

**BEFORE THE HEARING COMMISSIONERS
FOR THE INVERCARGILL CITY COUNCIL**

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an application for resource consent to
demolish, alter and redevelop land and
buildings on the Central Business
District

BY

HWCP MANAGEMENT LIMITED

Applicant

FINAL SUBMISSIONS ON BEHALF OF H & J SMITH HOLDINGS LIMITED

Dated: 17 April 2019

Solicitors:

G M Todd/B B Gresson
PO Box 124
Queenstown 9348
P 03 441 2743
F 03 441 2976
graeme@toddandwalker.com;
ben@toddandwalker.com

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

MAY IT PLEASE THE COMMISSIONERS

1. Counsel refers to the Commissioners third minute dated the 11th of April 2019 and the invitation at paragraph 3 of the same for parties to comment on the changes to the proposal and the applicants refined conditions
2. These submissions are made on behalf of H & J Smith Holdings Limited **(H&J's)**
3. As invited to do so we attach a further track changed version of the final draft conditions submitted by the applicant. H&J's suggested edits are shown in blue. The same are proposed to mitigate the effects of the proposed development and its timing and allow for consultation as to the terms of the various Management Plans which again are intended to avoid or mitigate the effects of the proposed development.
4. Notwithstanding our suggested edits to the conditions H&J's remain of the view that nothing that was presented by way of evidence during the hearing or following the adjournment would lead them to withdraw the submissions that they have made that the proposal cannot be consented.
5. Again, notwithstanding such submission H&J's wish to avail them of the invitation that has been made for them to comment on the major change to the proposed development announced during the hearing being the proposal to construct a hotel on that part of the site the subject of the application located at the corner of Tay and Kelvin Streets. No details of the hotel have been disclosed including how many rooms are proposed and what other facilities may be provided within the hotel it being noted that no application has been made for a liquor licence for the same. It is assumed that carparking for the same will be provided in the public carpark proposed as part of the development.
6. The shade diagrams which have been submitted by the applicant to demonstrate shading effects of the proposed building (which appears to be some 30m in height) show significant shading at certain times of the day over our building. Given the existence of the veranda which forms part of our building along the Kelvin Street frontage the shading will have no effect at ground level. However, the balance of our building will be subjected to significant shading at certain times of the day which would not be experienced from a building on the applicant's site which complied with the

10-metre height restriction. Obviously shading of H&J's building on the opposite side of Kelvin Street and in particular the second level or indeed any redeveloped building is a potential adverse effect.

7. The belated confirmation of the proposed use of the building as a hotel does however provide an opportunity for the types of linkages as was mentioned in H&J's submission and evidence in support of the same so as to enable recognition for and compliance with the Objectives and Policies in the Councils Proposed District Plan in terms of connectivity. H&J's look to the Commissioners to impose conditions which encourage such linkages to be incorporated into the applicant's final development plans via either a skybridge linking with the H&J's building or at ground level.
8. Of greater concern to H&J's is the lack of any detail as to when the hotel might be constructed given the proposal to demolish the existing buildings it will replace in the early stages of the development. It is simply not acceptable for this key and highly prominent site to remain undeveloped indefinitely in terms of the amenity effects such would have on the cityscape as well as the inability to provide pedestrian shelter that would otherwise be provided by verandas associated with a redeveloped building. Unsheltered footpaths would do nothing to encourage pedestrians to travel east on Tay Street from the proposed carpark towards the H&Js building, especially given the north side of Tay Street is an environment normally exposed to the elements.
9. Further assuming construction of the balance of the development in the eastern portion of the block to be redeveloped occurs in the stages proposed a question arises as to how a building of the height and scale proposed can be constructed in terms of deliveries of building materials and the location of the craneage. If it is proposed as one suspects to service the same and erect craneage on Tay and/or Kelvin Streets then such could have a significant impact on foot traffic wishing to access H&Js.
10. It is also noted that the final plans submitted do not make provision for a gate across the vehicle service lane entrance onto Esk Street to alleviate the "wind tunnel" effect which has been predicted will be experienced by pedestrians on the south side of Esk Street.

11. Given the concerns noted herein H&J's have also suggested certain amendments to the final set of conditions the applicant has proposed. The tracked changes suggested are made in blue.
12. H&J's are happy to clarify any of the changes they have suggested but in short believe should you resolve to grant consent the conditions suggested will go some small way to give more certainty in terms of the period of demolition and reconstruction and also mitigate the effects of the same on neighbouring property owners and retailers.



G M Todd
Counsel for H& J Smiths Limited