

**BEFORE THE INVERCARGILL CITY COUNCIL**

**IN THE MATTER OF**

the Resource Management Act 1991

**AND**

an application to the Invercargill City Council by HWCP Management Ltd for Resource Consent to demolish, alter and redevelop land and buildings in the Central Business District on a block bound by the east side of Dee Street, the south side of Esk Street, the west side of Kelvin Street and the north side of Tay Street

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**SUPPLEMENTARY STATEMENT OF EVIDENCE OF CHRISTINE MCMILLAN  
ON BEHALF OF HWCP MANAGEMENT LTD**

**PLANNING – CHANGES TO RESOURCE CONSENT PROPOSAL & CONDITIONS**

**22 March 2019**

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## **Introduction**

1. My name is Christine Elizabeth McMillan. I am a Planner employed by Bonisch Consultants, a consultancy firm specialising in land development, and I operate out of the Invercargill office. I prepared a statement of evidence dated 11 March 2019 in this matter.
2. The Chairperson's Second Minute dated 14 March 2019 requested at paragraph 4 a detailed analysis of the amendments to the application based on effects of each change to the planning unit that corresponds to the activity description in the District Plan. This Supplementary Statement of Evidence responds to that request.
3. The Chairperson's Second Minute dated 14 March 2019 also requested at paragraph 6 that a 'thorough understanding of how the conditions proposed to mitigate the environmental risks to a progressive and large scale re-development potentially over a long period in the CBD' be provided, which is also addressed in this supplementary statement.

## **Code of Conduct for Expert Witnesses**

4. I confirm that this supplementary evidence has also been prepared in accordance with the Code of Conduct for Expert Witnesses (Environment Court Consolidated Practice Note 2014).

## **Planning analysis – changes to application**

5. I considered that it would be most efficient to present the analysis of the changes made to the application by HWCP in table form, on a 'site by site' basis working around the block. This appears in the table attached to this evidence as **Annexure A**.

6. I confirm that although there are a number of changes to the plans resulting from the evolving design process these are considered to be within scope of the notified application.
7. The effect of these changes has been considered in conjunction with the conclusions of Buchan and Heritage Properties and it is considered that there is no increase in adverse environmental effects from what was notified.

### **Conditions**

8. The s42a report set out a comprehensive list of conditions which HWCP have amended in only a minor way, with the amendments generally aimed at allowing a more efficient demolition and construction process with less delays and therefore a reduced timeframe during which the centre city is not fully functional. I consider that the conditions as proposed in the amended condition set attached to my evidence will be effective in ensuring the environmental effects of the demolition and construction phases are minimised and provide sufficient assurance that the project will be completed.
9. Conditions 1 through 6 ensure that the redevelopment is undertaken in accordance with application documents and that the heritage mitigation is undertaken in accordance with best practice, including the archaeological investigations and dissemination of materials to the public. The requirement for the Façade Retention Plan to be provided to, and approved by, Council ensures those heritage facades which are to be retained will be in a structurally sound manner. HWCP has suggested the deletion of conditions 3(a) and (d) as initial structural assessments of all building have been completed by BMC and any further assessment work will be undertaken as part of Condition 3(c) 'the design and detailing of temporary works to provide stability to the façade'. The strengthening works for the façade will form part of the building consent documentation. In essence I consider Conditions 3(a) and (d) replicate other conditions and processes necessary for the façade retention. The conditions as proposed in the amended condition set will achieve the purpose of ensuring

the façades are maintained and strengthened in a structural sound manner in accordance with national building codes.

10. Condition 7 seeks to provide assurance that the redevelopment will go ahead prior to any demolition being undertaken on the site. HWCP have requested an amendment to this condition that ties the start of demolition in with an unconditional agreement being entered into with an anchor tenant, rather than tying this into a requirement that building consent being lodged with Council. This amendment has been made to ensure works can proceed as efficiently as possible with the aim of achieving the anchor tenant opening date of end 2021. Mr Cotton has set out in his supplementary evidence the delays resulting from tying the start of demolition to building consent and I refer to his evidence as follows:

*The subsequent delay on the start of construction would have a significant impact on the project, as a condition of the Anchor tenant's contract is to ensure that the store is open in November 2021. With a delay of 4-5 months that would not be possible. It would also extend the period of time that the site would be inactive (as it is now). The programme of the project is to commence the demolition as soon as possible to ensure that it can be completed in 2019 (with the exception of the 49-55 Esk Street building) allowing commencement of the construction (piling) in late 2019.*

11. Following demolition of the buildings archaeological and land contamination assessments need to be undertaken prior to piling commencing. The inability to start works prior to building consent lodgement will, as stated by Mr Cotton, result in significant delays to the completion of the redevelopment and the ability of the city centre to re-open in full as soon as possible.
12. It is also noted that on signing of the anchor tenant agreement HWCP are legally obligated to provide the completed building and associated buildings by the agreed date. I consider that the ability to tie the start of demolition in to

the signing of an agreement with an anchor tenant will provide sufficient certainty to the Council and to the public that the redevelopment will occur.

13. Conditions 8-12 and 15-19 set out a comprehensive list of requirements that are to be included in the Demolition Management Plan and Construction Management Plan. The measures listed cover all potential environmental effects arising from these processes and within these require additional management plans such as Traffic Management Plans, Noise and Vibration Management Plans and Communication Plans with the over-arching Management Plans required to be certified by Council.
14. Condition 13 sets out a requirement for a Vacant Site Management Plan (VSMP) to be provided to Council for certification wherever there is a portion of the site which may remain vacant for a period of more than six months. HWCP does not envisage that such areas will remain vacant for long periods of time but should this occur the provision of a VSMP will ensure the area is maintained in an acceptable manner from a safety perspective as well as from an amenity perspective, where if possible the area could be used for car parking or temporary commercial activities etc.
15. Conditions 20 to 24 set out requirements for soil contamination management including the provision of Detailed Site Investigations and where necessary Site Management Plans. The requirements for these documents is set out in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health and it is considered that conditions 20 to 24 sufficiently address the potential concerns relating to soil contamination. The amendments proposed are included to clarify the definition of earthworks in the context of this site and the removes the Remediation Action Plan from the condition as this will not be required for this site as it is to be fully capped.

16. Conditions 31 & 32 (Condition 32 & 33 in the amended set) provides a monitoring clause which will also Council to address concerns where necessary.
  
17. I consider that the complete set of amended conditions provides a comprehensive set of measures designed to control and mitigate potential environmental effects arising from the demolition and construction processes and that the requirement to have a signed agreement with an anchor tenant prior to demolition commencing should give confidence that the redevelopment will proceed and in as efficient manner as possible.

Christine McMillan

22 March 2019

## Annexure A

Site	Amendment to Plans	Rule Breach	Assessment of Environmental Effects
<b>1 Dee Street Bank NSW</b>	No Change		
<b>5 – 8 Dee Street Otts, Barnhams, Lumsden</b>	The civic buildings which surround the Bank NSW have been increased by 4.66m in height with this level recessed back from the street frontage.	<p>Rule 3.23.11 Height of Structures Except as otherwise provided for in Rule 3.23.14 -3.23.20 below, all new buildings and structures are to be designed and constructed to comply with the following maximum height and recession planes: (A) Maximum height: 10m</p> <p>Rule 3.23.12 Where any activity does not comply with Rule 3.23.11 above, the activity is a restricted discretionary activity.</p> <p>Rule 3.23.14 Except as provide 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.</p> <p>Rule 3.23.17 Any new building which does not comply with Rules 3.23.14 to 3.23.16 is a discretionary activity.</p>	<p>The height of the civic building/medical centre which surrounds the Bank NSW was increased due to interest from potential tenants. This increases the height of these buildings above the top level of the Bank NSW, where the previous design showed the buildings as matching the height of the Bank NSW. To mitigate the adverse effects associated with this increase in mass Buchan Group have recessed the new floor back from the street frontage. This has the effect of maintaining a similar 'building mass hierarchy' along this part of the Tay and Dee Street frontages (<i>Buchan Resource Consent Amendments, p4</i>).</p> <p>Heritage Properties in the addendum to the HIA considered this amendment and supported the <i>'use of the buildings either side to contrast against, frame and highlight the high quality and value of' the Bank NSW.</i></p> <p>I agree with the conclusions reached by Buchan Group and NZ Heritage Properties and consider that the effects of this amendment are minor.</p>
<b>31-33 Dee St &amp; 29 Esk Street</b>	No Change		

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Smith's, Newburgh and Lewis & Co			
31-55 Esk Street Coxheads, MacDonalds, Temple Chambers, NZIC, Starbucks	No Change		
59-61 Esk Street Cambridge Arcade	Façade being retained	Rule 3.8.4 In relation to any building listed in Appendix II:3 Sites of Local Significance the following activities are restricted discretionary activities: (A) any alteration or addition to the façade (B) any signage attached to the façade.	The retention of the façade of Cambridge Arcade results in a restricted discretionary activity status as opposed to the discretionary activity status assessed under the notified application. The retention of the façade is considered to have significant benefits for heritage in the Invercargill context through grouping of heritage buildings in the Esk Street area as referenced by NZHP in their addendum to the HIA and as discussed by Heritage NZ in their Hearing Statement. The following statements are taken from the NZHP addendum to the HIA: 'The Cambridge Arcade façade is one of this block's best and most iconic examples of the Art Deco architecture'. 'Retaining three representative façades (two scheduled and one listed) on Esk Street has numerous benefits over keeping single examples on each frontage of Block II as previously proposed.'



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			<p>'Having the three on the same street allows for members of the public to see them together and visualise the progression of Invercargill's architectural heritage more easily.'</p> <p>'Esk Street is the obvious choice for the locations of the retained façades, given previous recognition of its high quality heritage character and recent upgrades to the street itself to encourage pedestrianism.'</p> <p><i>(refer NZHP HIA Addendum pages 22-24)</i></p> <p>I concur with NZHP assessment and consider the amendment to be a significant positive benefit for the heritage landscape in the CBD.</p>
<p><b>63 Esk Street Nichols</b></p>	<p>Third storey added to new building on western side of Southland Times Building - height increased from 10.25m to 15.36m.</p>	<p>Rule 3.23.11 Height of Structures Rule 3.23.14 Pedestrian Friendly Frontages</p>	<p>An additional storey has been added to the buildings either side of the Southland Times to provide a frame for the building rather than having it extend in isolation above the surrounding buildings.</p> <p>The mass of the building to the east reflects the old police station that used to be located on this site and the building to the west provides a complementary massing mirroring the eastern building. The height of both building matches the parapet height of the Southland Times.</p> <p>Although the raised height could be considered to be an increase in the breach of the height restrictions on this site, the result is considered to be a better outcome for the Southland Times building.</p>

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<b>67 Esk Street Southland Times Building</b>	Third storey added to new building on eastern side of Southland Times Building - height increased from 10.25m to 15.36m.	Rule 3.23.11 Height of Structures Rule 3.23.14 Pedestrian Friendly Frontages	<i>Refer assessment above – 63 Esk Street.</i>
<b>18 Kelvin Street Thompson’s Building</b>	Removal of Fairweather and Thompson ICC Class II heritage façades from Tay and Kelvin Streets respectively. The street edge has been amended to incorporate this area into the larger commercial building on the Tay/Kelvin corner.	Rule 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 <u>discretionary activity</u> .	The Fairweather and Thompson façades were the only façades proposed for retention on Tay Street (other than the Bank NSW) and Kelvin Street. The intention at notification was to retain at least one façade on all streets which form the boundaries of the site. On Tay Street the retention of the Bank NSW maintains this intention to a degree. When considered further in the design phase following notification, the heritage façades were found to be inconspicuous and lost among the proposed built form, particularly when considered against the bulk of the Kelvin Hotel and the commercial building proposed for the corner of Kelvin and Tay Streets. Although the removal of these façades will add to the loss of heritage along Tay Street, the building is not known to have a high level of significance to Invercargill residents and it was considered that heritage in the Invercargill CBD context would be better served by allowing higher value heritage buildings on Esk Street to be retained, creating a ‘precinct’ in that area.

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			<p>NZ Heritage Properties (NZHP) noted in the addendum to the HIA that the retention of façades on each street would act as a 'physical memorial' to each building but that the 'associations and impacts of the buildings would be diminished' and that dispersed facades end up getting lost in the larger design. The benefits of consolidating heritage façades along Esk Street is also discussed by NZHP. <i>(p24 HIA addendum)</i></p> <p>I consider that the demolition of these façades will not result in significant adverse effects on heritage and that the change from the originally notified plant set is minor.</p>
<p><b>2-16 Kelvin Street Hotel Cecil</b></p>	<p>Additional floor added to commercial building on Tay and Kelvin Street corner. 2.14m increase in height from 29.8m to 31.94m at highest point.</p>	<p>Rule 3.23.11 Height of Structures Rule 3.23.19 Priority Redevelopment Precinct</p>	<p>The additional floor at this point is in accordance with a requirement of the PDP that buildings on the corners of two formed roads in the Priority Redevelopment Precinct be at least 3 stories high over 50% of the site area. The building compliments the Kelvin Hotel at the northern end of the Kelvin Street block and the HWR tower proposed for the Dee/Esk corner.</p> <p>The increase of one floor does not result in a significant increase in shading to surrounding areas as can be seen from the Buchan shading diagrams.</p> <p>The adverse effects relating to the amendment are considered to be less than minor.</p>

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<b>58 Tay Street Fairweather Building</b>	Removal of Fairweather and Thompson ICC Class II heritage façades from Tay and Kelvin Streets respectively. The street edge has been amended to incorporate this area into the larger commercial building on the Tay/Kelvin corner.	Rule 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 <u>discretionary activity</u> .	<i>Refer assessment under 18 Kelvin Street above.</i>
<b>54 Tay Street Caroline's</b>	Building height at street front reduced from 14.1m to 12.8m	Rule 3.23.11 Height of Structures	There is a small reduction in height at the street edge at this location. The amended height still exceeds the maximum height of 10m set by Rule 3.23.11. The amendment is not considered significant and does not create new adverse effects.
<b>20-42 Tay Street Peter's, Kingsland Shop, Annie Ibbotson's Just Incredible, Cambridge Buildings</b>	Increased height to car park 17.69m to 23.43m  Decreased width and face of car park brought forward to Tay Street edge	Rule 3.23.11 Height of Structures Except as otherwise provided for in Rule 3.23.14 -3.23.20 below, all new buildings and structures are to be designed and constructed to comply with the following maximum height and recession planes: (A) Maximum height: 10m Rule 3.23.12 Where any activity does not comply with Rule 3.23.11 above, the activity is a restricted discretionary activity. Rule 3.23.14 Except as provide for in Rule 3.23.19, all new buildings	The bulk of the car park building has been reorganised on Tay Street with an additional floor added bringing the total height of the car park to 22.5 metres (previously 19.4 metres). The spread of the car park has been significantly reduced, particularly from level 2 up (see plan 9102 and notified plan 1102). This results in a significant reduction in building bulk, particularly at the eastern end of Tay Street. Effects on visual amenity remain largely unchanged as a result of the amendment to height, the centralisation of the mass is noted by Buchan Group as mitigating the effects of the minor increase in height and I agree with this assessment.

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		<p>within the Pedestrian Friendly Frontages Precinct are required to be two storeys high along the street frontage.</p> <p>Rule 3.23.17 Any new building which does not comply with Rules 3.23.14 to 3.23.16 is a discretionary activity.</p>	<p>Effects on shading have been illustrated in the shadow studies (Buchan plans 9700-9705). These plans show that the extent of shading remains generally the same as existing and with little change between what was originally notified and what is now proposed. The greatest level of effect is felt on Tay Street in June when the sun is at its lowest, but due to the width of Tay Street there will not be a significant effect on buildings on the south side of Tay Street.</p>
	Reduction in car parking numbers from 950 to 859	<p>ICC does not require developments within the Priority Redevelopment Precinct to provide carparking - <i>Refer Rule 3.20.1 and Policy 21 Business 1 Zone</i></p>	<p>Abley consultants reviewed the reduction in car parking numbers and concluded that the reduced number would be sufficient to meet the requirements of the development. The amendment is therefore considered to have less than minor effects in relation to availability of car parking in the CBD.</p>
	<p>Removal of Watson Building imagery from façade</p> <p>Removal of Takitimu mountains imagery</p> <p>Inclusion of 'Southern Lights' vertical fins</p>	<p>No rule breach. Proposed as mitigation for heritage building demolition.</p>	<p>The use of heritage imagery around the main Tay Street entrance to the shopping precinct formed part of the original mitigation package put forward by the applicant. The basis of this mitigation was purely from an aesthetic viewpoint which did not carry particularly heavy weight as mitigation of the loss of heritage buildings.</p> <p>The design team re-considered the use of imagery along Tay Street and determined that rather than forming a 'backdrop' the imagery used should act as a beacon to the CBD. The change to the</p>

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			<p>'Southern Lights' imagery using vertical fins which will be backlit, achieved this aim.</p> <p>I consider the effects of this amendment to be positive providing a more dynamic and interesting aspect at the southern entrance to the CBD.</p>
<p><b>16-18 Tay Street Hannahs</b></p>	<p>Reduced height to 10.8m from 17.84m between medical centre and main shopping precinct. Reduction from four storey to two storey.</p>	<p>Rule 3.23.11 Height of Structures Rule 3.23.14 Pedestrian Friendly Frontages</p>	<p>The amended height generally corresponds to the maximum height (10m) and requirement for two storeys within the Pedestrian Friendly Frontages precinct. The reduction in height provides variation in the mass along the Tay Street frontage and provides for separation between the mass of the civic/medical building and the car park. The effects of this amendment are considered to be less than minor.</p>
<p><b>8-14 Tay Street Watson's 4 Tay Street ICC Parking Building</b></p>	<p>The civic buildings which surround the Bank NSW have been increased by 4.66m in height with this level recessed back from the street frontage.</p>	<p>Rule 3.23.11 Height of Structures Rule 3.23.14 Pedestrian Friendly Frontages</p>	<p><i>Refer assessment under 5-8 Dee Street, page 1.</i></p>