

**BEFORE AN INDEPENDENT HEARINGS
PANEL OF THE HAMILTON CITY COUNCIL**

THE MATTER of an application pursuant to the
Resource Management Act 1991

BY Hamilton City Council -
Community Services

FOR an application for resource
consent for the demolition of a
Category B Heritage Item and
associated works at 30
Victoria Street, Hamilton

SUPPLEMENTARY SECTION 42A REPORT

Ian Johnson

13 November 2019

Introduction and Purpose

1. This report is supplementary to my earlier Section 42A Report (issued 21 October 2019) prepared under the Resource Management Act 1991 (RMA) which provides my assessment and recommendations on the application.
2. This Supplementary Section 42A Report has been prepared based on the information available as at 12 November 2019, including the applicant's evidence and submitter evidence, and any matters raised over the course of this hearing process.
3. The purpose of this Supplementary Section 42A Report is as follows:
 - (a) To introduce an updated condition set which reflects the matters raised in evidence and during the hearing;
 - (b) Identify any residual differences of opinion between the HCC reporting and the applicant; and
 - (c) To give a recommendation as to whether consent is to be granted.
4. I will rely on my earlier Section 42A Report which covers off the introduction, application timeline, site description, application, submissions, notification sections, S104 assessment, conclusions and recommendation.
5. To confirm, I have read the statements of evidence from the applicant dated 25 October 2019, and then heard the evidence provided by the applicant and submitters during the course of the hearing.

Matters Raised in Submissions

6. It is clear from the evidence presented by the submitters that there is still a strong attachment to the Municipal Pools facility, despite its closure in 2011/12. The evidence covered the full spectrum of users from the perspective of parents, teachers and spectators (i.e. non-swimmers) through to elite athletes, indicating to me that the location, layout and availability for lane swimming are factors that are not replicated through swimming facilities elsewhere in the City. The swimming facility has not been, and is not proposed to be, replicated or replaced through the current proposal.
7. While the loss of the opportunity for swimming itself is not a decision to be revisited by this hearing, I noted the commissioner's questioning of witnesses in respect of '*what would happen if consent was declined?*'. The general response to that indicated that skills and resources would be available from within the community if only the Council would show leadership and support for restoration, refurbishment or replacement. I do not doubt that. However, the Applicant prefers an alternative outcome and its proposal is also one that has been determined through consultative processes and therefore has a degree of community support. So, my assessment has, of necessity, focused on whether the current proposal for demolition and restoration addresses the historic heritage values of the facility in a manner that achieves the purpose of the Act.

8. There is agreement between the experts that the facility has been appropriately identified as a Category B Item in the District Plan. The facility was first identified as a Heritage Item in the 1999 Proposed District Plan. By that time, the facility had been substantially altered from its original state and it has not changed subsequently. This indicates to me that the heritage values associated with the site are not dependent on it retaining its '*original*' qualities. Rather, the ranking is related to other factors such as its social and historical importance within the city, its setting and local identity and notable design features. Each of these was described by the submitters.
9. In terms of the social history, the significant number of athletes and coaches associated with the facility and their collective international achievements was not known to me prior to hearing the evidence. Such a rich history is something to be celebrated but is easily lost.
10. In respect of its setting, the facility shares a visual relationship to other heritage items but the strongest association seems, to me, to be with the River itself which was the early City's original public swimming facility. I note that Mr Wild also expressed the same opinion in his answer to questions regarding setting.
11. No building is ever constructed specifically to become a Heritage Item. So they are not always works of art, exemplars of design or maintained in pristine condition. Yet, somehow or other, they still earn a special status within the Community. Some submitters described particular attachment to the Grandstand, for a variety of reasons, notwithstanding its rudimentary design. The photographic evidence also illustrated the key role that this played in the functioning of the facility.
12. In my view, the collective memories, stories and experiences described through the submitters' evidence clearly demonstrate that the facility has a special place in the hearts and minds of the community. These have been described in the expert witness statements as '*associative values*'. In some ways, these values are perhaps the most difficult to address because they are intangible. Currently, the values have some reference point because the facility still exists. However, the evidence provided in respect of the structural and seismic condition of the facility, including the Grandstand, persuades me that demolition is the only practicable outcome if public access is to be reinstated. Even if a refurbished or replacement swimming facility was contemplated, it appears that large scale, if not complete demolition of the existing structures would be required in order to achieve code compliance.
13. A new facility is not proposed as part of this application. That leaves me to consider what should be done to ensure that the heritage values associated with the facility are not lost, even if the buildings and structures are removed.
14. The application provides for site restoration through landscaping and the Applicant's evidence is that the longer term intention is for the wider Reserve to be developed to provide a destination park. To achieve that, Counsel for the applicant commented that the Council does not want physical structures to encumber the site and remove or reduce its flexibility. This provides context for what the Applicant now proposes through the Site Restoration conditions included in Mr Dawson's evidence¹.

Proposed conditions

¹ Attachment 2 to evidence of Christopher Dawson (25.10.19)

15. Caucusing by the Heritage experts reached agreement² that consent for the demolition of the facility should be conditional upon meaningful site restoration and interpretation. The consensus was that appropriate mitigation would be:

Development of an interpretation plan by a relevant interpretation expert including a wide range of media such as retention of heritage fabric, incorporation of heritage in landscape design, recording of oral histories, so that the story of the MP is told appropriately. This could include all items discussed in a) and b). [which related to interpretation boards, an expression of the outline of the original pool integrated into the overall landscape response, capturing a 3D scan of the buildings]

16. Subsequent to this, the potential for retention of the existing grandstand structure (as the most obvious above ground structure) was then the subject of further detailed assessment by the Applicant to determine whether this was feasible and practicable³. The expert advice on that matter was that retention of the grandstand was not feasible, nor practicable. Mr Jacobson has explained in reply to questioning that retention could, theoretically, be possible but also pointed to the need for further specialist seismic and engineering assessment and design. He also referred to a number of unknown engineering aspects including the nature and significance of voids within the site and the condition of concrete structures.

17. The consent conditions attached to my s42A report were prepared to ensure that, within the bounds of what is understood to be practicable, a Site Restoration Plan is prepared through a consultative process with the submitters, to provide a meaningful representation of the social history of the facility. The challenge I see, is in capturing and interpreting such material in a way that will retain the identity and sense of place that has been described through the submissions. Signage and the reuse of some existing materials may not adequately capture the social history.

18. Having discussed the matter with Mr Knott, he advises that such matters require an imaginative response. According to the submitters, the facility laid the platform for international sporting success as well as being central to the sports programme of local schools. To me, that instantly conjures up impressions of events, cheering crowds and public announcements. Whilst I am not suggesting any particular approach or outcome, I do consider that the process for capturing and expressing the social history in a meaningful way requires a person skilled in interpretation rather than restricted to being a heritage expert.

19. Accordingly, I recommend the following amendments to the suite of conditions:

28. The consent holder shall engage a suitably qualified and experienced interpretation expert to prepare a Site Restoration and Interpretation Plan. The Site Restoration and Interpretation Plan is to be certified at least twenty working days prior to the commencement of demolition works (except works as described in Condition 2) by the Hamilton City Planning Guidance Manager or nominee. The objective of the Plan is to appropriately record the history, including the social history, of the former

² Joint Witness Statement of Heritage Experts (19.08.19)

³ Structural Assessment of the Grandstand at Municipal Pool - WSP Opus (04.10.19)

Pools facility and to determine appropriate interpretation through site restoration measures.

29. *The Site Restoration and Interpretation Plan shall be prepared through a consultative process with the submitters to the application and shall identify the specific measures that are to be undertaken as part of the site restoration.*

30. *The Site Restoration and Interpretation Plan shall include, but shall not be limited to the following components:*

a. Reuse of salvageable materials as part of site signage, landscaping, park furniture or similar;

b. Provide information through signage, plaques or other methods, detailing the important events over the operational life of the pools, and information on those individuals who were prominent in the life of the pools as either swimmers, divers, coaches, administrators or in other technical capacities.

31. *The measures to recognise heritage values proposed through the Site Restoration and Interpretation Plan shall be implemented as part of the immediate site restoration, or otherwise to a programme and timeframe confirmed by the Hamilton City Planning Guidance Manager or nominee through certification of the Site Restoration and Interpretation Plan.*

32. *In the event that subsequent demolition activity results in the discovery of archaeological remains, the consent holder shall submit a revised Site Restoration and Interpretation Plan for certification by the Hamilton City Planning Guidance Manager, incorporating measures to recognise archaeological values. Such measures shall be prepared through a consultative process involving Te Ha o Te Whenua o Kirikiriroa and Waikato Tainui.*

20. These amendments are included within the set of updated conditions contained within Attachment A to this report.

21. In respect of other matters, Mr Dawson and I have discussed whether, if consent is to be granted, there is a requirement for consent conditions relating to the accidental discovery of archaeological remains. Mr Dawson agrees with me that the matter is appropriately addressed through the Archaeological Authority granted by Heritage New Zealand Pouhere Taonga. I understand that Mr Muldownie will reflect that in his closing.

22. No other changes to the consent conditions circulated with the s42A Report have been proposed or indicated by the Applicant.

Recommendation

23. For the reasons explained above and previously outlined within my Section 42A Report, I am satisfied that the adverse effects of the development can be appropriately managed, and

that resource consent may be granted, subject to the suite of conditions attached to this report.

Ian Johnson

12 November 2019

ATTACHMENT A

Proposed Conditions

General

1. *That the demolition, final contouring and restoration planting of the site be in general accordance with the plans and the information submitted with the application on 6 November 2018, except where superseded by information received 17 January, 11 February 2019 and 7 October 2019 and compliance with the conditions 2-49 below.*
2. *Prior to the certification of Management Plans as set out in conditions below, the only works authorised by this consent are site preparation works consisting of:*
 - (i) *Installation of security fencing,*
 - (ii) *Pre-demolition invasive and structural investigations,*
 - (iii) *installation of temporary traffic management,*
 - (iv) *health and safety signage,*
 - (v) *contact signage and*
 - (vi) *disconnection of wastewater and stormwater services.*

General Engineering

3. *The footpath shall be kept clear during construction, or, if not practicable, may be temporarily closed along the site frontage. An application for Temporary Use of the Road Corridor can be obtained at no charge from City Transportation Unit.*
4. *All obsolete service connections shall be removed following the demolition and removal of existing structures.*
5. *On completion of the stabilising embankment, any roadside damage shall be repaired, and the kerb and pedestrian footpath reinstated to match the surroundings.*

Structural Engineering

6. *Prior to application being made for building consent the consent holder shall undertake further investigations and detailed design by a suitably qualified engineer to confirm to the Hamilton City Strategic Development Manager or nominee that the existing subgrade beneath the proposed 4m high earth fill batter will be adequate to support the loads of the fill to be placed upon it without undergoing long-term settlement which, if it occurs, would potentially result in settlement/cracking to the Victoria Street footpath.*
7. *Prior to application being made for building consent the consent holder shall undertake further investigations by a suitably qualified engineer to confirm to the Hamilton City Strategic Development Manager or nominee whether the proposed cantilevered retaining wall adjacent to the Celebrating Age Centre building will require a foundation shear key to prevent sliding under static and seismic loads.*
8. *Prior to application being made for building consent, a detailed site liquefaction check by a suitably qualified engineer is to be provided to the Hamilton City Strategic Development Manager or nominee to determine an appropriate design to ensure that the proposed 4m high*

cantilevered retaining wall will not be at risk of settlement and/or rotation in an earthquake and will not affect the structural stability of the adjacent Celebrating Age Building.

9. *The consent holder shall undertake further investigations by a suitably qualified engineer to confirm to the Hamilton City Strategic Development Manager or nominee whether the buried tank that is to be retained on site will require holes punched through the base of the buried tank to ensure seepage water can drain through the fill material inside the buried tank and into the underlying soils.*
10. *The consent holder shall undertake further investigations by a suitably qualified engineer to confirm to the Hamilton City Strategic Development Manager or nominee that the proposed fill material will be sufficiently free draining to ensure rainwater can soak into the fill and not discharge from the site as overland sheet flow.*

Demolition Management

11. *All demolition activity, including earthworks and the transfer of material on and off site shall be actively managed to avoid or otherwise remedy or mitigate any off-site adverse effects caused by traffic movements, dust, debris, silt laden run-off, noise and vibration.*
12. *At least 20 working days prior to the commencement of works authorised by this consent, the consent holder shall submit a Demolition Environmental Management Plan (DEMP) to the Hamilton City Strategic Development Unit Manager or nominee for written certification. The objective of the DEMP is to establish procedures and measures to manage and control any potential off-site nuisance or adverse effects as described in Condition 11 above.*
13. *The DEMP shall include, but not be limited to, the following:*
 - a) *Details of the works, intended start dates, timetable, sequencing and hours of operation;*
 - b) *Quality assurance/quality control including but not limited to:*
 - (i) *The roles, responsibilities and contact details of demolition management staff and the project contact person;*
 - (ii) *The name and contact details of the Consent Holder's representative on the project;*
 - (iii) *Training, briefing and health and safety requirements for contractors and visitors;*
 - (iv) *Procedures for hazard identification and control;*
 - (v) *Details of emergency contacts who have authority to authorise immediate response actions;*
 - (vi) *Methods for recording and responding to queries and complaints;*
 - (vii) *Methods for amending and updating management plans as required;*
 - (viii) *The location of all sensitive receivers in respect of noise generation or dust discharges;*
 - (ix) *The location of major cut and fill operations;*
 - (x) *Proposed hazardous substance management and mitigation measures – including contaminated site, spill prevention and response measures (refer Conditions 33-49);*
 - (x) *Procedures to be followed in the event that any taonga or koiwi are disturbed, being in accordance with any Authority obtained under the Heritage New Zealand Pouhere Taonga Act 2014;*
 - (xi) *Proposed methods and measures to ensure that demolition works do not adversely affect public utility infrastructure;*
 - (xii) *Erosion and Sediment Control Measures (refer Condition 21)*

- (xiii) Measures to ensure that all demolition machinery and heavy vehicles leaving the site do not deposit soil or other debris on Grantham Street or Victoria Street and the remedial measures to be undertaken should that occur;
- (xiv) Measures to be employed onsite to minimise dust discharges to air;
- (xv) Maintenance, monitoring and reporting procedures;
- (xvi) Traffic management, including truck movements and routes and measures to provide for continued access to the Age Concern building;
- (xvii) General methods to manage construction noise and vibration (refer Condition 20)

14. The Consent Holder shall implement the certified and any updated certified DEMP. The DEMP shall remain in place until the completion of the works.

Note: Any changes to the DEMP shall be confirmed in writing by the Consent Holder following consultation with Hamilton City Strategic Development Unit Manager or nominee before implementation.

Demolition Traffic Management Plan

15. A Demolition Traffic Management Plan (DTMP), shall be prepared by a suitably qualified and experienced person in accordance with the NZTA Code of Practice for Temporary Traffic Management. The DTMP shall be submitted to the HCC General Manager Strategic Development or nominee, for certification no later than twenty (20) working days prior to the commencement of any stage of Works. Works, shall not commence until the Consent Holder has received the HCC General Manager Strategic Development or nominee's written certification of the DTMP.

16. The DTMP shall include, but not be limited to, the following:

- a) Objectives and purpose of the TDTMP;
- b) Description of the demolition activities and any proposed staging of activities;
- c) Hours of operation;
- d) Site access locations for demolition machinery and staff;
- e) Contact details of the consent holders representative and the authorised Contractor;
- f) Expected number of vehicle movements, especially heavy vehicle movements, during the demolition and site rehabilitation/ landscaping phases;
- g) A temporary traffic management strategy in accordance with the New Zealand Transport Agency's Code of Practice for Temporary Traffic Management (CoPTTM) for any traffic controls to be placed on Grantham Street;
- h) Parking for demolition staff.

17. The DTMP shall describe the measures which must be carried out to avoid, remedy or mitigate the local and network wide traffic effects of the works. In particular (but not limited to), the DTMP shall describe the following:

- (a) Measures to maintain pedestrian, cycling and vehicle access to roads and property to defined and approved levels of service. The DTMP shall identify notification thresholds and processes for communicating with affected parties and shall consider whether there are specific user needs that require specific responses.
- (b) Measures to maintain access for emergency vehicles, and methods to ensure that emergency service providers are regularly informed of the timing and sequencing of works, road closures and alternative routes.
- (c) How service providers are to be regularly informed of the timing and sequencing of works,

any road closures and alternative routes.

(d) The timing and sequencing of any road closures that will be required and the nature and duration of any traffic management measures that will result, including any temporary restrictions, detours or diversions.

(e) Measures to ensure safe access to the site.

(f) Management and sequencing of the works to avoid, remedy or mitigate traffic-related adverse effects.

(g) Routes to be used and times for heavy haulage (and roads and times to be specifically avoided) for works -related Heavy Commercial Vehicles (HCVs) for shifting bulk materials (such as earth fill or pavement materials or water) (Bulk HCVs) and temporary traffic management controls in accordance with the Code of Practice for Temporary Traffic Management.

(h) Measures to prevent the tracking of dust and debris onto public roads.

(i) Assessment and monitoring of road conditions and response should severe and sudden deficiencies arise directly associated with development-related HCVs.

18. The certified DTMP shall be implemented throughout the period of the construction works.

Demolition Noise and Vibration Management Plan

19. At least 20 working days prior to the commencement of works authorised by this consent, the consent holder shall submit a Demolition Noise and Vibration Management Plan (DNVMP) to the Hamilton City Strategic Development Unit Manager or nominee for written certification.

20. The DNVMP shall include, but not be limited to, the following:

a) Best practice options to avoid, remedy or mitigate the adverse effects of noise and vibration during demolition and to minimise the frequency, duration and degree of noise and vibration;

b) An assessment of noise levels and proposed measures to ensure that noise received at any building containing a noise-sensitive activity or any site within a Residential Zone does not exceed the noise levels in Table 1 below. Demolition noise shall be measured and assessed in accordance with NZS6803:1999 'Acoustics – Construction Noise'.

Table 1: Noise limits

Time period	Monday to Friday		Saturdays		Sundays and Public Holidays	
	Leq (dBA)	Lmax (dBA)	Leq (dBA)	Lmax (dBA)	Leq (dBA)	Lmax (dBA)
06:30am to 07:30am	55	75	45	75	45	75
07:30am to 06:00pm	70	85	70	85	55	85
06:00pm to 08:00pm	65	80	45	75	45	75

08:00pm to 06:30am	45	75				
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Note: Lower noise limits (shaded) mean that some construction work may not be able to take place during the corresponding time frames, which includes all times on Sundays and public holidays.

- c) *An assessment of vibration levels received at adjoining structures within the site, in particular, the Celebrating Age Centre and Category A listed Band Rotunda (H12). Demolition vibration shall comply with, and be measured and assessed in accordance with, German Standard DIN 4150-3:1999 'Structural Vibration – Effects of Vibration on Structures'.*

Earthworks

21. *At least 20 working days prior to the commencement of works authorised by this consent, the consent holder shall submit an Erosion and Sediment Control Plan (ESCP) to the Hamilton City Development Unit Manager or nominee for written certification.*
22. *The ESCP shall include, but not be limited to, the following:*
- a) *Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site;*
 - b) *The design criteria and dimensions of all key erosion and sediment control structures;*
 - c) *A site plan of suitable scale to identify:*
 - (i) *The locations of waterways;*
 - (ii) *The extent of all earthworks and vegetation removal;*
 - (iii) *Areas of cut and fill;*
 - (iv) *All key erosion and sediment control structures;*
 - (v) *Locations of topsoil, cleanfill and demolition waste stockpiles (where applicable);*
 - (vi) *Any buffer areas to be maintained adjacent to protected vegetation or built heritage features;*
 - d) *Construction timetable for the commencement of enabling works, demolition and bulk earthworks proposed;*
 - e) *Timetable and nature of progressive site rehabilitation and re-vegetation;*
 - f) *Maintenance, monitoring and reporting procedures; and*
 - g) *Contact details of the consent holders' details and authorised Contractor responsible for the operation and maintenance of all erosion and sediment control structures.*
23. *All erosion and sediment control devices shall be constructed in accordance with the Waikato Regional Council's "Erosion and Sediment Control, Guidelines for Soil Disturbing Activities" technical publication (TR:2009/02) and shall be erected and maintained on site for the duration of the works.*

Removal of Wastewater Main

24. *In order to avoid potential damage to the Band Rotunda (Category A Built Heritage H12 (Schedule 8A)), the trenching and associated removal of the wastewater main shown on the Site Services Layout drawing, Project No. 2-75963.00 Sheet 601 Rev. A prepared by WSPOpus Ltd and contained within the "Report to Inform Resource Consent" shall comply with German*

Standard DIN 4150-3:1999 'Structural Vibration – Effects of Vibration on Structures'. A pre- and Post-Structural Investigation Report shall be prepared to assess the pre-trenching integrity of the structure, the post-trenching integrity of the structure and recommend any mitigation of vibration effects (if required).

25. In order to avoid potential damage to the group of protected trees scheduled as Protected Tree T7 in Schedule 9D of the District Plan, the cutting and capping of the wastewater main shown on Site Services Layout drawing, Project No. 2-75963.00 Sheet 601 Rev. A prepared by WSP-Opus Ltd and contained within the "Report to Inform Resource Consent" shall occur outside the Root Protection Zone shown on the Site Plan Landscape Proposal drawing, Project No. 2-75963.02 prepared by WSP-Opus Ltd and attached to these conditions.

Works surrounding Protected Tree T7.4

26. No works or activities shall occur within the root system and dripline Root Protection Zone (RPZ) of any of the trees scheduled as Protected Tree T7 'Japanese Cedar' (Schedule 9D), Ferrybank Plantation (Schedule 9D). The consent holder shall erect a temporary fence between the works and the dripline Root Protection Zone of the Protected Trees. The temporary fence must be constructed in accordance with the following requirements and removed on completion of works at the site:
- a) The fence must be at least 1.8m high, be non-climbable and highly visible;
 - b) To the extent practical, the fence must align with the edge of the dripline/ canopy Root Protection Zone of Protected Tree T7 as shown on the Site Plan Landscape Proposal drawing, Project No. 2-75963.02 Sheet L02 Rev. D prepared by WSP-Opus Ltd attached to these conditions; and
 - c) The fence shall be supported by an above-ground base which avoids the need for driven posts.

Finished contouring

27. The finished contour and vegetation of the site shall be completed in general accordance with the existing and proposed ground profiles contained in the WSP-Opus "Report to inform resource consent" contained in Appendix G of the AEE, subject to any revisions made through certification of the Site Restoration and Interpretation Plan required by Condition 28.

Site Restoration and Interpretation

28. The consent holder shall engage a suitably qualified and experienced interpretation expert to prepare a Site Restoration and Interpretation Plan. The Site Restoration and Interpretation Plan is to be certified at least twenty working days prior to the commencement of demolition works (except works as described in Condition 2) by the Hamilton City Planning Guidance Manager or nominee. The objective of the Plan is to appropriately record the history, including the social history, of the former Pools facility and to determine appropriate interpretation through site restoration measures.
29. The Site Restoration and Interpretation Plan shall be prepared through a consultative process with the submitters to the application and shall identify the specific measures that are to be undertaken as part of the site restoration.
30. The Site Restoration and Interpretation Plan shall include, but shall not be limited to the following components:

- a. *Reuse of salvageable materials as part of site signage, landscaping, park furniture or similar;*
 - b. *Provide information through signage, plaques or other methods, detailing the important events over the operational life of the pools, and information on those individuals who were prominent in the life of the pools as swimmers, divers, coaches, administrators or in other technical capacities.*
31. *The measures to recognise heritage values proposed through the Site Restoration and Interpretation Plan shall be implemented as part of the immediate site restoration, or otherwise to a programme and timeframe confirmed by the Hamilton City Planning Guidance Manager or nominee through certification of the Site Restoration and Interpretation Plan.*
32. *In the event that subsequent demolition activity results in the discovery of archaeological remains, the consent holder shall submit a revised Site Restoration and Interpretation Plan for certification by the Hamilton City Planning Guidance Manager, incorporating measures to recognise archaeological values. Such measures shall be prepared through a consultative process involving Te Ha o Te Whenua o Kirikiriroa and Waikato Tainui.*

Soil Contamination

33. *That prior to any soil disturbance works commencing on or within the Municipal Pools Project site, the consent holder must arrange a pre-commencement meeting to discuss the NESCS soil contamination requirements. The matters for discussion will include (but not be limited to):*
- (i) Defining the investigative approach to characterising the unknown nature of the soil being disturbed specific to piece(s) of land where HAILs have been undertaken.*
 - (ii) Defining the approach to site management including identifying unknown hazards and implementing mitigation methods specific to NESCS requirements.*
 - (iii) Defining compliance monitoring requirements with regard to timing, staging, notification and communication.*
34. *In attendance must be:*
- (i) The Suitably Qualified and Experienced Practitioner (SQEP) nominated to oversee the works/address NESCS matters*
 - (ii) HCC Contaminated Land Officer and Compliance Monitoring Officer*
 - (iii) All contractors and sub-contractors supervisory staff who are carrying out any works associated with NESCS-related requirements.*
35. *Prior to any soil disturbance works commencing on land (identified in the the Preliminary Ground Assessment Report prepared by Tonkin & Taylor, dated October 2018) where activities described in the HAIL have been undertaken, further assessment must be done to verify if a comprehensive Detailed Site Investigation is necessary to determine the suitability of the piece(s) of land for the intended land use, and for soil handling, on-site reuse and disposal.*
36. *In the event that a detailed site investigation is required, the investigation must determine if any **piece of land** is impacted by the contaminants of concern in such a way that poses an unacceptable risk to human health or the environment (on-site or off-site) given the intended use and the associated soil disturbance.*
37. *The investigation sampling design strategy and subsequent analytical results determining the suitability of the piece(s) of land for the intended land use, and for soil handling, on-site reuse*

and disposal must clearly demonstrate compliance with the applicable NESCS soil contaminant standard for health and the appropriate disposal facility acceptance criteria.

- 38. The investigation findings must be documented in a Detailed Site Investigation report and include all evidence relied upon to form the concluding opinions and recommendations. A copy of the report must be provided to Council's Environmental Health Manager for acceptance prior to the commencement of any soil disturbance works occurring on any piece(s) of land.*
- 39. In the event that the investigation results indicate contaminants of concern exceed the applicable NESCS standards, a Remedial Action Plan (RAP) must be developed that adequately reflects the scale and complexity of contamination on the impacted piece(s) of land. A copy of the RAP must be provided to Council's Environmental Health Manager for acceptance prior to any remedial works being done.*
- 40. The implementation of the accepted RAP methodology must be supervised by the SQEP, or suitable persons nominated by the SQEP, to ensure contractors and surrounding population and environments are not exposed to contaminants, and to ensure that the human health risk is eliminated or sufficiently reduced to acceptable levels on completion. Council must be notified of any proposed variations to the accepted RAP and any alternative methods or measures must be proven to be consistent with the appropriate remediation standard prior to their implementation.*
- 41. In the event that remedial works are undertaken, a Site Validation Report (SVR) must be prepared that confirms the approved remediation targets have been achieved. The SVR must adequately demonstrate that no unacceptable risk to human health or the environment remains on any piece(s) of land at the completion of the remedial works. The SVR must include confirmation that all the consenting requirements have been met, and compliance approved before further soil disturbance works can commence. A copy of the SVR must be provided to Council's Environmental Health Manager for acceptance as soon as practicable after remedial validation is completed.*
- 42. In the event that the investigation determines management is required then a Contaminated Site Management Plan (CSMP) must be prepared and provided to Council's Environmental Health for acceptance prior to the Plan soil disturbance occurring. Any alternative methods or measures must be notified to Council, and must be proven to be consistent with the objective of the accepted CSMP prior to their implementation. The alterations must be consistent with the human health risk-based approach of the accepted CSMP to ensure the same level of protection is afforded to site workers, and future site users.*
- 43. Works Completion reporting must be provided **within two months of soil disturbance works being completed** to confirm that the methods outlined in the CMMP were enforced for the period of the soil disturbance works, and that the measures were successful in ensuring the potential risks were adequately managed.*
- 44. In the event that any previously unidentified contamination (including but not limited to asbestos) is discovered in any exposed or excavated soil, works are to cease immediately, and Council must be notified of the discovery. The SQEP must assess the risk and determine what actions are appropriate for reducing the potential risk to site workers, future site users and the*

environment given the extent of the discovery. The details of the discovery and the action taken must be reported either in the SVR or the works completion reporting.

- 45. Any soil exceeding the applicable NESCS standard must be removed under controlled conditions to a licensed waste facility or landfill for disposal in accordance with the requirements of the disposal site and the relevant authority. Receipts of transport and disposal must be included in the Site Validation Report or Works Completion Report.*
- 46. The site must be investigated and reported on by a Suitably Qualified and Experienced Practitioner (SQEP) in accordance with the RMA (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. As a minimum the SQEP is required to be a Contaminated Land Specialist that is supported by a professional profile that includes the relevant specialist capabilities, or who ultimately is a certified practitioner registered with EIANZ CEnvP or CEnvP-SC scheme.*
- 47. Any investigation, remediation, validation and soil management must be done and reported on in accordance with current editions of the Ministry for the Environment Contaminated Land Management Guidelines No. 5 – Site Investigation and Analysis of Soils, No.1 - Reporting on Contaminated Sites in New Zealand, and The Methodology for Deriving Standards for Contaminants in Soil to protect Human Health (2011).*
- 48. The suitability of any land where contamination is discovered must be determined by adopting the appropriate approach to investigation, remediation and validation as outlined in the relevant MfE's Guidelines incorporated by reference in the NESCS. The approach must include meeting any specific requirements of other relevant regulations and guidance that governs the assessment, management and remediation of other contaminants of concern such as (but not limited to) BRANZ Asbestos Guidelines.*
- 49. That pursuant to section 36 Resource Management Act 1991, the following fees and charges be paid:*
 - a. Payment of additional Environmental Health fees for assessing consented reporting will be charged on a time-cost recovery basis in accordance with Hamilton City Council's Schedule of Fees and Charges, with adjustments coming into effect at the beginning of each financial year. The fees will be levied at the completion of the consent review process and will be payable to the Environmental Health Unit upon notification that compliance has been achieved.*