

**Resource Management Act 1991**

**NOTIFICATION DECISION ON SECOND CHANGE OF CONDITIONS**  
(Section 127)

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<b>S127 application number:</b>	RMA/2018/148/B
<b>Original application number:</b>	RMA/2018/148
<b>Applicant:</b>	HWCP Management Limited
<b>Site address:</b>	Block generally bounded by Dee, Tay, Kelvin and Esk Streets, as specified in the original application
<b>Legal description:</b>	Multiple lots as described in the original application
<b>Zoning:</b>	Business 1 Zone
<b>Overlays and map notations:</b>	Entertainment Precinct; Redevelopment Precinct; Pedestrian Friendly Frontages and Centre City Heritage Precinct
<b>Activity status:</b>	Discretionary activity
<b>Description of application:</b>	Change of conditions pursuant to Section 127 for reduction of carpark building and carpark spaces other minor changes

- [1] I am appointed in writing to consider a second application for variation of RMA/2018/148 under section 127 of the Resource Management Act 1991. The first variation is in the decision RMA/2018/148A. This matter has the reference RMA/2018/148B.
- [2] The application is to vary conditions 1 and 49 in accordance with Appendix A to this decision.
- [3] My task is to first consider the question of notification. Then, if a non-notification decision is made to determine the application in due course.
- [4] The relevant material includes the following:
- (a) An assessment of environmental effects of the variation from Bonisch Consultants dated 14 February 2020.
  - (b) An Invercargill Central carparking reassessment by Abley Consultants dated 30 September 2019 considering the effects of a reduction in carparking spaces from that originally proposed of 849 to 700 parking spaces.
  - (c) Revised plans called Invercargill/Resource Consent Amendment Design Statement 12 February 2020/Rev0B.
  - (d) A notification report by consultant planner, Rachel Ducker, on the application for variation commissioned by the Council.
  - (e) A peer review of the transport assessment for the Applicant on behalf of the Council by Mr Dayaram dated 27 February 2020.
- [5] My conclusions are:
- (a) The changes can be made as a variation.
  - (b) The effects of the changes are negligible and the application should proceed on a non-notified basis.

- [6] In reaching my conclusions, I have considered and largely adopted the assessment by Rachel Ducker for the Council and Christine McMillan for the Applicant. However, I will add some additional reasoning of my own.
- [7] The most important change is the reduction in available carparkng spaces with the consequential alteration in the scale and form of the carpark building. As the project designer Mr Burgess states in his letter dated 13 February 2020, the reduction in the mass of the carpark provides an improvement in street condition. This reduces mass in the mid block and therefore reinforces the aspiration of the District Plan for pronouncement of building mass at street corners. Mr Buchan in his letter dated 13 February 2020 also emphasises that the carpark façade is not compromised by the change. That façade with its design and lighting effects is an aesthetic to mitigate the effects of the car park building’s mass and form modelled from examples in Christchurch. The fact this façade is retained as originally conceived is therefore important to my decision.
- [8] The reduction in number of carparks by a number of 159 represents a total carpark reduction of 19%. While in a numerical sense this appears significant, there are a number of reasons why the effects are negligible. The effects that are likely to be relevant to a reduction in carparking are first, impacts on the safety and efficiency of the road network and secondly, impacts on CBD amenity arising from unsatisfied demand for carparking increasing use on existing infrastructure. Concerning the first effect, there is no evidence that a reduction in carparks will affect the safety and efficiency of the existing roading network and I cannot imagine how a loss of one floor could have that effect.
- [9] Concerning the impact on the CBD environment from potentially unsatisfied parking demand the following factors were considered by

Abley Consultants in assessing the scale and effect of the reduction in parking:

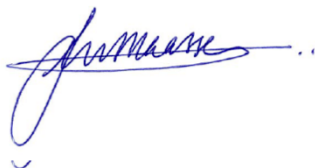
- (a) The location within a central city environment where the District Plan contemplates high intensity uses generating public demand without provision of carpark spaces.
- (b) Proximity and availability of public transport.
- (c) Mixed use nature of the development.
- (d) The potential for allocated staff carparking to be allocated to visitor parking.

[10] Predicting carpark demand presents special challenges with unique large-scale developments in diverse urban catchments. Therefore, assumptions need to be made. In this case the transport experts all agree that the assumptions used in the original application were conservative and likely to result in an over supply of parking. There are no District Plan no parking standards based on GFA or some other metric that can be used as proxy for the community's expectation concerning supply

[11] As Ms Ducker points out the permitted baseline for parking in this case is nil. That reveals the community's expectations that the public resources of the street networks and other carparking will be available to meet parking demand. Where there are constraints perhaps alternative modalities will be used. This nudging effect of constrained supply is not negative where it promotes positive behaviour change .

[12] The expert consensus is that the effects will be negligible and essentially unmeasurable. That seems to me to be a rational assessment in all the circumstances.

**DATED** this 9th day of March 2020



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J W Maassen  
Commissioner

## APPENDIX 1

### **Varied Condition 1**

The development must proceed in general accordance with the information and plans submitted with the application and as amended by the evidence and plans produced at the Hearing and the plans submitted with variation application ref (Plan Ref: Buchan Resource Consent Amendment Rev OB, 12 February 2020). The approved consent documentation has been entered into Council records as number RMA/2018/148 and RMA/2018/148B.

### **Varied Condition 49**

At least 15 working days prior to the commencement of construction of any stage of the development, the consent holder must provide the Council with a design statement prepared by a suitably qualified design expert certifying that the buildings and the stage comply with the approved plans and meet the design outcomes set out in the "Invercargill Central Design Statement" Rev OB dated 12 February 2020 and prepared by Buchan.