

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

IN THE MATTER of the Resource Management Act
1991 (**RMA**)

AND

IN THE MATTER of an application for resource
consent for the redevelopment of the
former Hamilton Hotel building at 170
Victoria Street, Hamilton CBD.

**STATEMENT OF EVIDENCE OF KELVYN JAMES EGLINTON
ON BEHALF OF THE APPLICANT**

(Project Overview, Vision and Direction)

1 October 2019

1. QUALIFICATIONS AND EXPERIENCE

- 1.1** My full name is Kelvyn James Eglinton. I am the Chief Executive at Momentum Waikato Community Foundation.
- 1.2** I hold a Bachelor of Parks and Recreational Management from Lincoln University and have held numerous senior management roles in both community and local government agencies and within International Community Development in the mining sector across Asia Pacific.
- 1.3** I have been involved in several large Community Development projects previously, including the Rotorua International Stadium development, Omanu Beach Club house development, and am on the board of the Waipa Community Facilities Trust (Go Waipa) and the Hamilton Gardens Project Governance Group. Additionally, I have lead engagement and access negotiation projects related to mining projects in New Zealand, Australia, Indonesia, Papua New Guinea and as such have extensive expertise in Corporate Social Responsibility and engagement programmes.
- 1.4** As CEO of Momentum Waikato, I have been involved as Project Director within this project intimately since 2018 by leading the fundraising efforts, community engagement, local and central governments negotiations and engagement with iwi and mana whenua.

2. SUMMARY OF EVIDENCE

- 2.1** I have been asked to provide evidence in relation to the background and rationale of the Waikato Regional Theatre project (**Project**), the engagement to date and the Project's benefits to the Waikato region.
- 2.2** I have read the submissions received on the application and the Council Report.
- 2.3** My evidence will address the following aspects of the resource consent:
- a) Rationale for the project and its role and importance to the community.
 - b) Post-submissions consultation; and
 - c) Conclusion.

2.4 The Project is described in detail in the Application documents and the evidence of Mr David Pugh. However, from my point of view, the key elements of the Project are:

- a) The Project provides a transformational opportunity to reinvigorate the Hamilton Central Business District;
- b) Fulfils the need for a modern performing arts facility to replace the Founders Theatre; and
- c) Is the catalyst for a change in tourism offerings that aligns to key strategic documents including the Hamilton Waikato Tourism - Tourism Opportunities Plan, Te Waka Programme Development plan, and Hamilton City Council Hotel demand assessment. It is the impetus for the development of associated accommodation infrastructure supporting the tourism sector opportunities and plans of the City River Plan and Central City Transformation plan.

3. THE RATIONALE FOR THE PROJECT

3.1 In March 2016, Hamilton City Council closed the Founders Theatre due to health and Safety concerns associated with the fly tower and structural integrity.

3.2 After the closure, Creative Waikato in partnership with Hamilton City Council (**Council**) engaged in discussions with the Hamilton community (April – May 2016) to consider three options for the Founders Theatre: to refurbish, to rebuild on site, to build at a new location.

3.3 Public consultation determined that if the Council's contribution could be capped, then the community would prefer a new facility built over restoration of the existing theatre.

3.4 A Redevelopment Single Stage Business case in February 2016 noted that the Founders Theatre was well short of standards expected by national touring circuit performing acts and was negatively impacting the regions ability to attract productions. The same business case showed that patronage of the Founders Theatre had been decreasing over time from 107,000 patrons during 2008/09, to slightly over 63,000 in 2014/15. Whilst there are various reasons for this decline, the ability to attract key performing acts due to Founders suboptimal standards was a key factor.

- 3.5** In July 2016, Momentum Waikato Community Foundation offered to take a leadership role in the creation of a new theatre, to ensure the project was both “community-led” and “community owned”, contingent on Council confirming a contribution of \$25M.
- 3.6** Momentum Waikato appointed an independent Waikato Regional Theatre Governance Panel (**Panel**), made up of community experts who established the project frameworks, engagement programme and appointment process for the lead consulting team.
- 3.7** The Panel appointed Charcoalblue in November of 2016. Charcoalblue are a London / Melbourne based specialist consulting team who design, and project manage theatre builds globally. Charcoalblue then worked with stakeholders’ groups locally, regionally and nationally to deliver the first concept designs and proposed location.
- 3.8** The location study (May 2017) analysed 25 sites across the city via a set of Primary and secondary assessment criteria. The report can be found at:
https://momentumwaikato.nz/uploads/report_wrt_location_study.pdf
- 3.9** In my experience, the development of both primary and secondary weighted assessment criteria is best practise. These criteria were developed by the Independent Governance Group and related to Momentum’s Waikato strategic TISO goal – Transformative, Integration, Strategic Outcomes.
- 3.10** The criteria for Primary consideration covered Urban Design, Transport, Site access and Area and mana whenua consideration with Secondary assessment criteria focused on Sustainability, Landscape Design, Site Aspect and History, Development Controls and Acquisition costs.
- 3.11** Stage 2 of the investigation focused on seven sites selected following analysis against the assessment criteria and undertook a detailed comparative analysis of each site. The analysis addressed the local and wider context focusing on external factors beyond the site that will directly and indirectly have an influence on the chosen site. The wider context plans look at the big gestures that will be controlling the sites, including zoning, activities, environmental influences, transportation and mana whenua.
- 3.12** The third and final process investigated the top four sites in detail to establish a front runner and focused on site specific design responses to the questions asked in stage 1.

Site context overview plans helped establish the character of the four sites selected, by highlighting public spaces, linkages, active frontages, view shafts, development controls and its natural environment. This analysis also included a volumetric study of the theatre on each site to help understand the bulk and location of a 1200 seat auditorium and the associated front of house (FOH) and back of house (BOH) spaces. It was anticipated what other complementary activities will need to be co-located with the theatre to ensure the precinct is successful both day and night seven days a week. This is fundamental to the project being transformational.

Consultation

- 3.13** A technically focused consultation was undertaken by Charcoalblue, supported by Creative Waikato. The focus of this engagement was made up of a cross section of users from the Founders, local arts organisations, interested parties and national touring companies to ensure the needs of the sector were truly understood. These findings informed the design which was presented to MWCF in July 2017: https://momentumwaikato.nz/uploads/report_wrt_phase_1_design.pdf
- 3.14** The Public Consultation Summary can be found here: https://momentumwaikato.nz/uploads/report_wrt_public_consultation_2017.pdf
- 3.15** Again in an effort to ensure community input to the project the Public Consultation was undertaken by an independent consultant – The Stakeholder Agency.
- 3.16** In establishing the most appropriate engagement techniques for any consultation, it is critical to understand both the desired outcome and key message.
- a) Desired Outcome: A clear mandate from the community to continue with the Waikato Regional Theatre project as proposed and to gain insight to direct design elements ensuring regional buy-in for the facility.
 - b) Key Message: “We are still listening and we want your input”.
 - c) The key questions identified were: Is the proposal right for the community and what is it going to take for this to be a transformational opportunity for the whole region?

- d) Several different approaches were utilised across various locations and audiences. Presentations followed by "Q&A" sessions and facilitated discussions were used to gather feedback. These sessions were held on the following dates:
- i. 20 Oct 2017: Hamilton (two sessions with approx 100 attendees in total).
 - ii. 24 Oct 2017: Ngaruawhaia (7 community attendees).
 - iii. Morrinsville (10 community attendees). 25 Oct 2017: Te Awamutu (13 community attendees).
 - iv. Cambridge (25 community attendees).
 - v. An online engagement form was also made available and 46 individuals provided feedback through this method.
 - vi. Written submissions were also presented by 10 people and Creative Waikato's own survey was answered by 36 people.

3.17 In summary this approach to various locations and engagement with community is best practise.

Design

3.18 Subsequent Design Phase reports and presentations including Concept Designs, Preliminary Design and Developed Detailed Design can be found at: <https://momentumwaikato.nz/transformational-projects>

3.19 The final design plans proposed an international standard performing arts theatre with seating capacity to 1300, with an estimated cost of \$73.9M.

Investment and contributions

3.20 In October 2017, during the design consultation process, the Project received its first formal financial commitment, with Trust Waikato granting \$15 million. Following the delivery of the WRT Concept Design Report and a presentation to the councils, the

Hamilton City Council formally committed \$25 million and the Waikato Regional Council \$5 million in June 2018, at the culmination of their respective Ten-Year Plan processes.

- 3.21** A number of significant contributions have since been made and, as of January 2019, Momentum Waikato's talks with potential commercial sponsors, philanthropic donors and central government funders are well advanced.
- 3.22** The ultimate owner and governor of the new theatre, the Waikato Regional Property Trust, was formed and its trustees appointed in October 2018. Among its first tasks is creating the operating company, which will be the vehicle for venue management, artistic programme direction and event promotion.
- 3.23** The current project plan sees the Waikato Regional Theatre Project poised (assuming fundraising, consenting and tendering proceed according to plan) with the site preparations occurring in first quarter of 2020. The theatre is expected to open in April 2022.

Positive effects

- 3.24** The feedback shows, as a community, that Waikato should have a flourishing arts and culture precinct to be proud of. This project envisions a place where we can bring our communities together, to connect, collaborate, create and act a catalyst for significant contributions to the culture and economy of our region.
- 3.25** We aspire to have a flourishing creative precinct to be proud of, which will bring our region together. Contemporary venues all over the world are being successfully used as spaces for people to meet, interact and be inspired as well as to attend performance. The Waikato Regional Theatre will be our Region's gathering place and a destination, which will bring the best in the world here and showcase our best to the world.
- 3.26** Economic development hinges on bringing and retaining young, entrepreneurial, creative workers into the community. In turn, they attract employers. The best way to draw and keep bright workers is to offer them the kind of artistic and cultural outlets so that the cultural quality of life improves, the economic fortunes of the region follow.
- 3.27** The partnership with local councils, regional stakeholders, iwi and the community will deliver a world-class precinct in which we can be proud of. A once in a generation

opportunity now exists for the people of the Waikato to influence and facilitate the creation of our own creative precinct.

- 3.28** The Economic Assessment completed for the Provincial Growth Fund shows that the Waikato Regional Theatre will provide an economic return to the city and region and provide for upwards of 21 Full Time Equivalent positions, 90 construction jobs and an indirect multiplier of 25 roles in indirect roles.

Mana Whenua

- 3.29** Engagement with Waikato-Tainui and local mana whenua via Te Haa o te Whenua o Kirikiriroa have shown support for the Project as a potential place to tell the narratives of the Waikato Awa, to integrate cultural design features into the building and as a place for cultural performance

- 3.30** This relationship has evolved over several workshops and meetings between Momentum Waikato and iwi and hapū, with workshops held with our lead architects, a rangatahi based workshop at the project architects' offices in Auckland, and a formal presentation to mana whenua representatives in Momentum Waikato offices and site visit.

4. COMMENTS ON THE COUNCIL REPORT

- 4.1** The Council report is comprehensive and detailed and fairly reflects the project.
- 4.2** As the client, I would like to thank the staff and the consulting teams from Council for their efforts in preparing this report. It is greatly appreciated.

5. CONSIDERATION OF SUBMISSIONS

- 5.1** The applicant team have gone to great efforts to make contact with submitters, both for and against the project to better understand their perspectives and seek to identify mitigations to any concerns.
- 5.2** As noted within the attached consultation summary document, there is strong support from the community and from an iwi and hapū perspective. The supporters have identified the economic, social and transformative opportunities that this project represents.

- 5.3** The ability to transform the CBD, activate the city's greatest natural asset, the Waikato Awa and to tell the narratives of the places and spaces significant to iwi and hapū are critical features of this project.
- 5.4** Likewise the creative sectors growth in Hamilton and the opportunity to bring a cultural heart to our City is a strong supporting theme.
- 5.5** In discussions with those submitters in opposition, the attached summary of consultation shows the majority of concerns related to impacts and effects on amenity to neighbouring residents and business as a result of the project construction.
- 5.6** From a resident perspective the impacts of noise and vibration during construction can largely be addressed through good communication and stakeholder engagement on works programmes and giving residents notice; whilst ongoing noise issues can be addressed via good site management, and operating hours and conditions under the district plan.
- 5.7** From a business perspective the issues appear largely about business continuity and again can be largely addressed through good communication and stakeholder engagement in line with contractors work programmes.

6. CONCLUSION

- 6.1** This project has been undertaken in line with its initial TISO objectives and has been a great example of a working model of community owned leadership and enabling value through partnership.
- 6.2** The ability to provide a performing arts centre of this standard for the region, to unlock the creative sector and transform the City CBD are key outcomes sought by this project.
- 6.3** The establishment of the governing frameworks, consultation processes, site selection, consultant selection and resulting design and project management delivery are best practise. This project has taken a new form of community leadership and project delivery which matches government (local and central) funding, charitable funding and philanthropic funding to a project of scale.

6.4 I wish to thank all submitters who have taken the opportunity to make comment on this project.

6.5 I wish to thank all the consulting teams and Council staff who have contributed expertise and skills to this project and to all the volunteer governance panel members who have overseen this project over the last two and a half years.

Kelvyn James Eglinton

1 October 2019

APPENDIX A

Waikato Regional Theatre Record of Engagement: July 2019 – October 2019
(prepared by BECA Limited).

WAIKATO REGIONAL THEATRE RECORD OF ENGAGEMENT: JULY 2019 TO OCTOBER 2019, BECA LIMITED

Waikato Regional Theatre					
Stakeholder	Category	Date	Present	Discussion	Outcomes
Michael Basset-Foss – Te Waka	Business Organisation / Interested Party	Week of 01 to 05/07/2019	Phone call and email communications – Portia Thompson (Beca) Michael Basset-Foss	General discussion about the benefits to tourism and economic growth for the wider region, and local versus regional concerns.	Invitation to business group discussion forum held on 18/07/2019.
Brian Squair – Property Council	Business Organisation / Interested Party	Week of 01 to 05/07/2019	Phone call and email communications – Portia Thompson (Beca) Brian Squair	Intend to submit a submission in support of the project. Indicated general support for the project, with benefits in anchoring the central city and vibrancy benefits. Indicated some concerns with the project conception, including accessibility and compatibility with surrounding uses.	Invitation to business group discussion forum held on 18/07/2019.
Paula Sutton – Waikato Chamber of Commerce	Business Organisation / Interested Party	Week of 01 to 05/07/2019	Phone call and email communications – Portia Thompson (Beca) Paula Sutton	Chamber of Commerce reported a variety of views expressed on the project by their membership. Some concerns about central city safety and accessibility for theatre patrons.	Invitation to business group discussion forum held on 18/07/2019.
Vanessa Williams – Hamilton Central Business Association	Business Organisation / Interested Party	Week of 01 to 05/07/2019	Phone call and email communications – Portia Thompson (Beca) Vanessa Williams	HCBA has received predominantly positive feedback from central city businesses and residents. Some concern expressed predominantly from the businesses in the direct vicinity of the site regarding the implications throughout the construction phase, car parking and street closure proposals, and perceived lack of certainty regarding the project.	Invitation to business group discussion forum held on 18/07/2019.
Sharon Robertson – EMA/Export NZ	Business Organisation	Week of 01 to 05/07/2019	Phone call and email communications – Portia Thompson (Beca)	Invited to upcoming business group discussion forum.	Invitation to business group discussion forum held on 18/07/2019.

	/ Interested Party		Sharon Robertson		
Collective of business organisations - Te Waka - Property Council - Waikato Chamber of Commerce - Hamilton Central Business Association - EMA/Export NZ	Business Organisation / Interested Party	18/07/2019	Brian Squair (Property Council) Vanessa Williams (Hamilton Central Business Association) Sharon Robertson (EMA/Export NZ) Kirstie Dawson-Smith (Chamber of Commerce) Kelvyn Eglinton (Momentum) Craig Sharman (Beca) Portia Thompson (Beca)	An update on project progress and timeframes provided to the business organisations. Clarification provided on several matters regarding the project scope and anticipated timeframes. Discussion around what the memberships of the organisations are saying regarding car parking, project funding, and community usage of facilities. Discussion about the imminent close of submission period.	Several organisations indicated they will lodge a submission before the close of submissions.
Rawiri Bidois - Te Haa o te whenua o Kirikiriroa (THAWK)	Interested party / submitter	02/07/2019	Phone call – Craig Sharman (Beca) Rawiri Bidois (THAWK)	Explanation of Beca project involvement for stakeholder engagement.	Arrangements made for 04/07/2019 meeting with Kelvyn Eglinton.
		04/07/2019	Craig Sharman (Beca) Kelvyn Eglinton (Momentum) Rawiri Bidois (THAWK)	Project update on progress and likely construction timetable provided. Discussion about cultural mitigation measures and next steps, with Kelvyn Eglinton to lead.	Kelvyn Eglinton to propose a set of agreed positions and next steps to be implemented. THAWK to continue progressing the cultural mitigation measures.
		10/09/2019	Craig Sharman (Beca) Graeme Ward (RDT Pacific) Kelvyn Eglinton (Momentum) Rawiri Bidois (THAWK) Moko Tauariki THAWK members	Project discussion to describe purpose of the facility, site location chosen, construction works within or near the urupa and discussion about the approximate nature of the known extent of the urupa, protocols and THAWK involvement on site prior and during site works, and discussion regarding the	Agreed terms of engagement for THAWK involvement throughout the construction period, the detailed design phase and post-construction.

				hearing format and steps beyond a consent decision.	
Waikato-Tainui	Interested party / submitter	02/07/2019	Phone call – Craig Sharman (Beca) Taroi Rawiri (Waikato-Tainui)	Explanation of Beca project involvement for stakeholder engagement. Decision to continue with Kelvyn Eglinton as the project point of contact.	Project team to continue working with Waikato-Tainui regarding cultural design integration elements within project, to be implemented following consent being granted.
‘Madam Woo Grouping’ Jennifer Petitt (Go to Collections) Sylwia Kennedy (Go to Collections) Mark Hatwell (Owner) Brad Martin (Owner) Bronwyn Turton (Turton Oliver) Mel Oliver (Turton Oliver)	Nearby property Owners & business operators	31/07/2019	Craig Sharman (Beca) Graeme Ward (RDT Pacific) Jennifer Petitt (Go to Collections) Sylwia Kennedy (Go to Collections) Mark Hatwell (Owner) Brad Martin (Owner) Bronwyn Turton (Turton Oliver) Kelvyn Eglinton (Momentum) Graeme Ward (RDT Pacific)	Discussion about contents of submissions, likely construction impacts and the characteristics of Turton Oliver and Madam Woo businesses in terms of traffic generation and sensitivities to construction impacts.	A follow up meeting to be arranged with Tristan Howard (Southbase) providing detail on construction programme and mitigation measures.
		21/08/2019	Craig Sharman (Beca) Graeme Ward (RDT Pacific) Mark Hatwell (Metro Finance) Brad Martin (Harcourts) Tristan Howard (Southbase) Kat Richards (Southbase) Jennifer Petitt (Go to Collections)	Detailed discussion about construction methodology and anticipated construction impacts on Sapper Moore Jones Place and on surrounding businesses. Discussion about likely construction hours and mitigation measures, including communication channels with local businesses/owners.	Generally satisfied with no specific follow up actions identified.

Murray Earl	Nearby property Owner & business operator / submitter	31/07/2019	Craig Sharman (Beca) Graeme Ward (RDT Pacific) Helen Dutton (Victoria Chambers) Kelvyn Eglinton (Momentum) Murray Earl (Victoria Chambers)	Discussion of the contents of Murray Earl's submissions. Concerns with on-site parking use by theatre patrons, works on Embassy Park, the suitability of the site location, theatre appearance and construction impacts. Wishes to continue with objection.	Project team to provide construction management plan, revised drawings, Embassy Park drawings, with a follow up meeting shortly prior to the hearing to discuss (being completed the week of 30 September).
David and Christine Bourke Riro Street	Nearby property Owner / submitter	02/08/2019	Craig Sharman (Beca) Graeme Ward (RDT Pacific) Kelvyn Eglinton (Momentum) David Bourke Christine Bourke	Concerns with construction and operational theatre noise across the river, particularly late at night, and concerned with loss of large on-site trees. Copies of acoustic and arboriculture reports provided and discussed.	David and Christine to consider their position.
Carl de Leeuw 240 Victoria Street	Nearby property Owner / submitter	30/08/2019	Craig Sharman (Beca) Graeme Ward (RDT Pacific) Carl de Leeuw	Contents of submission discussed being the constrained nature of the site, impacts on Embassy Park and nearby residents, inconsistencies within the application documents, and lack of pre-lodgement consultation with apartment owners.	Revised drawings and information to be provided by project team, particularly for Embassy Park (being completed the week of 30 September).
Eric Clark Jo Bailey Nellika de Leeuw 240 Victoria Street	Nearby property Owner / submitters	19/09/2019	Craig Sharman (Beca) Graeme Ward (RDT Pacific) Kelvyn Eglinton (Momentum) Eric Clark Jo Bailey Nellika de Leeuw	Contents of submissions discussed, particularly construction noise and vibration, the lack of acknowledgment of the apartments in the acoustic report, visual impact given proximity, patron flows and impact on Embassy Park including security and behaviour. Discussion about the hearing format and opportunity for involvement.	Agreed project team would provide access to updated design drawings (including visuals as seen from apartment 6), construction management plan, acoustic report, and drawings displaying the Embassy Park proposals (being completed the week of 30 September).