrity of the buildings, the loss of heritage values over time that the loss of heritage in this category can be mitigated.

I concur with this conclusion and consider the effects of the loss of heritage resulting from the demolition of these buildings will be moderate with the proposed mitigation measures implemented.

Partial Demolition of a Listed Building

NZHP assess the partial demolition of the Southland Times building, where the façade will be retained as having moderate adverse effects on heritage values. The retention of the façade is considered to be beneficial by retaining part of a key historic building and by providing architectural balance with the Coxhead building to be retained at the west end of Esk Street. NZHP consider the effects resulting from the partial demolition of the Southland Times building can be mitigated if the mitigation measures proposed are followed as well as the recommendations to follow best practice in the alterations of the façade.

The architects have included these recommendations within the design and the Southland Times building will now have no views through to the sky and the façade alterations will be undertaken in a manner which avoids loss of detail. With the inclusion of the above and the mitigation measures proposed I consider that the effects on the partial demolition of the Southland Times building are no more than minor.

Façade Alteration of Schedule Buildings

NZHP have assessed the effects relating to the alteration of the three Class II facades as being slight to moderate. NZHP recommend that the alterations are kept to a minimum and that respect is given to the original ornamentation. On NZHPs recommendation the design team has incorporated these recommendations and that sash windows be retained and that connection to the interior be maintained through these windows with no views to the sky.

NZHP consider these three buildings to represent key architectural styles within the Block and consider them to be excellent examples to retain for posterity. With this taken into consideration along with the proposed mitigative measures, I consider that the effects of the alterations to the Class II facades will be less than minor.

Removal of Street Furniture

NZHP consider the removal of the street furniture within the Block to have a moderate to large adverse effect. It is acknowledged that retention of the verandah posts is not viable for the redevelopment.

NZHP have recommended the design of the verandah around the corner of Kelvin and Tay Streets to reinterpret the historic verandah and that some of the verandah posts be repurposed throughout the development.

Buchan Architects have incorporated the heritage verandah design into the new verandahs proposed for around the Fairweather building and will endeavour to incorporate the verandah posts wherever possible in the development with this to be one of the mitigation measures proposed. I consider that in following these recommendations and the proposed mitigation measures the adverse effects resulting from the loss of the street furniture will be minor.

Effects on Existing Heritage Structures

NZHP supports the use of buildings either side of the NSW Bank building to contrast against, frame and highlight the high quality and value the building. The vibration management plan will be implemented and followed throughout the redevelopment process. No alterations to the NSW Bank building are proposed as part of this application. The effects of the redevelopment on this Category I building are therefore considered to be negligible.

Effects on Archaeology

New Zealand Heritage Properties have assessed the effects on archaeology resulting from the redevelopment of the block and have stated that the redevelopment of the block will have a major adverse effect on its archaeological resources *'including the demolition of 14 pre-1900 buildings, partial demolition of two pre-1900 buildings, and impacts to subsurface archaeological features across the block. As such, NZHP makes the following recommendations:*

- *The client apply for an archaeological authority to disturb the archaeological sites listed in Table 9-9 (apart from E46/39). Please note that E46/66 and E46/32 will not be affected by the redevelopment, and impacts to the kerbstones in Dee Street (E46/39) must be avoided.*
- *The 14 pre-1900 buildings scheduled for demolished be recorded to a Level III standard by a qualified archaeologist (pre-1900 portions only).*
- *Demolition of the buildings be monitored by an archaeologist.*
- *All earthworks that may affect an archaeological site must be monitored (stand-over monitoring) and any features and deposits be recorded by an approved archaeologist according to best practice standards.*
- *An archaeological management plan be developed for the redevelopment, subject to approval by HNZPT.*
- *Consideration should also be given to the long-term storage of the artefact assemblage in a public repository.*
- *A full report on the results of the archaeological monitoring, buildings recording and artefact analysis will be required.'*

The effects on the archaeology resource resulting from the redevelopment are acknowledged and the applicant promotes the inclusion of the above recommendations from Heritage Properties as conditions of consent. The effects on the archaeological resource are considered to be adequately mitigated by following these recommendations throughout the redevelopment process. It is also noted that information and artefacts which are currently unknown will be discovered during this process which will allow the stories of the past to be known.

9.3.5 Summary of Effects on Heritage

The effects on heritage vary when considered on a case by case basis. Some demolition will have a significant impact on the heritage fabric of the CBD, such as the demolition of the Newburgh and Lewis and Co buildings, other activities such as the partial demolition of the Southland Times Building will have

minor effects through the retention of the façade and the incorporation of this in one of the main areas of the redevelopment. When taken as whole over the Block the effects on heritage must be considered to be significant due to the loss of the majority of heritage buildings on the site and the archaeological resource. However, the significant level of measures proposed by the applicant in response to recommendation from NZ Heritage Properties and Heritage NZ Pouhere Taonga are considered to be appropriate to provide mitigation for the loss of heritage fabric in the CBD, whilst allowing for the redevelopment of the site in accordance with the aspirations of the District Plan to revitalise the CBD.

9.4 Demolition

The applicant commissioned Ryal Bush Transport to prepare a Demolition Management Plan (DMP), setting out the proposed methodology for the demolition. This Management Plan is draft with the details to be finalised as the engineering requirements around retention of facades are completed. The timeframes for completion of the demolition process are indicative only as various factors such as the archaeological assessments will influence these timeframes.

The staging plan provided in Appendix E and as appended to the Demolition Management Plan shows the proposed order of demolition through the site. The demolition will start at Stage 1 Caroline Block to provide an access and staging point for the contractor to begin the bulk of the demolition. From there the Kelvin Street block will be removed and then the bulk of the Southland Times building will be demolished – retaining the facades of the Beauty and Beyond and Southland Times buildings. The demolition staging then moves west, taking out the Cambridge Place block. With a large area cleared in the centre of the site the contractor can then move on to the Government Life and Brown Owl buildings on the Dee/Esk Corners working from the rear of the buildings out to the street. The last buildings to be removed will be around the New South Wales Bank.

It is intended that by working from the rear of the buildings out towards the facades the demolition process will cause the least disruption to the traffic and pedestrian use.

9.4.1 Traffic Movements

Tip Truck Movements

By starting the demolition with the Caroline block (Stage 1) the demolition contractor will provide an access and staging point from which to undertake the bulk of the demolition works. An access at this point is set far enough back from the Kelvin Street intersection to ensure safe entry and exit from the site. As all demolition materials will need to be removed from the site there will be a large amount of truck movements for the duration of the demolition process. The DMP sets out various methods by which the effects of these truck movements will be reduced. These are as follows:

- No trucks will arrive or depart from the site after 5pm to avoid periods of peak traffic;
- The site will retain a sealed access road for the majority of the demolition activities which permits clean wheel travel and eradicates silt issues;
- All vehicle movements will be marshalled and supervised by the onsite team and will be in line with an approved Traffic Management Plan;
- If assistance is required from a dedicated Safety Traffic Management Supervisor to stop traffic for access and egress to the site by demolition vehicles this will be provided;
- All loads will be checked and dampened if required to prevent loose debris falling from trucks;
- Pedestrian management processes will be outlined in the approved TMP and observation by the onsite team.

Public vehicles and Pedestrians

A detailed Traffic Management Plan will be prepared and provided to Council and NZ Transport Agency for approval prior to works being undertaken on site. The following sets out the expected management practices that will be required during the demolition process:

- As blocks are demolished security fencing will be erected directing foot traffic to a designated footpath area.
- These walkways will be B Class Hoardings, allowing protection from above as well as the sides and providing shelter from the weather.
- On Tay and Dee Streets pedestrians will most likely be moved further out in to the road, with either parking areas or a traffic lane being reduced for this purpose.
- Ryal Bush have produced indicative diagrams as part of the draft DMP which show potential lane closures and traffic control methodology.

Road Closures

Esk Street

There will be periods when Esk Street will need to be closed to vehicular traffic entirely, in particular this will occur when the facades of buildings are being demolished. Pedestrian and delivery vehicle along the north side of Esk Street will be retained at all times.

The maximum anticipated timeframes for closure of Esk Street to all traffic are as follows:

- Cambridge Block – 3 weeks
- Govt Life Block – 6 weeks
- JJ's Block – 1 week
- Max Block – 1 week

Dee Street

The southbound lane of Dee Street will also require closure during the demolition of the Government Life building. The high fall line of this building in addition to the reduced structural integrity will require traffic and pedestrians to be diverted to the west side of Dee Street. Two way traffic will be maintained at all times.

Summary of Transport Effects Resulting from Demolition

The demolition process will create major and unavoidable disruption to vehicular and pedestrian traffic for the duration of the works, with the potential for the demolition process to take two years. Wherever possible traffic movements will be maintained and it is expected that Esk Street will be able to remain open for pedestrian traffic on the north side for the duration of the works. Traffic Management Planning will be undertaken in conjunction with Invercargill City Council and NZ Transport Agency to ensure the transport network remains operational and efficient whilst managing the risks associated with the demolition process.

9.4.2 Noise

The demolition process will involve a considerable level of noise not typically experienced in the CBD. Ryal Bush Demolition have identified the following equipment as suitable to undertake the demolition works:

- 45 tonne High Reach Excavator
- 30 tonne Excavator / 20 tonne Excavator
- Tip Trucks and Waste Bins.

The 45T High Reach Excavator will be required for the higher elements of buildings and at times it will be necessary to operate a hydraulic hammer for harder areas of masonry. The hydraulic hammer will create the highest levels of noise but this equipment will only be utilised on specific areas of the site for short periods of time.

Ryal Bush Demolition have provided the following mitigation measures to reduce noise from the equipment that will be necessary to use on site during the demolition process.

Typical noise levels (Demolition Equipment)			
Equipment	Typical Noise Level	Mitigation Measure	Reduced Noise Level
Compressors	82dB	<ul style="list-style-type: none"> Acoustically dampen metal casing (silencer) Use electrically powered compressor 	72dB 62dB
Pneumatic Concrete Breaker	102dB	<ul style="list-style-type: none"> Fit suitably designed muffler or sound reduction equipment Use hydraulic or electric tools 	87dB 82dB
Excavator	72-92dB	<ul style="list-style-type: none"> Fit exhaust sound reduction equipment 	67-87dB
Truck	72-92dB	<ul style="list-style-type: none"> Fit exhaust sound reduction equipment 	67-87dB

The applicant engaged Marshall Day Acoustics to prepare and assessment of demolition and construction noise and vibration effects. A copy of the resultant report can be found in Appendix F. Marshall Day have provided the following conclusionary statement:

While construction noise is usually undesirable, it is temporary and not necessarily unreasonable when all the relevant factors are taken into consideration.

The foreword of New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise" states:

*"Construction noise is an inherent part of the progress of society. As noise from construction is generally of limited duration, people and communities will usually tolerate a higher noise level provided it is **no louder than necessary, and occurs with appropriate hours of the day**. The Resource Management Act 1991 requires the **adoption of the best practicable option to ensure the emission of noise from premises does not exceed a reasonable level**. The Act also imposes a duty on every person to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by, or on behalf of, that person."*

We consider that the noise and vibration levels will be generally reasonable with the adoption and implementation of a Construction Noise and Vibration Management Plan (CNVMP). This CNVMP should outline the Best Practicable Option (BPO) measures to mitigate construction noise and vibration.

Marshall Day Acoustic recommend that the following conditions be included in any consent granted.

1. *Construction noise (including demolition) shall comply with the recommended residential noise limits for long term construction taken from Table 2 of NZS 6803: 1999 "Acoustics – Construction Noise" as far as practicable.*
2. *A Construction Noise and Vibration Management Plan (CNVMP) must be prepared by a suitably qualified person and submitted to Invercargill City Council 5 days prior to the commencement of the works. At a minimum, the CNVMP must address the relevant measures in Annex E of NZS 6803:1999 "Acoustics - Construction Noise" and Appendix B of DIN 4150-3:1999 "Structural vibration - Part 3 Effects of vibration on structures". The CNVMP must be implemented throughout the project and a copy must be maintained on site.*

Marshall Day have provided draft Construction Noise and Vibration Management Plan in the appendices of their report.

9.4.3 Dust

The demolition management plan provides methods to control dust on site, such as using water sprayed directly onto working faces as required. This will include the hose down of trucks leaving site. Wheel

washing to reduce dust and dirt dragged onto roads will be undertaken. High winds or unsuitable environmental conditions may also cause delays in demolition activities if dust levels or waste material cannot be controlled safely.

(Ryal Bush Demolition Management Plan p27)

All stormwater drains on surrounding streets will have silt bunds, filter socks and/or enviro-pods placed to prevent silts entering the stormwater network as necessary.

It is expected that dust and silts can be effectively managed on site and will not create effects which are more than minor during the demolition process.

9.4.4 Lighting

Work is expected to be undertaken on site between 7am to 7pm year round. As such during winter months there will be some lighting necessary to undertake works during hours of low light. Security lighting will also be necessary. It is not expected that the required lighting will exceed the maximum limits set by the District Plan. The city centre is a well lit environment and the lighting associated with the demolition and construction phases will not adversely affect the amenity of the area.

9.4.5 Management of Vibration

A number of operational and management strategies need to be adopted by the applicant to control and reduce noise emissions and vibration from the construction activity. The applicant will establish a Construction Noise and Vibration Management Plan outlining the measures which will be employed to ensure that noise and vibration impacts on neighbouring properties are minimised as far as practicable.

BMC propose the following to manage and mitigate against the effects of vibration:

- *prior to the demolition works commencing, complete a dilapidation survey for all buildings directly adjacent to the CBD development site. This will provide a benchmark for the condition of adjacent buildings.*
- *establish a demolition management plan. This plan will specify times of operation, site traffic access routes, maximum noise limits, equipment types and demolition procedures. The plan will be signed off by ICC. Monitoring equipment installed as required.*
- *for piling operations related to new build construction, driven piles will not to be used unless no suitable alternatives can be found. Use of bored or screw piles will be given preference.*

The Construction Noise and Vibration Management Plan will also include:

- Restrictions on the operational hours of construction on site such that all works on site are to be generally undertaken between 0700 and 1900 hours, with no work on Sundays or public holidays. However, some demolition activity may occur outside these hours. Notification will be provided to these neighbours a minimum of a week before this occurs.
- The requirement for specific equipment to be tested prior to being used on site and the physical mitigation required to result in complying levels, including acoustic screening.
- Details of complaints procedures and the need for and responsibilities of a Noise Liaison Officer for the community.
- No heavy vehicles will enter or exit the site before 0700 hours, or after 1700 hours.

9.4.6 Retention of Facades

The redevelopment intends to retain four façades of heritage buildings as follows:

- Southland Times - NZHPT Category II façade
- Fairweather Building – ICC Class II façade
- Coxhead Building – ICC Class II façade

➤ Beauty and Beyond – ICC Class II façade.

BMC have prepared an example façade retention system and this can be found in their executive summary document contained in Appendix D. The following processes are proposed to manage and achieve the façade retention:

To minimise the time exposure of the façade (supported by temporary structure) it is proposed to leave the façade attached to the existing building (or a significant part of the building) where possible.

The following action items will be addressed for each façade retention design. This will provide a high level of certainty that the façade will not be exposed to loading or conditions that could lead to demolition / loss of the façade.

- a) Full structural survey of building including the detail related to the stability of the façade and identification of any related issues. Establishment of monitoring pins as appropriate.*
- b) Design and detailing of temporary works that provides stability for the façade as a standalone element. The design can allow propping to the exterior or interior sides of the façade. This would provide flexibility for reducing the disruption to the public in the event the façade retention is erected for an extended length of time awaiting its connection to a new building structure. Refer to graphic below showing on an example of façade retention from the exterior side.*
- c) Design and detailing of any strengthening to the façade itself and/or foundation remedial works. This may be required to stabilize or deal with any issues and/or alterations to the façade openings as part of the integration with the new development.*
- d) Design and documentation for a detailed demolition/temporary works management and construction plan for each façade retention scheme.*
- e) Engineering supervision of the demolition and temporary works construction. Ongoing monitoring as required.*

Each façade will require different engineering to ensure it can be successfully retained and appropriate design plans will be developed for each building. The retention structure will allow pedestrians to walk underneath ensuring footpaths can remain open and usable during the construction phase as the retention structures will need to remain in place for a significant length of time.

9.4.7 Effects on Amenity During Demolition/Construction Phase

There will be significant effects on the amenity of the CBD during the redevelopment process. This will be particularly felt during the demolition phase when health and safety requirements will mean large portions of the street frontages will need to be closed off or protected as buildings are demolished. In particular the demolition of the five storey Newburgh and Lewis and Co buildings requires that vehicular traffic and pedestrian movement will need to be restricted for a period. All existing street furniture and vegetation will need to be removed during the demolition process. During both the demolition and construction phases scaffolding and B Class hoardings will need to be established to protect pedestrians.

These factors are all unavoidable aspects of the demolition and construction process which will have significant effects on the amenity of the CBD. The staging proposed will limit the effects on pedestrian and traffic movements as far as possible. Amenity effects are proposed to be reduced through inclusion of the public in to the construction process allowing for views of the site through construction hoarding and incorporating descriptive panels illustrating the site heritage the proposed development. NZHP have experience with the use of such hoardings in the Christchurch context and have found that B Class hoardings provide a safe environment for pedestrians and the windows in the hoardings have the effect of drawing people to the area. This has the effect of maintaining active pedestrian traffic, reducing the effect on the surrounding businesses.

9.5 Integrated Transport Assessment

The applicant engaged Abley Consultants to prepare an Integrated Transport Assessment for the post development use of the site. A copy of the resultant report is attached in Appendix B.

The development proposes to utilise three vehicular access points, including two service lanes and the main access to the public car park, all of which will be located on Tay Street.

Western Service Lane

A service lane will be established to provide access to an enclosed service yard approximately 30 metres from the Tay/Dee Street intersection. This area will incorporate loading bays and service areas and Ableys have provided tracking curves in showing the ability of 10.2m refuse trucks and 8m and 11m rigid trucks to enter and exit this area in forwards gear.

There is a pedestrian crossing located immediately to the west of the service entrance and Ableys have assessed the impact on pedestrian safety related to the use of this service lane and have made the following comments in response to queries from NZ Transport Agency:

The subject access is a two-way service access located east of the existing pedestrian crossing. The service access will be left-in and left out only due to the raised median on Tay Street. Therefore, the access will not compromise the safety of pedestrians at the crossing for the following reasons;

- 1) All vehicles entering the access will have adequate sight distance of the pedestrian crossing upon exiting the Tay Street/ Dee Street roundabout similar to all other road users. Bollards or other form of street furniture will be installed adjacent to the pedestrian crossing to protect pedestrians waiting at the crossing as shown in Figure 5.2.*
- 2) The swept path diagram in Attachment B shows that a 11.5m rigid truck (design vehicle) could enter the site without sweeping over the footpath of Tay Street where pedestrians would wait to use the pedestrian crossing.*
- 3) When exiting all service vehicles will be turning left out therefore no interaction with the pedestrian crossing is possible. The service access will either provide the necessary pedestrian visibility splays or an audio device will be installed to ensure pedestrians travelling along Tay Street are warned of exiting service vehicles.*
- 4) The access provides service vehicle access to a 5- loading bay service yard, which is not expected to be used frequently and a service vehicle traffic management plan will be implemented to ensure that delivery vehicles are restricted to hours outside of peak hours.*

Given the above assessment it is not considered that there any specific safety concerns with the proposed western service lane access. The access is in a similar located to the existing public car park entrance.

Eastern Service Entrance

The eastern service entrance is to be located 27 metres from the Kelvin/Tay Street intersection. The Tay Street entrance lines up with the existing Esk Street service lane entrance between the Southland Times building and the Kelvin Hotel. The entrance was initially proposed to be closer to the intersection but following consultation with NZ Transport Agency the main public access and the service lane were brought back from the intersection. The service lane is now set back 20 metres (at the closest point) from the intersection. This service lane is one-way with vehicles entering from Tay Street and exiting via Esk Street. There is sufficient area within this service lane to accommodate a 19 metre semi-trailer truck. Automatic gates are proposed at each end of the service lane to discourage pedestrian access and to prevent the service lane becoming a wind tunnel as currently exists at the Esk Street entrance/exit.

Main Public Carpark Entrance

The main entrance to the public car park is located off Tay Street and at the closest point will be approximately 44 metres from the Kelvin/Tay Street intersection. The access is to be a three lane access

with the ability to have two lane providing entry or exit depending on the time of day. *‘The first 14 metres of the entry ramp (from the property boundary) will be formed to have a flat gradient and will provide sufficient queuing space for two vehicles to ensure vehicles do not queue across the footpath.’* (Ableys ITA, p17). Due to the wide shoulder along Tay Street, other cars can queue clear of both the footpath and the vehicle lanes if required. Automated access via number plate recognition is also proposed to reduce queuing times.

The car park access will be 11.5 metres wide at the property boundary. Ableys refer to similar car parking arrangements in central city areas of Christchurch such as the Lichfield Street car park. To create the access and to ensure sufficient sight lines are provided, Ableys have assessed that seven of the existing on street car parks will need to be removed.

Safety Measures Proposed

The following safety measures are promoted for all access points:

- Accesses will be designed with a surface that will stand out from the footpath surface
- Tactile paving will be used at the footpath edges to cater to visually impaired pedestrians
- The car park access will be marked with give way line markings to define the priority at the access
- Signage will be used to inform motorists to be aware of pedestrians and vice-versa
- 5m x 2.5m pedestrian visibility splays will be provided at all vehicle accesses or if this cannot be achieved audio devices will be installed to warn pedestrians of exiting vehicles

Based on the design of the accessways, the separation from pedestrian crossing and intersections, and the safety measures proposed by Ableys, no significant safety concerns are identified and it is considered that the proposed access arrangement will have only minor effects on the roading network and pedestrian safety.

Car Parking Requirements

The Invercargill City District Plan does not require businesses in the City Centre Priority Redevelopment Precinct to provide car parks. This is intended *‘as a significant bonus for redevelopment, enabling utilisation of a greater proportion of the site for building.’* (ICC District Plan, p2-81). However, the applicant recognises that the ability for people to park undercover and close to the shopping precinct will help attract visitors to the central city. The redevelopment therefore proposes to locate 951 car parks spread over four floors. The car park ramps up from the Tay Street entrance, with no car parks provided at ground floor level. The car park will be set back 20 metres from the Esk Street frontage and 6 metres from the Tay Street frontage. Ableys have provided an assessment of car parking requirements based on floor space within the redevelopment block. The shopping precinct proposes car parking at a rate of 4.05 spaces per 100m² ground floor area (GFA). Ableys have compared this with parking demand at three other shopping precincts in Hamilton, Rotorua and Christchurch and have calculated the average car parking rate for those developments at 3.97 spaces per 100m² GFA. Ableys infer from this that the proposed parking supply is appropriate.

The redevelopment will result in seven car parks being removed from the metered car parks along Tay Street to provide access to the car park and suitable sightlines. The redevelopment will see however the removal of an existing access way between Hannahs and Snap Fitness. The area of this access can be used for additional angle car parks. The loss of seven car parks at the entrance point to the car park is therefore considered to have less than minor effects on parking in the Central City.

The car parking within the shopping precinct will be available to all users of the central city and will significantly increase the availability of car parking in the area. The ability for users of the central city to

park undercover and within easy walking distance of the central business district as a whole is considered to be a significant benefit to the city centre and the effects are therefore considered to be positive.

Bus Parking

Currently Invercargill City Council operates a bus service with the main terminus located outside the Reading Cinema on Dee Street. The continued use of this area of Dee Street for bus parking will not affect the operation of the shopping precinct. It is possible that an alternative location may be preferred by Council in the future and the applicant is willing to work with Council on this issue.

Transport Summary

Abley Consultants provide the following conclusion statements in the Integrated Transport Assessment:

The proposal includes a 950+ car park accessed via a two-way vehicle crossing on Tay Street. The car park access is located approximately 50m west of the Tay Street/ Kelvin Street intersection. The operations of the intersection and the car park access has been modelled using traffic modelling software.

The modelling results indicate that car park users will have sufficient gaps in the eastbound traffic flow to enter and travel through the Kelvin Street intersection due to the relatively low traffic flow on Tay Street.

Furthermore, all vehicle accesses along Tay Street has been designed to ensure pedestrian safety is not compromised by vehicles entering and leaving the site. Design elements such as visibility splays, surface treatments, and street furniture will be used to ensure pedestrian safety is preserved.

The proposal has been assessed against the transport rules of the Invercargill District Plan. The proposal complies with all transport rules, except the rule regarding queueing space. The non-compliance has been further assessed and due to mitigating design elements of the proposal, it can be concluded that no notable effects are expected as a result of the non-compliance.

Overall, the proposed development can be supported from a traffic and transportation perspective and it is considered that there are no traffic related reasons why consent should not be granted.

The assessment of Abley Consultants is concurred with and the effects are considered to be no more than minor with significant benefits likely to result from the inclusion of a 951 space car park in the centre city.

9.6 Residential Activity

The HWR tower proposed for the corner of Dee and Esk Streets includes penthouse apartments.

Residential activity is a discretionary activity within the Entertainment Precinct and as such Marshall Day have prepared an assessment of noise effects for this. The assessment concludes that

"..our preliminary assessment, using typically encountered constructions, indicates that the most stringent noise criterion of 30 dB LAeq from AS/NZS2107:2000 will be complied with, provided that an alternative means of ventilation is provided. As a result, reverse sensitivity noise effects on proposed residential activity will be acceptable and consistent with the anticipated noise environment for noise sensitive activity in the zone.

In order to give effect to Rule 3.13.9, we have provided the following suggested text for a resource consent condition that should apply to the development:

Prior to the issue of Building Consent, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to the Council demonstrating that internal sound levels will be achieved when assessed in accordance with the requirements of Rule 3.13.9 (A). An alternative means of ventilation shall be provided so that compliance with Rule 3.13.9 can be achieved concurrently with any Building Code ventilation requirements."

The conclusions of the Marshall Day reports are supported and the applicant promotes the suggested conditions to be included in the granted resource consent. There will be significant effects on the

amenity of the Invercargill City Centre as a result of the demolition and construction process, however as stated in the Marshall Day report these effects are an unavoidable result of progress and with the adoption and implementation of the CNVMP the effects will be minimised as much as practical.

9.7 Potentially Contaminated Land

The Block has been identified in the Preliminary Site Investigation undertaken by E3 Scientific as containing areas of potentially contaminated soils. Due to the location of buildings/sealed surfaces over the majority of the site no detailed site investigation has yet been undertaken. E3 Scientific recommend that a Detailed Site Investigation be undertaken at the time of demolition. This will then inform the measures required to be undertaken to appropriately remediate the site if required, including sediment control, disposal of soil to a suitable facility and on site management. It is considered that following further investigation as part of the detailed site assessment and provision of a management plan the adverse effects associated with potential site contamination will be less than minor.

10. Positive Effects

Positive effects are a relevant consideration under s104(1)(a) of the RMA. The redevelopment of the Block will have significant positive benefits for Invercargill and the wider District. In the short term the redevelopment will require a significant work force during the demolition and construction phases which are anticipated to be undertaken over a period of some years. The expectation is that Southland does not currently have the workforce available to undertake the volume of work required. As such a significant proportion of construction workers will need to be recruited from outside the region and it is anticipated that many will find other jobs post construction and settle in Southland contributing positively to Southland population growth.

Post development, the redevelopment is expected to provide a significant number of jobs for Invercargill residents and attracting workers from outside the region. This increase in workers within the CBD will also feed in to greater foot traffic, thereby increasing the potential number of shoppers in the retail space and creating a vibrant city centre.

The redevelopment will significantly improve amenity and a sense of pride in the Invercargill CBD. Currently much of the building stock is run down and many buildings have been vacant for a significant amount of time, the verandahs around the street frontages are old, run down and overshadowing resulting in a general area of neglect in the centre city. The redevelopment seeks to reverse this. The following sets out the Buchan Architect design concept and aims:

Invercargill Central is intended to create place. A heart for the central business district, a multi-threaded mixed use development driving people into the CBD of Invercargill through both day and providing the important destination at night.

The functions proposed; are an entertainment precinct, civic and workplace, health wellbeing as well as complementary retail and food offers have been assembled to create a destination for the people of Invercargill to work, live and play. A destination with an extended trading period to attract people to the city after work to shop, have dinner or be entertained within a safe, comfortable space with a dynamic heart. Invercargill Central is not just about the CBD block inhabits - it is about activating the wider CBD district through activated street edges, strengthened pedestrian routes and driving footfall along Esk Street and reimagining and recreating north south mid-block link connections. Retaining the unique Invercargill street edge character and grain.

The redevelopment will provide for the rejuvenation of the Block, while retaining links to the heritage fabric through the retention and integration of heritage facades, and recycled heritage materials. Colours and materials for the new buildings have been carefully selected by Buchan Architects to reflect materials

traditionally used in the CBD providing further connection to the existing heritage and surrounding streetscape.

The Southland Regional Development Strategy was set up as a means of driving rejuvenation in Southland and Invercargill with the overarching aim of attracting 10,000 new residents to Southland by 2025. The Strategy identified that the inner city of Invercargill does not provide sufficient of the modern essentials of urban lifestyle to attract and retain skilled and talented people to living as Southland. The lack of heart and the state of the inner city is currently cited as a reason people don't want to come to, or stay in, Invercargill or Southland. The redevelopment as proposed will directly address this issue creating a contemporary city centre while retaining the character provided by the heritage buildings which are a significant feature of the inner city street scape. The redevelopment retains the key heritage buildings and makes a feature of those whilst allowing the remainder of the block to be developed in a modern way, building pride and shifting negative perceptions of the low quality of urban lifestyle in Invercargill.

11. Preliminary Site Investigation

The applicant commissioned E3 Scientific Limited to undertake a Preliminary Site Investigation for the site. The resultant report can be found in Appendix G. The conclusions are summarised as follows:

The PSI has identified several locations within the central city block where hazardous activities have occurred. These include the use of asbestos and lead-containing materials in construction, the storage of coal and fuels for heating, the storage and potential mixing of chemicals including paint chemicals, pharmaceuticals, printing inks and solvents and dentistry compounds, and the operation of radiological machinery (x-rays machine);

- *Under the NESCS, redevelopment activities are expected to require earthworks that will exceed the permitted activity thresholds for soil disturbance and offsite disposal of soil. Subdivision or landuse change activities are not anticipated under the proposed redevelopment.*
- *Underground or above-ground fuel tanks are likely to remain in situ at several locations within the subject site and will be removed and potential contamination investigated as part of any demolition to comply with the requirements of the NESCS;*
- *Notwithstanding the presence of several historical HAIL activities within the site boundaries, e3s considers it is highly unlikely that these have the potential to affect human health of future site occupants, maintenance and excavation workers, or site construction workers, provided suitable health and safety measures are implemented, including the appropriate removal and disposal of asbestos-containing material and other contaminated building material prior to and during the demolition process;*
- *Site soils are likely to contain contaminants above local background concentrations and may exceed guidelines for landfill disposal;*
- *To ensure that site soils are safe for both the protection of on-site workers and for off-site disposal, e3s recommends that a detailed site investigation be carried out in conjunction with the site demolition and redevelopment works. This could be carried out by consent in conjunction with geotechnical and archaeological investigations required prior to the commencement of construction.*

Under the NESCS resource consent for earthworks will be required. A detailed site investigation has not been completed at this stage of the project therefore the activity status of the proposed earthworks is discretionary. Given the physical constraints associated with a detailed investigation, e3s recommends detailed investigations are completed at the time of demolition.

(E3 Scientific Preliminary Site Investigation, pages 28-29)

12. Proposed Invercargill City District Plan Objectives and Policies Assessment

Any provisions of the Proposed Invercargill City District Plan that have not been appealed are beyond the point of legal challenge and therefore are to be treated as being operative. The relevant sections of the Proposed Plan as set out below are beyond legal challenge and are therefore treated as operative.

The following paragraphs assess the proposed development against the relevant provisions of the Proposed Plan.

Section 2.21 Business Overview

- (1) *Central Business District: One of the main thrusts of the Plan is that the Council wishes to use it as one of several methods to support the ongoing viability and vibrancy of the City Centre, to reinforce its role as the City's primary centre for retailing, business, cultural and entertainment activities, and to retain the best of its rich architectural character and heritage.*

Section 2.22.1 Issues (Business 1 (Central Business District) Zone

1. *The primacy of the City Centre as the City's primary commercial and retail area is under threat, from the slow pace of development within the City, from new development locating outside the City Centre, from national and international changes in retailing, and from deferred maintenance and structural issues associated with old buildings.*
2. *The quality of the street environment and the standard of design and amenity can encourage the ongoing economic and social viability of the City Centre.*

2.8 HERITAGE

2.8.2 Objectives

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 aim to identify and recognise Invercargill's heritage and protect it from inappropriate subdivision, use and development. The Heritage Impact Assessment identifies the heritage values of buildings within the Block as well as the overall character of the block. The question then is, whether the development is inappropriate.

In considering what is inappropriate in relation to the use and development of heritage buildings the following should be considered:

Do Nothing – The option of doing nothing is not considered a suitable option for the Invercargill CBD. The Council, various Council led groups such as the Southland Regional Development Strategy, the Mayoral Forum and other groups such as the Chamber of Commerce and Community Trust of Southland, have all identified that something needs to be done to ensure the viability and vitality of the Invercargill city centre is maintained with the overarching goal of attracting more people to the south. The redevelopment of the CBD has been identified as a key strategy in achieving these goals.

From a more specific point the potential for the heritage buildings to continue to deteriorate is a significant issue which should be considered. A large number of the heritage buildings in the Block have been vacant for a considerable period of time, in particular of the 2nd floors, leading to further deterioration over time and an air of neglect in the area. The Environment Court decision in *NZ Historic Places Trust v Manawatu District Council* [2005] NZRMA 431 stated:

[33] Nor would it provide for sustainable management in the sense of providing for the cultural well-being of the community by refusing consent and thus condemning this building to a slow and sad deterioration to the point where, quite feasibly, it would have to be demolished as a safety risk. In coming to an overall assessment under s5, the loss of the heritage value of this building,

while regrettable, is outweighed by the other factors we have outlined. One might have hoped that, to retain it for the sake of its heritage value to the community, sufficient funding from some public source might have been available to make up the shortfall of what the building can of itself sustain and what could reasonably be expected of its owners. In this case, that has not been so. For those reasons, the decision of the Council is confirmed and the resource consent is granted.

With the cost in strengthening and retaining the heritage buildings and the rents that are achievable in the Invercargill context it is unlikely that any developer or building owner would undertake works to strengthen and retain and therefore buildings are likely to continue to deteriorate. This would in itself amount to inappropriate use in respect of heritage values. The redevelopment as proposed is an opportunity to retain and strengthen key heritage features within the Block in a cohesive manner.

Ad hoc development – ad hoc development can amount to inappropriate subdivision, use or development as it often leads to an incohesive overall streetscape where buildings show no relation to each other or the wider area and thereby reduce the character of the streetscape overall. A good example of this on the Block is the Starbucks Café building. The redevelopment as proposed allows the incorporation of heritage in a cohesive manner. The following statement from the Buchan Design Statement details this:

The proposed development looks to selectively retain and adaptively re-use heritage stock. Esk Street would have the facade of 31 Esk Street retained - as a counterpoint to the proposed HWR Building. Adjacent to this; a facade language is established which reflects the ordering and grain of 31 Esk Street. At the eastern end of the Esk Street block; The Southland Times facade is retained and flanked by massing at the 10m datum. Having the effect of pronouncing the Southland Times. A standout building upon the Esk Street frontage. Having this converted to a major department store entrance having the additional benefit of securing the significance of the building in use and activity across two floors.

To Tay Street; the Dee Street corner would be held by the Bank of New South Wales; flanked by buildings reflective of the scale and strength of form which was intended with the initial construction of the Bank of New South Wales. To the Kelvin edge; the corner Hotel Cecil building will be replaced by a building of scale. The massing will be flanked by the Heritage Buildings at 58 Tay and 18 Kelvin. Where the Dee and Tay corner is heritage flanked by new; the Tay and Kelvin corner is new flanked by Heritage. The centre of the Centre of the block will include two glazed screens with imprints of Heritage facades.

Appropriate Development in the Central City

The District Plan in addition to Council led organisations such as the Southland Regional Development Strategy have clearly identified as a significant issue the degradation on the central business district and loss of the primacy in the city centre that this area should have. In regards to the Business 1 (Central Business District) Zone, the District Plan states: *‘The Zone seeks to maintain and reinforce the viability and vibrancy of Invercargill’s City Centre by enabling a wide range of activities, by encouraging and maintaining a high level of amenity, and by encouraging good urban design.’*

The significant resource management issues for the Business 1 (Central Business District) Zone are listed as follows:

- 1. The primacy of the City Centre as the City’s primary commercial and retail area is under threat, from the slow pace of development within the City, from new development locating outside the City Centre, from national and international changes in retailing, and from deferred maintenance and structural issues associated with old buildings.*
- 2. The quality of the street environment and the standard of design and amenity can encourage the ongoing economic and social viability of the City Centre.*

The proposed redevelopments purpose is to bring the vitality and vibrancy back to the city centre, creating a revitalised CBD which can attract new businesses and encourage people to return to the CBD for their entertainment, retail and service needs. The redevelopment will significantly improve the standard of design and amenity in the CBD.

The redevelopment can only be considered to be appropriate in that it achieves the clearly stated aims of the District Plan and of an organisation that has been set up by the Territorial Authorities to achieve the revitalisation of Southland, with Invercargill at its heart.

Policy 3 Effects on heritage: *To avoid, remedy or mitigate the potential adverse effects of subdivision, use and development on heritage.*

Policy 3 seeks to avoid, remedy or mitigate the potential adverse effects of subdivision, use and development on heritage. This does not require absolute protection, allowing demolition where all other options have been considered and mitigation is provided. The development will see a significant loss of heritage from the block and this will not be avoided or remedied other than for four of the heritage façades. The question then is whether the adverse effects resulting from the development is being adequately mitigated.

The adverse effects associated with the demolition of a significant proportion of heritage buildings in the CBD can be considered significant. The applicant has engaged in consultation throughout the conceptual and design process with key stakeholders. Through this consultation a range of mitigation measures have been developed including retention of facades; building recording; reuse of building material; public interpretation, strengthening of existing heritage resources; in situ preservation of archaeological materials and in depth archaeological investigations of significant parts of site. These proposed measures are considered to mitigate as far as possible, the effects related to the demolition of heritage buildings within the Block.

Policy 4 Integration: *To encourage the integration of new subdivision, use and development with heritage.*

The design process for the block has been informed by the existing built form and the heritage buildings which will remain along the north side of Esk Street and the south side of Tay Street. The existing building stock was surveyed and the design of new buildings was then built from that information, allowing the new build to reflect the existing scale and mass of buildings in the block and on the opposite street frontages. The Tay Street frontage will include images of the heritage buildings which once existed along this frontage, providing a connection to the past which has been lost over time through the removal of the heritage features from facades. These images will provide a connection to the recently upgraded heritage buildings on the south side of Tay Street as well as to the NSW Bank building and the Fairweather building on either end of the Tay Street frontage.

The new buildings proposed for either side of the NSW Bank building have been designed to reflect buildings which once existed neighbouring the Bank building and which more appropriately respond to its scale and mass, allowing the Bank building to be a feature on the Troopers corner. Similarly the new builds around the retained façades on each of the street frontages have been designed to feature the heritage facades.

Policy 5 Active management: *To promote the active management, in particular the adaptive reuse, of heritage buildings to:*

- (A) *Avoid serious risk to human safety.*
- (B) *Investigate and evaluate all reasonable means of restoration, adaption, reuse and relocation as alternatives to demolition.*

Alternatives to demolition of the heritage buildings have been assessed as part of the design process with one of the first steps for the redevelopment being to undertake a structural assessment of each of the buildings on the site to determine the existing structural integrity of the building stock. That structural assessment showed that the existing building stock within the development site is almost uniformly below building code, with none of the buildings classed as heritage buildings being over 33% of the code.

The applicant then investigated costs to bring buildings within the block up to the code required to provide for a safe environment. The level of cost assessed, is considered unfeasible in the Invercargill context and for some of the buildings is also technically unfeasible. The costs to retain the facades of all buildings classified as heritage buildings would also be unfeasible from a cost perspective and the costs involved in retaining all heritage facades would result in the development being unable to proceed.

The retention of the buildings would also not result in a cohesive redevelopment of the block and would result in significantly less positive benefits, with the space becoming disjointed and lacking overall design quality to provide the overall objective of revitalising the CBD and encouraging business and visitors back to the central city.

Heritage experts were then consulted to determine how best to reflect and manage the heritage resource on the site and through the assessment and consultation process the design has evolved to pay respect to the sites heritage and to select those heritage buildings which best reflect the Block's history and also that of the wider central city.

The resultant design is considered to provide for the retention of heritage whilst also achieving the HWCP vision and Zone aims of reinforcing the viability and vibrancy of Invercargill's City Centre.

Policy 6 Conservation and adaptive re-use: *To promote the conservation and adaptive re-use of heritage buildings, groups of heritage buildings, heritage facades and heritage street furniture in the Central Business District of Invercargill.*

The development intends to retain and reuse heritage features within the development wherever possible. This forms part of the mitigation measures proposed and includes use of items such as the verandah poles being repurposed for light poles or other features within the block. Several heritage facades are being retained as part of the development with the design seeking to enhance these facades as a significant feature of the streetscape.

Policy 7 Cultural sites: *To protect cultural sites from the adverse effects of land disturbance and/or modification*

There are no known cultural sites in or nearby to the site that might be affected by the proposed land use.

Policy 8 Collaboration: *To collaborate with key stakeholders in the management of heritage.*

The applicant engaged early in the conceptual phases with key stakeholders who could inform the design process. This involved engaging structural engineers and heritage architects in order to understand the structural integrity and historical and cultural importance of the buildings within the block. From that starting point consultation with key stakeholders such as Heritage NZ Pouhere Taonga and Invercargill City Council as well as the general public was undertaken by the applicant.

2.22 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE

2.22.2 Objectives

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.*

The proposal achieves the aims of this objective by redeveloping a tired and, in parts, run down part of the CBD. The redevelopment provides for retailing, business, entertainment, accommodation and social services in the centre of Invercargill and is intended to bring significant benefits to the city, both economically and socially.

Objective 2: *Inner city living is part of the land use mix within the Invercargill Central Business District other than in the Entertainment Precinct.*

Objective 2 is supported by Policy 2 Precincts which seeks to identify precincts in the Business 1 Zone, one of which is the Entertainment Precinct. The explanation for Policy 2 states:

The Council wishes to see the Entertainment precinct within the City Centre as the location of choice for entertainment establishments, including restaurants, bars and nightclubs. The District Plan provides for these activities by identifying a precinct in which the noise limits and house of operation are more permissive than elsewhere in the City. To minimise reverse sensitivity effects, the Council will be encouraging any residential activities to install a higher level of sound attenuation within the Entertainment Precinct.

The explanation makes it clear that, although Council wishes to encourage residential activity to locate outside of the Entertainment Precinct, residential activity within this Precinct is acceptable with suitable noise attenuation. The assessment from Marshall Day states that suitable noise attenuation is easily obtainable. The inclusion of residential activity within the Block is considered to be of benefit to the CBD area, creating more movement of people, day and night. Overall the inclusion of residential activity in the Block is not considered to be contrary to Objective 1, particularly when read in conjunction with the explanation for Policy 2.

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

Objective 4 refers to the protection of heritage values in the CBD, and this is supported by Policy 22 Heritage Value which seeks to promote the retention of the character and scale of the heritage structures, buildings and places within the city centre. The scale and mass of the new proposed built form within the Block has drawn directly from the existing height and scale of the existing buildings. The retention of heritage facades on each Block frontage provides a connection to both the heritage of the Block and to the surrounding heritage buildings on Esk and Tay Streets. This is further complemented through the inclusion of the images of past buildings on the Tay Street frontage. The combination of these features is considered to result in the protection of heritage values in the CBD.

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

The proposed redevelopment achieves the enhancement of the amenity values of the CBD and provides for a mix of land uses which are intended to revitalise the CBD and bring residents and visitors back to the area. In achieving these objectives there will be loss of heritage but the mitigation measures proposed will largely offset this and the overall heritage values of the CBD will not be lost with a significant level of heritage remaining in the surrounding area and within the heritage precincts identified in the District Plan.

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

Objectives 3 and 4 seek to maintain or enhance the character and amenity of the Business 1 Zone, including the protection of the heritage values of the CBD and these objectives are further supported by Objective 5 which seeks an holistic approach to economic, social and geographical issues. These objectives suggest working towards a goal of heritage protection whilst also achieving the enhancement of amenity values. The redevelopment as proposed does result in a significant loss of heritage buildings within the CBD area, but also works to retain those facades and buildings, where possible, which are considered high value. The combination of the retention of these buildings and facades works in

conjunction with establishing a modern, complimentary precinct which will significantly enhance the amenity of the CBD.

2.22.3 Policies

Policy 3 Urban design: *To encourage the incorporation of the following urban design principles into the design of buildings and open space:*

(A) Buildings and land uses respect their context.

(B) Buildings and land uses reflect and enhance the character of Invercargill.

(C) Building and land uses offer diversity and choice for people.

(D) Building and land uses are clearly linked by appropriate connections.

(E) Buildings and land uses demonstrate creativity, encouraging innovative and imaginative solutions.

(F) Custodianship - Buildings and land uses should be environmentally sustainable, safe and healthy.

(G) Collaboration – stakeholders collaborate to achieve good urban design outcomes.

Context

The redevelopment seeks to incorporate heritage facades on each street frontage and to reflect the scale and mass of the existing buildings. This will ensure that the redevelopment respects the remaining heritage buildings in the CBD and does not overshadow or diminish these buildings.

Character

The proposed redevelopment seeks to enhance the vitality and viability of the Invercargill CBD to provide economic and social returns to the city. To achieve this the design is required to be modern and contemporary in order to provide 21st century service to the Invercargill public and visitors. In achieving this the architects have been careful to balance the modern with respect for the heritage and character of the Invercargill and have incorporated heritage façades and elements wherever possible and ensured the scale and mass of the development is in keeping with the surrounding area.

Diversity and Choice

The redevelopment provides new opportunities for the residents of Invercargill and for visitors. The District Plan acknowledges the CBD is under threat from the slow pace of development and from new development locating outside the City Centre. (ICC District Plan, Business 1 Zone, Issues). The redevelopment seeks to bring new life to the CBD and to attract new business to the city and bring existing business within the city back to the CBD, providing greater diversity and choice for consumers. The incorporation of car parking within the development provides greater opportunities for access that currently exists.

Connections

The design ensures the retail precinct is in itself walkable and also provides important connections to the surrounding streets and retail opportunities.

Innovation and Imagination

Invercargill has not seen a development of this scale previously and the architects have designed the block to be inclusive and innovative, allowing for a wide range of services within the block as well as outdoor green spaces for relaxation.

Custodianship

The redevelopment of the block will leave the CBD in a significantly better standard that exists currently with safe and modern buildings providing for the well being of Invercargill's residents.

Collaboration

The applicant has worked in consultation with key stakeholders throughout the design of the development.

Policy 4 Pedestrian-friendly frontages: *To create an environment along the identified frontages that will offer safety, comfort and a stimulating and enjoyable pedestrian experience within the recognised retail area.*

The block is located within the pedestrian friendly frontage precinct and verandahs will be incorporated along all frontages other than around the NSW Bank building which does not include verandahs. The covered car park which links directly to the internal areas of the block provides significant advantages to pedestrians.

Policy 5 Noise:

(A) To provide in the Central Business District for a level of ambient noise consistent with mixed land uses including residential.

(B) To delineate an area in the Central Business District within which a reasonable level of noise associated with entertainment activities (day and night) is both expected and tolerated as an inevitable characteristic of a vibrant entertainment precinct.

Policy 6 Odour: *To accept low levels of odour emissions whilst ensuring the absence of nuisance from objectionable odour.*

Policy 7 Glare: *To accept low levels of glare.*

Policy 8 Electrical interference: *To avoid nuisance from electrical interference.*

Policy 9 Lighting: *To encourage the provision of lighting associated with businesses, and also amenity and security lighting, as ancillary to a vibrant and attractive Business 1 Zone while recognising the inevitability of moderate amounts of lightspill.*

The redevelopment is not considered to be contrary to Policies 5 to 9.

Policy 10 Protection from weather: *To require the design of structures located in the City Centre to have regard to the need to offer pedestrians shelter from rain and wind.*

Verandahs are to be located along all site frontages, other than around the bank corner where there are currently no verandahs in place. The covered car park allows users of the CBD to arrive in the city centre out of the weather and various connection points to the street frontages ensure ease of movement through the city centre out of the weather. The proposal is therefore consistent with this policy.

Policy 11 Signage: *To recognise and provide for signage that contributes to a vibrant and attractive City Centre while avoiding signage that:*

(A) Is not related to activities on the site on which the sign is situated.

(B) Has the potential to create a nuisance.

(C) Detracts from the amenities of the area, either because of its size, character or content.

The redevelopment will not be contrary to this policy.

Policy 14 Dilapidated structures and ill-maintained lands: *To require that buildings in the Central Business District will be sound, well maintained and tidy in appearance.*

The redevelopment will see the removal of a considerable amount of run down buildings which are nearly all rated significantly below the minimum building standard requirements. The new buildings will be built to code and will satisfy the requirements of Policy 11.

Policy 15 Demolition or removal activities:

(A) To encourage owners to consider the restoration, and adaptive re-use of buildings in preference to demolition.

(B) To manage the adverse effects of demolition or removal on amenity values by ensuring the clean-up, screening and maintenance of sites.

(C) To encourage active utilisation of sites post-demolition by encouraging their prompt redevelopment and in the meantime encouraging use of the site for such activities as car parking or public open space.

Wherever possible within the aims of the redevelopment the applicant has sought to retain heritage. This sees the retention of four heritage facades. Materials, archaeological finds and information from the existing site will be utilised wherever possible to help retain the connection to the blocks heritage. Demolition activities will be undertaken in accordance with a Demolition Management Plan and will minimise the disruption to the central city.

Policy 16 Height of structures:

(A) To control the height of structures in order to create aesthetic coherence along frontages, avoid the creation of adverse microclimate effects, and promote availability of sunlight to the public street.

(B) To require that replacement buildings within the Central Business District that are required to have a Pedestrian-Friendly frontage have a two storey frontage to the public street or streets.

(C) To require new buildings within the Priority Redevelopment Precinct and also on a street corner to be an appropriate form and scale to address and articulate the street corner.

The redevelopment achieves this policy by striking a balance between the lower built form along the centres of the street frontages while providing higher elements on the street corners.

Policy 19 Crime Prevention Through Environmental Design (CPTED): *To encourage the incorporation of the following CPTED principles into the design of buildings and public spaces:*

(A) Awareness of the environment.

(B) Visibility by others.

(C) Finding help.

The principles of CPTED are incorporated into the redevelopment. The block provides an inclusive space with good connection to the streets as well as passive surveillance on all street frontages.

Policy 20 Connectivity and circulation:

(A) To promote connectivity and legibility of access to and within the Central Business District to enable people to find their way around easily and conveniently.

(B) To promote pedestrian friendly routes along the identified pedestrian-friendly frontages.

The redevelopment achieves this policy through use of the pedestrian friendly access from the car park and with links to the street frontages at a multitude of locations. Verandahs provide protection at street level.

Policy 21 Parking and vehicle manoeuvring:

(A) To require the provision of off-street car parking outside the Priority Redevelopment Precinct sufficient to meet the needs of clients, service vehicles associated with enterprises using the building and staff, and to require convenient provision for service vehicles.

(B) To encourage the provision of secure on-site cycle storage.

(C) To provide car parking to meet the needs of land uses associated with new buildings within the Priority Redevelopment Precinct.

A significant level of parking is provided within the development site.

Policy 22 Heritage value: *To promote the retention of the character and scale of the heritage structures, buildings and places within the City Centre.*

The redevelopment achieves the aims of this policy through careful design and incorporation of the design guidelines developed by the John Gray on behalf of the Council. Scale and mass of the existing heritage buildings has been carefully assessed and replicated throughout the site ensuring connection to the heritage buildings on the north side of Esk Street and south side of Tay Street. The retention of

heritage facades where possible and the careful design of the new build around these heritage facades ensures they are enhanced and promoted as key features of the block.

2.17 Transportation

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.*

Policy 1 Infrastructure *To provide for the safe and efficient operation, improvement and protection of transport infrastructure.*

Policy 5 Adverse effects: *To manage subdivision, use and development adjacent to transport infrastructure in such a way as to avoid, remedy or mitigate potential effects, including reverse sensitivity effects on transportation infrastructure.*

Policy 6 State highways: *To have regard to any New Zealand Transport Agency Standards regarding the location of new accesses on to, and egresses from, State highways where the speed limit exceeds 50 kph.*

The proposed development is considered to be consistent with the objectives and policies for transportation. The redevelopment has been prepared in consultation with NZ Transport Agency and Council's roading department to ensure safe access and egress to the site is provided while maintaining pedestrian routes and safety. The car park and service lane access locations will ensure the efficiency of the roading network is not compromised as a result of the redevelopment.

2.13 Earthworks

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

Policy 6 Filling and Recontouring: *To control land use activities and development which propose to fill or re-contour land, or to move or remove significant quantities of soil.*

Earthworks required during the redevelopment process will be undertaken in accordance with a Demolition and Construction Management Plan which will include measures to control dust and sediments. Earthworks will also be required to be undertaken in accordance with the requirements the Detailed Site Assessment for potentially contaminated land as well as any requirements relating to the archaeological authority. It is considered that the earthworks related to the redevelopment will be able to be undertaken in accordance with the objectives and policies for earthworks.

2.5 Contaminated Land

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.*

Policy 3 National Environmental Standard: *To implement and require compliance with the provisions and requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.*

Policy 5 Human Health: *To manage the subdivision, land use and development of land that is potentially or known to be, contaminated land so as to protect human health.*

Policy 6 Management: *To determine appropriate management action for contaminated land on the basis of:*

- (A) *The types of contaminants involved.*
- (B) *The degree of contaminant*
- (C) *The availability and practicality or appropriate technology for monitoring or remediation*
- (D) *Existing and proposed use of the site and surrounding land use*
- (E) *National standards or guidelines*
- (F) *The potential for offsite or downstream adverse public health and other environmental effects.*

The preliminary site investigation has shown that there are areas on the site which have the potential to be contaminated. Further investigation as part of a detailed site investigation, as the buildings on site are demolished, will determine the level of contamination and the measures that are required to manage this issue. This work will be undertaken by a suitably qualified specialist to ensure any adverse effects are able to appropriately managed. It is considered that the redevelopment is able to be undertaken in accordance with the objectives and policies relating to land contamination.

Summary of Objectives and Policies Assessment

The Objectives and Policies of the District Plan recognise the importance of heritage to the character of Invercargill and seek to ensure the ongoing use and retention of these buildings wherever possible. Overarching this is on the significant aims for the District Plan set out as follows:

Maintenance of “critical mass” - creation and maintenance of jobs - is the most important overall issue in enabling the Invercargill community to provide for its future well-being. The District Plan is part of an overall strategy supporting job creation and maintenance. Generous provision of zoning for business activities will enable businesses to locate in a variety of areas within the City District. Amenity standards which make it convenient and attractive to locate in these areas, are also an important part of this overall strategy.

The proposed redevelopment is entirely consistent with this aim and the cascade of Objectives and Policies which give effect to this aim as set out in the assessment above. It is acknowledged that the redevelopment could not be considered to further all of the objectives and policies of the heritage provisions, however it is considered that the proposal is not contrary with these as a whole. The proposal is not contrary, in the sense of being repugnant or offensive to the heritage provisions.

13. Southland Regional Policy Statement

Chapter 17 Urban

Objective URB.1 – Urban development

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

Policy URB.1 – Adverse environmental effects

The adverse effects of urban development on the environment should be avoided, remedied or mitigated.

Policy URB.2 – Urban development

Manage urban growth and development in ways that:

- (a) *support existing urban areas;*
- (b) *promote development and/or redevelopment of existing urban areas ahead of greenfield development;*
- (c) *promote urban growth and development within areas that have existing infrastructure capacity;*
- (d) *promote the progressive upgrading of infrastructure and improvement of the quality of sewage and stormwater discharges;*
- (e) *provide potable water supply;*
- (f) *plan ahead for the expansion of urban areas;*
- (g) *promote compact urban form; and*

- (h) *promote appropriate site and building orientation that supports the principles of optimum energy efficiency and solar energy gain.*

Policy URB.4 – High quality urban design

Encourage high quality urban design.

Policy URB.5 – Land use activities

Make provision for a range of land use activities within urban areas.

The proposed redevelopment achieves the objectives and policies of the Chapter 17 of the Southland Regional Policy Statement. The development aims to revitalise and rejuvenate the central business district of Invercargill, leading to an increase in business entering into the Invercargill retail space and providing for the social and economic and cultural well being of Invercargill residents. The redevelopment supports and encourages a range of land use activities within the central city and provides for a high quality environment that draws people into the city.

Chapter 14 Heritage

Objective HH.1 – Protection of historic heritage

Historic heritage values are identified and protected from inappropriate subdivision, use and development.

Objective HH.2 – Built heritage

The built heritage of Southland is appropriately recognised and where possible utilised in a sustainable manner.

Objective HH.3 – Historic heritage values

Historic heritage values are appropriately managed to avoid or mitigate the potential adverse effects of natural processes and climate change.

Policy HH.1 – Public awareness and appreciation

Promote public awareness and appreciation of Southland's historic heritage.

Policy HH.2 – Protection of historic heritage

Avoid, mitigate and, where appropriate, remedy adverse effects on historic heritage values from inappropriate subdivision, use and development. On a case-by-case basis take into account factors such as the significance of heritage values, financial cost and technical feasibility when making decisions relating to the protection of historic heritage.

Policy HH.3 – Integration with new use

Encourage the integration of historic heritage with new subdivision, use and development in both rural and urban areas.

Policy HH.4 – Natural processes and climate change

Encourage and make provisions for the use of appropriate techniques to manage historic heritage at risk of the adverse effects of natural processes and climate change.

Policy HH.5 – Collaborative management

Provide for Southland's historic heritage resources to be managed in a regionally consistent, collaborative and integrated manner.

Policy HH.6 – Adaptive reuse

Encourage the adaptive reuse and maintenance of built historic heritage.

The objectives and policies of Chapter 14 of the Southland Regional Policy Statement seek to protect heritage from inappropriate development. The proposed development is considered to be appropriate in the context of the Invercargill CBD where significant emphasis is placed on the revitalisation of the CBD in the District Plan and also in achieving the overall aim of integrating heritage into new development. Comprehensive mitigation is proposed to address the effects resulting from the loss of heritage as a result of the redevelopment and where heritage buildings/facades are to be retained the surrounding development has been designed in a manner that enhances the heritage building/façade. Chapter 14 also takes into account the feasibility of protection heritage when making decisions relating the protection of

heritage buildings. The structural assessments undertaken as part of the design phase of the redevelopment has shown that the majority of the buildings within the block are in a significantly degraded state and that to bring them up to code would be financially and, in the case of the Newburgh and Lewis and Co buildings, technically unfeasible.

Chapter 11 Contaminated Land

Objective CONTAM.1 – Identify, investigate and manage contaminated land Land affected by soil contamination is identified, investigated and managed.

Objective CONTAM.2 – Avoid, remedy or mitigate adverse effects Adverse effects on the environment (including human health) from contaminated land are avoided, remedied or mitigated.

The issues related to management of potentially contaminated land within the Block are discussed in detail in earlier sections of this report and the objectives and policies of this chapter are reflected in equivalent provisions in the District Plan. It is considered that the proposed methods for adequately managing the effects of potentially contaminated land are in accordance with the objectives and policies of the Regional Policy Statement.

Chapter 15 Transportation

Objective TRAN.1 – Transport and land use Development of transport infrastructure and land use take 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 system;*
- (c) minimises potential for reverse sensitivity issues to arise from changing land uses;*
- (d) provides for positive social, recreational, cultural and economic outcomes;*
- (e) minimises the potential for adverse public health and environmental effects;*
- (f) enhances accessibility and connectivity, maximising transport choice for users of the transport system*

This objective is supported by relevant policies which seeks the integration of transportation networks and land use, while appropriately controlling adverse effects on the environment. The development is considered to be in accordance with these objectives and policies based on the assessment provided in earlier sections of this report.

When considering the redevelopment of the block as a whole the proposed activity is not considered to be contrary to the relevant objectives and policies of the Regional Policy Statement.

14. Section 104D RMA

Section 140D of the RMA sets out particular restrictions for non-complying activities:

- (1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
 - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

Council may grant or refuse an application under Section 104B of the RMA.

The consideration for non-complying activities is commonly known as the 'gateway test'. If either of the limbs of the test can be passed, then the application is eligible for approval. There is no primacy given to either of the limbs.

The proposal can be considered to be not be contrary to the objectives and policies of the Invercargill City District Plan and when assessed over the provisions of the District Plan finds considerable support through the rejuvenation of the Central City. The redevelopment is therefore considered to pass the gateway test of S104D(1)(i).

15. Part II RMA

Following the Court of Appeal ruling on Davidson it has been determined that the relevance of Part 2 to the s104 assessment will depend on the extent to which the District Plan has been prepared having regard to Part 2. Holland Beckett Law have provided a legal opinion in relation to this which is attached in Appendix K. This is due to the wording in of the explanation to Policy 1 in the Business 1 Zone which states:

Maintaining and reinforcing the viability and vibrancy of Invercargill's City Centre is of widespread concern to the Invercargill people and is a key priority for the Council. Specific provisions in the District Plan are one method of many that the Council has chosen to address this issue.

Holland Beckett Law consider that this creates some doubt that the District Plan contains a coherent set of policies on this issue and therefore that Part 2 (Section 5) should not be excluded from consideration. Therefore Part 2 matters have been considered in the following paragraphs. Section 6(f) is also addressed for completeness.

Section 5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 5 promotes the wellbeing of communities while avoiding, remedying or mitigating the adverse effects of activities on the environment. The redevelopment as proposed is in accordance with the purpose as set out In Section 5 by providing a means of rejuvenating the Invercargill CBD and attracting population growth and economic vitality to Invercargill and Southland, with appropriate mitigation proposed to offset the effects of the redevelopment.

Section 6 Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*

The Supreme Court held in *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* that “when the term “inappropriate” is used in the context of protecting areas from inappropriate subdivision, use and development, the natural meaning is that “inappropriateness” should be assessed by reference to what it is that is sought to be protected”.

The appropriateness of the development in terms of its effects on heritage have been assessed in detail through the Objectives and Policies and it is considered that the development can be considered appropriate.

16. Precedent and Plan Integrity

Given that this application has a non-complying activity status it is considered appropriate to have regard to the issue of precedent as well as the effect of granting consent on the integrity of the Invercargill City District Plan. Concerns relating to precedent effect are not mandatory considerations. The High Court in *Rodney District Council v Gould* held that these are matters the Council may have regard to, depending on the facts of a particular case including:

1. Whether the proposal is contrary to the objectives and policies of the plan; and if so
2. Whether in the circumstances of a particular case a proposal can be seen as having some unusual quality.

The proposal can be considered to not be contrary to the objectives and policies of the Invercargill City District Plan and when assessed over the provisions of the District Plan finds considerable support through the rejuvenation of the Central City. The circumstances of the redevelopment can, in my opinion, be considered to be unique or unusual in that the development seeks to give effect to the vision for the Invercargill City Centre set out in successive documents relating to revitalising Invercargill and bringing new residents and visitors to the CBD and also the wider town. It involves the redevelopment of almost an entire block and this is highly unlikely to be replicated due to both the scale of (and level of investment associated with) the development, and the fact that other city blocks remain in multiple ownership. The scale of the proposal has enabled both extensive heritage assessment and a considered response to heritage values, which again is unusual given that such an approach is unlikely to be replicated. The loss of two Category II heritage buildings can be considered a significant effect of this development, however the structural integrity of these buildings has deteriorated to a point where structural engineers have determined that these buildings are a significant risk to public safety and that there is no method by which these buildings can be saved.

17. Conditions of Consent

The following conditions of consent are promoted by the applicant

1. The development shall be undertaken in general accordance with the plans and information provided as part of application LUC2018/XXX
2. A demolition noise management plan will be provided to Council prior to demolition work starting.
3. Construction Noise:
 - a. Construction noise (including demolition) shall comply with the recommended residential noise limits for long term construction taken from Table 2 of NZS 6803: 1999 “Acoustics – Construction Noise” as far as practicable.
 - b. A Construction Noise and Vibration Management Plan (CNVMP) must be prepared by a suitably qualified person and submitted to Invercargill City Council 5 days prior to the commencement of the works. At a minimum, the CNVMP must address the relevant measures in Annex E of NZS 6803:1999 “Acoustics - Construction Noise” and Appendix B of

DIN 4150-3:1999 “Structural vibration - Part 3 Effects of vibration on structures”. The CNVMP must be implemented throughout the project and a copy must be maintained on site.

4. Residential Activity

Prior to the issue of Building Consent, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to the Council demonstrating that internal sound levels will be achieved when assessed in accordance with the requirements of Rule 3.13.9 (A). An alternative means of ventilation shall be provided so that compliance with Rule 3.13.9 can be achieved concurrently with any Building Code ventilation requirements.

5. Land contamination

A detailed site investigation shall be carried out in conjunction with the site demolition and redevelopment works and any remediation required shall be undertaken in accordance with best practice requirements.

6. A Traffic Management Plan must be provided for approval to the Invercargill City District Council prior to works commencing on site.

7. Archaeological Authority

- a. An archaeological authority under Section 44 of the Heritage New Zealand Pouhere Taonga Act (2014) should be obtained from the Heritage New Zealand prior to any modification of the site or building.
- b. All pre-1900 buildings should be recorded to a Level 3 standard as defined by Heritage New Zealand (Heritage New Zealand, 2014)

8. Heritage Mitigation

The mitigation measures as set out by New Zealand Heritage Properties shall be implemented.

9. Façade Retention

The following measures will be undertaken through the building retention process

- a) Full structural survey of building including the detail related to the stability of the façade and identification of any related issues. Establishment of monitoring pins as appropriate.
- b) Design and detailing of temporary works that provides stability for the façade as a standalone element. The design can allow propping to the exterior or interior sides of the façade. This would provide flexibility for reducing the disruption to the public in the event the façade retention is erected for an extended length of time awaiting its connection to a new building structure. Refer to graphic below showing an example of façade retention from the exterior side.
- c) Design and detailing of any strengthening to the façade itself and/or foundation remedial works. This may be required to stabilize or deal with any issues and/or alterations to the façade openings as part of the integration with the new development.
- d) Design and documentation for a detailed demolition/temporary works management and construction plan for each façade retention scheme.
- e) Engineering supervision of the demolition and temporary works construction. Ongoing monitoring as required.

18. Section 95 Notification

Section 95A of the Resource Management Act 1991 sets the steps that must be followed by Council in determining whether an applicant should be publicly notified. The applicant wishes to voluntarily request public notification of the development, pursuant to Section 95A(3(a) of the Resource Management Act 1991, given the level of public interest in development in the Centre City.

19. Consultation

The applicant has undertaken extensive consultation with Heritage NZ from the beginnings of the design process. The overall design has been undertaken in a collaborative manner with Heritage NZ to enable an outcome which attempts to meet the competing desires of a range of different stakeholders. The final design as proposed has met with support from Heritage NZ during the consultation process.

NZ Transport Agency have also been consulted from the outset of the development process to ensure the completed development will provide for efficient and safe interface with the roading network and the two State highways that border the site.

Ongoing consultation has also been undertaken with Council staff particularly in the roading and servicing space.

Consultation with Te Ao Marama Incorporated as representatives of the Te Rūnanga o Waihōpai is ongoing.

The applicant has engaged with the public throughout the conceptual and design phases. This began with early press releases to signal the intent of the development and has since led to the development of the www.hwcp.nz website on which the vision and design concepts can be viewed. Existing tenants were invited early in the design phase to inform the design and to provide information to the tenants with a question and answer session taking place. This was then followed up in July with a more comprehensive display of the progressed design. A 'pop up' booth in Esk Street provides information via video and information panels and provides forms for the public to comment on the development. A full record of this consultation is attached in the appendices. Overwhelmingly the comments have been in support of the proposed redevelopment.

The redevelopment has wide ranging approval from community groups, Council organisations, local businesses as well as various other organisations and this support can be seen in the letters of support provided from key stakeholders in Appendix J.

20. Conclusion

The proposal to redevelop an almost entire city block has principally been driven by the Southland Regional Development Strategy set up by the Mayoral Forum and which has the overarching aim of attracting 10,000 new residents to settle in the Southland Region.

The redevelopment will have significant effects on the heritage resource of the CBD, however the redevelopment overall is considered to be vital in providing for the long term economic and social viability of Invercargill and the design is considered to reach a middle ground in respecting and acknowledging the heritage of the CBD while providing a new heart to the central city that will provide many positive flow-on economic benefits.

The redevelopment is a substantial project aimed at the rejuvenation of the Invercargill central city as well as providing positive benefits to the wider Southland Region and is considered to further the principle of sustainable management in the Invercargill context.