

18 January 2019

Tattico Limited
Attn: Mark Vinall
PO Box 91562
Auckland 1010

Dear Mark,

**SUBJECT: REQUEST FOR FURTHER INFORMATION NOTICE
(Section 92 Resource Management Act 1991)**

Resource Consent No: 010.2018.0010143.001
Description of Activity: To construct new Waikato Regional Theatre complex
Address: 170-206 Victoria Street, Hamilton

Thank you for your application received on 4 December 2018. The Planning Guidance Unit of Hamilton City Council (HCC) has requested that I assess the application on their behalf.

The application is being assessed. However, pursuant to section 92 of the Resource Management Act 1991, the following information in relation to the application is requested to enable the Council to better understand the nature of the activity, its effects on the environment, and the way any adverse effects on the environment might be mitigated:

General

1. The subject site is currently made up of a number of different buildings and features; many of which are specifically listed within the District Plan. Given the complexity of the proposal (see comments on Section 4 of the Application for Resource Consent and Assessment of Environmental Effects (the AEE) below), the AEE would benefit from a clear and succinct description of the subject site¹.

Please therefore provide an annotated version of Figure 3 (Aerial Site Photograph) and an associated table clearly identifying/describing the various aspects which make up the subject site (e.g. address, legal description, building description, area and current land use, any scheduling in District Plan etc.).

2. The subject site is identified as being subject to the River Front Overlay within Figure 5-1 of Appendix 5 of the District Plan.

Please therefore confirm compliance, or otherwise, with the requirements of Rule 7.5.1 of the District Plan (Protection of the Riverbank).

3. Please provide a comprehensive assessment of the proposal against the provisions of the relevant City-Wide chapters, which include but may not be limited to:

- 25.2 Earthworks and Vegetation Removal

¹ For example, Section 5.2 of the AEE refers to the 'maid's quarters' in the north-eastern corner of the site being removed, but this is the first mention of this building/area.

- 25.6 Lighting and Glare
- 25.8 Noise and Vibration
- 25.10 Signs
- 25.12 Solid Waste
- 25.13 Three Waters
- 25.14 Transportation
- 25.15 Urban Design

4. The introduction of the AEE states that the proposed design has taken into consideration the recommendations of local iwi regarding the development. However, there is no description within the AEE as to what consultation has been undertaken or how the proposed design reflects the outcomes of this consultation².

Please clarify how proposed design has taken into consideration the recommendations of local iwi.

5. Section 6.11 of the AEE has focused on the cultural (in terms of arts) benefits of the proposal but has not addressed the cultural effects of the proposal on tāngata whenua values despite the subject site being identified as an urupa site within the District Plan. Furthermore, it is concluded within Section 8 of the AEE that the proposal is consistent with the principles of the treaty, yet no further details are provided to explain the reasoning for this conclusion.

Please therefore provide the following:

- An assessment of the proposal on tāngata whenua/cultural values;
- Details on how the applicant propose to continue to engage with local iwi³; and
- Details on what, if any, mitigation is proposed⁴.

6. Please provide a comprehensive assessment of the proposal against the relevant objectives and policies of the following chapters:

- 22.2 Hazards
- 25.2.2 Earthworks and Vegetation Removal
- 25.13.2 Three Waters

Please note that in light of the assessment of the proposal against the provisions of the relevant City-Wide chapters requested in 3 above, there may also be other objectives and policies of the District Plan which are relevant to the proposal.

7. The assessment of the Waikato Regional Policy Statement (the RPS) within Section 7.7 of the AEE has focused on issues, some of which are not considered to be relevant to the proposal⁵, and not addressed any of the potentially relevant objectives or policies of the RPS.

Please therefore provide a revised assessment of the proposal against the provisions of the RPS.

8. The following documents are potentially 'other matters' that could be relevant and reasonably necessary to determine this application for the proposal:

- The Waikato-Tainui Environmental Plan
- Access Hamilton
- Arts Agenda
- Hamilton Heritage Plan

² It is noted that the minutes from two meetings held with iwi are attached as appendices to the Architectural Drawings within Attachment B – this is not referenced within the AEE

³ As stated in the introduction of the AEE

⁴ Section 6.6 of the AEE states monitoring of works in conjunction with local iwi will be undertaken, yet it is not clear who requested this and why.

⁵ For example, Issue 1.3 which relates to the Government's objectives and targets regarding renewable electricity generation

Please therefore provide an assessment of the proposal against these documents and any other matters in terms of s104(1)(c) of the RMA.

9. Sections 6.12 and 9.1 of the AEE conclude that overall the actual or potential adverse effects on the environment from the proposal will be less than minor; with the same conclusion made in relation to specific topics/effects within Section 6 of the AEE. However, a number of the technical assessments supporting the AEE conclude that the proposal will in fact have minor or moderate adverse effects⁶.

Please provide further details on how the overall conclusion within the AEE on effects has been made in light of the differing conclusions within the technical assessments.

10. Please confirm if there are any easements, encumbrances or other legal instruments on the titles for the subject site that will be affected by the proposal. If so, please provide copies of the relevant documents and explain how any effects will be addressed.
11. Further to the requests below relating to specific topics/effects, it is noted that throughout the AEE a number of conclusions relating to the magnitude of effects and consistency with provisions are made '*subject to conditions of consent*', yet no proposed conditions of consent have provided in the AEE.

On the basis of the apparent reliance on conditions of consent within the AEE, please provide a draft suite of consent conditions to confirm the scope of mitigation that is proposed by the applicant for the proposal.

Heritage

12. The photographs, captions and text within section 7 of the Heritage Impact Assessment (Attachment D) provide a good description of the history and current condition of the buildings.

To provide a more robust assessment of effects, please provide a heritage significance ranking for the various features and structures.⁷

13. The proposed removal of the varied shop frontages on Victoria Street, which are not consistent with the original building, and reinstating them in a manner which responds to the building's heritage value (see page 97 of the Heritage Impact Assessment) is supported. However, heritage elements such as the entrance and southern end of the building remain.

Please provide further details on how heritage elements will be managed and incorporated into the design of the ground floor frontages.

14. Page 92 of the Heritage Impact Assessment states that the proposal 'intends to reintroduce some of the elevation treatment of the original building.'

Please confirm if this exterior work be informed by the preparation of a Conservation Plan, and if not, please explain how the ICOMOS standards will be followed.

15. Whilst it is acknowledged that internal alterations of buildings are a permitted activity under Rule 19.3b) of the District Plan, the proposal as a whole will be assessed as a non-complying activity, section 4.5 of the Heritage Impact Assessment indicates the HNZ listing 4203 includes the interior

⁶ For example, Attachment C (landscape and visual), Attachment D (heritage) and Attachment E (archaeology)

⁷ As part of this review, Heritage New Zealand (HNZ) were contacted and provided a copy of the report 'Former Hamilton Hotel, Hamilton - Assessment of Heritage Values' prepared by Salmond Reed Architects, March 2018. It is noted this report was prepared for Jasmx to 'to inform their design of the new Waikato Regional Theatre to be constructed on this site' and includes significance ratings but was not included within the scope of the application.

fittings and fixtures and several interior features/elements have been assessed as exceptional by Salmond Reed.

Further to the request above, given the specific design of the interior has not yet been finalised, please confirm if the applicant would be agreeable to the preparation of a Conservation Plan which would inform the demolition, refurbishing and design of the proposal.

Transportation

The attached letter prepared by Gray Matter, dated 19 December 2018, summarises the initial review of the ITA (Attachment F) prepared by Flow Transportation Specialists which supports the proposal. Sections 2-6 of the attached letter set out the transportation related information that is required. For completeness, this is as follows:

16. The proposed hours of operation, for both food and beverage tenancies, the hotel and the theatre.
17. The expected timing (day and night), size and frequency of theatre events. For example:
 - Types / size of shows are likely to occur during the day, what days / times these are likely to occur and how often they are expected.
 - The likely frequency of evening shows, which days / times they are likely to occur (Friday / Saturday?) and expected size.
18. Confirmation of the relevance of UK theatre trip generation rate to Hamilton site, given the differences in population density and public transport services. We note that various presentations on the project indicates that 40% of Founders/Claudelands audience are from outside Hamilton (https://www.momentumwaikato.nz/uploads/report_wrt_presentation_hcc.pdf)
19. Confirmation that the trip generation rate used assumes that one visit to site = 2 trips (i.e. one trip to a site, and one trip from a site).
20. Confirmation as to whether the number of generated trips assessed considers the effect of drop-off / pick-up trips, which increase the number of trips generated (i.e. if someone is dropped off then four trips are created).
21. More detailed analysis of typical vs peak hour trip generation. This could be in the form of a typical weekly profile (table / chart) taking in to account the time (day / night), expected size and frequency of events and the associated trip generation.
22. A review of appropriate trip generation rates for the hotel, considering typical rates for New Zealand hotels and taking into account that the planned valet parking will increase the number of trips associated with each room during the peak hour.
23. Confirmation that the reinstated tenancies for the food and beverage activities have the same GFA as the existing tenancies.
24. Confirmation of the frequency of vehicles using the loading dock. The ITA frequency of 9-18 times per year appears low.
25. Confirmation as to whether vehicles will remain at the loading dock for the duration of the event (potentially blocking the footpath) or be parked off-site.
26. Details of proposed mitigation in the event of footpath damage from heavy vehicles tracking over the footpath.
27. The expected duration of time that the carriageway will be obstructed when heavy vehicles are manoeuvring into and out of the loading dock.
28. More detailed information for the proposed regrading of Sapper Moore-Jones Place and footpath (including delineation and form) (shown in blue). It appears that the footpath is proposed at the same level as the roadway. Is there an effect on existing entrances, services or features?
29. More detailed information on the traffic management proposed for large manoeuvring vehicles on Sapper Moore-Jones Place, detailing how this will be managed. We would prefer that a draft traffic management plan or frame work is provided with the application.
30. More information on the proposed P10 parking spaces outside the hotel. The ITA indicates the hotel will generate demand for three spaces and three spaces are provided. How will access be restricted to hotel guests? It appears likely that these P10 spaces will be used by loading vehicles, given that they are currently a loading zone and they could be used by people visiting other businesses in the area.

31. Details regarding how parking information will be communicated to staff and patrons, and subsequently managed and updated. For example, providing information via an app, website, with ticket purchase, will there be any parking incentives/ discounts? Are park and ride services planned? etc.
32. Confirmation as to the proposed arrangements for patrons arriving by charter bus. For example, drop-off and parking locations.
33. Details regarding accessible access to the theatre including both wheelchair/ pedestrian access and the provision of accessible parking/ drop-off.
34. Sensitivity testing – please provide sensitivity testing around the number of drop-offs expected and the likely length of stay. e.g. what would the effects be if there are more drop offs than expected? What is the effect of buses using the P10 spaces for drop offs, or waiting in the P10 area before a show finishes to pick patrons up?
35. Confirmation as to how the six on-street parking spaces will be dedicated to theatre drop-offs / pick ups. Who will manage signage and enforcement?
36. A draft Traffic Management Plan (TMP) framework to be implemented before and after events. This should include the type/ scale of temporary traffic management and thresholds over which traffic management will be implemented. The TMP should indicate event timing, size and likely frequency, and may consider different levels of traffic management dependant on the size of event.
37. A draft monitoring plan that can be used to monitor pedestrian activity after theatre events. The plan should include sufficient information in to assess the general scale and duration of pedestrian activity crossing Victoria Street, location of pedestrian activity and effectiveness and need for traffic management, with the aim of determining whether or not the scale of traffic management can be reduced without compromising efficiency or safety.

In addition to the above, HCC also have the following requests:

38. Section 4.2.3 of the AEE states the proposal will provide 11 parking spaces within the basement, yet Section 6 of the ITA states only seven parking spaces will be provided.

Please therefore clarify how many parking spaces will be provided and who they will be allocated to.

39. The proposal relies upon the removal of six parking spaces on Sapper Moore-Jones Place and altering (permanent and temporary) parking restrictions on Victoria Street to allow drop off parking for the hotel and theatre operations. It is noted that this mitigation would need to be addressed through the Hamilton Traffic Bylaw 2015, which involves a Local Government Act 2002 (LGA) process including consultation and a decision made by HCC's Regulatory and Hearings Committee. This is separate to this resource consent application process under the Resource Management Act 1991.

Please therefore clarify if the applicant intends that this Bylaw/LGA process be progressed before, in parallel to or after this resource consent is determined.

Note: HCC has received legal advice that recommends that this Bylaw/LGA process occurs prior to the resource consent process as an earlier decision by Council provides the applicant the opportunity to amend or provide further information on the resource consent application accordingly. A later Council decision under the Bylaw/LGA process, which requires a subsequent amendment to the proposal, may result in the need for an application to change or cancel consent conditions, or potentially, the need for a new resource consent. We therefore suggest you contact Robyn Denton, City Transportation Manager, to discuss the applicable information requirements and timeframes etc.

40. Section 8.1.1 of the ITA identifies public car parking buildings which operate during certain hours and include leased parking spaces that are not available for general use. The conclusion around

sufficient parking to accommodate the proposal's demand is also based off assumptions on parking space occupancy and availability.

In light of the requests above, which may result in a revision of the peak additional car parking demand, please therefore provide:

- Details of how many car parks are already committed via lease agreements and therefore unavailable to public usage;
- An indication of the current occupancy of the parking areas identified in section 8.1.1 during the key demand periods for the proposal (in the evenings and/or weekends); and
- Details of where staff are expected to park and whether this has been factored into the current assessment.

41. Please provide details on how the operating hours of public transport have been considered in the assessment.
42. Further to query 28 above, it would be helpful if long-sections or cross-sections were provided for the vehicle accesses affected on Sapper Moore-Jones Place.
43. Please confirm that a parked semi-trailer (i.e. the largest vehicle the proposed loading dock will accommodate) can be contained within the subject site and avoid any overhang or encroachment into the road reserve/footpath area.
44. The parking spaces on the northern side of Sapper Moore-Jones Place which are proposed to be retained are available for public use, with no restrictions between 6.00pm and 8.00am.

Further to query 35 above regarding the six proposed P10 spaces on Victoria Street, please provide details on how the applicant proposes to implement the temporary removal of these parking spaces to enable the large semi-trailer movements.

45. Section 9.6 of the ITA has identified that a temporarily closure of Victoria Street between Collingwood Street and Hood Street, with restrictions on vehicle traffic, is an option. Further the ITA recommends that large events are monitored once the theatre is operational, and it is assessed at that time whether closures of Victoria Street are required to ensure the safety of pedestrians.

However, as no conditions of consent have been proposed by the applicant, it is unclear how such monitoring would be undertaken and what outcomes would necessitate the need for any additional traffic management measures to be implemented by the applicant/consent holder.

In light of the requests above and the concerns around the pedestrian activity and the ability to effectively implement P10 'drop off' parking on Victoria Street, please provide:

- Further comment on the viability (advantages/disadvantages) of temporarily closing Victoria Street during events;
- What the likely timeframes would be for a temporary closure and why; and
- What a suitable 'trigger level' is in terms of event scale in which to require a temporary closure.

46. Some of the assumptions in the ITA are based on a current expected generation of semi-trailer truck trips only occurring around nine times per year, which could potentially rise if the demand for certain shows increase in the future.

Further to queries 11, 16, 17 and 45 above, please confirm if it is intended to 'cap' or limit the number of events (or events of a certain scale) to be held at the theatre annually.

Infrastructure

47. Section 2.2.2 of the Civil Infrastructure Report (Attachment G) states it is *'proposed to install a new wastewater manhole to the north of the boundary line and redirect the existing line from manhole WWR 21124 under the foundation of the hotel... A preliminary design for the relocation of this existing wastewater line is provided in CSK RC-01-02, refer Appendix A.'* However, this drawing is not included with the application.

Given the potential to impact on the foundations of the Hamilton Hotel, please confirm this proposed wastewater line alignment by providing drawing CSK RC-01-02.

48. Given the current wastewater line is proposed to be replaced, it is assumed that none of the current Victoria Street tenancies within the retained Hamilton Hotel building will be in operation during the construction period.

Please therefore confirm this is the case or provide further details on how wastewater (and any other infrastructure) connections would be managed in the interim during the construction period.

49. Section 3.2.3 of the Civil Infrastructure Report proposes that 34m³ of stormwater storage be provided on-site by using either above ground or underground storage tanks. There appears to be little space available above ground, and a storage tank of this size would potentially have a noticeable impact visual appearance of the proposed design. Conversely, accommodating an underground storage tank and associated stormwater quality proprietary device of this size could be problematic given the topography of the subject site, perched water table and the potential for the discovery of archaeological remains.

To provide more certainty that such storage and associated stormwater quality proprietary device can effectively be provided on-site, please therefore provide further details on the specific location and design of the proposed infrastructure.

Geotechnical/Stability

50. The subject site is sloping in topography and partially contained within the Waikato Riverbank and Gully Hazard Area. Assessment Criteria F – Hazards and Safety (Volume 2, Appendix 1.3) of the District Plan includes, amongst other things, the extent to which the applicant has demonstrated through an engineering design report that the works to be carried out maintains the stability of the river bank or gully and does not increase the risk of ground instability on the subject site or adjacent site.

Further, the Geotechnical Factual Assessment (Attachment H) presents the results of the geotechnical investigation carried out by CMW, but provides no subsequent interpretation or analysis.

Please therefore provide a geotechnical interpretive assessment (or other suitable report) that demonstrates how the proposed design of the proposal has responded to the subject site's ground conditions and the relevant requirements of the District Plan in relation to natural hazards⁸.

Arboriculture

51. Section 6.4.1 of the AEE states significant trees 16.2 and 16.5 are proposed for removal, yet Section 6.3 of the Arboriculture Assessment of Environmental Effects (Attachment I) states significant tree 16.4 is also proposed to be removed.

Please therefore clarify the nature of any proposed works affecting significant trees which are listed within Schedule 9D of the District Plan.

⁸ In particular 7.5.1.a) ii), 22.2 and Assessment Criteria 1.3.3 F3

52. Section 6.4.2 of the AEE states that *'The three other scheduled trees on the site (16.1, 16.3 and 16.4) are intended to be retained as will any other vegetation (including both notable and non-notable) considered to be of appropriate for retention. It should be noted that whilst it is intended that these trees be retained, further investigation into the health of these trees is required at which time it may be considered appropriate for these trees to be removed.'*

This comment, which does not appear to be included in Attachment I, raises uncertainty as to what the final outcome of the proposal will be. It is noted that all images of the proposal (including the Architectural Drawings within Attachment B) currently incorporate the retained significant trees within the proposed design.

Please therefore provide:

- Details of further investigations into the health of these significant trees to confirm that they will be retained as part of the proposal;
or
- An assessment of effects on the basis of all of the significant trees within the subject site being removed, along with revised drawings/images to reflect the revised design.

53. Section 8.2 of Attachment I outlines revised scores for the five identified significant trees based on the RNZIH Standard Method of Evaluation which differ significantly from the scores assessed by Council. The attributed low scores are consequently identified as mitigation to the effects of the proposed removal of the significant trees.

Please therefore provide details as to how these revised scores for the five identified significant trees have been calculated based on the RNZIH Standard Method of Evaluation.

54. Section 6 of Attachment I provides limited detail on the proposed works within the root protection zone of the significant trees proposed to be retained. Further, section 4.3 of the AEE states that the rear plaza and screen structure have been designed around the trees to be retained, while section 10.3 of Attachment I recommends that the *'detailed design of decks, canopies and any other structures within the root zone of trees to be retained should be done in consultation with an arborist'*. Actual and potential effects on the long-term health and viability of the significant trees proposed to be retained as a result of the proposal need to be understood clearly at this point in time.

Please therefore provide the following details on the proposal, including:

- Earthworks volumes for the works within the root protection zone of the significant trees proposed to be retained;
- Whether the existing low red brick retaining walls in close proximity to the Bunya Pine will need to be removed;
- What effect the proposed dewatering (section 4.4.2 of the AEE) will have on the volume of groundwater available to the significant trees proposed to be retained;
- The distances from the significant trees proposed to be retained and the screen structure columns; and
- How deep the screen structure columns will be piled into the embankment.

55. The significant trees proposed to be retained will be located between the theatre and a large screen structure on the western side of the site.

Please therefore provide further details on the actual and potential effects on the long-term health and viability of these trees as a result of this encasing, including:

- The need for lateral branch removal; and

- Potential heat radiation through the screen.

56. Section 8.10 of Attachment I acknowledges the risk associated with significant trees proposed to be retained producing and having the potential to abscise large, heavy cones and/branches. In addition to the ongoing need to remove debris, there is the potential for significant damage to property and injury to people. The proposed approach of annual monitoring, outlined within the Tree Management Plan in Appendix A of Attachment I, is not considered effective enough to avoid significant health and safety risks from falling debris given the potential for Theatre events (and the presence of the public) to be taking place during periods of high winds/storm events.

Please therefore provide details other practicable measures, for example safety netting, to manage the risks from falling debris.

57. Section 10.2 of Attachment I recommends that *'Replacement trees should consist of at least three large grade specimen trees (80 – 160 litre trees) planted in a position that allows their full development. A planting and aftercare maintenance programme will ensure that the trees are maintained for at least 36 months. It should be considered that the trees are designed into the landscape plan of the theatre. The trees will be planted during the planting season June – August and maintained for 24 months'*.

Based on the proposed design, the subject site does not appear to be capable of accommodating this mitigation. Please therefore clarify:

- The proposed location of the proposed replacement trees;
- What species the proposed replacement trees will be;
- How the applicant proposes to implement the recommend maintenance programme; and
- How this proposed quantum of mitigation was determined.

Contaminated Land

58. It is unclear how the Detailed Site Investigation (DSI) would proceed on the basis of the Preliminary Site Investigation (PSI) given the uncertainty of the historical information that is being relied upon, and the uncertainty of the location of alleged impacted areas. Therefore more information is required to assist the decision-making process.

So that appropriate and realistic conditions of consent can be prepared, please provide further information about how the proposed investigation will be done, and how the SQEP's discretion will be exercised to achieve compliance with the NES. The information that is required relates to (but should not be limited to):

- Confirming the currency of the data used in the PSI and applicability of the NES to the whole site.
- Defining the proposed DSI objectives given the intended end use.
- The manner in which the investigation will be conducted given the potential multi-phased nature of the demolition and soil disturbance works.
- Defining the sampling rationale specific to the land/pieces of land potentially impacted by HAIL activities.
- Defining the sampling regime specific to characterising the unknown nature of the soil being disturbed for appropriate management and disposal
- Confirming compliance monitoring requirements with regard to timing, staging, notification and communication.

Acoustics

59. The Acoustic Assessment (Attachment K) provides adequate assurance that the District Plan noise performance standards in relation to residential areas across the Waikato River would be complied with, based on the assumptions used in the assessment. The assessment notes the approach of considering a level of 60dB LAeq(15-mins) for activities within the Central Business District (CBD) area, but then does not specify what the expected noise levels will be for the surrounding sites.

Whilst it is acknowledged that the District Plan does not contain noise performance standards for the CBD area, to assist Council in determining the reasonableness of the proposal's noise levels please provide an assessment of the predicted noise impacts on other sites within the surrounding area.

Urban Design/Public Space

60. It is noted that the design presented to the Hamilton Urban Design Advisory Panel in June 2018 differs from the proposed design within the Architectural Drawings (Attachment B) for the application. Page 1 of the AEE also states *'The proposed design has been presented to the Urban Design Panel and has incorporated recommendations made by the Panel'*, yet it is not clear as to how this is the case.

Whilst acknowledging the Panel's recommendations are not binding/statutory, please provide further explanation as to how these recommendations have been incorporated into the proposed design.

Note: Given the significance and profile of the proposal, HCC's Senior Urban Design Planner has suggested the applicant re-engages with the Panel to obtain feedback on the proposed design (updated from the previous presentation).

61. A number of design statements are made in the AEE whereby it is not clear from the Architectural Drawings how these have been responded to in the proposed design.

Please therefore provide further details/explanation on the proposed design in relation to the following:

- Page 73: *'The façade design makes reference to the bay modulation of the heritage façade through the rhythm of the truss structure behind the profilit glass. The glass façade is made up of a profilit glass channel system that has a fine grain that makes reference to the grain and detail of the heritage façade.'*
- Page 74: *'The proposed development consists of building forms that align with the rhythm and pattern of heritage buildings within the area. The interface between the heritage building and proposed new development is considered to be an architecturally sensitive which emphasizes the heritage values of the former hotel building';* and
- Page 75: *'The proposal has maximised opportunities to add architectural interest to the building to ensure the building addresses the design outcomes identified for the zone.'*
- Material concept Red Oxide - what is the significance for the Waikato Region?

62. Whilst the indicative nature of the images in acknowledged, HCC has reservations around how accurately represented the proposal is within the renders included within the Architectural Drawings; in particular how the proposed materials will look and feel once fully constructed.

Please therefore provide an explanation as to how the proposed finish can be achieved using precast concrete.

63. The eastern side of the proposal appears to encroach into the Council owned land zoned Natural Open Space and involve works including the proposed installation of columns and foundations.

Please therefore provide an assessment of the proposal against the requirements of Chapter 15 of the District Plan; including whether any further resource consents are required (for example for new buildings and the removal of vegetation or trees).

64. The AEE notes that the frontage to Embassy Park will form the main entrance for the theatre building, with the ITA's (Attachment F) pedestrian safety assessment stating *'While access through to Sapper Moore-Jones Place is available via the proposed courtyard, the worst case scenario is that 1,300 people will exit onto Embassy Plaza, heading towards Victoria Street.'*

To understand the impact of the proposal on Embassy Park, and to ensure effective and fully accessible pedestrian connections are provided, please provide the following further details:

- Drawings of the proposed entrance/Embassy Park area showing elevations, ground levels and other key dimensions;
 - Any earthworks, vegetation removal and parks infrastructure removal required within Embassy Park; and
 - Whether any further resource consents under Chapter 15 of the District Plan are required.
65. The AEE refers to the inclusion of a proposed riverfront promenade, including reliance upon this promenade to qualify for a double bonus height limit of 32m under Rule 7.4.4 of the District Plan. However, it is noted that several of the Architectural Drawings identify the riverfront promenade as being provided 'by others'.

Please therefore confirm what extent of the riverfront promenade is proposed to be delivered as part of the proposal and how potential future connections have been considered.

66. Please confirm if the proposed riverfront promenade and courtyard will be publicly accessible 24 hours per day/7 days per week, or if there is the ability to close it off.

Summary

I suggest that it would be beneficial to your client that a meeting is held with myself and other Council staff and technical specialists assisting with the processing of the applications to discuss this s92 request so that both parties are clear and agreed on what is expected in response.

Please provide this information within **15 working days** of the date of this letter. If you agree to provide the information but cannot provide it during that period, or refuse to provide the information at all, you must notify Council of your intentions in written form within that same period. If you agree to provide the information but cannot provide it within that same period, Council will set a reasonable time in which you must provide the information and notify you of this new date in written form.

If you do not provide the information by that new date, do not respond by that new date, or refuse to provide the information at all; and Council considers that it has insufficient information to enable it to grant the consent, Council may decline the application.

Please note that if you are dealing directly with other Units of Council in regard to the further information, a copy of the further information must still be sent to the Planning Guidance Unit, as this is where your application is being processed, and the statutory working days need to be re-started.

If you have any queries regarding this request, please do not hesitate to contact me direct in the first instance on (07) 571 5664 or via email at andrew.cumberpatch@boffamiskell.co.nz

Yours faithfully,

Fraser McNutt
Planning Guidance Manager

Per:



Andrew Cumberpatch
PROCESSING PLANNER

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Attachments:
Gray Matter letter, 19 December 2018

19 December 2018

Martyn Smith
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Hamilton 3240



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Dear Martyn

SECTION 92 REVIEW: WAIKATO REGIONAL THEATRE ITA

As requested, we have carried out an initial review of the ITA prepared by Flow Transportation Specialists (Flow) in November 2018. We recommend Council request further information in order to better understand the potential adverse transportation effects of the proposed Waikato Regional Theatre. This letter details the information needed, and provides some initial comments on the ITA.

1. Summary and Proposal Description

The Waikato Regional Theatre Governance Panel (the applicant) proposes to develop the Waikato Regional Theatre in the Hamilton City Centre. The site is located in the Downtown Precinct, at 174 to 206 Victoria Street and 1 Sapper Moore-Jones Place. The proposal includes:

- = Restoration of the existing heritage Hamilton Hotel building and development into a 22 room hotel.
- = A new mixed use building comprising:
 - Food and beverage tenancies, 890 sqm Gross Floor Area (GFA)
 - Theatre with capacity for 1,300 people.
- = A courtyard providing pedestrian access (one of several pedestrian access points).

Car parking will comprise:

- = A basement car park with seven parking spaces for use by staff.
- = A loading dock for service vehicles.
- = Space for staff bicycle parking in the basement.
- = 26 bicycle parking spaces in the courtyard.

Vehicular access to the basement car park and loading area is proposed via Sapper Moore-Jones Place.

Appendix A of this letter includes a summary table, listing the information required by HCC in an ITA (District Plan Table 15-3c). It provides initial comments on the ITA and summarises whether or not additional information is required. The body of this letter provides more detail, including the reasons for requiring the additional information.

2. Proposal Details

The ITA includes layout diagrams and describes proposed access, car parking and loading arrangements. Hours of operation are not included, other than a statement that shows are likely to start at 7pm and finish late evening. It is unclear if afternoon events for families / children have been considered in the ITA. The AEE does not appear to include a schedule of events or indicate the likely frequency or timing of events.

We recommend you request the following:

- = Proposed hours of operation, for both food and beverage tenancies, the hotel and the theatre.
- = The expected timing (day and night), size and frequency of theatre events. For example:
 - Types / size of shows are likely to occur during the day, what days / times these are likely to occur and how often they are expected.

- The likely frequency of evening shows, which days / times they are likely to occur (Friday / Saturday?) and expected size.

This information is required in order to better understand the extent and frequency of network effects associated with both typical operation (minimal theatre traffic, food and beverage tenancies in operation), and with theatre events where all site activities are potential traffic generators.

3. Predicted Travel Data / Trip Generation

3.1. Theatre

An assessment of trip generation is included, based on UK literature. In general, we agree with the ITA that New Zealand and Australian trip generation guidelines are unlikely to be relevant for this proposal, as they assume on-site parking is provided.

The ITA assesses peak trip generation as 63-66 peak trips, with the peak hour of the surrounding road network considered. The report suggests 230 trips in the “theatre peak hour” of 7pm. The trip generation in the ITA appears low, and is inconsistent with the assessed parking demand of 410 car parking spaces. While many of the trips will have destinations other than the theatre, e.g. other parking buildings, it is important to understand the impact of the additional trips on the Hamilton CBD.

In general, UK towns have more frequent and more developed public transport services and more densely populated residential areas, meaning a higher likelihood of being able to walk and cycle to a theatre, and lower car dependence than NZ. Visitors to a theatre in Hamilton may come from the wider Hamilton residential area and surrounding towns (e.g. Morrinsville, Cambridge, etc.), where there is high car dependence. The ITA acknowledges that activity hours and existing public transport options mean that public transport use may be limited; however this does not appear to be reflected in the trip generation rates.

With a capacity of 1,300 people, even if only two-thirds arrive by car (~860 people) the ITA trip generation of 230 vehicles would require a car occupancy rate of 3.7 people per car. This appears to be very high compared to typical larger events in NZ.

It is unclear whether the trip generation rate considers increased trips associated with drop offs / pick-ups, e.g. if a car drops people off and picks them up, it creates four trips rather than two.

It would be helpful to know more background behind the UK trip generation rate for the theatre.

We recommend you request the following:

- = Please confirm the relevance of UK theatre trip generation rate to Hamilton site, given the differences in population density and public transport services. We note that various presentations on the project indicates that 40% of Founders/Claudlands audience are from outside Hamilton (https://www.momentumwaikato.nz/uploads/report_wrt_presentation_hcc.pdf)
- = Please confirm that the trip generation rate used assumes that one visit to site = 2 trips (i.e. one trip to a site, and one trip from a site).
- = Please confirm whether the number of generated trips assessed considers the effect of drop-off / pick-up trips, which increase the number of trips generated (i.e. if someone is dropped off then four trips are created).
- = Please provide more detailed analysis of typical vs peak hour trip generation. This could be in the form of a typical weekly profile (table / chart) taking in to account the time (day / night), expected size and frequency of events and the associated trip generation.

This information is needed to confirm the likely trip generation and subsequent parking demand of the proposal, to confirm the UK theatre trip rates relevance to the proposal site in downtown Hamilton and to understand the profile of events and their frequency, extent and significance.

3.2. Hotel

The ITA uses a UK trip generation rate for hotels of 0.24 trips in the morning peak and 0.19 trips in the evening peak. This trip rate is lower than typical peak hour trip generation rates for hotels in New Zealand literature. For example, NZTA's Research Report 453 suggests a peak trip generation rate for hotels of 1.2 trips / peak hour per room. For the proposed 22 room hotel, this could mean up to 26.4 peak trips.

The above trip rates are likely to assume on-site parking. Because valet-parking is proposed, each arrival at the site is likely to result in two trips, and therefore total trip generation will therefore be higher.

We recommend you request the following:

- = Review of appropriate trip generation rates for the hotel, considering typical rates for New Zealand hotels and taking into account that the planned valet parking will increase the number of trips associated with each room during the peak hour.

This information is needed to understand the likely impact of trips to and from the hotel on the network, including any efficiency effects.

3.3. Food and Beverage Tenancies

The ITA provides trip generation for the theatre and for the hotel, and does not include trips associated with the food and beverage tenancies as the proposal reinstates existing tenancies. This appears reasonable as long as the GFA is the same.

We recommend that you request the following information:

- = Confirmation that the reinstated tenancies for the food and beverage activities have the same GFA as the existing tenancies.

3.4. General

The District Plan requires the ITA to consider future traffic volumes and a 10 year assessment period. Future traffic volumes are not mentioned in the ITA however we acknowledge that they are unlikely to affect the outcome of the assessment.

4. Site Access, Loading and Manoeuvring

The proposal includes two accesses from Sapper Moore-Jones Place.

- = A vehicle crossing providing access to a basement car park; and
- = An access to a servicing / loading area at the rear of the theatre.

The majority of people accessing the site will be pedestrians, who will enter the site via one of three pedestrian entrances (none of which are on Sapper Moore-Jones Place).

The basement car park access generally complies with NZS2890, with the exception of the gradient for the first section of ramp near the footpath and the requirement for visibility splays. The ITA states that as there is insufficient space to provide this, and as there are no existing safety concerns, that the vehicle crossing will operate safely.

The loading docks will be accessed by trucks and semi-trailers. The ITA includes tracking curves. Vehicles will need to track over the footpath area in order to reverse in to the loading docks. The ITA states that this is likely to occur 9-18 times per year. This appears low. Vehicles also track into the westbound carriageway on when turning left from Victoria Street.

While manoeuvring is occurring, larger vehicles may block Sapper Moore-Jones Place. This may prevent cars entering or leaving the car parking area behind the building opposite, at No. 6 Sapper Moore-Jones Place.

The ITA includes an assessment of stability of trucks manoeuvring at the end of Sapper Moore-Jones Place, indicating that expected trucks will be within the static rollover threshold. The ITA recommends regrading of Sapper Moore-Jones Place.

We recommend that you request the following information.

- = Confirmation of the frequency of vehicles using the loading dock. The ITA frequency of 9-18 times per year appears low.
- = Please confirm whether vehicles will remain at the loading dock for the duration of the event (potentially blocking the footpath) or be parked off-site.
- = Provide details of proposed mitigation in the event of footpath damage from heavy vehicles tracking over the footpath.
- = Please state the expected duration of time that the carriageway will be obstructed when heavy vehicles are manoeuvring into and out of the loading dock.
- = Please provide more detailed information for the proposed regrading of Sapper Moore-Jones Place and footpath (including delineation and form) (shown in blue). It appears that the footpath is proposed at the same level as the roadway. Is there an effect on existing entrances, services or features?
- = More detailed information on the traffic management proposed for large manoeuvring vehicles on Sapper Moore-Jones Place, detailing how this will be managed. We would prefer that a draft traffic management plan or frame work is provided with the application.
- = Please provide more information on the proposed P10 parking spaces outside the hotel. The IAT indicates the hotel will generate demand for three spaces and three spaces are provided. How will access be restricted to hotel guests? It appears likely that these P10 spaces will be used by loading vehicles, given that they are currently a loading zone and they could be used by people visiting other businesses in the area

This information is needed to determine the extent and significance of effects on Sapper Moore-Jones Place traffic, likely to be users of the rear car park opposite and pedestrians, and to confirm that the proposed mitigation is feasible and safe considering the current road level, alignment and features. It is also needed to ensure that the proposed P10 parking spaces at the hotel will be sufficient.

5. Parking

The proposal provides seven car parking spaces in a basement car park for use by staff. This exceeds the requirements of the District Plan, which has no minimum car parking requirement for developments in the Downtown Hamilton area.

We generally agree that there is sufficient on street and off street parking capacity in the wider area to accommodate the likely demand from the theatre. The TDM plan attached to the ITA concludes that there are viable non-car alternatives to access the site. The TDM plan may be optimistic with its walking and cycling catchment area maps, as people are less likely to walk or cycle longer distances late at night. The TDM plan does not detail how transport information will be communicated to patrons or managed/updated as the parking supply within the Hamilton CBD changes.

We have some concerns about the drop off spaces and the effect on the network from congestion associated with the theatre.

The ITA states that up to nine P10 parking spaces will be available for theatre patrons, comprising six temporary P10 spaces and three hotel P10 drop-off spaces.

- = Assuming that drop-offs take around two minutes and are spread evenly across a 30 minute peak period, then nine loading spaces can accommodate up to 135 drop offs.
- = Pick-ups are likely to take longer, as vehicles may arrive and then wait. Assuming that pick-ups take around five minutes and are spread evenly across a 30 minute timeframe, then nine loading spaces can accommodate 54 pick-ups.

The ITA estimates that around 60 of the 230 peak trips will be drop offs. Therefore, the 60 vehicles dropping people off will create 120 trips (one visit = 2 trips). The nine proposed spaces could generally accommodate this, however they would be insufficient if:

- = Trip generation and assumptions around the proportion of trips that are drop offs / pick-ups is incorrect.
- = The peak arrival or departure timeframe is shorter. This may occur after an event when almost all of theatre patrons are leaving at the same time.
- = The P10 spaces are taken up by a bus / buses, that need to stay longer to board a larger number of passengers. This would be similar if a number of people with wheelchairs or accessibility needs were attending an event.
- = The P10 spaces are to be shared with service / loading vehicles associated with the food and beverage tenancies.
- = The P10 hotel spaces are being used by hotel patrons for short-term parking, if there is a check-in or check-out before a theatre show.

The effect of this would be:

- = More congestion and obstructions to through traffic on Victoria Street. This may adversely affect efficiency (although late at night traffic volumes are likely to be low), or may adversely impact safety as it will occur at a time when a large number of pedestrians are leaving the site and crossing Victoria Street.
- = Higher risk that vehicles will park illegally, including in bus stops and taxi stands.
- = Risk of more traffic using Sapper Moore-Jones Place as a drop-off zone increase the frequency of u-turns at the end of the street and turning movements at the Victoria St intersection.

We recommend requesting the following information:

- = Details regarding how parking information will be communicated to staff and patrons, and subsequently managed and updated. For example, providing information via an app, website, with ticket purchase, will there be any parking incentives/ discounts? Are park and ride services planned? etc.
- = Please confirm the proposed arrangements for patrons arriving by charter bus. For example, drop-off and parking locations.
- = Please provide details regarding accessible access to the theatre including both wheelchair/ pedestrian access and the provision of accessible parking/ drop-off.
- = Sensitivity testing – please provide sensitivity testing around the number of drop-offs expected and the likely length of stay. e.g. what would the effects be if there are more drop offs than expected? What is the effect of buses using the P10 spaces for drop offs, or waiting in the P10 area before a show finishes to pick patrons up?
- = Please confirm how the six on-street parking spaces will be dedicated to theatre drop-offs / pick ups. Who will manage signage and enforcement?

This information is required to determine if the proposed P10 parking is sufficient to mitigate expected congestion on the network and to understand the likely extent and effects of congestion associated with the theatre before and after events.

6. Appraisal of Transport Effects

The ITA includes an assessment of effects based on the evaluation of trip generation, and suggests monitoring pedestrian activity after events, stating that traffic management could be implemented if needed.

There may be up to 1,300 pedestrians crossing Victoria Street after a show, late at night. This has the potential to disrupt through traffic for a while, perhaps up to 15-20 minutes, and there is no other route for vehicles to take to avoid the disruption considering the solid median and general layout of Victoria Street. There may be safety issues associated with high volumes of pedestrians mixing with traffic. We note that Mill

St is typically closed for a short period at the end of rugby games at Waikato Stadium to avoid pedestrian safety problems.

It would be preferable to develop and implement a traffic management plan (TMP) for larger events at the beginning of operation, then reduce the extent of traffic management as patron behaviour and impacts on the network are better understood. The current proposal appears to be implementation of traffic management once a problem has been identified. We prefer a more cautious approach. An option would be to consider an event size threshold for which a TMP is needed. This threshold could be changed following monitoring and review of after-event traffic and pedestrian activity. More information on event timing (day vs night), size and frequency of events is required to develop a TMP framework.

We recommend requesting the following information:

- = Please provide a draft Traffic Management Plan (TMP) framework to be implemented before and after events. This should include the type/ scale of temporary traffic management and thresholds over which traffic management will be implemented. The TMP should indicate event timing, size and likely frequency, and may consider different levels of traffic management dependant on the size of event.
- = Please provide a draft monitoring plan that can be used to monitor pedestrian activity after theatre events. The plan should include sufficient information in to assess the general scale and duration of pedestrian activity crossing Victoria Street, location of pedestrian activity and effectiveness and need for traffic management, with the aim of determining whether or not the scale of traffic management can be reduced without compromising efficiency or safety.

This information is needed to assess the safety effects of the proposal with regard to the high number of pedestrians crossing Victoria Street.

7. Proposed Mitigation

The ITA proposes several consent conditions relating to transport. These are outlined in the table below, along with our comments. All of the requirements for further information that relate to mitigation are requested earlier in this letter.

Proposed condition / mitigation	Comments and requirements for further information?
A TDM plan for staff and theatre patrons	Draft TDM includes information about walking, cycling and bus routes, along with parking and drop off areas. Would be useful to understand how this information will be communicated to patrons and staff.
Existing loading zone be converted to P10 at all times, to be used for hotel drop off / pick up.	Unsure if this is sufficient, who else is likely to use these spaces? It would be helpful for HCC to confirm the process of removing taxi parking and changing to P10 parking, and what is involved from an HCC perspective.
Six on-street parking spaces be designated as drop off / pick up spaces for the theatre before and after shows.	Appears appropriate, subject to management of signage etc. How will this be communicated and managed? We would prefer that a draft Traffic Management Plan for operation of the drop off area is provided with the application.
Sapper Moore-Jones Place is regraded to support truck manoeuvring.	More detail required to ensure this is feasible given the road level, existing grade and features. Is there an effect on existing entrances, services etc.?
Three parking spaces by the loading bay on Sapper Moore-Jones are removed.	Appears appropriate.
Footpath is provided on Sapper Moore-Jones Place (requiring removal of three parking spaces).	New footpath appears appropriate given the removal of parking spaces. Unclear how it will be delineated.
A TMP is established to allow temporary restriction of parking on Sapper Moore-Jones Place when truck need to access the site.	More information required on traffic management for trucks. We prefer that a draft Traffic Management Plan is provided with the application.

Proposed condition / mitigation	Comments and requirements for further information?
Monitoring of pedestrians leaving the theatre.	More information on pedestrian traffic monitoring – perhaps considering an event threshold for which a TMP could be implemented, or starting off with a plan and then removing if all goes well (rather than the other way around). 1,300 people crossing Victoria Street could obstruct the street for a long time with no other route option for vehicles.

If you have any questions, please do not hesitate to contact us.

Yours sincerely



Isa Ravenscroft
Transportation Engineer



Alastair Black
Transportation Engineer

Appendix A: Summary Table

Section / Topic	ITA Requirements	Summary Comments	Further information needed?
Background	A description of the proposed activity, the purpose and intended use of the ITA, and an outline of any previous discussions with the relevant road controlling authorities	Well-described. No details of any discussions with HCC.	Adequate.
Existing land data	A description of location, site layout, existing use and consents (if any)	Well-described. No existing consents described.	Adequate.
Existing transport data	A description of the existing access and service arrangements and on-site car parking. A description of the transport network adjacent to the pedestrian and vehicle access points (including traffic volumes and crash analysis).	Required information is included. ITA describes informal parking. Number of spaces and existing loading arrangements is uncertain.	Adequate.
Committed environmental changes	Consideration of other developments, land use and transport network improvements within the Downtown Precinct (including passenger transport, walking and cycling)	HCC's general plans are described in the ITA, for example, improving walking and cycling connectivity. No specific plans are noted.	Adequate.
Existing travel characteristics	Details on the existing trip generation, modal split, and assignment of trips to the network	ITA includes general comments on low trip rate for city centre dwellings and states that most trips are likely to be dual purpose. There is no comment on likely total trips, mode split or assignment; however this is unlikely to effect the assessment of effects of the proposed theatre.	Adequate.
Proposal details	A description of the proposal (including site layout, operational hours, vehicle access, on site car parking and drop off, and internal vehicle and pedestrian circulation). A description of what end of journey facilities are proposed	Layout and car parking is included and described. ITA does not provide information on the likely hours of operation or end of journey facilities, other than that shows are likely to start around 7pm. See Section 2 of this letter for more detail.	Operating hours. Expected frequency, timing and size of theatre events.

Section / Topic	ITA Requirements	Summary Comments	Further information needed?
Predicted travel data	A description of the trip generation, modal split, trip assignment to the network, trip distribution and trip type proportions of the proposal. Consideration of future traffic volumes and trip generation using a 10-year assessment period.	An assessment of trip generation is included, based on UK literature. Assessed trip generation appears low and inconsistent with assessed parking demand. Future traffic volumes not considered. See Section 3 of this letter for more detail.	More detailed analysis of typical vs peak hour trip generation. Review of trip generation rates Effect of pick-up / drop off trips. Sensitivity testing. Information on how parking information will be communicated. Confirmation that food / beverage tenancies will have same GFA as existing.
Appraisal of transportation effects	An assessment of safety, efficiency, environmental, accessibility, and integration effects in the immediate vicinity	General appraisal provided. More detail would be useful about the extent, frequency and significance of effects. Some sensitivity testing is required around the number of drop-offs expected and the likely length of stay. See Sections 4, 5 and 6 of this letter for more detail.	Confirmation if any mitigation is planned in the event of footpath damage from heavy vehicles. Duration of obstruction of carriageway. More detail about the proposed road regrading. Sensitivity testing Details regarding TDM communication. Details regarding accessible access to the theatre.
Avoiding or mitigating actions	Details of any mitigating measures and revised effects, including measures to encourage other modes. Travel planning and travel demand management measures.	Mitigation measures are proposed and described in the ITA. It would be helpful to have more details on effects of proposed loading arrangement, and effect on taxi / bus parking areas. See Section 7 of this letter for more detail.	Process of removing taxi parking and changing to P10 parking – what is involved from a HCC perspective? What would happen if there was bus unloading? Effect on Sapper Moore-Jones Place? Likelihood of additional traffic on Sapper Moore-Jones Place? Comment on likelihood and effect of taxi parking in the vicinity being used for drop offs and pick ups. Ditto bus stops and loading zones.
Compliance with policy and other framework	Review against District Plan objectives, policies and rules. Simple assessment against Access Hamilton and associated action plans.	District Plan assessment provided. No assessment against Access Hamilton is provided, however additional information not needed to assess transport effects.	Adequate.
Discussion and conclusions	An assessment of effects and conclusion of effects. Confirmation of the suitability of the access points of the proposal	Additional information required described in this letter.	
Recommendations	Proposed conditions (if any)		