

Parks and Open Spaces

To: Andrew Cumberpatch - Planning Guidance Unit

From: Jennifer Parlane - Parks and Open Spaces

Subject: Parks and Recreation Unit Comments on Land Use Consent Application

Date: 22 August 2019 File: 2018/10143

Applicant	Waikato Regional Theatre Governance Panel	
Agent	Tattico Ltd.	
Address	170 – 206 Victoria Street, Hamilton	
Proposal	Construct a new theatre building adjacent to public open space	
District Plan	Zone	Central City Zone Destination Open Space Zone Natural Open Space Zone
	Overlays	Waikato River and Gully Hazard Area Waikato River Bank Stability Area Significant Trees - 16.1, 16.2, 16.3, 16.4, 16.5 Significant Archaeological site - Group 2 Built Heritage – A Ranking (No. 36) Flood Hazard Subcatchment Boundary
Parks & Open Spaces Considerations	<p>The Parks and Recreation Unit (P&R) have been requested to provide comment on the proposal in relation to the Open Space Zones, in particular Embassy Park and the riverbank.</p> <p>Application Land use consent is sought by the Waikato Regional Theatre Governance Panel for the establishment of the Waikato Regional Theatre at 170-206 and 208-218 Victoria Street, Hamilton Central.</p> <p>The proposal includes a 1,300-seat auditorium and associated theatre facilities, conference centre, hotel and other retail/hospitality tenancies, as well as the redevelopment of Embassy Park, including construction of a riverfront promenade and associated enabling works. The proposal is a non-complying activity.</p> <p>The proposal includes the retention of two Scheduled Trees and the removal of three. Council's appointed Arborist has assessed the application in relation to the Scheduled Trees.</p> <p>In relation to open space, the proposal requires the following:</p> <ol style="list-style-type: none"> a. Works within Embassy Park (Destination Open Space Zone) to create a large plaza and level access to the Theatre's main entrance as well as access to the riverfront promenade. Works include the removal of all existing trees and public toilet, and the addition of park furniture and landscaping; 	

- b. Construction works, vegetation clearance and remedial planting (the full extent of which has not yet been defined) within the Natural Open Space Zone and Waikato Riverbank and Gully Hazard Area to install structures and foundations that support the Theatre's external illuminated screen; and
- c. A 5m wide riverfront promenade extending along the Theatre's eastern building edge, from Sapper Moore-Jones Place to the northern boundary of Embassy Park, which will include works within a Group 2 Significant Archaeological Site and the Waikato Riverbank and Gully Hazard Area.

Assessment

The Developed Design Report (dated December 2018) provides an update on the proposal's key design elements but plans for Embassy Park and the upper level Riverfront Promenade do not appear to have been completed (see page 13 of the AEE).

Although references on the plans suggest Embassy Park and the Riverfront Promenade are excluded as 'Separate Contract' and 'Not in Scope', information received via email on 14 August 2019 also confirms:

"The promenade and Embassy Plaza upgrade works are also expected to be delivered in this period [commence end of 2019, completion expected in 2021], however specific details on how these aspects of the development will be delivered have yet to be confirmed following discussions between the applicant and the Hamilton City Council".

In our view, Embassy Park and the Riverfront Promenade cannot be separated from the Theatre, given its success is dependent on them.

Embassy Park

At this stage, the designs submitted for Embassy Park and the upper-level Riverfront Promenade should be regarded as conceptual only and will need to be further developed to ensure they are both functional and appropriate.

P&R require at this stage a more detailed concept plan, as well as subsequent detailed design plans, which clearly demonstrate the form and function of Embassy Park will:

- a) Provide for activities that complement the functions and values of the Embassy Park and the surrounding environment, including provision of a public toilet.
- b) Accommodate a range of functions where appropriate.
- c) Accommodate stormwater management functions, natural, heritage, recreational and amenity values.
- d) Maintain and enhance public access, walkways and cycleways between Victoria River and the river path, provided that adverse effects on the amenity, natural and heritage values of those areas are minimised.
- e) Be designed and developed to ensure a safe physical environment by providing clear sightlines that maximise visibility of public areas, provided that natural values are not compromised; and achieve passive surveillance by having open space that is overlooked by surrounding development.
- f) Provide landscaping that enhances the amenity of the open space and surrounding environment.

- g) Be accessible to all, including the disabled.
- h) Not have an adverse impact on the wider community use and enjoyment of the space.

It is also unclear from the information provided:

- Whether a feasible connection from Embassy Park down to the existing river path and reserve can be achieved as a result of the change in ground levels across Embassy Park. The proposal appears to show the removal of the existing link down to the lower-level Riverfront Promenade;
- What quantity of earthworks and change in levels within Embassy Park is required, whether retaining walls are required, and what the resultant impact on the park and adjoining properties will be;
- Whether the effects from removing some of the existing infrastructure will be addressed;
- How the works to Embassy Park will be delivered by applicant.

Should consent be granted, P&R would anticipate that further information would be provided early in the project's subsequent design phases and prior to construction.

Works within the Natural Open Space Zone

There is uncertainty about whether the structures and foundations required for the illuminated screen will result in vegetation clearance in the Natural Open Space Zone and Waikato River and Gully Hazard Area.

The encroachment licence being prepared by the HCC's Transport Unit is a separate process with separate considerations.

If approved, we would anticipate a detailed landscape plan showing areas of earthworks, construction methodology, vegetation removal to be submitted and that, depending on this being required, a mitigation and maintenance plan submitted to P&R as a condition of consent.

Riverfront Promenade connection

The application proposes a 5m wide continuous boardwalk linking Sapper Moore-Jones Place to the northern boundary of Embassy Park. The Riverfront Promenade is shown as consistently flat and at a level of 35m.

The portion of Riverfront Promenade included within the application is part of a wider network of paths along the riverfront. Council prepared the River Plan Cultural Precinct Masterplan (dated 16 August 2018) to comprehensively coordinate the location and possible delivery of the path network. The masterplan identified the levels for the subject section of boardwalk at 34.5m down to 32.5m at the Embassy Park landing.

Council also obtained land use consent (2017/9434) in 2017 to construct a portion of boardwalk to connect Victoria on the River with Embassy Park. The level of the boardwalk at the Embassy Park landing are at 29.6m.

Rule 7.4.4g(i)(1) of the District Plan requires, in order to obtain a building height bonus, the provision of a riverfront promenade for public use. We note the applicant is required to deliver this as part of the proposal and at its cost.

Prior to the issuing of the consent, the proposal should respond to existing plans for the river path network between the subject site and Victoria on The River and demonstrate that a future connection is viable and can meet relevant standards.

	<p>Furthermore, the proposal must enable and not undermine the feasibility of expanding the river path network in the future.</p>
<p>Recommendations</p>	<p>Having reviewed the proposal, P&R requests the following conditions and advisory notes be included in any granted resource consent (should that occur):</p> <p><u>Draft Conditions</u></p> <p>Embassy Park</p> <ol style="list-style-type: none"> 1. Prior to the commencement of works within Embassy Park, a detailed landscape plan for Embassy Park shall be submitted to Council for approval by the Manager – Parks and Recreation Unit, or their nominee. <p>The plan shall include, but not be limited to:</p> <ol style="list-style-type: none"> a. The proposed site levels; b. Pedestrian connections to the existing lower river path; c. Future pedestrian and cycling connections to the upper Riverfront Promenade; d. A plan of the planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting. e. A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme. f. the extent, materiality and finished levels of paving; g. the location, materiality, height and design of fencing and retaining walls; h. the details of drainage, soil preparation, tree pits, staking, irrigation; i. the construction details of all hard landscape elements, park furniture and public art (including paving, lighting, seating, bike racks, drinking fountains, bins, the Riff Raff sculpture etc). j. An irrigation system k. CPTED analysis l. Public toilet m. Incorporation of cultural and social narrative <p>These plans shall be supported by specifications that describe in a written form the more specific technical landscape matters such as quality of materials.</p> <ol style="list-style-type: none"> 2. Maintenance hand over to Council 3. Prior to the commencement of works within Embassy Park, an earthworks plan and construction methodology for Embassy Park shall be submitted to Council for approval by the Manager – Parks and Recreation Unit, or their nominee. <p>Natural Open Space Zone</p> <ol style="list-style-type: none"> 4. Prior to undertaking works within the Natural Open Space Zone, a detailed landscape plan shall be submitted to Council for approval by the Manager – Parks and Recreation Unit, or their nominee. <p>The landscape plan shall:</p> <ol style="list-style-type: none"> a. identify areas of vegetation removal

- b. identify areas for proposed planting
- c. Planting plan (including species, size at planting and methodology).

5. At no time shall any tracking of any machinery, storage of materials, stockpiling of spoil, excessive foot traffic, or other contamination occur within the Council reserve.

Street Trees

6. Prior to the undertaking of any construction works Street Trees shall have temporary protective fencing erected to the satisfaction of the Manager, Parks and Recreation Unit, or nominee. Any protective fence shall remain for the duration of the approved construction works.

7. Any damage to Street Trees that requires remedying or replacement will be at the cost of the consent holder. Damage must be remedied to the satisfaction of the Manager, Parks and Recreation Unit, or nominee.

Advice Notes

- a. The design, construction and maintenance of the landscaping and planting should be in accordance with Section 7 of the Hamilton City Council Infrastructure Technical Specifications requirements.
- b. No approval is given for any pruning or trimming of existing Street Trees. Any works required regarding existing Street Trees will require prior approval from Manager, Parks and Recreation Unit, or nominee.