

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER 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

FINAL RESPONSE ON BEHALF OF HWCP MANAGEMENT LIMITED

DATED 24 APRIL 2019

MAY IT PLEASE THE COMMISSIONERS:

1. In the Third Minute by Hearings Panel dated 11 April 2019, the Panel directed that the applicant's response to further material from submitters and the reporting officer be filed by 5pm on 26 April 2019.
2. HWCP has received and considered the following:
 - (a) The final submissions on behalf of H&J Smith Holdings Ltd (**H&J Smith**) dated 17 April 2019, including a mark-up of the proposed conditions;
 - (b) Email from Vicky Henry dated 18 April 2018;

- (c) Additional information from Bob Simpson dated 18 April 2019; and
 - (d) The late further submission from Gaire Thompson which was received on 21 April 2019.
3. HWCP responds as set out in this final response. This is primarily in relation to the final submissions of H&J Smith, as the matters canvassed by others have already been thoroughly canvassed at the hearing or are dealt with in this final response.
 4. HWCP has also prepared a further mark-up of the proposed consent conditions, which includes the suggestions made by H&J Smith on the proposed consent conditions which are acceptable to HWCP.
 5. HWCP also deals in this final response with the Commissioners' query as to clarification of the gross floor area (**GFA**).

Response to H&J Smith

6. H&J Smith primarily deal with the proposed hotel.
7. HWCP does not accept that a "major change" was announced during the hearing. Mr Thomson on behalf of HWCP clearly stated at the hearing that HWCP was seeking consent for the bulk and location of the building located at the corner of Tay and Kelvin Streets. However Mr Thomson did say that Invercargill was over-subscribed with office space, and under-subscribed in terms of hotel rooms, and that he thought there was scope for a further hotel within the city.
8. From a planning perspective, both commercial buildings and hotels are treated in the same way, as is carparking. Under rule 3.23.1 of the proposed Invercargill City District Plan the following are permitted activities:

- (a) Car parking activity;
 - (b) Visitor accommodation;
 - (c) Office Activity.
9. H&J Smith again raise shading, notwithstanding that this issue was already addressed in evidence at the consent hearing itself. H&J Smith now appear to accept there is no effect on its ground floor because of the existing verandah, but suggest that there is an impact on the upper level of the H&J Smith building. HWCP does not accept this assertion, and in any event it is not made out in the evidence. The evidence of James Burgess canvassed the shading impacts of the proposal which demonstrated that these are within what is anticipated by the District Plan.
10. H&J Smith link the shading to the height of the proposal suggesting there is a 10m height restriction. It is not clear what this is based on. The relevant rule in rule 3.23.19 which states:
- 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.
11. That rule does not set a maximum height limit. Rather, it requires that new buildings are to be three storeys over *at least* 50% of the footprint with the higher part of the building facing the public streets. There is no maximum prescribed. Accordingly the District Plan does not limit the height of the proposed building on the corner of Tay and Kelvin Streets in the way which H&J Smith contends.
12. H&J Smith on the other hand consider that the hotel provides opportunities for the types of linkages mentioned in its submissions. As already submitted in reply, there are no linkages currently and accordingly HWCP does not consider that conditions encouraging linkages, which do not relate to an adverse effect, are warranted. Furthermore, Kelvin Street is a narrow street which is easily crossed at pedestrian crossings at both ends of the street.

13. H&J Smith submit that they are concerned about the lack of detail as to when the hotel might be constructed and that it is not acceptable for this key and highly prominent site to remain undeveloped. The reality is that the site may remain undeveloped in any event, simply with unoccupied derelict buildings upon it. This is relevant to the Commissioners' consideration in terms of consideration of the effects of the proposal on the (existing) environment.
14. Lastly in relation to the hotel, H&J Smith submit that they are concerned that if Stage 6 is developed in a later stage, that may have an impact on craneage on Tay and / or Kelvin Streets. HWCP confirms that if that corner is developed at a later stage any craneage to erect the building (which would be required because of the height) would need to put inside the building footprint and would be a tower crane type option. This would not impact the streets themselves. Loading and unloading would be carried out from Tay Street as this is a wider street. This construction process is standard in an inner city environment.
15. As an aside, H&J Smith raise a concern that the final plans submitted do not make provision for a gate across the vehicle service lane entrance on to Esk Street. The conditions do however make provision for this. Under condition 34 which requires a traffic management plan prior to service lanes becoming operational, the traffic management plan is to contain details of gateways including setbacks at the eastern service lane access and egress points. It is submitted that amended plans showing the gates are not necessary.
16. In relation to the comments which H&J Smith have made on the proposed consent conditions, there are a number which HWCP is content to adopt. Those have been inserted into the proposed set of conditions filed with this final response. In addition, HWCP has highlighted in yellow and commented on those aspects of the H&J Smith conditions which are not accepted by HWCP.

17. The comments on the conditions do suggest that there is an issue as to scope with amending the hours of construction and demolition in the consent conditions. This is not accepted by HWCP. Extending the hours of demolition and construction has the impact of reducing the overall demolition and construction timeframe. Therefore any increase in adverse effects within particular days or weeks is outweighed by the consequent reduction in the timeframe overall. This is a matter of direct concern to submitters including H&J Smith.
18. Furthermore, the hours were requested to be amended due to the reasons outlined at the hearing which were to do with impact on businesses. In particular, mitigating the impact on the retail businesses and allowing some works in the evening where these retailers would not be affected. This should have a corresponding benefit for H&J Smith.

Response to Vicky Henry

19. Ms Henry in her email dated 18 April 2019 welcomes a hotel, but raises a concern that it adds to the bulk of the development.
20. Ms Henry supported revitalisation of the CBD in principle. Whether there is a hotel or office block on the corner of Tay and Kelvin Streets, the foot traffic for the Kelvin Street/CBD area will increase by a significant amount. This is a positive outcome.
21. Much like H&J Smith, Ms Henry also raises connectivity. HWCP's response is the same. There is no physical connectivity currently, and Kelvin St is a narrow street which does not require the assistance of an air bridge or similar to cross.

GFA query

22. The Commissioners have asked the applicant to confirm the proposed GFA or supply an amended table based on the amended application.

23. Buchan have supplied an amended table based on the amended application which is enclosed. It references the plan set of 29 March 2019, removes the cinema and has all areas calculated to wall face.

Conclusion

24. HWCP seeks consent on the basis of the conditions proposed by HWCP.

DATED this 24th day of April 2019



Vanessa Jane Hamm

Counsel for HWCP Management Limited