

ATTACHMENT 3 – ASSESSMENT OF DISTRICT PLAN OBJECTIVES AND POLICIES

Objectives and Policies – Chapter 2: Strategic Framework

Urban Design Approach

Objective

2.2.3 *Promote safe, compact, sustainable, good quality urban environments that respond positively to their local context.*

Policies

2.2.3a *Development responds to best practice urban design and sustainable development principles, appropriate to its context.*

2.2.3b *Development responds to Low Impact Urban Design and Development and Crime Prevention Through Environmental Design (CPTED) principles.*

2.2.3c *Development enhances civic, natural heritage, cultural, ecology and surrounding public space networks.*

1. As noted in his urban design assessment, Mr Hattingh considers the proposal is strongly aligned with the policy framework of the District Plan; and I note the Hamilton Urban Design Advisory Panel consider the proposal is a significant civic and urban intervention.
2. The proposal has responded to CPTED principles within their design, while a condition of consent is recommended that would ensure CPTED principles are a specific consideration in the detailed landscape design of Embassy Park.
3. The proposal does not specifically incorporate Low Impact Urban Design and Development measures, but it is acknowledged that there is limited free space available within the subject site to allow stormwater treatment to be provided by low impact means such as swales or detention ponds.
4. With a design that provides increased visual and physical connections to the Waikato River, I consider that overall the proposal responds positively to its context and will contribute to a safe and good quality urban environment.

Central City, Business and Industry

Objective

2.2.4 *Establish and maintain a hierarchy of viable and vibrant business centres that provide a focus for retail, commercial and entertainment activities and serve the social, cultural, environmental and economic needs of the community.*

Policies

2.2.4a *Business activity and development shall locate in the most appropriate centre for its role, according to the following hierarchy:*

- i. *The Central City is the primary business centre, serving the City and wider region, and is the preferred location for commercial, civic and social activities.*

5. The new 1,300 seat Waikato Regional Theatre will be able to host a wide range of performing arts events. While specific layouts and tenancy details are yet to be finalised, the proposal

will also include a hotel and hospitality/commercial activities along the Victoria Street frontage and an art gallery overlooking Embassy Park and Victoria Street.

6. It is considered this proposed mix of uses is not only consistent with the District Plan's anticipated role for the central city as a focus for commercial and entertainment activities but will activate the area, encourage visitors to the central city and assist in serving the social, cultural, environmental and economic needs of the wider community.

The Waikato River

Objective

2.2.8 *The health and wellbeing of the Waikato River is restored and protected and the River is celebrated as being at the heart of the region's identity and a feature of national importance.*

Policies

2.2.8a *The natural character of the Waikato River, gully system and its margins is preserved and protected from inappropriate subdivision, land use and development.*

2.2.8b *The natural, cultural, heritage and amenity values of the Waikato River are protected, enjoyed and enhanced.*

2.2.8c *Access and connections with the Waikato River are maintained and enhanced.*

2.2.8d *The relationship of Waikato-Tainui with the Waikato River is recognised and provided for, including through a Joint Management Agreement.*

2.2.8e *Communities' relationships with the Waikato River, including their economic, social, cultural and spiritual relationships, are restored and protected.*

7. The proposal includes the provision of a stormwater treatment system, where currently no stormwater treatment is provided for the runoff from the subject site. This is considered to contribute, albeit in a minor way, to the restoration and protection of the Waikato River.
8. In respect to the natural character of the Waikato River, gully system and its margins, it is considered that the proposal will generally preserve the existing values areas. The proposal will sit upon the current ridgeline formed by Victoria Street overlooking the river in a manner similar to other large buildings in this area. While the proposed screen structure will encroach into the Open Space zoned embankment area, this is mitigated by the fact the structure is semi-transparent in appearance and be constructed on piles to minimise the physical impact on the embankment.
9. As noted by Mr Sirl, the proposed impacts on trees, in particular the removal of three scheduled trees and works within the vicinity of the two retained scheduled trees, will have an adverse effect on the amenity values of the riverside area.
10. Notwithstanding this, the enhanced visual and physical connections between the central city to the river area to be provided by the proposal will enable the values of the Waikato River to be enjoyed and will contribute to the restoration of the relationships of the Waikato Region's communities with the river.

11. It is considered the engagement undertaken to date and the proposed framework for ongoing engagement with mana whenua in the proposal recognises and provides for relationship of Waikato-Tainui (including sub-hapu) with the Waikato River. The design of the proposal has also sought to minimise the direct impact on the scheduled Urupa site; an area of high cultural value.

Tāngata Whenua: Waikato Tainui

Objective

2.2.9 *Resource management priorities are developed in partnership with tāngata whenua.*

Policies

2.2.9a *The relationship tāngata whenua have with the City is recognised and promoted.*

2.2.9b *Development considers effects on the unique tāngata whenua relationships, values, aspirations, roles and responsibilities with respect to an area.*

2.2.9c *As part of the development process, decisions on land use, subdivision and development include ongoing consultation and collaboration with tāngata whenua where appropriate.*

2.2.9d *Development and the decisions associated with developments where required are to consider any relevant Iwi Management Plan.*

12. It is noted that to date the applicant has engaged with THAWK and Waikato-Tainui. An Assessment of Maori Values was also prepared which considered the effects of the proposal on the unique values and relationships of mana whenua.
13. Submissions were received by both THAWK and Waikato-Tainui which sought, amongst other matters, that all management plans for the proposal be assessed against Tai Timu, Tai Pari, Tai Ao, Waikato-Tainui's relevant Iwi Management Plan.
14. In response the applicant has proposed engagement conditions which commit to continued participation and partnership with local mana whenua in the development and construction of the proposal.

Hamilton's Identity, Character and Heritage

Objective

2.2.11 *Hamilton's unique character, heritage and identity are reflected in its built environment.*

Policies

2.2.11a *Development is sensitive to and enhances Hamilton's identity and character.*

2.2.11c *Development is sensitive to and protects Hamilton's archaeological and cultural heritage sites, structures, areas, landscapes and places.*

2.2.11d *Development provides for the protection of historic and cultural heritage from inappropriate subdivision, use and development.*

15. The proposal involves the removal of a significant part of the former Hamilton Hotel building, including part of the rear section of the original 1923 section, the entire 1924 wing and the rear section of the 1929 extension along Victoria Street. The hotel is listed as a Category A

historic building in Schedule 8A of the District Plan, recognising its value as part of Hamilton's unique built character, heritage and identity.

16. These works will result in a loss of heritage values that, in the opinion of Mr Pearson, are significant.
17. In response, the proposal makes provision to restore the existing Victoria Street façade of the hotel building. The conditions of consent recommended by Mr Pearson are considered to be required to ensure that the proposal appropriately protects and enhances the built heritage values of the former Hamilton Hotel building which is to be retained, and sensitively reflects its character.
18. When considering the positive effects of the proposal as a whole and the opportunity it will provide in terms of ensuring the future survival of the hotel and restoring its values, it is considered the proposal provides for protection of historic and cultural heritage from inappropriate use and development.
19. The design of the proposal has also sought to be sensitive to archaeological sites; with minimal direct impacts on the scheduled Urupa site and any archaeological discoveries managed through the measures outlined within the AMP.

Integrate Land Use, Transport and Infrastructure

Objective

2.2.14 Land use and development is integrated with the provision of infrastructure (including transport, Three Waters services and open space).

Policies

2.2.14a Development shall not compromise the safe, efficient and effective operation and use of existing or planned infrastructure.

2.2.14b Development allows for future infrastructure needs, including maintenance, upgrading and co-location where appropriate.

2.2.14c New development connects well with existing development and infrastructure.

2.2.14e Rail, cycle, pedestrian, passenger transport and motorised vehicle networks are well connected and integrated across and beyond the City.

2.2.14f Development should promote strong connections to, and use of, passenger transport and active modes of transport

20. The proposal has been supported by technical three waters infrastructure and transportation assessments which has considered the effects of the proposal on existing infrastructure networks.
21. Future infrastructure needs, such as new stormwater detention and treatment and realigned wastewater line, have been integrated into the design and reviewed by HCC. Subject to the imposition of the recommended conditions of consent, it is considered any adverse effects of the proposal can be adequately mitigated to ensure the safe, efficient and effective operation three waters infrastructure is maintained.

22. As noted by Mr Black, the subject site is well connected to existing cycle, pedestrian, passenger transport and motorised vehicle networks. A condition of consent requiring a Travel Demand Management Plan to be made available to patrons and staff will promote the usage of passenger transport and active modes of transport.

Objectives and Policies – Chapter 7: Central City Zone

All Central City

Objective

- 7.2.1 *The Hamilton Central City is the heart of the Waikato region acting as a diverse, vibrant and sustainable metropolitan centre.*

Policies

- 7.2.1a *Opportunities are provided within the Central City to live, work and play for people of varying ages, cultures, incomes and all levels of mobility.*
- 7.2.1b *Activities that assist in generating bustling city streets and distinctive public spaces (including public open space, esplanades and reserves) are encouraged, in a manner that is consistent with the role and function of each Central City precinct.*
- 7.2.1d *Key attractors and areas of interest within and surrounding the Central City are connected through attractive, efficient and safe passenger transport and pedestrian and cycle links.*
- 7.2.1e *Visual and physical connections to the Waikato River are protected and enhanced to support increased residential and business development.*
- 7.2.1f *Development within the Central City Zone should contribute to the restoration and protection of the Waikato Region’s communities’ economic, social, cultural and spiritual relationships with the Waikato River.*

23. The proposal will provide a new, high-quality 1,300 seat Waikato Regional Theatre which will be able to host a range of performing arts events, catering for varying ages, cultures, incomes. This will have a significant positive effect on the arts/cultural value of Hamilton and the wider region.
24. The proposed theatre is expected to become a key attractor within the central city, and the activation of the area created by the theatre and complementing hotel, hospitality/commercial and art gallery uses will contribute to the vibrancy of the central city.
25. This proposed mix of uses is considered to be consistent with the vibrant, pedestrian-oriented function of the Downtown Precinct.
26. As noted above, the enhanced visual and physical connections between the central city to the Waikato River to be provided by the proposal will contribute to the restoration and protection of the relationships of the Waikato Region’s communities with the river.
27. It is noted that the concept design provided to date for Embassy Park relies on a series of steps and terraces to connect the western, street-level end with the proposed riverside promenade to the east; thereby potentially restricting access for people with mobility needs. To ensure opportunities are provided within the Central City for people of all levels of

mobility, it is recommended that the detailed landscape design plan for Embassy Park be required to specifically address this matter.

Objective

7.2.2 *The form, scale and diversity of activities support and facilitate the role of the Central City as the Regional Centre.*

Policies

7.2.2b *The Central City is promoted as the preferred location for major retail, office, cultural, civic administration and entertainment activities.*

7.2.2c *The design of public spaces and buildings ensures high levels of amenity, convenience and safety.*

7.2.2d *Heritage resources are recognised and managed to contribute to local amenity values and anchor investment within the Central City.*

7.2.2e *The revitalisation of the Central City is promoted and links facilitated with sporting and entertainment facilities and environmental features close to the central area by establishing precincts of key activities.*

7.2.2f *Building height and the edge treatment of buildings is managed to enhance the relationship to the public realm and improve public safety.*

7.2.2h *Future development will be undertaken in a manner that protects and appropriately integrates heritage values into the Central City to enhance social and cultural values and the overall attractiveness of the city.*

28. As a major cultural, civic and entertainment facility, the central city location of the proposal is considered to be consistent with the District Plan's vision of the Central City as a Regional Centre.
29. The proposal provides increased visual and physical connections to the Waikato River and will activate the frontages of the subject site. The recommended conditions of consent also include the requirement for a detailed landscape design for Embassy Park to be approved by HCC, which I consider will help ensure the design of this public space provides a high level of amenity, convenience and safety.
30. The proposed theatre is expected to become a key attractor within the central city, and the activation of the area created by the theatre and complementing hotel, hospitality/commercial and art gallery uses will contribute to the revitalisation of the central city.
31. The existing Victoria Street façade of the former Hamilton Hotel is proposed to be restored, recognising the value of this heritage building. The proposed additions to the north (new café/art gallery) and south along Sapper Moore-Jones Place will match the height of the original hotel building, maintaining the existing scale of development along Victoria Street.
32. While the fly tower structure is proposed to be 29m in height due to the operational requirements of the theatre, this is located centrally within the design – set back from the street edge – which will reduce the sense of bulk and dominance.
33. The applicant intends to integrate the heritage values of the former Hamilton Hotel into the proposal, and a condition of consent is recommended requiring the installation of a visual

and written record of the history of the site within the new theatre, art gallery and hotel complex.

Objective

7.2.5 *A pedestrian-oriented Central City.*

Policy

7.2.5a *Pedestrian and cycle connections to the Waikato River, Hamilton Transport Centre, Wintec Campus and other destinations are enhanced.*

7.2.5b *Entrances and corridors to the Central City are enhanced through increased activity, building design, streetscape treatment and traffic management to provide attractive and safe pedestrian environments.*

7.2.5c *Traffic and transport corridors are managed to enhance passenger transport connectivity, prioritise safety and convenience for pedestrians and cyclists, and encourage the removal of unnecessary traffic from within the Central City.*

34. The mix of uses proposed within the proposal is considered to be consistent with the vibrant, pedestrian-oriented function of the Downtown Precinct.
35. The proposal includes the installation of a section of 5m wide riverfront promenade along the eastern edge of the subject site, which will connect Embassy Park and Sapper Moore-Jones Place and enhance connections to the Waikato River.
36. The proposal has also been specifically designed to increase pedestrian activity within a redeveloped Embassy Park by establishing the main entrances to the theatre at this interface with this open space area.
37. The scope of the proposal has been revised post-notification to clarify that the section of the riverside promenade to be delivered as part of the proposal ends at Embassy Park; and does not extend past the apartment building at 240 Victoria Street. The recommended consent condition requiring the detailed landscape design plan for Embassy Park also includes the need to take into account future connections to the promenade.
38. As noted by Mr Black, the subject site is already well connected to existing cycle, pedestrian, passenger transport and motorised vehicle networks.
39. However, given the lack of detail on the design of the Sapper Moore-Jones Place shared space and implications of rigid trucks manoeuvring in this proposed area (currently without specific temporary traffic management within the proposed OTMP framework), Mr Black has recommended a condition of consent be imposed which would require the detailed design be provided to HCC prior to construction commencing. It is considered this condition will help ensure this transport corridor is managed to prioritise safety and convenience for pedestrians and cyclists.

Downtown Precinct

Objective

7.2.6 *Continued development and growth which enhances the commercial heart of Hamilton as an attractive and vibrant pedestrian orientated City*

centre that is accessible to all levels of mobility and has a strong relationship with the Waikato River.

Policies

- 7.2.6a *Retail, dining and other pedestrian-oriented activities are encouraged to locate within the Downtown Precinct, particularly at ground level.*
- 7.2.6c *Local amenities and a quality of environment that attracts workers, residents and visitors to the Downtown area are provided for.*
- 7.2.6d *A range of activities, including events to reinforce the area's vitality, excitement and interest, that encourage people to visit, live and work in the City are provided for.*
- 7.2.6f *Developments within the Riverfront Overlay are required to contribute to opening up the western riverbank area by providing public open space, plaza areas or the promenade, supported by retail, dining and entertainment activities at ground-floor level.*
- 7.2.6g *Diversity in building form and height is encouraged, subject to enhancing and protecting public amenity values and minimising adverse effects on adjoining sites and the public realm.*
- 7.2.6h *High-quality living environments are encouraged through appropriately sized and located internal living spaces with adequate external outlook space¹*

- 40. The proposal will provide a new, high-quality 1,300 seat Waikato Regional Theatre which will be able to host a range of performing arts events. This will have a significant positive effect on the arts/cultural value of Hamilton and the wider region and help encourage people to visit, live and work within the central city.
- 41. While specific layouts and tenancy details are yet to be finalised, the proposal will also include a hotel and hospitality/commercial activities along the ground level Victoria Street frontage and an art gallery overlooking Embassy Park and Victoria Street, enhancing this area as an attractive and vibrant pedestrian orientated City centre.
- 42. The proposal includes the installation of a section of promenade along the western riverbank area on the eastern edge of the subject site (Riverfront Overlay) which will connect Embassy Park and Sapper Moore-Jones Place; increasing the strengthening of the area's relationship with the Waikato River.
- 43. The design of the proposal, which incorporates the former Hamilton Hotel, has a varied form and height. At street level the scale of the built form is largely consistent with the surrounding area, but the proposed fly tower structure at 29m in height is significant. The central location of the fly tower structure, set back from the building's edge, will minimise adverse effects on adjoining sites and the public realm.
- 44. Whilst the proposal does not provide any permanent living environments², Policy 7.2.6h (as notified within PC6) is considered to be a relevant consideration for this proposal in the context of the two submissions³ which were received raising concerns that the proposed

¹ Green text indicating new policy inserted from Proposed Plan Change 6

² A hotel (visitor accommodation) is proposed to be established within the restored hotel

³ 24 C de Leeuw, 25 P de Leeuw

screen structure will encroach upon the up-river vistas of the residents of 238 and 240 Victoria Street, who may reasonably expect unfettered vistas when abutting this area.

45. When considering the proximity and orientation of these apartments and the fact the bulk and location of the proposal will not obscure south-east views from these apartments in a significant way (as noted in Section 8.1 of this report), it is considered the proposal will not compromise the external outlook space of 238 and 240 Victoria Street.
46. Overall it is considered the proposal provides for activities and a design which is consistent with the purpose of the Central City Zone and the Downtown Precinct.

Objectives and Policies – Chapter 15: Open Space Zones

All Open Space Zones

Objective

15.2.1

Development and activities must complement the functions and values of the particular open space and the surrounding environment.

Policy

15.2.1b

Buildings and structures shall be designed and sited to be compatible with the function and predominant purpose of the open space.

15.2.1e

Development and use of open space shall recognise and support the objectives and policies for adjacent Central City precincts

47. As part of the proposal, works are required within the adjoining Destination Open Space Zone to the north (Embassy Park) and the Natural Open Space Zone (riverside embankment) to the east of the subject site.
48. The main entrance for the proposed theatre is to the north, and it is therefore proposed to redevelop Embassy Park to enable access into the building. The activation of this area and use of the place for passive recreation is considered to be consistent with the functions and values of the Destination Open Space Zone which seeks to provide high-quality open spaces that accommodate a variety of uses and values.
49. Based on the concept design for Embassy Park provided by the applicant, the buildings and structures proposed will be limited to retaining walls and the promenade structure itself; albeit the recommended condition of consent to provide a detailed landscape design plan for Embassy Park to HCC's Parks and Recreation Unit for approval would also require details on the provision of a public toilet⁴ and all hard landscape elements.
50. These aspects are typical open space features which are considered to complement the function and values of the zone. Further, the detailed landscape design process with HCC's Parks and Recreation Unit is considered to be an appropriate mechanism upon which to ensure the design of these building and structures is both compatible and functional.

⁴ Noting one is already present

51. The proposed works within the Natural Open Space Zone (riverside embankment) are limited to that of constructing the support structures for the proposed screen and the associated removal of embankment vegetation.
52. These proposed works, viewed in isolation, are not consistent with the District Plan's policy direction for the zone which seeks the conservation and restoration of natural character through minimising the number and scale of buildings and retaining vegetation. However, this structure will not impede public access or the predominant function of this riverside open space area.
53. The scale of the encroachment into the Natural Open Space Zone by the screen is also small in scale (approximately 3m), with the structure forming a significant part of the overall design.
54. Given the integration of the design with both Embassy Park and the riverside area, the proposed works within the open space zones are overall considered to support the achievement of the objectives and policies of the adjacent Downtown Precinct; being an attractive and vibrant pedestrian orientated city centre.

Objective

15.2.2 *Open space accommodates a range of functions where appropriate.*

Policy

15.2.2a *An appropriate mix of activities shall be accommodated.*

15.2.2b *Open space may accommodate stormwater management functions, natural, heritage, recreational and amenity values which should be considered as part of the design.*

15.2.2c *Public access, walkways and cycleways shall be maintained and enhanced within areas of open space, provided that adverse effects on the amenity, natural and heritage values of those areas are minimised.*

55. While increased pedestrian movements and passive recreation within Embassy Park will occur as a result of the proposal, the redevelopment of this space is not expected to significantly change the overall function of this open space or the general mix of activities it will accommodate.
56. As the proposal includes the installation of a section of 5m wide riverfront promenade along the eastern edge of the subject site, which will connect from Embassy Park and retain a connection to the existing lower-level promenade, public access through this open space will be maintained and enhanced.
57. Through the requirements listed in the recommended conditions of consent, the detailed landscape design for Embassy Park will ensure appropriate consideration of stormwater management and natural and heritage values.
58. While the construction of the support structures for the proposed screen within the riverside embankment will require the removal of some vegetation, the piled nature of the structure means the overall impact on natural and amenity values will be minimised.

Objective

15.2.3

Well designed and safe open space.

Policy

15.2.3a

Open space shall be designed and developed to ensure a safe physical environment by:

- i. Providing clear sightlines that maximise visibility of public areas, provided that natural values are not compromised.*
- ii. Achieving passive surveillance by having open space that is overlooked by surrounding development.*

15.2.3b

Buildings shall be of a design, bulk and scale that is compatible with the open space and the surrounding environment.

15.2.3c

Landscaping shall enhance the amenity of the open space and surrounding environment.

15.2.3d

Any car parking shall be integrated into the site without compromising the open space values and functions.

15.2.3e

Where possible, open space shall be accessible to all, including the disabled.

59. The introductory text within the proposal's architectural drawings (Attachment B to the AEE) provides an overview of how CPTED has been considered in the design for safety; including distributing entrances around the perimeter of the building to activate the area and reinforce the surveillance of Embassy Plaza and the river edge, and providing a ground floor interface with minimal accessible recessed or obscured areas.
60. In order to safely and efficiently facilitate the required movement of pedestrians, the proposed concept for redeveloped Embassy Park shows a large, flat plaza to the immediate north and west of the theatre building's frontage. In this respect, the proposed design of this open space area, alongside the theatre building, will provide clear sightlines.
61. It is noted that the proposed art gallery is located on the north-western corner of the subject site within a level 2 balcony, overlooking the Embassy Park; with commercial/hospitality tenancies to be provided at street-level. The design and inclusion of these uses in this location will provide passive surveillance overlooking this open space area.
62. To ensure Embassy Park is accessible to people of all levels of mobility and the landscaping enhances the amenity of the area, it is recommended that the detailed landscape design plan be required to specifically address these matters.
63. Further, it is noted that the only car parking provided on-site as part of the proposal will be within the basement area, accessed off Sapper Moore-Jones Place, with no direct impact on the open space zoned areas.

Objective

15.2.4

Open spaces are used and developed in a way that minimises adverse effects on the surrounding environment.

Policy

15.2.4a

Buildings, structures and activities shall be designed, sited, operated and maintained to address the potential adverse effects of visual intrusion, loss of sunlight and daylight, noise, glare, lighting and traffic.

15.2.4b *The amenity of the surrounding environment shall not be adversely affected by the scale of buildings or activities on open space.*

64. The buildings and structures proposed within Embassy Park will be limited to retaining walls and the promenade structure itself; with provision of a public toilet to be finalised within the detailed design. These structures are typical open space features which are generally consistent with the existing design and function of Embassy Park.
65. The revised design of the riverside promenade now shows this structure terminating to the north at Embassy Park at the northern edge of the subject site, with no continued connection to the north (past the 240 Victoria Street apartments). The boundary interface between this building and the Embassy Park/promenade area is now also shown as landscaped with buffer planting; addressing the potential for adverse visual intrusion effects on these residents.
66. Furthermore, as previously noted, the encroachment of the proposed screen structure into the embankment area is considered to be minor in scale and mitigated somewhat by the translucent design. When considering this, and the proximity and orientation of the nearby apartment building to the north-east, this structure within open spaces zone is not expected to result in adverse visual intrusion effects.
67. It is considered that the potential for adverse glare and lighting effects can be avoided through the imposition of the District Plan's applicable lighting standards as a condition of consent.
68. Mr McGregor has identified that the ongoing noise of people congregating within/moving through Embassy Park as a result of the proposal is not likely to exceed 60dB LAeq; which is considered to be a reasonable noise limit for the central city.
69. Adverse effects on the surrounding environment associated with the works within the open space zones (and construction of the proposal as a whole) such as noise and traffic movements will be temporary in nature and can be effectively managed through the provision of certified management plans as required within the recommended conditions of consent.

Natural Open Space Zone

Objective

15.2.5 *Activities within the Natural Open Space Zone are consistent with and contribute to the conservation and restoration of natural character.*

Policy

15.2.5a *Development and use of sites in the Natural Open Space Zone shall:*

- i. Support and protect landscape features, ecosystems, biodiversity and ecological links throughout the City.*
- ii. Minimise the number and scale of buildings.*
- iii. Contribute to the restoration of the health of the Waikato River through the retention of existing and creation of new esplanade reserves.*
- iv. Retain vegetation and large specimen trees.*

v. *Maintain or enhance indigenous vegetation and habitats.*

70. The proposed works within the Natural Open Space Zone (riverside embankment) are limited to that of constructing the support structures for the proposed screen and the associated removal of embankment vegetation.
71. These proposed works, viewed in isolation, are not consistent with the District Plan's policy direction for the zone which seeks the conservation and restoration of natural character through minimising the number and scale of buildings and retaining vegetation.
72. Notwithstanding this, the piled nature of the structure means the overall impact is minimised, with the scale of vegetation to be removed not expected to adversely affect ecosystems, biodiversity and ecological links, and mitigation replanting is proposed.

Destination Open Space Zone

Objective

15.2.9 *Provide high-quality open spaces that cater for a City-wide and regional catchment and accommodate a variety of uses and values.*

Policy

15.2.9a *Development and use of sites in the Destination Open Space Zone shall:*

- i. *Enable a range of high-quality recreational and community facilities and activities serving the City and region.*
- ii. *Ensure that buildings, structures and activities are designed, located and operated so adverse effects on the amenity of the open space and the surrounding environment are minimised.*

73. As previously assessed, the proposed use and redevelopment of Embassy Park is considered to be consistent with the purpose of, and policy direction for, the Destination Open Space Zone.
74. Given the details of redeveloped Embassy Park have not yet been finalised, a condition of consent is recommended requiring the applicant to provide a detailed landscape design plan (based on the concept design provided to date) to HCC's Parks and Recreation Unit for approval prior to works commencing to ensure the requirements of the conditions are addressed.

Objectives and Policies – Chapter 19: Historic Heritage

All Historic Heritage

Objective

19.2.1 *Significant buildings, structures, sites and items that define the City's historic heritage are identified and protected.*

19.2.2 *The heritage values of a diverse and representative range of natural, physical and cultural resources are protected.*

Policies

19.2.1a *The City's historic heritage shall be protected from the adverse effects of subdivision, use and development.*

- 19.2.1b *Ensuring that where features have been destroyed or damaged, the historical heritage values of these sites are recorded and recognised to ensure the historical legibility of Hamilton City.*
- 19.2.1c *Subdivision and development shall adhere to the conservation principles of International Council on Monuments and Sites (ICOMOS) being the New Zealand Charter (2010) for the Conservation of Places of Cultural Heritage Value where applicable.*
- 19.2.2b *The loss of heritage values associated with scheduled items shall be avoided.*

- 75. The former Hamilton Hotel is listed as a Category A historic building in Schedule 8A of the District Plan, recognising its value as part of Hamilton’s historic heritage.
- 76. The proposal involves the removal of a significant part of the former Hamilton Hotel building, including part of the rear section of the original 1923 section, the entire 1924 wing and the rear section of the 1929 extension along Victoria Street. This is acknowledged as an adverse effect on the City’s built heritage values which the District Plan seeks to avoid.
- 77. In response, the proposal makes provision to restore the existing Victoria Street façade of the hotel building. The conditions of consent recommended by Mr Pearson are considered to be required to provide certainty that this restoration occurs and the built heritage values of the former Hamilton Hotel building which is to be retained are protected.
- 78. To ensure the values of the site that will be destroyed are appropriately recorded and recognised, conditions of consent are recommended which will require initial full photographic survey, the preparation of a monthly report to provide an archival record of the works and ultimately the installation of a visual and written record of the subject site to be displayed in the new theatre, art gallery and hotel complex.
- 79. Provided the conditions recommended by Mr Pearson are imposed, the Conservation Plan for the proposal will be required to demonstrate how the works on the remaining section of the building are guided by the ICOMOS New Zealand Charter.

Buildings and Structures

Objective

- 19.2.3 *The heritage values of significant buildings, structures and their immediate surroundings are protected.*

Policies

- 19.2.3a *Demolition or relocation of buildings and structures ranked A in Schedule 8A shall be avoided.*
- 19.2.3c *Subdivision and development shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A.*
- 19.2.3d *Subdivision and development avoid any potential cumulative adverse effects on any building or structure listed in Schedule 8A*
- 19.2.3e *Heritage buildings and structures shall be used in a manner that ensures essential heritage qualities are not damaged or destroyed.*
- 19.2.3f *The design, materials and finish of any development shall be consistent with heritage values.*
- 19.2.3g *The continued use or adaptive reuse of any building or structure of identified heritage value shall be encouraged.*

- 19.2.3h *The site surrounding the heritage building or structure shall be protected to the extent that it contributes to the heritage value.*
- 19.2.3i *Encourage the strengthening of buildings in Schedule 8A to increase their ability to withstand future earthquakes while minimising the significant loss of associated heritage values.*

80. The proposal involves the removal of a significant part of the former Hamilton Hotel building, a Category A historic building, including part of the rear section of the original 1923 section, the entire 1924 wing and the rear section of the 1929 extension along Victoria Street; which is contrary to intent of Policy 19.2.3a.
81. As mitigation to this loss of built heritage value, it is proposed to restore the existing façade of the hotel building and incorporate this remaining component of the building into the overall design of the theatre facility. As noted by Mr Pearson however, currently there is limited detail on how this will be achieved.
82. Whilst it is acknowledged that the former Hamilton Hotel building is currently in a state of disrepair and that that majority of the internal heritage fabric of the hotel building has been lost through various redevelopments, there remains a number of items/features which have been assessed as 'exceptional' and 'considerable' heritage value within the application.
83. The conditions of consent in Attachment 1, including the requirement for a Conservation Plan and Restoration Plan, have been recommended by Mr Pearson to address his concerns and seek to ensure the proposal retains, protects and enhances the remaining heritage values of the building and that the final design, materials and finish are consistent with these values.
84. The proposed use of the restored building as a hotel with commercial/hospitality tenancies at street-level is considered to be appropriate, with these uses being consistent with the former and current uses of the site.
85. To ensure the values of the site that will be destroyed are appropriately recorded and recognised, conditions of consent are recommended which will require initial full photographic survey, the preparation of a monthly report to provide an archival record of the works and ultimately the installation of a visual and written record of the subject site to be displayed in the new theatre, art gallery and hotel complex.
86. In addition to the partial removal of the Category A historic building, the removal of the associated buildings, the former gardens and three significant trees within the subject site will result in an adverse loss of heritage values associated with the former Hamilton Hotel.
87. Whilst the existing façade of the hotel building will be retained, the effective restoration of this remaining part of the building in a manner that is consistent with the building's values is considered to be required to mitigate for loss in connection between the building and its setting, and the sense of identity from where it originally evolved.

88. As the need for seismic strengthening of the building has been identified by the applicant but the layout and detail of this work is yet to be defined, it is recommended that a methodology for incorporating any seismic upgrading work be a requirement of the Conservation Plan.

Archaeological and Cultural Sites

Objective

- 19.2.4 *Significant archaeological and cultural sites shall be protected from damage or destruction.*

Policies

- 19.2.4a *Subdivision, use and development shall be managed to avoid damage to archaeological and cultural sites where they exist, or are likely to exist.*
- 19.2.4b *The protection and management of sites of archaeological and cultural significance shall be informed by their significance.*
- 19.2.4c *Activities or development shall not adversely affect the physical structure and integrity of scheduled sites. This may include:*
- i. Inappropriate planting,*
 - ii. The removal of vegetation where it affects the stability of the site, and*
 - iii. Addition, excavation or compaction of any soil, rock or other materials.*
- 19.2.4d *The relationships of tangata whenua with sites of spiritual, cultural or historical significance shall be recognised and provided for.*
- 19.2.4e *Where features of significant cultural sites are lost, these features should be recorded and recognised through on-site marking to ensure the historical legibility of Hamilton City.*

89. The subject site is identified as a significant archaeological site under the Hamilton City Council District Plan [Group 2 (A123) (Hua O Te Atua Urupa)].
90. The Archaeological Assessment state the design of the proposal has considered the location of this archaeological site in the south-eastern corner of the subject site, with a significant portion of the Urupa avoided. The proposed screen structure will also utilise piles, minimising the impact on the ground in this area.
91. Whilst an archaeological authority has not yet been obtained, an AMP has been prepared and it is understood the applicant has sought this authority under the provisions of the HNZPTA. Ms Simmons supports the mitigation of effects through archaeological data recovery based on an AMP; including obtaining and complying with the conditions of an archaeological authority based on the legal requirements of the HNZPTA.
92. The relationships of tāngata whenua with this Urupa site has been recognised and provided for in the form of the Assessment of Maori Values.
93. The Archaeological Assessment recommends interpretive panels/design features that reflect the history of the site and any archaeological remains recovered be considered. As noted in her assessment, Ms Simmons strongly supports the use of interpretive panels, design features, and other types of public information methods that commemorate the

history of the site and as such this is reflected within the recommended conditions of consent.

Objectives and Policies – Chapter 20: Natural Environments

Significant Trees

Objective

20.2.3 *The values of significant trees are protected and maintained.*

Policies

20.2.3a *The particular factors, values and features of trees listed in Schedule 9D shall be protected from inappropriate subdivision, use and development, by assessing:*

- i. The need for emergency removal.*
- ii. The extent that any proposed maintenance will adversely affect the health of the tree.*
- iii. The character of the area in which the tree is located, including streetscape and public realm areas.*
- iv. The potential adverse effects on the health of the tree.*
- v. The nature and extent of any proposed activities to be undertaken within the root protection zone of the tree.*
- vi. The extent to which the removal, re-location, or trimming can be mitigated by replacement planting. Where the removal of significant trees cannot be avoided, any loss of value must be appropriately remedied or mitigated.*

20.2.3b *Scheduled trees within established urban areas shall be removed or transplanted only under exceptional circumstances, and where alternative options for the retention of the tree have been exhausted.*

20.2.3d *Any work on a scheduled tree, or work within the root protection zone of any scheduled tree shall not adversely affect the values of the tree, having regard to the reasons for the tree's scheduling.*

20.2.3e *Before undertaking any activity that adversely affects a tree identified in Schedule 9D:*

- i. Alternatives shall be considered and evaluated.*
- ii. Recommendations from a suitably qualified practitioner (e.g. arborist) should be sought.*

20.2.3f *Ongoing care and maintenance of scheduled trees shall be undertaken.*

94. The proposal involves the removal of three significant trees within the subject site and the retention of two significant trees.
95. As noted in his assessment, Mr Sirl acknowledges that due to its current state, it would be difficult to justify the retention of Norfolk Pine 16.2 in this instance. He does however, consider there are no specific arboriculture reasons that would necessitate the removal of Southern Magnolia trees 16.4 and 16.5.
96. While Southern Magnolias and Norfolk Pine are common exotic trees, the loss of these significant trees and their associated amenity values is contrary to the intent of the District Plan.

97. The AEE's assessment of the applicable District Plan provisions concludes that due to their deteriorating health, the scheduled trees to removed could not be sustained and that retaining them would pose a safety risk; with no specific comment provided on how, if possible, the proposal could have been re-designed to successfully accommodate these scheduled trees in light of their current health.
98. Mr Sirl considers Norfolk Island 16.1 and Bunya Pine 16.3 (proposed to be retained) to be significant examples of the species which are very much worthy of their scheduled status and subsequently the upmost protection.
99. To incorporate the retained significant trees within the proposed screen structure, pruning of the lateral branches will be required. Such modifications, in the view of Mr Sirl, could be detrimental to the visual amenity value of the trees; which is also is contrary to the intent of the District Plan.
100. The applicant's proposed TPMP conditions of consent will require a range of practicable steps to be taken to protect the two trees during construction and provide ongoing care and maintenance. While Mr Sirl considers that these conditions will definitely assist in minimising the effects upon the retained scheduled trees; there remains uncertainty around their long-term viability and health.
101. For the reasons outlined within Section 11.5 of this report and above, it is considered that overall the proposal is contrary to the relevant objectives and policies of Chapter 20.

Objectives and Policies – Chapter 21: Waikato River Corridor and Gully Systems

Objective

- 21.2.1 *The ecological, amenity, landscape and cultural values of the river corridor and gully system are restored and protected.*
- 21.2.2 *The river corridor and gully system is used in a way that recognises and is sensitive to its social, cultural, spiritual and historical character.*

Policies

- 21.2.1a *An integrated, holistic and co-ordinated approach to management shall be used to protect, enhance and restore the natural, physical, cultural and historical resources and character of the river corridor and gully system.*
- 21.2.1b *Development and activities that impact on landform shall be controlled, particularly the:*
- i. Clearance of vegetation along the river and gullies.*
 - ii. Filling of gullies, including the cumulative effects of such incremental filling.*
- 21.2.1d *The relationship of Waikato-Tainui with the Waikato River shall be restored and protected.*
- 21.2.1e *The relationships of the Waikato Region's communities with the Waikato River shall be restored and protected.*
- 21.2.1f *The loss or disruption of corridors or connections provided by the Waikato River corridor and gully systems which link indigenous ecosystems and habitat fragments shall be avoided.*
- 21.2.1g *The connectivity and protective buffering of indigenous ecosystems provided by the Waikato River Corridor and gully system shall be maintained*

- 21.2.2b *The river corridor and gullies shall be used for sporting, recreation and cultural opportunities.*
- 21.2.2c *Building designs should suit the wider site context, and shall consider:*
 - i. Surrounding natural characteristics.*
 - ii. The cultural significance of the surrounds.*
 - iii. Whether opportunities exist to create an iconic feature that enhances the character of the locality.*
- 21.2.2f *Public access to and along the river corridor and gully systems shall be promoted.*
- 21.2.2g *The drainage function of the gully systems shall not be compromised*

102. As noted in the assessment of Chapter 20 above, the proposal is expected to result in a loss of amenity values for the immediate area through the removal of three significant trees located on the eastern side of the subject site adjacent to the Waikato River Corridor.
103. Notwithstanding this, mitigation replanting is proposed by the applicant and the scale of vegetation to be removed overall is not expected to significantly affect the ecological and landscape values of the wider river corridor and gully system.
104. It is considered the proposed framework for ongoing engagement with mana whenua can assist with achieving the restoration and protection of the relationships of Waikato Tainui with the Waikato River and ensuring the development and construction of the proposal occurs in a way that recognises and is sensitive to its cultural, spiritual and historical character.
105. The improved visual and physical connections between the central city and the river to be provided by the proposal can also contribute to the restoration and protection of the relationships of the Waikato Region's communities with the Waikato River.
106. By integrating with the riverside open space area to the east and largely avoiding direct impacts on the schedule Urupa site, it is considered the proposal suits its wider context and has taken into account the cultural significance of the surrounds.

Objective

- 21.2.3 *The river corridor is a key focus for tourism and events.*

Policies

- 21.2.3b *Strong visual and physical connections shall be provided between the Central City and the river.*

107. By providing a new, high-quality 1,300 seat Waikato Regional Theatre which will be able to host a range of events, the proposal is expected to become a key attractor within the river corridor of central city.
108. As previously noted, the proposal will provide improved visual and physical connections between the central city and the river corridor.

Objectives and Policies – Chapter 22: Natural Hazards

Objective

- 22.2.1 *Manage activities to avoid or mitigate adverse effects on, and minimise risk to:*
- *People;*
 - *Property; and*
 - *The environment,*
- from natural hazards, in order to increase community resilience, reduce the risks from natural hazards, and support effective and efficient response and recovery from natural hazard events.*

Policies

- 22.2.1a *Subdivision, use and development shall be managed to reduce the risks from natural hazards to an acceptable level, including by:*
- i. Ensuring risk and likely effects are assessed for new activities on land subject to natural hazards.*
 - ii. Reducing the risk to which existing use and development is exposed to tolerable or acceptable levels where these risks are considered unacceptable.*
 - iii. Controlling new use and development in areas subject to significant natural hazards to ensure that the natural hazard risk does not exceed acceptable levels.*
 - iv. Taking a precautionary approach by minimising the vulnerability of new development adjoining natural hazard areas.*
 - v. Recognising that sites may be subject to multiple hazards and the potential cumulative effect this may create.*
 - vi. When mitigation options are being considered in response to unacceptable hazard risks, giving priority to the use of non-structural solutions over new construction of natural hazard protection works or structures.*
 - vii. Recognising, maintaining or enhancing the role of natural features to avoid or minimise natural hazards.*
 - viii. Ensuring new activities do not create new or exacerbate existing natural hazards.*
 - ix. Having regard to the actual or potential effects of climate change on the occurrence or severity of natural hazards.*
 - x. Recognising that providing for redevelopment resulting in an increased level of development on site may create opportunities to reduce the overall level of existing risk.*
- 22.2.1l *New use and development which is vulnerable to the adverse effects of land instability shall avoid the Waikato Riverbank and Gully Hazard Area, where the adverse effects and risks have not been minimised to an acceptable or tolerable level.*
- 22.2.1m *New use and development which is resilient to the adverse effects of land instability shall be provided for in the Waikato Riverbank and Gully Hazard Area.*

109. A portion of the subject site's north-eastern edge is identified within the District Plan as being subject to the District Plan's Waikato Riverbank and Gully Hazard Area. This hazard area acknowledges that the slopes and soil types of the Waikato Riverbank and Gully systems potentially make these areas more susceptible to land instability.

110. The geotechnical risks to the proposal of liquefaction, subsidence and slope instability were assessed by CMW within their reports supporting the AEE, and these have been reviewed by Mr Brzeski who considers that overall the site appears to be suitable for the construction of the proposed development.
111. It is considered the potential for adverse effects on people, property and the environment as a result of the proposal can be managed through the implementation of Mr Brzeski's recommended conditions of consent.

Objectives and Policies – Chapter 25.2.2: Earthworks and Vegetation Removal

Objective

25.2.2.1

Minimise the adverse effects of earthworks and vegetation removal on people, property, and the environment

Policies

25.2.2.1a

Earthworks and vegetation removal shall occur in a way that:

- ~~i. Maintains natural character and amenity values by retaining~~ Minimising adverse effects on existing landforms, natural features and significant vegetation.*
- ii. Maintains natural processes and features including natural drainage patterns and streams.*
- iii. Does not create new, or exacerbate existing natural hazards.*
- iv. Minimises adverse effects on land and water, especially effects such as erosion and sedimentation.*
- v. Creates practicable building sites, efficient use of land and infrastructure, ensures effective stormwater flow paths, and a safe living and working environment.*
- vi. Minimises dust, noise, and runoff.*
- vii. Adopts a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River and, in particular, those effects that threaten serious or irreversible damage to the Waikato River.*
- viii. Maintains or enhances riparian vegetation on the margins of natural watercourses and wetlands.*

112. The majority of earthworks required for the proposal will occur within the site itself to create the required building platform; thereby minimising adverse effects on existing landforms and natural features.
113. Based on the methodology information provided by the applicant and the conditions of consent proposed, it considered the adverse effects from earthworks of dust, erosion and sedimentation can be minimised. As noted in his assessment, Mr Smith is also supportive of the applicant's proposed construction management plan conditions.
114. While the construction of the support structures for the proposed screen within the riverside embankment will require the removal of some vegetation, the piled nature of the structure means the overall impact on natural and amenity values will be minimised. Mitigation planting is also proposed.

Objectives and Policies – Chapter 25.6.2: Lighting and Glare

Objective

25.6.2.1 *An environment free from the adverse effects of intrusive lighting.*

Policies

25.6.2.1a *Ensure that light spill and glare do not detract from the amenity values of other properties, compromise traffic safety, or have a negative effect on people's health and general welfare.*

115. It is considered that the potential for adverse glare and lighting effects can be avoided through the imposition of the District Plan's applicable lighting standards as a condition of consent.

Objectives and Policies – Chapter 25.8.2: Noise and Vibration

Objective

25.8.2.1 *Activities have minimal adverse noise and vibration effects on other activities and sites, consistent with the amenity values of the receiving environment*

Objective

25.8.2.2 *Reduce reverse-sensitivity effects arising from new noise-sensitive activities locating:*

i. Within the Central City, Business, Industrial, Te Rapa North Industrial, Ruakura Logistics and Ruakura Industrial Park Zones.

Policies

25.8.2.1a *The amenity values of the surrounding neighbourhood and adjoining activities, especially noise-sensitive activities, shall be protected from the effects of unreasonable noise.*

25.8.2.1b *Construction, maintenance and demolition activities shall be required to minimise potential adverse effects on the surrounding neighbourhood and adjoining activities.*

116. Mr McGregor has sought, through recommended conditions of consent, assurances that the operation of the proposal will be able to comply with the applicable noise limits identified within the Acoustic Report.
117. Amendments to the applicant's proposed CNVMP conditions have also been recommended to provide certainty in relation to the management of noise and vibration generating construction activities.
118. When considering the receiving environments and the recommended measures, overall the proposal is not expected to result in unreasonable noise.

Objectives and Policies – Chapter 25.13.2: Three Waters

Objective

25.13.2.1 *Water resources are protected from the adverse effects of subdivision and development*

25.12.2.2 *Measures to facilitate the efficient use of water resources are incorporated into new subdivision and development.*

Policies

- 25.13.2.1a *Subdivision and development is located and designed to minimise adverse effects on ground and surface water resources, particularly the life-supporting capacity of water bodies and their riparian margins.*
- 25.13.2.1b *Subdivision and development on the margins of natural watercourses and wetlands should be located and designed to maintain, and where possible enhance:*
- i. Riparian margins.*
 - ii. Water quality.*
 - iii. Water resources.*
 - iv. Aquatic habitats.*
- 25.13.2.2a *Water-sensitive techniques are incorporated into new subdivision and development to reduce demand on water supplies, wastewater disposal and to manage stormwater*

119. The implementation of erosion and sediment control measures during construction/earthworks will manage runoff from the subject site; protecting the Waikato River.

120. Further, the proposal includes the installation of a stormwater treatment system (via a proprietary device) where currently no stormwater treatment is provided on the subject site.

Objective

- 25.13.2.3 *Three Waters infrastructure is provided as part of subdivision and development, and in a way that is:*
- *Integrated*
 - *Effective*
 - *Efficient*
 - *Functional*
 - *Safe*
 - *Sustainable*

Policies

- 25.13.2.3a *All subdivision and development provides integrated Three Waters infrastructure and services to a level that is appropriate to their location and intended use.*
- 25.13.2.3e *Three Waters infrastructure is designed and constructed to:*
- i. Minimise the effects of urban development on downstream receiving waters and groundwater.*
 - ii. Ensure that the capacity, efficiency and sustainability of upstream and downstream infrastructure will not be compromised.*
 - iii. Facilitate access, maintenance and operational requirements.*
 - iv. Cater for the potential effects of climate change.*
 - v. Ensure appropriate standards of public health, safety and amenity.*
 - vi. Ensure that surface water runoff is appropriately managed in accordance with the following drainage hierarchy.*
 - 1. Retention for reuse.*
 - 2. Soakage techniques.*
 - 3. Detention and gradual release to a watercourse.*
 - 4. Detention and gradual release to stormwater reticulation.*
- 25.13.2.3f *Stormwater management techniques are designed and constructed to:*

- i. Maintain or improve the quality of stormwater entering the receiving environment.*
- ii. Avoid or mitigate off-site effects from surface water runoff.*
- iii. Sustainably manage the volume and rate of discharge of stormwater to the receiving environment.*

25.13.2.3g *Water supply infrastructure is designed and constructed to meet consumption, hygiene, water-sensitive design and firefighting requirements.*

121. As noted in the assessment prepared by Mr Smith, it is considered that the effects of the proposal on three waters infrastructure can be adequately mitigated by imposing the recommended conditions of consent.

Objectives and Policies – Chapter 25.14.2: Transportation

Objective

25.14.2.1 *An integrated multi-modal transport network that meets national, regional and local transport needs and is:*

- *Responsive*
- *Efficient*
- *Affordable*
- *Safe*
- *Accessible*
- *Sustainable*
- *Integrated with land use*

Policies

25.14.2.1d *The design, location and quantity of parking infrastructure is managed in a way that:*

- i. Provides for special design requirements of transport network users.*
- ii. Minimises adverse effects arising from an over- or under-supply of parking.*
- iii. Minimises adverse safety and efficiency effects on the transport network.*
- iv. Maximises opportunities for the efficient use of existing parking infrastructure.*
- v. Trips by active modes and passenger transport are encouraged through integration with travel demand management and passenger transport options.*

25.14.2.1e *Adverse effects of subdivision, use and development activities on the transport network are avoided or minimised with particular regard to:*

- i. Connections to, and integration with, the transport network.*
- ii. Reverse-sensitivity effects of land uses sensitive to adverse transport effects (e.g. noise).*
- iii. Promoting streetscape amenity.*
- iv. Ensuring performance, condition, safety, efficiency and long-term sustainability and affordability of the transport network.*
- v. Ensuring trips by active modes and passenger transport are encouraged through integration with travel demand management and passenger transport options.*
- vi. Protection of strategic and arterial transport networks, including associated intersections.*

25.14.2.1f *Integrated Transport Assessments shall be required for new subdivision, use or development of a nature, scale or location that has the potential to generate significant adverse transportation effects.*

122. An Integrated Transport Assessment (ITA) (Attachment G to the AEE) was prepared by Flow Transportation Specialists to support the proposal as required by the District Plan.
123. As noted by Mr Black, the subject site is well connected to existing cycle, pedestrian and passenger transport networks. A condition of consent requiring a Travel Demand Management Plan to be made available to patrons and staff is considered to assist in promoting the usage of active modes of transport.
124. It is noted that the District Plan does not require any car parking to be provided for developments within the city centre, and that the only car parking proposed to be provided on-site as part of the proposal (6 spaces) will be within the basement area, accessed off Sapper Moore-Jones Place. Whilst the indicative location and quantity of parking is acceptable, Mr Black recommends a condition of consent is imposed requiring the detailed design of the basement car park area and associated access ramp is provided to HCC for certification prior to construction.
125. Given the potential for adverse effects on the performance, safety and efficiency of the adjoining transport networks, both during construction and once operational, a suite of conditions has been proposed by the applicant to manage the proposal. This will include the requirement for temporary traffic management before, during and after events and when certain heavy vehicle movements occur.
126. Mr Black has identified some areas of concern around the proposed design and how management of the proposal will be undertaken. However, subject to the imposition of the recommended conditions of consent it is expected that the transportation effects of the proposal can be managed to an acceptable level.

Objectives and Policies – Chapter 25.15.2: Urban Design

Objective

25.15.2.1 *Urban environments that promote the retention and enhancement of urban amenity values, i.e. pleasantness, aesthetics, coherence, cultural and recreational values:*

25.15.2.2 *Urban environments that promote a positive sense of place and are reflective of the characteristics of the surrounding local environment.*

Policies

25.15.2.1a *Streetscape quality, public open spaces and pedestrian amenity are improved through appropriate streetscape and built-form which enhances the appearance, functionality, comfort and safety of the pedestrian environment.*

25.15.2.1b *Built form and public amenity features, including public art, are encouraged to enhance public awareness of historic and contemporary heritage and culture.*

25.15.2.2a *Development within residential, business and City living areas is encouraged to promote a sense of human scale.*

25.15.2.2b *Development will be expected to respond positively to the character of the area, the scale and proportion of buildings and spaces in which it is situated.*

- 25.15.2.2c *Public and private development is encouraged to provide for attractions or focal points (including 'gateways') that assist in enhancing community identity.*
- 25.15.2.2d *Sympathetic, contemporary design responses to cultural and heritage character within the surrounding local environment is encouraged.*
- 25.15.2.2e *Distinctive architectural styles within identified character areas are retained.*

127. The proposal, located in a central city, urban location, involves a comprehensive redevelopment of the subject site and its surrounding environment; including the adjoining open spaces and road areas.
128. Mr Hattingh notes within his assessment that the design provides for improved and upgraded pedestrian links through and around the site. In combination with the activation of the area by the focal point of the theatre and other associated uses, the proposal will provide improved opportunities for passive surveillance which is positive in terms of perceived personal safety.
129. He also considers that locating the taller elements of the theatre towards the centre of the site will help in maintaining the character and human scale along Victoria Street.
130. Overall it is considered the proposal responds positively to its context and will contribute to a safe and good quality urban environment.
131. It is noted that Embassy Park, which is to be redeveloped as a result of the proposal, currently includes existing public art and associated features that relate to Riff Raff and the former Embassy Theatre. Given the final details of the redevelopment are not yet known, the recommended conditions of consent requiring a detailed landscape design plan for Embassy Park include details of public art (including the Riff Raff statue) and the incorporation of cultural and social narrative.
132. Subject to the implementation of the recommended built heritage conditions of consent, the proposal will also involve the successful restoration and retention of the façade of the former Hamilton Hotel building. This will not only improve the overall streetscape quality but also enhance public awareness of the building's historic heritage values.

Objective

- 25.15.2.3 *Continued enhancement of public and personal safety throughout the City, by reducing opportunities for crime to occur*

Policies

- 25.15.2.3a *The assessment of and appropriate responses to Crime Prevention Through Environmental Design (CPTED) principles is required within subdivision and development proposals, to reduce threats to personal safety and security and to promote the delivery or development of environments where people feel safe.*
- 25.15.2.3b *The concepts and philosophy of CPTED are included in the Council's design, planning, management and use of public space and community facilities.*

133. The introductory text within the proposal's architectural drawings provides an overview of how CPTED has been considered in the design, including distributing entrances around the perimeter of the building to activate the area and reinforce the surveillance of Embassy Plaza, Victoria Street, Sapper Moore-Jones Place, and the river edge and creates a simple regular ground floor interface with its surroundings with minimal accessible recessed or obscured areas.
134. Mr Hattingh concurs that the proposal will provide improve opportunities for passive surveillance; which is a key concept of CPTED.
135. The recommended conditions of consent include the requirement for the applicant to provide a detailed landscape design plan for Embassy Park, including details of a CPTED analysis.