

**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.

---

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF MARK ALLEN VINAL  
ON BEHALF OF THE APPLICANT**

**PLANNING**

**16 October 2019**

---

---

**Tattico Limited**

PO Box 91562, Victoria Street, Auckland 1142, New Zealand  
Level 10, West Plaza Tower, 1-3 Albert Street, Auckland 1010

p. +64 9 973 4282 f. +64 9 973 4283

**[www.tattico.co.nz](http://www.tattico.co.nz)**

## **1. QUALIFICATIONS AND EXPERIENCE**

- 1.1 My qualifications and experience are set out in my Evidence in Chief and are not repeated here.

## **2. SUMMARY OF EVIDENCE**

- 2.1 I confirm that I have read the evidence submitted on behalf of HNZPT, and in particular the planning evidence prepared by Ms Carolyn McAlley.

- 2.2 The Project provides for the comprehensive redevelopment of the site for a new regional theatre facility. The proposal includes the partial demolition of the former Hamilton Hotel building, an A-ranked heritage item, demolition of other buildings on the site, and the removal of three scheduled trees. The Project includes works within the Waikato River embankment, Sapper Moore-Jones Place and Embassy Park.

- 2.3 The Project has been designed to integrate with the retained heritage elements of the Hamilton Hotel building and its setting adjacent to the Waikato River and Embassy Plaza and has been endorsed by the Hamilton Urban Design Advisory Panel. The design has taken into consideration the recommendations of tangata whenua and the applicant will continue that engagement throughout the Project.

- 2.4 The Project occurs within the Central City zone, Open Space – Destination zone and Open Space – Natural zone and requires various consents under the zone and precinct overlay provisions. Overall, the Project is a non-complying activity.

- 2.5 I confirm my opinion that the application accords with the relevant matters for consideration under the RMA and that overall the effects are acceptable. The assessment of actual and potential effects of the activity on the environment by the applicant's specialists and addressed in evidence confirm that the adverse effects will be appropriately avoided, remedied, mitigated or offset. I specifically note the following:

### *Construction and operational effects*

- 2.6 While the adverse effects associated with the demolition and construction works will be internalised to the extent possible, as is standard across construction activity, not all can be. Potential operational effects primarily relate to the movement of cars and pedestrians through the area, as well as loading movements associated with the

theatre operation. Accordingly, a suite of standard management plans is proposed to manage those effects, a number of which will include coordination with adjacent submitters through the Neighbour Liaison Group, and all of which will be subject to certification by the Council. Additionally, Building Condition Survey monitoring is proposed for several buildings on adjacent sites.

- 2.7 In my view, the temporary adverse effects derived from the proposed demolition and construction activities and the operation of the theatre facility and hotel will be appropriately managed by the proposed conditions and will be less than minor.

*Built heritage effects*

- 2.8 The Project provides for the adaptive reuse of the former Hamilton Hotel building so it can be used in a manner that ensures its heritage values are able to be enjoyed by the general public. Importantly, the Project seeks to reinstate the former Hamilton Hotel to its original use. While the Project results in the loss of some heritage values of the place (buildings and site), it includes the restoration of heritage values associated with the Hamilton Hotel both in terms of its physical preservation and its use. The scheduled building has been integrated carefully into the proposed design and forms the prominent feature when viewed from Victoria Street.

- 2.9 In my view, the recommended conditions including the amendments set out in Attachment A to my summary statement are appropriate to ensure the restoration works restore the built heritage values of the former Hamilton Hotel building and provide for the protection of historic and cultural heritage from inappropriate use and development. On balance and taking into account the positive heritage benefits associated with the Project and the mitigation proposed by way of conditions of consent, I consider that any adverse heritage effects will be no more than minor.

*Arboricultural effects*

- 2.10 As discussed in the evidence and summary statement of Mr Pugh, the starting point for the design of the Project was to integrate the development with the surrounding natural environment of the Waikato River and to retain all or as many of the five scheduled trees on site as possible. The end result is the retention and integration of two of the trees (a Bunya Bunya and a Norfolk Island Pine) into the Project design, and the removal of the other three (one of which is for health reasons).

- 2.11 Conditions of consent are proposed to appropriately manage the effects of the construction process on the retained trees, and mitigation planting is proposed to offset the loss of amenity associated with the removal of the trees. It is my view that any adverse arboricultural effects arising from the proposal are able to be adequately mitigated and offset and will be no more than minor overall.

*Archaeological effects*

- 2.12 The Project acknowledges the potential for cultural archaeology to be discovered through the course of the proposed works given the general Urupā notation assigned to the south-eastern corner of the site. Dr Clough has noted that the boundaries of the Urupā are uncertain and that the site is highly modified and there is a low-moderate probability of any archaeology remaining. The proposal has been designed to minimise the impact on the ground in the south-eastern corner of the site. In my view, the recommended conditions of consent pertaining to archaeological discovery are appropriate and any adverse archaeological effects will be no more than minor.

*Positive effects*

- 2.13 In addition to the adverse effects summarised above, the Project will result in the following positive effects:
- Provision for the social and cultural well-being of the community through the establishment of a replacement for Founders Theatre as a regionally important cultural facility for performance;
  - The adaptive reuse and restoration of the former Hamilton Hotel building, providing enhanced public access to physical and cultural heritage;
  - Provision of a complementary mix of activities that will attract people to the area, provide active frontages to the site, integrate the adjacent public spaces and contribute to the wider Arts Precinct developing within the Hamilton central city;
  - Associated upgrades to public space adjacent to the facility including Sapper Moore-Jones Place, Embassy Park and establishment of part of the broader pedestrian promenade adjacent along the western riverbank; and
  - Ongoing engagement with tangata whenua regarding the establishment of management plans and design elements of the Project supports tangata whenua's role as kaitiaki.

2.14 I have assessed the Project against the relevant objectives and policies of the applicable statutory documents and consider that on balance the Project is not contrary to those objectives and policies.

2.15 I consider that the proposal satisfies both threshold tests as set out in section 104D of the RMA as set out in my evidence, which concludes that the effects on the environment will be minor and that the proposal meets the relevant objectives and policies of the relevant statutory documents. Accordingly, it is my view that the Commissioner has jurisdiction to determine the application under section 104(1) of the RMA.

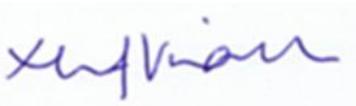
### **3. AMENDMENTS TO PROPOSED CONDITIONS**

3.1 I have appended a tracked change set of conditions at **Attachment A** to my summary statement (using Attachment A to my Evidence in Chief as a base), which sets out amendments to conditions following receipt of submitter evidence. Additional amendments have been proposed in relation to the following:

- (a) Settlement and Deformation Monitoring (refer conditions 142 to 148 below);
- (b) Inclusion of a plan at Annexure D identifying those properties that will be subject to Pre-commencement Building Condition Surveys; and
- (c) Trigger for the provision of the Restoration Plan required under condition 86.

### **4. CONCLUSION**

4.1 In my opinion, the Project is in accordance with the relevant statutory frameworks and can be granted consent subject to the conditions included at Attachment A below.



Mark Vinall

**TATTICO LIMITED**

16 October 2019

## ATTACHMENT A

---

### PROPOSED CONDITIONS OF CONSENT, HEARING VERSION

#### Base Document – Attachment 1 of Council Report

**1 October 2019 – Amendments proposed in planning evidence shown underlined and in ~~strike through~~ in blue text**

**16 October 2019 – Amendments proposed at the commencement of the hearing as Attachment A to the planning summary statement of Mark Vinall shown underlined and in ~~strike through~~ in orange text**

Under sections 108, 108AA of the RMA, land use consent 010.2018.0010143.001 is subject to the following conditions:

#### General conditions

##### Definition of Terms

1. In these conditions:
  - (a) “HCC DP” means the Hamilton City Council Operative District Plan 2017
  - (b) “BPO” means Best Practicable Option
  - (c) “Certify”, “Certification” and “Certified” in relation to plans or management plans means assessed by Council staff acting in a technical certification capacity, and in particular as to whether the document or matter is consistent with, or sufficient to meet, the conditions of this consent in terms of the matters set out in the conditions;
  - (d) “Commencement of Construction” means commencement of any construction works for the Project. For the avoidance of doubt, it includes demolition activities (other than those able to be undertaken as a Permitted Activity) and earthworks but excludes site investigations, fencing, and any activities that do not need resource consent / are permitted activities;
  - (e) “Condition Survey” means an external visual inspection or a detailed condition survey
  - (f) “Consent Holder” means Waikato Regional Theatre Governance Panel;
  - (g) “Council” means Hamilton City Council;
  - (h) “Damage” includes Aesthetic, Serviceability, Stability, but does not include Negligible Damage;
  - (i) “DSI” means Detailed Site Investigation;

- (j) "External Visual Inspection" means a condition survey undertaken for the purpose of detecting any new external Damage or deterioration of existing external Damage. Includes as a minimum a visual inspection of the exterior and a dated photographic record of all observable exterior Damage;
- (k) "HNZPT" means Heritage New Zealand Pouhere Taonga;
- (l) "Neighbour Liaison Group" all owners or occupiers of the buildings identified in Annexure D to these conditions following properties insofar as they want to participate:
- ~~6 Sapper Moore Jones Place;~~
  - ~~136-150 238a Victoria Street; and~~
  - ~~220-250 240 Victoria Street.;~~
  - ~~117-223 Victoria Street; and~~
  - ~~1a Collingwood Street.~~
- (m) "Project" means all works associated with the partial demolition of the Hamilton Hotel building and demolition of all other buildings on the site, the removal of three scheduled trees, and construction of the new Waikato Regional Theatre and Hamilton Hotel (including construction within adjacent public land);
- (n) "Retained Trees" means Tree 16.1 (Norfolk Pine) and Tree 16.3 (Bunya Pine) as identified in the Tree Location Plan included as **Annexure B** to these conditions;
- (o) "RMA" means the Resource Management Act 1991;
- (p) "Services" means fibre optic cables, sanitary drainage, stormwater drainage, gas and water mains, power and telephone installations and infrastructure, road infrastructure and assets such as footpaths, kerbs, catch-pits and street furniture.

### Lapse

2. Under section 125 of the RMA, this consent (010.2018.0010143.001) will lapse five years after the date they are granted unless:
  - i) The consent is given effect to; or
  - ii) The council extends the period after which the consent lapses.

### Monitoring

3. The consent holder shall pay the council any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions of this consent, incurred over and above the initial paid monitoring deposit.

**Advice note:**

*The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time as set out in the Council's fees and charges. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*

**Access to project area**

4. The agents of the Council shall have access to all relevant parts of the project area at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples in accordance with the requirements of this consent.

**Review condition**

5. Pursuant to section 128 of the RMA, the conditions of this consent may be reviewed by Council at the consent holder's cost 12 months after commencement of operation of the Waikato Regional Theatre, and thereafter on an annual basis for a period of five years, in order to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on the transportation network.

**Activity in Accordance with Plans**

6. All demolition, construction and activities authorised by this consent shall be undertaken in general accordance with the reports, drawings and all information submitted with the resource consent application, as detailed in **Annexure A**, referenced by Council as the approved drawing and document set.
7. In the event of inconsistency between the plans and documents referred to in Condition 6 and the conditions of this consent, the conditions shall prevail.

**Pre-commencement meetings**

8. Not less than five (5) days prior to commencement of any works on site, the Consent Holder shall hold one or more pre-start meetings located on site. The meeting(s) shall include discussion relating to the measures required by the certified management plans (CEMP, HCMP, TPMP, CTMP, CNVMP).

**Mana Whenua Engagement**

9. At least twenty (20) working days prior to the Commencement of Construction, the Consent Holder shall confirm and submit to Council's Planning Guidance Unit Manager (or nominee) a framework to ensure appropriate engagement with Mana Whenua during the detailed design and construction phases of the Project. The framework shall (as a minimum) include:
  - (a) The methods for identifying and engaging with Mana Whenua;
  - (b) The process for involvement of Mana Whenua in the preparation and implementation of the management and environmental monitoring plans as they relate to:
    - (i) Managing and monitoring water quality;
    - (ii) Managing and monitoring environmental risk;
    - (iii) Archaeological observation of earthworks.
  - (c) The process for involvement of Mana Whenua in the preparation of the detailed landscape design plan for Embassy Park and any associated cultural narrative.
  - (d) As a minimum, the matters identified in (b) above shall be discussed in the preparation of the Construction Environment Management Plan required under Condition 59.
  - (e) The requirements for construction management and monitoring plans referenced in (c) above shall include details of feedback received from Mana Whenua, the measures proposed to address feedback and / or reasons why specific feedback has not been addressed.

#### **Neighbour Liaison Group**

10. Prior to the Commencement of Construction, the Consent Holder shall appoint a Project Liaison Coordinator who will establish, manage and facilitate a Neighbour Liaison Group. The Neighbour Liaison Group shall thereafter ~~communicate meet~~ monthly ~~(and meet as necessary unless the members confirm that a meeting is not necessary)~~ until construction works associated with the Project are complete.
11. The purpose of the Neighbour Liaison Group is to provide a mechanism for direct engagement with ~~identified owners and occupiers nearby residents and businesses~~ regarding the implementation of the works on site. Specifically, the Neighbour Liaison Group shall provide the forum for (but not be limited to) the following:
  - (a) The Neighbourhood Liaison Coordinator to provide Project progress updates and likely commencement of construction works and programme;
  - (b) Members of the Neighbourhood Liaison Group to receive information on and provide feedback and input into the development of the CEMP, CTMP and CNVMP and the detailed design of Embassy Park;

- (c) Opportunities to provide feedback on the success or otherwise of the CEMP, CTMP and CNVMP as construction works progress and feedback and input into the detailed design of Embassy Park and any variation of the CEMP, CTMP and CNVMP; and
12. The Project Liaison Coordinator shall keep a record of information provided to the Neighbour Liaison Group, and feedback and input received. This record shall be provided to the Council's Planning Guidance Unit Compliance Monitoring Officer-monthly until construction works associated with the Project are complete or the Neighbourhood Liaison Group confirm no further meetings are necessary.

### **Landscaping**

13. At least twenty (20) working days prior to Commencement of [landscaping works Construction](#), the Consent Holder shall submit details of the species, size and position of the Replacement Trees (as required under Condition 122) to Council (Planning Guidance Unit Manager (or nominee)) in consultation with Council's Arborist) for certification that the species, size and position of the Replacement Trees is sufficient to provide for the ongoing health of the trees and their growth to mature specimens.
14. At least twenty (20) working days prior to Commencement of works within the Natural Open Space Zone, a detailed landscape plan shall be submitted to Council for certification by the Council (Manager – Parks and Recreation Unit (or nominee)). The plan must include details of, but not be limited to:
- (a) The identified areas of vegetation removal;
  - (b) The identified areas for proposed planting; and
  - (c) A planting plan including species, size at planting and methodology.
15. The objective of the detailed landscape plan is to ensure effects of the vegetation removal works within the ~~within the~~ Natural Open Space Zone as part of proposal are appropriately mitigated.

### **Embassy Park**

16. At least twenty (20) working days prior to Commencement of works within Embassy Park, the Consent Holder shall submit a detailed landscape design plan for Embassy Park to Council for approval by Council (Manager - Parks and Recreation Unit or their nominee).

The plan must include details of, but not be limited to:

- (a) The proposed site levels, including how access for people of all levels of mobility has been taken into account;
- (b) Pedestrian and cycling connections to the existing lower river path;

- (c) How future pedestrian and cycling connections to the proposed riverfront promenade has been taken into account;
- (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 [for a period of 12 months following planting.](#), ~~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) A stormwater management system that ensures no discharge to the riverbank;
- (l) A CPTED analysis of the design;
- (m) Provision of a public toilet;
- (n) Incorporation of cultural and social narrative;
- (o) How any feedback received from the Neighbour Liaison Group and Mana Whenua Engagement (Conditions 9-12) has been taken into account; and
- (p) A programme for maintenance hand over to Council.

These plans shall be supported by specifications that describe in a written form the more specific technical landscape matters such as quality of materials.

17. That prior to the Waikato Regional Theatre commencing operation, the consent holder at their cost, shall have completed all works necessary to implement the approved detailed landscape plan for Embassy Park.

18. The design, construction and maintenance of the landscaping and planting should be in accordance with relevant sections (Section 7 – landscaping in particular) of the Regional Infrastructure Technical Specifications, unless where otherwise expressly accepted by the Manager – Parks and Recreation Unit, or their nominee.

**Advice Notes**

*No approval from Parks and Recreation Unit of Hamilton City Council as landowner for the temporary use of Embassy Park for a construction site is provided as part of this approved resource consent. Please contact Parks and Recreation Unit to obtain prior approval from Manager, Parks and Recreation Unit, or nominee.*

**Transportation Design**

19. At least twenty (20) working days prior to Commencement of Construction [of works within Sapper Moore Jones Place](#), detailed design information shall be submitted to Council (Manager, City Transportation Unit) for certification. This detailed design information must include (but not be limited to) the following:

- (a) The Sapper Moore-Jones Place “shared space”, including:
  - (i) Details on how parking and vehicle access within the “shared space” will be managed;
  - (ii) Details on the methods for delineation of pedestrians and safe access to the proposed riverside promenade;
  - (iii) How the design has addressed the requirements of AS2890.2:2002 Off-street Commercial Vehicle Facilities including the potential for vehicle roll-over on Sapper Moore-Jones Place;
  - (iv) How the design complies with the relevant requirements of SNZ PAS 4509:2008;
  - (v) Details on how access to 6 Sapper Moore-Jones will be maintained;
  - (vi) Details on the proposed surface;
  - (vii) Details on street lighting; and
  - (viii) Details on road marking.
- (b) The detailed design of the raised platform at the Victoria Street/Sapper Moore-Jones Place intersection in general accordance with RITS Drawing D3.10.6. The design shall include a review of semi-trailer clearance to the building canopy;
- (c) The detailed design of the basement car park and access ramp;

- (d) Identified areas for future expansion of cycle parking facilities; and
  - (e) Details on how the required approval processes for permanent changes to on-street parking have been addressed under the Local Government Act.
20. The consent holder shall arrange for an independent road safety audit of both the detailed design and post-construction of the Sapper Moore-Jones Place “shared space” to be undertaken in accordance with the 'Road Safety Audit Procedures for Projects Guidelines, May 2013'. The road safety audit shall specifically consider:
- (a) Roll-over risk for heavy vehicles including both semi-trailer and rigid trucks;
  - (b) Vehicle access to 6 Sapper Moore-Jones Place; and
  - (c) Interaction of pedestrians, light vehicles and manoeuvring heavy vehicles within the shared space.
21. A copy of each road safety audit shall be provided to Council (Manager, City Transportation Unit). Any audit recommendations and design changes arising from the preliminary road safety audit shall be agreed with the Manager, City Transportation Unit (or nominee) prior to the detailed design being undertaken. Any audit recommendations and design changes arising from the detailed design road safety audit shall be agreed with the Manager, City Transportation Unit (or nominee) prior to construction being undertaken.
22. The vehicle access, loading dock, parking and manoeuvring area shall be formed, drained and sealed, and thereafter maintained, in a permanent dust-free all-weather surface suitable for the type and quantity of vehicles using it.

## **Lighting**

23. At least twenty (20) working days prior to Commencement of Construction [of the Waikato Regional Theatre](#), the Consent Holder shall provide details of the permanent functional and accent lighting of the exterior of the Theatre including the screen and the fly tower shall be provided to Council (Planning Guidance Unit Manager (or nominee)) for certification that the light spill on to any other site shall not exceed 10 lux (horizontal and vertical) when measured or calculated at points 1.5m within the boundary of any other site.

### ***Advice Note:***

*Lighting designed to illuminate public spaces and transport corridors, including roads, public car parks and amenity areas, shall be designed in accordance with the Australian and New Zealand AS/NZS suite of standards.*

## **Built heritage**

24. The consent holder shall engage a suitably qualified and experienced Conservation Architect (**the Appointed Conservation Architect**) to observe the construction work and ensure that the Project is carried out in accordance with the conditions of this consent.
25. At least twenty (20) working days prior to Commencement of Construction, the Appointed Conservation Architect shall undertake an initial full photographic survey of all the buildings within the subject site and the former gardens. A digital copy of all photographs shall be provided to the Council (Planning Guidance Unit Manager) and a copy shall be held on site for the duration of the Project.
26. The Appointed Conservation Architect shall continue to monitor all work involving heritage fabric throughout the duration of the contract and shall prepare a monthly report which will ultimately provide an archival record of the works carried out to the former Hamilton Hotel throughout the duration of the contract. The record which will inform Conditions 130-132 shall also include evidence of earlier finishes, construction techniques, paint colours, floor finishes and the like that may be uncovered during the course of the works.
27. The final design of the fly tower shall have input from the Appointed Conservation Architect on the final design and colour of the tower. The proposed finish to the theatre and tower is described as “stained concrete”. A sample of the proposed finish shall be provided to Council (Heritage Specialist) for information and comment prior to the completion of the final design.

#### Scaffolding design

28. Prior to the erection of any scaffolding for access to the exterior of the historic Hamilton Hotel building, a temporary scaffold design shall be prepared by the Consent Holder and submitted to the Council (Planning Guidance Manager (or nominee) in consultation with Council Heritage Specialist). The scaffolding shall only be erected once the Council has certified in writing that the proposed design is unlikely to damage any heritage fabric of the building. All scaffolding shall be erected in accordance with the certified design.

### **Archaeology**

29. Prior to Commencement of Construction, a suitably qualified archaeologist (**the Appointed Archaeologist**) shall be present on site to monitor the initial subsurface earthworks (including the removal of any sealed surfaces).

#### **Advice Note**

*An archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 will need to be obtained from Heritage New Zealand Pouhere Taonga as appropriate, to modify, damage or destroy any of archaeological sites to be affected during the construction works.*

### **Engineering**

30. The consent holder shall submit engineering plans including (but not limited to) cross-sections, long-sections and associated details for roading, water, wastewater and stormwater infrastructure and other relevant items to Council (Strategic Development Unit Manager (or nominee)) prior to building consent application ~~for building and~~ construction work commencing onsite, this plan shall be amended by the Consent Holder as required until stamped 'Accepted' by Strategic Development Unit.
31. All engineering works and designs shall be in general accordance with the Regional Infrastructure Technical Specifications (available from the internet at [www.hcc.govt.nz](http://www.hcc.govt.nz)).
32. The consent holder shall retain the services of a suitably professional qualified person to oversee the construction of any infrastructure required for the development. This person shall be responsible for ensuring adherence to approved construction plans, quality systems, and project completion requirements. The name and contact details of this person shall be nominated on all engineering plans submitted to Council (Strategic Development Unit Manager (or nominee)).
33. The Consent holder shall engage a Chartered Professional Engineer, experienced in the field of pavement engineering, to provide a design solution to account for the high ground water level.
34. The detailed design of the retaining walls and foundations shall be subject to additional geotechnical investigations.
35. The detailed design of earthworks, retaining walls and foundations shall be carried out or reviewed by a Chartered Professional Engineer practicing in geotechnical engineering or an experienced Engineering Geologist.
36. Service connections shall be rationalised on site. Any private pipes and connections not required by the proposed development shall be appropriately disconnected to the satisfaction of the Strategic Development Unit Manager (or nominee). Removal of existing connections shall be done by Council at the consent holder's expense.

#### **Water**

37. That firefighting water supply shall be provided in accordance with the New Zealand Firefighting Code of Practice SNZ PAS 4509:2008.
38. The development shall be provided with a metered water connection. Water supply with sufficient volume and pressure for potable and firefighting services shall be provided in accordance with the building code.

#### **Wastewater**

39. The site shall be provided with a wastewater connection, installed by Council to the site boundary and extended internally by a private contractor to provide connection to the development.

40. All building over or adjacent to the public Waste water infrastructure located within the site shall be designed and constructed in accordance with the requirements of Section 4.2.9 of the Regional Infrastructure Technical Specifications, Building Over or Adjacent to Pipelines, with the existing public wastewater infrastructure within the site being upgraded to the design standards detailed in Section 5.2.4 of the Regional Infrastructure Technical Specifications.
41. Any operational wastewater connections to the existing public main crossing the site boundary shall be kept operational at all times.
42. That the proposed basement carpark stormwater sump shall connect to the wastewater network and will require a Council trade waste consent.

### **Stormwater**

43. The stormwater management measures as outlined in the resource consent application shall be in place and fully operational upon the completion of the development to ensure that stormwater discharge off site is managed in accordance with the Regional Infrastructure Technical Specifications and are to be maintained on an ongoing basis by the land owner.
44. The submitted engineering plans (as required by Condition 30) are to include details of the following:
  - (a) Stormwater infrastructure and connection to the mains.
  - (b) Detention tank throttle size and configuration.
  - (c) Detention tank overflow arrangements for design events greater than the critical design storm.
  - (d) Appropriate Stormwater 360 filter cartridge sizing to treat catchment area.
  - (e) Filter chamber overflow arrangements for design events greater than the critical design storm.
45. Stormwater secondary flow paths and ponding area shall be shown on the engineering plans. The flow paths shall provide for a storm having a 100-year ARI. The flow paths are to be clear of any probable building platform and shall accommodate the rainfall runoff in excess of the stormwater reticulation design capacity and shall be maintained on an ongoing basis by the land owner.
46. A copy of the operation and maintenance procedures for onsite stormwater management measures shall be submitted at engineering design stage.

### **Building condition surveys**

47. The Consent Holder shall undertake an assessment of the existing condition and susceptibility of ~~nearby the~~ buildings ~~identified listed in Condition 48 below~~ in relation the effects of vibration, subsidence and settlement from the proposed construction works (the **Building condition survey**). This assessment is to be documented and forwarded to Council (Planning Guidance Unit Manager (or nominee)) for certification at least one month prior to construction work (including earthworks) commencing on the site. The assessment shall be prepared by a suitably qualified and experienced person.
48. The **Building condition survey** required under Condition 47 ~~shall include the buildings identified in Annexure D to these conditions at 6 Sapper Moore Jones Place and 136-140 Victoria Street is to include, as a minimum, the apartment buildings at and 238 and 240 Victoria Street. as well as any other buildings identified as likely to be affected based on the preparation of:~~
- (a) ~~The CEMP required under Condition 59; and~~
  - (b) ~~The CNVMP required under Condition 71.~~
49. The Consent Holder shall undertake monitoring of the buildings subject to the Building condition survey during the construction period at regular intervals agreed to between the Consent Holder and the Council (Planning Guidance Unit Manager (or nominee)).
50. The Consent Holder shall provide to the Council (Planning Guidance Unit Compliance Monitoring Officer) for certification a written record of the monitoring required by Condition 49, including:
- (a) Details of any damage/changes in condition to the building that has occurred since the commencement of construction;
  - (b) An assessment as to the likely cause of the identified damage/changes in condition;
  - (c) Details of any changes in construction methodology/approach that will be taken to prevent any further damage/changes in condition; and
  - (d) Details of any remedial actions to be taken by the Consent Holder to rectify identified damage/changes in condition.

#### Access to Third Party Property

51. Where any monitoring, inspection or condition survey in this consent requires access to property owned by a third party, and access is declined or subject to what the Consent Holder considers to be unreasonable terms, the Consent Holder shall provide a report to the Council (Planning Guidance Unit Manager (or nominee)) identifying an alternative monitoring programme to that established for building condition surveys under Condition 47. The report shall detail how the monitoring will provide sufficient early detection of deformation to enable measures to be implemented to prevent Damage to buildings, structures or Services. Written certification of this report shall be obtained from the Council (Planning Guidance Unit Manager (or nominee)) before any alternative monitoring option is implemented.
52. At completion of the construction work, the Consent Holder shall submit a final report to Council (Planning Guidance Unit Compliance Monitoring Officer) that demonstrates evidence of compliance with Building condition survey Conditions 49 and 50.

### **Management Plans – certification and review process**

53. Conditions 54 - 58 shall apply to all management plans required by these conditions.
54. No construction shall take place until certification of the management plans required by Conditions 54 - 58 has been obtained.
55. The certified management plans shall be implemented and maintained throughout the entire period of the works and, as relevant, the life of the development. All personnel working on the project shall, and where relevant those responsible for ongoing management of the development, shall be made aware of the requirements contained in the certified management plans. Copies of the certified management plans shall be held on the project site at all times while any activity associated with construction is occurring.
56. Any certified management plan may be amended, if necessary, to reflect minor changes in design, construction methods or management of effects. Any amendments are to be agreed by the Council (Planning Guidance Unit Manager (or nominee)) in writing prior to implementation of any changes. Re-certification is not required under this condition if, the Council (Planning Guidance Unit Manager (or nominee)) confirms those amendments are within the scope of the resource consent, and once implemented would result in an outcome that is similar to or better than that described in the original plan.
57. Any changes to a certified management plan that may result in a materially different outcome shall be submitted to the Council (Planning Guidance Unit Manager (or nominee)) for certification that the amendments are within the scope of the resource consent, give effect to the objectives of the Management Plan and comply with the requirements contained within the conditions specific to the management plan. Any such re-certification must be obtained prior to the implementation of any changes.

58. Where any certified management plans, prepared in consultation with Mana Whenua and/or the Neighbour Liaison Group (refer to Conditions 9-12), are required to be submitted to the Council for re-certification in accordance with Condition 57, the consent holder shall:
- (a) Provide a draft updated management plan(s) to Mana Whenua and/or the Neighbour Liaison Group who shall be given ten (10) working days to consider and provide written comments on the changes; and
  - (b) Following this consultation, clearly document to Council the comments and inputs received from Mana Whenua and/or the Neighbour Liaison Group, along with a clear explanation of where any feedback has not been incorporated, and the reasons why not.

### **Construction Environment Management Plan**

59. At least twenty (20) working days prior to the Commencement of Construction [of each stage of the construction phasing](#), the consent holder shall prepare a Construction Environment Management Plan (**CEMP**) [relative to the stage of construction being undertaken](#) and submit it to the Council (Planning Guidance Unit Manager (or nominee)) for certification that it gives effect to the objectives of and complies with the requirements in Conditions 60 and 61.
60. The objectives of the CEMP are to:
- (a) Ensure that the construction works remain within the limits and standards approved under the consent and set out the management procedures and construction methods to be undertaken in order to avoid, remedy or mitigate potential adverse effects arising from construction activities;
  - (b) Ensure that the Consent Holder has prepared a programme of works that will enable the structures and all other associated construction works to be undertaken in a manner that is timely, adequately co-ordinated and minimises the adverse effects of construction on public land and adjacent property;
  - (c) Ensure that procedures are in place to ensure that the site is managed safely and in a tidy condition throughout the entire construction process;
  - (d) Avoid damage (beyond the approved modifications required to undertake the works) to the historic Hamilton Hotel building, public land and adjacent property during construction and ensure appropriate mitigation / remediation should damage occur;
  - (e) Minimise harm from any potential human exposure from contaminants and ensure environmental risk from contaminated material is appropriately managed.
61. The CEMP shall include (but not be limited to) the following matters:
- (a) Construction quality assurance:

- (i) Contact details of the contractor's site supervisor or project manager and the Consent Holder's Project Liaison Coordinator (phone, postal address, email address);
- (ii) Hours of operation;
- (iii) Confirmation of the construction methodology, including for permanent and temporary structures;
- (iv) Location of construction site infrastructure including site offices / amenities, contractors' yard access, equipment unloading and storage areas, contractor car parking and security;
- (v) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid remedy or mitigate any potential adverse effects;
- (vi) Procedures for ensuring that residents, businesses, network utility operators and road users in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction and are informed about the expected duration and effects of the work;
- (vii) Procedures for responding to, recording and reporting complaints about construction activities;
- (viii) Means of providing for the health and safety of the general public;
- (ix) Measures to be adopted to maintain land areas affected by the works in a tidy condition in terms of disposal / storage of rubbish, storage and unloading of construction materials and similar construction activities;
- (x) Procedures for controlling sediment run-off, dust and the removal of soil, debris, demolition and construction materials (if any) from public roads or places adjacent to the work site/s;
- (xi) Proposed temporary fencing or other structures along the boundary of the construction areas in order to delineate boundaries, maintain site security, prevent unauthorised access, ensure the safe and practical operation of adjacent sites, and to avoid intrusion of construction works beyond the construction area;
- (xii) Measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up;
- (xiii) Procedures for incident management, monitoring and reporting including review and corrective and preventative action;
- (xiv) Site clean-up following completion of works, including removal of construction materials and temporary structures; and

- (xv) Maintenance of plant in a good state of repair so as not to produce excessive fumes or leakage of contaminants when parked or in operation.
- (b) Construction methodology, including:
- (i) That no construction method using a driven pile technique shall be used;
  - (ii) Construction programme, including:
    - an outline of the construction programme;
    - confirmation of the proposed sequence of construction works;
    - identification of any areas that will be publicly accessible during construction.
  - (iii) Methods to remedy any disturbance resulting from works; and
  - (iv) Management of excavation stability for permanent and temporary works.
- (c) Site management, including details of:
- (i) Site access;
  - (ii) Bunding or containment of fuels and lubricants to prevent the discharge of contaminants;
  - (iii) Maintenance of machinery and plant to minimise the potential for leakage of fuel or lubricants; and
  - (iv) Restrictions and methods necessary to maintain public health and safety, including means for restricting and notifying the public of any restrictions on public access to and along the riverbank.
- (d) In addition to the above, the following management plans may be provided under the umbrella of the overarching CEMP or as standalone documents:
- (i) Construction Traffic Management Plan (CTMP) required under Condition 64;
  - (ii) Construction Noise and Vibration Management Plan (CNVMP) required under Condition 71;
  - (iii) Heritage Construction Management Plan (HCMP) required under Condition 89;
  - (iv) Contaminated Site Management Plan (CSMP) required under Condition 106;

- (v) Tree Protection Management Plan (TPMP) required under Condition 118.
- 62. In line with the requirements under Condition 9, the CEMP shall include a record of the engagement with Mana Whenua including any feedback received from Mana Whenua, and any subsequent responses provided to Mana Whenua.
- 63. In line with the requirement under Condition 11, the CEMP, CTMP and CNVMP must clearly document the comments and inputs received from the Neighbour Liaison Group, along with a clear explanation of where any feedback has not been incorporated, and the reasons why not.

### **Construction Traffic Management Plan**

- 64. At least twenty (20) working days prior to the Commencement of Construction [of each stage of the construction phasing](#), the Consent Holder shall prepare a Construction Traffic Management Plan (**CTMP**) [relative to the stage of construction being undertaken](#) and submit it to the Council (Planning Guidance Unit Manager (or nominee)) for certification that it gives effect to the objectives of and complies with the requirements in Conditions 65 and 66.
- 65. The objectives of the CTMP are to:
  - (a) Ensure that all construction traffic activities remain within the limits and standards approved under the consent and set out the management procedures and methods to be implemented in order to avoid, remedy or mitigate potential adverse effects arising from construction traffic activities;
  - (b) Provide for the safety of everyone at all times;
  - (c) Implement measures to raise the awareness of pedestrians and cyclists to any construction traffic activity on or adjacent to public thoroughfares, including the riverside path;
  - (d) Specific measures to provide for the safe movement of construction vehicles through high pedestrian demand areas and in the vicinity of site access points;
  - (e) Specify measures to reduce vehicle traffic and parking demand associated with construction staff;
  - (f) Provide a mechanism for addressing queries and responding to complaints; and
  - (g) Provide for the safe movement of vehicles and pedestrians to and from 238-240 Victoria Street and all properties on Sapper Moore-Jones Place.
- 66. The CTMP shall include (but not be limited to) the following matters:

- (a) Details of the works, intended construction timetable (including staging) and hours of operation;
  - (b) The traffic management measures that will be required to be implemented, including the need for temporary road closures and/or other restrictions on the affected road network;
  - (c) A mechanism and nominated stakeholder manager responsible for receiving, addressing and monitoring queries and responding to complaints in relation to the construction works;
  - (d) Specific construction site traffic management measures (for example ensuring sufficient space is maintained within construction site(s) to prevent vehicles queuing on the street (or other publicly accessible spaces) to ensure that construction traffic does not affect the efficiency and safety of other vehicles, pedestrians, cyclists and other users within the vicinity of the works;
  - (e) Methods to manage pedestrian access and safety on Victoria Street, Embassy Park, Sapper Moore-Jones Place and the riverside path;
  - (f) Methods to provide for the safe movement of vehicles and pedestrians to and from 238-240 Victoria Street and all properties on Sapper Moore-Jones Place;
  - (g) Liaison with Council to manage temporary changes to on-street parking;
  - (h) Measures to manage vehicle traffic and reduce parking demands associated with construction staff. Contractor parking is off-site only and shall not take place on Sapper Moore-Jones Place;
  - (i) Confirmation of the typical number and type of heavy vehicle movements throughout the day and their typical route to take to ensure a safe environment for all road users, including existing residents and pedestrians to ensure that the surrounding road network will continue to operate in an efficient manner;
  - (j) Methods to control dust, debris on roads and silt laden runoff during construction, such as the erection of silt fence, stabilised entranceways, cut off drains and the connection of downpipes to the stormwater system as necessary.
  - (k) A communication strategy to raise awareness to the public of the constraints and options of alternative routes during construction.
67. All works within the road corridor shall be managed by a contractor operating under a current CAR (Corridor Access Request), made through the [www.beforeudig.co.nz](http://www.beforeudig.co.nz) website) and appropriate traffic management. The Corridor Access Request shall be approved by the Road Controlling Authority prior to construction works commencing onsite.

68. All service relocation required to accommodate the upgraded vehicle crossing shall be at the consent holder's expense.
69. The footpath and berm shall be kept clear during construction, or, if not practicable, may be temporarily closed along the site frontage. An application for Temporary Use of the Road Corridor can be made through the [www.beforeudig.co.nz](http://www.beforeudig.co.nz) website.
70. On completion of construction work any damage within the road corridor shall be repaired, and the kerb, berm and footpath reinstated to match the surroundings or upgraded environment. The reinstatement work shall not be carried out until all any work within the road corridor has been completed and shall include the reinstatement of all trenches.

### **Construction Noise and Vibration Management Plan**

71. ~~A Construction Noise and Vibration Management Plan (CNVMP) (which can be part of a larger construction management plan) shall be provided to Council (Planning Guidance Unit Compliance Monitoring Officer) at least twenty (20) working days prior to Commencement of Construction for certification that the CNVMP gives effect to the objectives in Condition 73.~~

Construction works shall be measured and assessed in accordance with the provisions of NZS 6803:1999, and comply, as far as practicable, with the relevant noise levels stated in NZS6803: 1999, Section 7.2 'Recommended numerical limits for construction noise'.

72. ~~The CNVMP shall be prepared by a suitably qualified and experienced person in construction noise and vibration and shall confirm and include the following:~~
  - ~~(a) — The applicable construction noise and vibration limits (refer to Conditions 74 and 75);~~
  - ~~(b) — Identification of likely affected properties (off-site), which shall include the residential apartments at 238 and 240 Victoria St Hamilton;~~
  - ~~(c) — Predicted noise and vibration levels at the locations of the likely affected properties;~~
  - ~~(d) — General methods to mitigate and manage construction noise and vibration to comply with the applicable noise limits;~~
  - ~~(e) — Identification of any construction activities (such as pile driving and concrete pours) that may require specific mitigation measures to comply with the applicable noise and vibration limits;~~
  - ~~(f) — Provision for sound level monitoring of construction activities that may exceed the stated noise limits;~~
  - ~~(g) — A methodology for pro-active monitoring of vibration levels in relation to the residential apartments located at 238 and 240 Victoria St Hamilton to ensure compliance with the stated vibration limits;~~

- ~~(h) — The procedures to be followed when construction activities cannot meet the noise and vibration standards in Conditions 74 and 75;~~
- ~~(i) — Contact details of the person in charge of construction works;~~
- ~~(j) — A complaint management procedure.~~

***Advice note:***

*Refer to Annexes B through to F of NZS 6803:1999 Acoustics — Construction Noise for guidance on the management of construction noise and vibration. There is also a comprehensive list of mitigation measures listed in the application documentation that could be incorporated into the Plan.*

Construction vibration shall comply with the limits in Table 1 and Table 3 of DIN 4150-3:1999 “Structural Vibration – Part 3: Effects of vibration on structures”.

- 73. At least 10 days prior to Commencement of Construction, the Consent Holder shall prepare a Construction Noise and Vibration Management Plan (“CNVMP” and submit it to the Council (Team Leader Monitoring and Compliance) for certification that the CNVMP gives effect to the objectives and complies with the requirements in Conditions 71 and 72.
  
- 74. The objectives of the CNVMP are:
  - (a) Identify and adopt the Best Practicable Option for the management of construction noise and vibration, including the effects of vibration on the former Hamilton Hotel building and the remedy of any effects of vibration on the condition of that building;
  - (b) Define the procedures to be followed when construction activities cannot meet the noise and vibration standards in Condition 71 and 72.
  - (c) Inform the duration, frequency and timing of works to manage disruption; and
  - (d) Require engagement with affected receivers and timely management of complaints.
  
- 75. ~~All construction work on the site, including demolition, earthworks, foundation work, concrete pours and piling, shall be designed and conducted to ensure that construction noise from the site at approximately 1-m from the most exposed façade of a building on any other site in a residential zone, or of a building used for residential accommodation within the Central City Zone, does not exceed the noise limits in the following table. If any sound level measurements are recorded they shall be measured and assessed in accordance with the provisions of NZS 6803:1999 'Acoustics – Construction Noise' by a suitably qualified and experienced person in construction noise—~~

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

**Advice note:**

*The lower noise limits (shaded) mean that some construction work, particularly in relation to any concrete pours, piling and earthworks, may not be able to take place during the corresponding time frames, which includes all times on Sundays and public holidays.*

The CNVMP shall include:

- (a) The relevant measures from NZD 6803: 1999 “Acoustics- Construction Noise”, Annex E2 “Noise Management Plans”,
  - (b) The relevant measures from DIN 4150-3:1999 “Structural Vibration- Part 3 Effects of vibration on structures”, Appendix B “Measures for limiting the effects of vibration”
  - (c) The residential apartments at 238 and 240 Victoria Street.
76. ~~Construction vibration received by any building on any other site shall comply with the vibration limits in the following table. If any monitoring of vibration is required, it shall be conducted in accordance with the German standard DIN 4150-3:1999 ‘Structural vibration — Part 3: Effects of vibration on structures’ by a suitably qualified and experienced person in construction vibration-~~

Type of Structure	Peak Particle Velocity (mm/s) at the foundation at a frequency of:-			PPV (mm/s) at horizontal plane of highest floor
	1—10 Hz	1—50 Hz	50—100 Hz	
Commercial/Industrial	20	20—40	40—50	40
Residential/School	5	5—15	15—20	15
Historic or sensitive structures	3	3—8	8—10	8

All construction works shall be carried out in accordance with the certified CNVMP.

### Settlement and Deformation Monitoring Plan

Refer to conditions 142 to 148 below

#### **Operational Noise**

77. An acoustic design certificate, prepared by a suitably qualified and experienced person in building acoustics, shall be provided to Council (Planning Guidance Unit Compliance Monitoring Officer) at or before the time of application for building consent. The certificate shall show how the noise standards in Condition 79 are able to be met in relation to noise from the auditorium, rehearsal room, the foyer and mechanical plant and the smoke exhaust.
78. The consent holder shall provide an Operational Noise Management Plan for certification by Council (Planning Guidance Unit Compliance Monitoring Officer) at least twenty (20) working days prior to the commencement of the consented activity. The Plan shall outline the following:
  - (a) The applicable noise limits (refer to Condition 79);
  - (b) A description of the types of events and activities that are associated with the consented activity and their location within the consented activity (including the art gallery and the back-of-house delivery/service area);
  - (c) Identification of potentially affected properties (off-site), which shall include the residential apartments at 238 and 240 Victoria St Hamilton;
  - (d) Mitigation measures that will be applied to ensure that noise emission from all activities and events will comply with the applicable noise limits;
  - (e) Contact details of key management personnel;
  - (f) A complaint management procedure.
79. The cumulative noise emission from all events and activities (excluding construction noise) and mechanical plant shall not exceed the rating noise levels in the following tables. Noise levels shall be measured in accordance with NZS6801:2008 'Acoustics - Measurement of Environmental Sound' and assessed in accordance with NZS6802:2008 'Acoustics - Environmental Noise' before comparison with these levels-
  - (a) At any point within the boundary of any other site in a residential zone-

Time of day	Noise level measured in LAeq (15-min)	Noise level measured in LAFmax
0600 – 0700 hours	45dB	75dB

0700 – 2000 hours	50dB	-
2000 – 2300 hours	45dB	-
2300 – 0600 hours	40dB	75dB

(b) At any point 1 metre from the external facade of any building in the Central City Zone (including those used for residential activity or for visitor accommodation)-

Time of day	Noise level measured in LAeq (15-min)	Noise level measured in LAFmax
At all times (24-hrs)	60dB	75dB
	55dB @ 63Hz	
	50dB @ 125Hz	

80. All events and activities associated with the consented activity shall be managed in accordance with the certified Operational Noise Management Plan.

### Conservation Plan

Purpose of the Conservation Plan:

*The production of a Conservation Plan conventionally precedes the determinations for change to a heritage item. In this case, the Conservation Plan will continue to adhere to best practice principles in providing guidance, policies and recommendations for the appropriate conservation and adaptive reuse of the sections of the former Hamilton Hotel that are proposed to be retained and its site. The Conservation Plan will include the following sections: Summary of the history of the place, description of the historic heritage values of the place, an inventory of fabric, features, fixtures and fittings associated with the place (including its historic landscape), policies and recommendations. The Conservation Plan should not be perceived in any way as a justification for a predetermined approach to managing the historic heritage values of the former Hamilton Hotel or the Waikato Regional Theatre project.*

81. Prior to the Commencement of Construction, the Appointed Conservation Architect shall prepare a **Conservation Plan**, based on the model developed by JS Kerr, for the former Hamilton Hotel with particular emphasis on the sections of the hotel that are to be retained. The Consent Holder shall submit this separately to HNZPT for comments and submit the Conservation Plan to the Council (Planning Guidance Unit Manager (or nominee)) in consultation with Council's Heritage Advisor) for certification that it gives effect to the objectives of and complies with the requirements in Condition 82.

82. The objective of the Conservation Plan is to develop clear policies to guide the designers to ensure that the heritage values of the remaining heritage fabric are protected. Policies shall be included that provide a methodology for incorporating any seismic upgrading work and should also outline philosophies for adapting the building for new uses, including the integration of new fabric.
83. The Conservation Plan shall be completed prior to the commencement of the detailed design stage to ensure that it is in place to guide the designers and engineers through the design phases of the project. The completed Conservation Plan should be made available to all personnel working on the site.
84. Once the Conservation Plan has been completed, the Appointed Conservation Architect shall continue to consult with the consent holder's design architect and Engineers to ensure that the heritage values and fabric of the Hamilton Hotel are appropriately managed through the design phase in consultation with HNZPT.
85. Work to the remaining section of the Hamilton Hotel should also be guided by the ICOMOS New Zealand Charter (revised 2010) with respect to preservation, restoration and reconstruction and the Conservation Plan shall demonstrate how this is proposed to be achieved.

### **Restoration Plan**

86. Prior to the ~~Commencement of Construction~~ restoration works to the former Hamilton Hotel building, the Appointed Conservation Architect shall prepare a **Restoration Plan** detailing the proposed restoration of the remaining sections of the former Hamilton Hotel. The Consent Holder shall submit this separately to HNZPT for comments and submit the Restoration Plan to the Council (Planning Guidance Unit Manager (or nominee)) in consultation with Council's Heritage Advisor) for certification that it gives effect to the requirements in Condition 88. The Restoration Plan shall be completed prior to work commencing on any part of the site.
87. The Council (Team Leader Compliance Monitoring Planning Guidance Unit Manager (or nominee) in consultation with Council's Heritage Advisor) shall be advised of any design changes and given the opportunity to comment and advise whether amendments to the resource consent are required.
88. The Restoration Plan shall include details of the work to be undertaken, methodologies proposed, the name of the conservation architect overseeing the work and timeframes to undertake and complete the works. The plan shall include the following:

- (a) Architectural drawings and a description of the work proposed to restore the lower level of the Hamilton Hotel's exterior façades facing Victoria Street and extending around the corner into Sapper Moore-Jones Place to their 1923/29 forms or as agreed by Council's heritage advisor. This shall include a colour scheme taking into account the building's original colours as determined by paint scrapings.
- (b) Architectural drawings and a description of the work proposed to remove identified accretions that detract from the Hamilton Hotel's heritage value.
- (c) A proposal to reuse any salvaged materials and fabric from the areas of the Hamilton Hotel that are being demolished. The proposed locations of material and fabric to be reused shall be shown on architectural drawings to be prepared for the project. Material and fabric to be reused shall include the following:
  - i. Original leadlight windows from the main stairwell and potentially other steel window joinery.
  - ii. The complete central oak panelled staircase.
  - iii. Original fire surrounds.
  - iv. Remaining original doors and architraves.
  - v. Timber fixtures and fittings from the area known as the Queen's Suite on level 2 of the Hamilton Hotel, which shall be retained as a group of items within the Hamilton Hotel.
- (d) Architectural drawings and a description of the work proposed to expose original fabric at the rear of the 1929 Hamilton Hotel.
- (e) An inventory of original heritage fabric to remain in place and its location on the architectural drawings. This shall include the original entry doors, complete with hardware and any remnants of original shopfronts.
- (f) Architectural details of junctions between heritage fabric and new building work.
- (g) A condition report, detailing all the defects and outlining remedial work proposed to be undertaken on the Hamilton Hotel.
- (h) Details of proposed structural upgrading work to the Hamilton Hotel which shall be prepared in consultation with the Appointed Conservation Architect and its impact on heritage fabric carefully considered.
- (i) All mechanical plant and ventilation systems impacting on the Hamilton Hotel shall be fully detailed in consultation with the Appointed Conservation Architect to ensure their impact on heritage fabric is minimised.

- (j) Details of a proposed signage envelope for the frontage of the Hamilton Hotel developed in consultation with the Appointed Conservation Architect to ensure their impact on heritage fabric is minimised.

### **Heritage Construction Management Plan**

- 89. A minimum of twenty (20) working days prior to the Commencement of Construction, the Consent Holder's contractor in association with the Appointed Conservation Architect shall prepare a Heritage Construction Management Plan (**HCMP**) and submit this separately to HNZPT for comments and to the Council (Planning Guidance Unit Manager (or nominee)) in consultation with the Council's Heritage Advisor) for certification that it gives effect to the objectives of and complies with the requirements in Conditions 90 and 91.
- 90. The objective of the HCMP is to guide the demolition and construction works in relation to heritage, to ensure that the works are undertaken in accordance with good practice conservation principles and methods, so as to mitigate or remedy adverse effects on heritage values.

**Advice note:**

Measures to protect the heritage buildings against the effects of vibration from site works and demolition are included as part of the Construction Noise and Vibration Management Plan at conditions 71-76.

- 91. The HCMP shall include but not be limited to:
  - (a) A statement of significance from the Conservation Plan of the recognised historic heritage values of the place that have informed the proposed construction management processes.
  - (b) Contract details for all stakeholders including the contractor and nominated heritage specialist who will be overseeing all the heritage works on site.
  - (c) A construction schedule with approximate timing for each phase of construction.
  - (d) A work plan for each construction activity, detailing demolition/construction methods for each component of the Hamilton Hotel.
  - (e) A **Heritage Protection Plan (HPP)** outlining measures to be taken to protect existing heritage fabric that is being retained in-situ from damage during construction.
  - (f) A detailed methodology for the removal of heritage fabric that is proposed to be set aside for reuse. This will include items such as the timber portals in the entry hall, the timber staircase, the timber fixtures and fittings in the Queen's Suite, original timber doors and architraves, leadlight windows and fire surrounds. The methodology shall include measures to ensure the safe retention, transportation and storage of the heritage fabric.

- (g) A methodology describing the proposed demolition and measures to be put in place to ensure that areas of the building that are to be retained will be protected from damage during demolition and construction activities.
  - (h) Details of any temporary propping of the former Hamilton Hotel that might be required while demolition work is being carried out and any fixings that might be required to the building fabric.
  - (i) With an underground car park adjacent to the former Hamilton Hotel being proposed, details of how the ground beneath the hotel is to be retained and details of any underpinning that might be required.
  - (j) Measures to be taken to ensure the retained areas of the former Hamilton Hotel building is to be protected from water ingress and unauthorised access during demolition and construction phases.
92. In the event that any changes to the approved consent drawings / documents are required as a result of new information and / or site discovery, the HCMP shall be updated to provide the following information and shall be provided to Council (Planning Guidance Unit Compliance Monitoring Officer) for review:
- (a) Plans and drawings outlining the details of the changes; and
  - (b) Supporting information that details whether the proposed changes will result in any difference and / or increase in adverse effects on the heritage values of the Hamilton Hotel.

Those changes shall only be implemented after all the information provided as part of the updated HCMP has been reviewed by Council in accordance with the process set out in Conditions 54 - 58 as being within the scope of this resource consent.

93. If accidental damage or reduced condition occurs to a historic heritage place, feature or element as a result of works associated with the Project, the Consent Holder or their appointed agent shall be responsible for undertaking remediation to a standard at least equivalent to the condition noted in the pre-works visual condition survey required under Condition 47. The HCMP shall be updated to detail the remedial works, shall include as a minimum the following information, and shall be provided to Council (Planning Guidance Unit Compliance Monitoring Officer) for review:
- (a) Physical investigations;
  - (b) Further research;
  - (c) Specifications for any required conservation work to remediate the damage or reduced condition of historic heritage fabric; and
  - (d) The outcome of consultation with the Council's Heritage Specialist and HNZPT.

Those changes shall only be implemented after all information provided as part of the updated HCMP has been reviewed by Council in accordance with the process set out in Conditions 54 - 58 as being within the scope of this resource consent.

94. A pre-construction meeting shall be held between the Consent Holder's Contractor, the Appointed Conservation Architect and Council's nominated Heritage Specialist prior to the Commencement of Construction to ensure that the pre-construction measures required by the HCMP have been implemented and that the correct heritage processes are understood and followed.
95. Prior to the commencement of any demolition activity, the Appointed Conservation Architect shall be advised and shall oversee any work involving heritage related work including demolition of the consented parts of the Hamilton Hotel to ensure that the work is being carried out in accordance with the resource consent conditions.
96. The Appointed Conservation Architect shall record and log the on-going compliance with the Built Heritage conditions of this consent. This log shall be provided to the Council (Planning Guidance Unit Compliance Monitoring Officer in consultation with Council's Heritage Specialist) at monthly intervals, or upon request.

#### **Contamination**

97. Prior to any soil disturbance works commencing on or within the site, the Consent Holder shall arrange a pre-commencement meeting to discuss soil contamination requirements. The objective of the meeting will be to ensure all relevant parties are clear on the implementation of the human health-related controls. The matters for discussion will include (but not be limited to) and confirm:
  - (a) The investigative approach to characterising the unknown nature of the soil being disturbed specific to land where HAILs are alleged to have been undertaken.
  - (b) The approach to site management including identifying unknown hazards and implementing mitigation methods specific to human health-related requirements.
  - (c) The approach to meeting compliance monitoring requirements with regard to timing, staging, notification and communication.
  - (d) In attendance must be:
    - a. The Suitably Qualified and Experienced Practitioner (SQEP) nominated to oversee the works/address soil contamination matters
    - b. Council's Contaminated Land Officer and Compliance Monitoring Officer

- c. All contractors and sub-contractors supervisory staff who are carrying out any works associated with human health-related requirements.
98. Prior to the commencement of any soil disturbance works occurring, a Detailed Site Investigation (**DSI**) shall be done for the piece(s) of land where HAIL activities are alleged to have been undertaken, as identified in the Preliminary Contaminated Site Investigation for 170 Victoria St, Hamilton Report prepared by Lysaght Consulting Ltd, (dated August 2018), and as explained in Section 58 of the Waikato Regional Theatre Section 92 Request for Information Response dated 6 June 2019.
  99. The DSI shall be done and reported on by a Suitably Qualified and Experienced Practitioner (**SQEP**) in accordance with the RMA (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) (NESCS) Regulations 2011, in terms of regulation 3.
  100. Prior to the commencement of any soil disturbance works occurring, a copy of the DSI report must be provided to Council (Planning Guidance Unit Compliance Monitoring Officer in consultation with Council Environmental Health Manager) for certification
  101. The DSI shall contain sufficient and appropriate information to enable suitable action by regulators and compliance monitoring officers.
  102. The report shall include all evidence the SQEP has relied upon to form their concluding opinions and recommendations. The discretion exercised by the SQEP must be sufficiently detailed, and any departure from the framework provided in MfE's CLMGs must be appropriately justified.
  103. The DSI investigative objectives and subsequent sampling design strategy shall be capable of determining if any piece of land is impacted in such a way that poses an unacceptable risk to human health or the environment (on-site or off-site) given the intended use, the associated soil disturbance and any on-site reuse and off-site disposal.
  104. The DSI shall confirm the suitability of the land for the intended land use, and the suitability of the soil for on-site re-use or off-site disposal by clearly demonstrating compliance with the applicable NESCS Soil Contaminant Standards for Health and the appropriate disposal facility acceptance criteria.

105. In the event that the investigation results indicate contaminants of concern exceed the applicable NESCS standards, a Remedial Action Plan (**RAP**) shall be developed that includes remedial and management works that are appropriate to mitigating the risk posed by the contaminants. The RAP shall specify the proposed process in sufficient detail to show how it can be successful and must specify the sampling necessary to validate that the resultant soil is safe for the intended use. The appropriateness of the proposed methodology will be determined by the degree of certainty provided by the SQEP that the actions undertaken will eliminate or sufficiently reduce the hazard to an acceptable level. A copy of the RAP shall be provided to Council (Planning Guidance Unit Compliance Monitoring Officer in consultation with Council's Environmental Health Manager) for certification prior to any remedial works being done.
106. In the event that the DSI determines site-specific soil management is required a Contaminated Site Management Plan (**CSMP**) shall be prepared and the content must serve as a framework for managing soil disturbance on a piece(s) of land by identifying hazards and recommending mitigation methods relevant to actual site conditions. The CSMP shall include the necessary designs, actions, procedures and controls that restrict and prevents exposure and avoid human health implications on-site and off-site discharges. The CSMP shall include:
- (a) Appropriate transport and disposal options to avoid human health and environmental exposure from off-site removal of soil;
  - (b) appropriate contingency measures for any previously unidentified contamination being discovered; and
  - (c) an acceptable method for works completion reporting. Any alternative methods or measures must be proven to be consistent with the objective of the approved CSMP prior to their implementation.

The adequacy of the CSMP shall be determined by the inclusion of industry accepted best practice management controls in accordance with (but not limited to) Soil and Erosion Control: guidelines for Soil Disturbing Activities, Waikato Regional Council (2009), Good Practice Guide for Assessing and Managing Dust, Ministry for the Environment (2016), Guidelines for Assessment and Managing Asbestos in Soil, BRANZ (2017). A copy of the CSMP shall be provided to Council (Planning Guidance Unit Compliance Monitoring Officer in consultation with Council's Environmental Health Manager) for certification acceptance that it has been prepared in accordance with aforementioned guidelines prior to any soil disturbance occurring on land that requires human health-related controls.

107. The relevant human health-related controls outlined in the CSMP must be implemented under supervision of the SQEP or suitable persons nominated by the SQEP for the duration of the soil disturbance works. Any alternative management methods or measures must be notified to Council and must be proven to be consistent with the objective of the CSMP prior to their implementation. The alterations must be consistent with the human health risk-based approach of the CSMP to ensure the same level of protection is afforded to site workers, and future site users.
108. In the event that any previously unidentified contamination (including but not limited to asbestos) is discovered in any exposed or excavated soil, works are to cease immediately, and Council is to be notified of the discovery. The SQEP is to assess the risk and determine what actions are appropriate for reducing the potential risk to site workers, future site users and the environment given the extent of the discovery. The details of the discovery and the action taken are to be reported either in the SVR or the works completion reporting.

**Advice notes relating to contamination:**

- a) *In terms of piece(s) of land - the PSI report and S42A report have indicated that the likely location of the alleged HAIL (A.5 Dry Cleaner) is within the main building of the former Hamilton Hotel, but that soils across the wider site may have been impacted by fires destroying the previous two hotel buildings. Also, that post demolition and removal of buildings/concrete hardstand, inspection and soil sampling needs to be undertaken; that assessment, inspection and soil sampling may be required at any other stages of the development when previously inaccessible soils (suspected of being impacted/pieces of land) are exposed.*
- b) *In terms of in accordance with NESCS regulation 3 DSI (a) – verification of SQEP credibility will be determined by the certifier being a Contaminated Land Specialist, who has relevant capabilities that are supported by a professional profile, or who ultimately is a certified practitioner registered with EIANZ CEnvP or CEnvP-SC scheme. This information must be submitted with any reporting done under the NESCS.*
- c) *In terms of in accordance with NESCS regulation 3 DSI (b) & (c) - any investigation, remediation, validation and soil management works must be done and reported on in accordance with current editions of the Ministry for the Environment Contaminated Land Management Guidelines No. 5 – Site Investigation and Analysis of Soils, No.1 - Reporting on Contaminated Sites in New Zealand, and The Methodology for Deriving Standards for Contaminants in Soil to protect Human Health (2011).*

- d) *In terms of “in accordance” with NESCS regulation 3 HAIL - will be determined by the SQEP demonstrating the approach adopted meets the requirements of the relevant regulations and guidance that governs the assessment, management and remediation of land affected by hazardous substances typically associated with the specific activities and industries listed in the current edition of the Hazardous Activities and Industries List (HAIL), Wellington, Ministry for the Environment (MfE).*
- e) *In terms of NESCS regulations - “suitability” of any land will be determined by the SQEP adopting the appropriate approach to investigation, remediation and validation as outlined in the relevant MfE’s Guidelines incorporated by reference in the NESCS. A best practice approach will also include meeting any specific requirements of other relevant regulations and guidance that governs the assessment, management and remediation of other contaminants of concern, and guidance documents that provide statements of good practice (be that they have or not have the status of law but that sit within/align with the contaminated land framework).*
- f) *Verification of “in accordance” will be determined by the SQEP demonstrating the investigative approach adopted adequately meets the requirements of the relevant regulations and guidance that governs the assessment, management and remediation of land affected by hazardous substances typically associated with the specific activities and industries listed in the current edition of the Hazardous Activities and Industries List (HAIL), Wellington, Ministry for the Environment (MfE).*
- g) *The adequacy of the investigation(s) will be determined by the report(s) content(s) clearly demonstrating best-practice has been applied to the investigation and reporting process. And by an investigative approach involving a robust risk-based assessment that includes a sufficient weight of evidence clearly capable of demonstrating the appropriateness of the conclusions.*
- h) *The appropriateness of a proposed RAP methodology will be determined by the degree of certainty provided by the SQEP that the actions undertaken will eliminate or sufficiently reduce the hazard to an acceptable level.*
- i) *The adequacy of an SVR will be determined by the weight of evidence documenting the effectiveness of the remediation against the remedial goals set.*
- j) *The adequacy of a CSMP will be determined by the inclusion of industry accepted best practice management controls in accordance with (but not limited to) Soil and Erosion Control: guidelines for Soil Disturbing Activities, Waikato Regional Council (2009), Good Practice Guide for Assessing and Managing Dust, Ministry for the Environment (2016), Guidelines for Assessment and Managing Asbestos in Soil, BRANZ (2017).*

- k) *The off-site disposal of any potentially contaminated soil may qualify as a discharge of contaminants under the Waikato Regional Plan in which case Waikato Regional Council would need to be contacted.*
109. The implementation of the accepted RAP methodology shall be supervised by the SQEP, or suitable persons nominated by the SQEP, to ensure contractors and surrounding population and environments are not exposed to contaminants, and to ensure that the human health risk is eliminated or sufficiently reduced to acceptable levels on completion. The Consent Holder shall notify the Council (Team Leader Compliance Monitoring in consultation with Council's Environmental Health Manager) of any proposed variations to the accepted RAP and any alternative methods must be proven to be consistent with the appropriate remediation standard prior to their implementation.
110. After completing any remedial activities one site, site validation shall be undertaken to demonstrate the approved remediation targets have been achieved. A Site Validation Report (**SVR**) shall be prepared that adequately demonstrates no unacceptable risk to human health or the environment remains on any piece(s) of land at the completion of the remedial works. The SVR shall include confirmation that all the consenting requirements have been met, and compliance approved before further soil disturbance works can commence. The adequacy of the SVR will be determined by the weight of evidence documenting the effectiveness of the remediation against the remedial goals set. A copy of the SVR shall be provided to Council (Planning Guidance Unit Compliance Monitoring Officer in consultation with Council's Environmental Health Manager) for certification as soon as practicable after remedial validation is completed.
111. The relevant human health-related controls outlined in the CSMP shall be implemented under supervision of the SQEP or suitable persons nominated by the SQEP for the duration of the soil disturbance works. Any alternative management methods or measures shall be notified to Council (Planning Guidance Unit Compliance Monitoring Officer in consultation with Council's Environmental Health Manager) for certification that they are consistent with the objective of the CSMP prior to their implementation. The alterations shall be consistent with the human health risk-based approach of the CSMP to ensure the same level of protection is afforded to site workers, and future site users.
112. In the event that any previously unidentified contamination (including but not limited to asbestos) is discovered in any exposed or excavated soil, works are to cease immediately, and Council (Planning Guidance Unit Compliance Monitoring Officer) shall be notified of the discovery. The SQEP shall assess the risk and determine what actions are appropriate for reducing the potential risk to site workers, future site users and the environment given the extent of the discovery. The details of the discovery and the action taken shall be reported either in the SVR required under Condition 110 or the works completion reporting required under Condition 114.

113. Any soil identified as requiring removal from the site by the SQEP shall be removed under controlled conditions to a licensed waste facility or landfill for disposal in accordance with the requirements of the disposal site and the relevant authority. Receipts of transport and disposal shall be included in the SVR required under Condition 110 or the Works Completion Reporting required under Condition 114.
114. The Consent Holder shall provide its Works Completion reporting to Council (Planning Guidance Unit Compliance Monitoring Officer) within two months of soil disturbance works being completed to confirm that the methods outlined in the CSMP were enforced for the period of the soil disturbance works, and that the measures were successful in ensuring the potential risks were adequately managed.

## **Tree Protection Methodology**

### General

115. The Consent Holder shall engage a suitably qualified and experienced arborist (Appointed Arborist) to supervise all works in the vicinity of the scheduled significant trees located on the site. The Appointed Arborist must be experienced in implementing tree protection methodologies during construction activities.
116. It shall be the responsibility of the Consent Holder to ensure that all persons engaged or otherwise to work on the site are made aware of the conditions of consent and tree protection methodologies, and that those conditions are adhered to at all times.

### Removal of trees

117. The three scheduled significant trees to be removed from the site are identified as Trees 16.2 (Norfolk Pine), 16.4 (Southern Magnolia) and 16.5 (Southern Magnolia) on the Tree Location Plan included as **Annexure B** to these conditions. The removal of the three trees shall be undertaken by or under the supervision of the Appointed Arborist, who shall ensure that the work is undertaken in a manner that preserves the health and well-being of the two scheduled trees being retained (as defined in Condition 120 below).

### Protection of trees during construction

118. A minimum of twenty (20) [working days](#) prior to the Commencement of Construction, the Consent Holder shall prepare a Tree Protection Management Plan (**TPMP**) for the 'construction phase' and submit it to the Council (Planning Guidance Unit Manager (or nominee)) in consultation with Council's Arborist) for certification that it gives effect to the objective of and complies with the requirements in Conditions 120(a) and 121.

119. Prior to occupation of the Waikato Regional Theatre, the Consent Holder shall submit an updated TPMP detailing the tree management measures to be implemented on an ongoing basis to the Council (Planning Guidance Unit Compliance Monitoring Officer in consultation with Council's Arborist) for certification that it gives effect to the objective of and complies with the requirements of Conditions 120(b) and 121.
120. The objectives of the TPMP are:
- (a) to ensure the protection of the two scheduled significant trees being retained on the site (**the Retained Trees**), being the Tree 16.1 (Norfolk Pine) and Tree 16.3 (Bunya Pine) as identified in the Tree Location Plan included as **Annexure B** to these conditions, for the duration of the construction activities (including during the removal of the three trees identified under Condition 117); and
  - (b) to provide for the ongoing health and well-being of the Retained Trees required under this condition and the Replacement Trees required under Condition 122, and to ensure public safety risks are proactively managed.
121. The TPMP shall include (but not be limited to) the following:

*Construction phase*

- (a) That the Appointed Arborist shall supervise the physical delineation of the Tree Protection Zone (**TPZ**) on the ground around the Retained Trees. No work shall take place within the TPZ unless otherwise agreed to by the Appointed Arborist;
- (b) That as soon as practicable and prior to Commencement of Construction, soil testing shall be undertaken with the intention to analyse and amend any nutrient and / or microorganism deficiencies;
- (c) Details of the bespoke irrigation system that is to be installed within the root zone of the Retained Trees. The system shall utilise rain fall, which will be distributed evenly to the trees' root zones, and will also provide for irrigation of reticulated mains water for use during extended dry periods;
- (d) That as soon as practicable and prior to Commencement of Construction, a suitable protective fence shall be erected not closer to the Retained Trees than the edge of the TPZ. The location and structure type shall be at the discretion of the Appointed Arborist; however, it is expected that at a minimum the fence will be robust and at least 1.8m in height. No material is to be stored, emptied or disposed of within the TPZ, and no vehicle or machinery may enter the TPZ unless otherwise agreed to by the Appointed Arborist;

- (e) That as soon as practicable and prior to the Commencement of Construction, an 80-150mm layer of blended high-fungal compost and aged mulch be installed within the TPZ;
- (f) That any cutting of existing concrete or asphalt shall be undertaken in a manner that avoids 'overcutting', that being any more than the thickness of the medium being cut. This will mitigate inadvertent severance of roots that may be growing adjacent to this medium. Once cut, the removal of the medium shall be undertaken by hand where possible. If a machine excavator is to be used, then the bucket shall only remove the medium, which will expose the substrate;
- (g) Relating to excavations for the Theatre:
  - (i) That the initial excavations of the substrate shall be undertaken along the delineated edge of the Theatre's footprint and shall be undertaken using either an airspade, Hydrovac or by hand held tools to a depth of 1m below ground level. A machine excavator can be utilised to remove any obstructions that cannot otherwise be removed by hand; and
  - (ii) That roots uncovered within the Theatre's footprint during any part of the process are to be documented and severed at the edge of the excavations.
- (h) Relating to excavations for Piles:
  - (i) That the initial excavations of the pile holes will be carried out using either an airspade, Hydrovac or by hand held tools to a depth of 600mm below ground level. A machine excavator can be utilised to remove any obstructions that cannot otherwise be removed by hand; and
  - (ii) Roots uncovered that measure 35mm in diameter or greater are to be retained and the pile hole backfilled. The pile hole will then be relocated. Roots measuring less the 35mm in diameter can be removed to the edge of the pile hole only where the Appointed Arborist is confident that the loss of the root won't adversely affect the health of the tree.
- (i) Roots that are to be severed shall be cut with a clean, sharp hand saw or loppers by, or under the supervision of, the Appointed Arborist;
- (j) All exposed roots that are being retained shall be covered with a suitable protective material (such as Hessian, or a wool mulch) in order to protect them from drying and / or mechanical damage. The protective material shall be in place until such time as the area can be backfilled with top soil or the final medium. The wrapping or covering of any roots shall be undertaken by or under the supervision of the Appointed Arborist;

- (k) The health of the Retained Trees shall be monitored by the Appointed Arborist regularly throughout the construction phase and shall identify any necessary amendments to the TPMP for implementation (subject to the process set out in Conditions 54 - 58).

*Ongoing management of the Retained Trees*

- (l) Post-works monitoring of the health of the Retained Trees and Replacement Trees shall be undertaken by the Appointed Arborist. The first monitoring event shall be six months following the completion of the works, with a second monitoring event eight months' later to allow for any potential seasonal variations. Annual monitoring will be undertaken for a further 36 months following the second monitoring event. Further mitigation measures and monitoring requirements shall be outlined at each monitoring event by the Appointed Arborist (e.g. compost tea application, pruning or soil testing and amendments), and a record of the monitoring of the Retained Trees maintained to establish a documented history of the trees;
- (m) The Retained Trees are known for high leaf and debris drop. It is likely that this will need to be removed from the Theatre deck on a daily basis. All debris should be spread on top of the trees' root zones and left to decompose as a source of nutrients to the trees;
- (n) The Retained Trees shall be monitored on an annual basis for tree health and public safety. Cone observation will allow identification of cones that need to be removed prior to abscission. The removal of cones will need to be undertaken under the supervision of a suitable arboricultural specialist in a careful manner that avoids damage to structures. ~~and should be undertaken using an elevated platform~~. Soil moisture levels and soil tests shall be undertaken annually to identify any deficiencies and amelioration measures to be employed.

**Advice note:**

*a) It is generally accepted that Norfolk Island Pine trees produce 'mast years' where a large number of cones are developed. This can often lead to branch failure due to the extra weight. Cones produced by Bunya Pines can be as large as footballs and can weight in excess of 10kg. Cones from both trees can abscise intact.*

*b) Cone abscission in the Bunya Pine and Norfolk Pine trees to be retained has been recognised. Maintenance measures should be included within the Tree Maintenance Plan to minimise risk to people and property. The abscission of cones is not a reasonable reason for the removal of the trees*

- (o) The level of mulch and compost located beneath the trees' canopies (Retained and Replacement Trees) shall be inspected regularly. If the levels are below 80mm then a mix of aged mulch and compost shall be added. The compost is to be correctly sourced to have high fungal content suitable for large trees.

## Trees

- 122. The Consent Holder shall plant not fewer than three (3) large grade specimen trees (80-160 litre trees) (**the Replacement Trees**) to replace those being removed under Condition 117. The Replacement Trees shall be planted in positions that allow their full development, with the final species, size and position to be in accordance with Landscape Plan certified under Condition 13.
- 123. The Replacement Trees required under Condition 122 will be maintained in accordance with the TPMP certified under Condition 118 for at least 36 months.

## Archaeology<sup>1</sup>

- 124. Where, during earthworks being undertaken in association with this consent, any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall be followed:
  - (a) All work on the site shall cease immediately. The contractor / works supervisor will shut down all equipment and activity;
  - (b) The area shall be secured and the Consent Holder or proponent and Council must be advised of the discovery;
  - (c) Heritage New Zealand Pouhere Taonga shall be notified by the Consent Holder or proponent so that the appropriate consent procedure can be initiated; and
  - (d) The Consent Holder or proponent shall consult with a representative of the appropriate iwi to determine what further actions are appropriate to safeguard the site of its contents.

In the case where human remains have accidentally been discovered or are suspected to have been discovered, the following protocols shall also be followed:

- (a) The area shall be immediately secured by the contractor in a way which ensures human remains are not further disturbed. The Consent Holder or proponent shall be advised of the steps taken;

---

<sup>1</sup> Note: The proposed conditions are supported at this stage given an archaeological authority has not yet been granted by HNZPT. However, it is considered that it may be appropriate, depending on the timing of an archaeological authority being granted under the HNZPTA, to remove these conditions of consent to avoid potential conflicts with any monitoring and discovery protocols requirements imposed by HNZPT.

- (b) The New Zealand Police shall be notified of the suspected human remains as soon as practicably possible after the remains have been discovered. The Consent Holder or proponent shall notify the appropriate iwi, Heritage New Zealand Pouhere Taonga and Hamilton City Council within 12 hours of the suspected human remains being discovered, or otherwise as soon as practicably possible; and
- (c) Excavation of the site shall not resume until the New Zealand Police, Heritage New Zealand Pouhere Taonga and the relevant iwi have each given the necessary approvals for excavation to proceed.

### **Management of Construction Works**

- 125. All construction works shall be managed to ensure that no debris, soil, silt, sediment or sediment laden water is discharged beyond the site to any land, stormwater drainage systems, watercourses and/or receiving waters. In the event that a discharge occurs, the works shall cease immediately, and the discharge shall be mitigated and/or rectified to the satisfaction of Council (Planning Guidance Unit Compliance Monitoring Officer).
- 126. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required to achieve Condition 125 shall be maintained throughout each stage of earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work shall be kept and be supplied to the Council (Planning Guidance Unit Compliance Monitoring Officer) on request.
- 127. All construction works shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it must immediately be rectified.
- 128. Construction works shall be conducted in such a manner which will not create a dust nuisance. A dust nuisance will occur if:
  - (a) There is visible evidence of suspended solids in the air beyond the site boundary; and/or
  - (b) There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure of a neighbouring site or water.

#### **Advice note:**

*Refer to Waikato Regional Council's "Erosion & Sediment Control, Guidelines for Soil Disturbing Activities" which can be found at <http://www.waikatoregion.govt.nz>*

- 129. Within 10 working days following the completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of Council (Planning Guidance Unit Compliance Monitoring).

## **Built heritage**

130. A Built Heritage Monitoring Report shall be prepared to document changes or conservation works to any built heritage fabric of the Hamilton Hotel building affected by the Project. This shall be provided to the Council (Planning Guidance Unit Compliance Monitoring Officer in consultation with Council's Heritage Specialist) for the purpose of updating its Cultural Heritage Inventory, and to HNZPT to update its list entry information. This shall include (but is not limited to):
- (a) A log required by Condition 26 and certification that all works have been completed in accordance with the requirements of this resource consent.
  - (b) Documentation recording changes or conservation works that have occurred to any built heritage fabric of the Hamilton Hotel building affected by the project. This will include areas that have been demolished, salvaged fabric and items that have been repositioned and/or repurposed and fabric that has been retained in place.
  - (c) A photographic record with supporting drawings and notes sufficient to provide context.

The Built Heritage Monitoring Report shall be provided to the Council and HNZPT within 12 months of completion of the construction works associated with the Project.

131. The Appointed Conservation Architect and Appointed Archaeologist shall, in consultation with HNZPT and Council's Heritage Specialist, undertake a programme of both integrated and story board interpretation to be displayed in the new building theatre, art gallery and hotel complex as a visual and written record of the development of the place (both the site and its buildings) over time. This shall be completed and installed within 12 months of the completion of the construction works associated with the Project.

### Final Heritage Report

132. At completion of the construction work, the Consent Holder shall submit a report to Council (Planning Guidance Unit Compliance Monitoring Officer in consultation with Council's Heritage Specialist) that includes the log required by Condition 26, and certification that all works have been completed in accordance with the requirements of this resource consent. This report shall be prepared by the Appointed Conservation Architect and shall be submitted no later than three (3) months after the completion of the construction work.

## **Operational traffic management**

133. At least twenty (20) working days prior to the operation of the Waikato Regional Theatre, the Consent Holder shall prepare an Operational Traffic Management Plan (**OTMP**) and submit it to the Council (Manager, City Transportation Unit (or nominee) for certification that it gives effect to the objective of and complies with the requirements in Conditions 134 and 135.

134. The objective of the OTMP is to manage the traffic generated by the operation of the Waikato Regional Theatre as well as public transport movements (walking, cycling, vehicle) during the operation of the Theatre in a manner that prioritises the safety of all road users.

135. The OTMP shall include (but not be limited to) the following:

(a) Semi-trailer truck traffic management

(i) At least 24-hours in advance of the scheduled semi-trailer truck arrival times, notification signs shall be placed on the existing parking signs on the northern side of Sapper Moore-Jones Place notifying users that the parking will be unavailable for a specified duration;

(ii) Where shows requiring semi-trailer trucks are scheduled to be for one or two days in duration, the duration of the parking ban shall be from one hour prior to the anticipated arrival of the semi-trailer truck to one hour after the anticipated departure of the semi-trailer truck. Allowing parking in between the arrival and departure may create issues;

(iii) The temporary no parking signs shall be removed immediately following the departure of the semi-trailer truck;

(iv) When semi-trailer trucks are arriving / departing, there shall be no less than two flagmen (one in front of the truck, one behind it) on foot to guide, direct, or halt any general traffic in the area;

(v) When a temporary barrier is required to fence off parked trucks; and

~~(vi) Semi-trailer trucks movements to and from the site shall be scheduled outside the morning and evening weekday commuter peak traffic hours of Monday to Friday, 7-9am and 4-6pm and the hours of 10pm-4am on Friday and Saturday nights.~~

(b) Temporary Theatre drop-off / pick-up parking

*Parking requirement*

(i) For a show reaching at least 50% theatre capacity (based on anticipated attendance at a point two days prior to the show), three temporary drop-off / pick-up parking spaces shall be provided in the approximate location identified within the Indicative Operational Parking Plan included at **Annexure C** to these conditions (actual layout subject to Council's certification under Condition 133);

- (ii) For a show reaching at least 75% theatre capacity (based on anticipated attendance at a point two days prior to the show), six temporary drop-off / pick-up parking spaces shall be provided in the approximate location identified within the Indicative Operational Parking Plan included at **Annexure C** to these conditions (actual layout subject to Council's certification under Condition 133).

*Implementation*

- (iii) Up to 48 hours prior to a show, the anticipated attendance of a scheduled performance is estimated and the appropriate temporary drop-off / pick-up scenario is selected;
  - (iv) At least 24 hours prior to the scheduled start time for a performance, signs shall be placed on existing parking signs located on the river-side of Victoria Street between its intersection with Sapper Moore-Jones Place and Collingwood Street notifying users that the parking will be unavailable for a specified duration. The car parks shall be made unavailable from at least 2 hours prior to the start of the performance (to enable any last vehicles to leave and / or any towing to occur) until 1 hour after the anticipated end of the performance;
  - (v) At the start time specified on the notification signs, the notification signs shall be removed and the temporary drop-off / pick-up signs shall be installed. The existing parking signs shall remain covered during this time;
  - (vi) For the duration of the temporary activity, traffic management staff shall be stationed in the area to manage the flow, and usher drivers along after they have unloaded passengers. For 50%+ capacity show scenario, it is suggested that only one such staff is required, and two staff shall be provided for the 50%+ capacity show scenario; and
  - (vii) At the end time for the temporary parking restriction, the temporary signs shall be removed, and normal parking restrictions reinstated.
- (c) Post-show pedestrian management
- (i) The following measures shall be implemented for the first show at the Theatre. The need for subsequent shows to be managed in this manner will be assessed based upon an evaluation of shows over time (not fewer than 10 shows), with an indicative trigger for subsequent management being a 75%+ capacity crowd.

- On the day of a show, temporary T2A or T2B “Hazard” signs with suitable “Event” or “Pedestrians” supplementary signs shall be installed on Victoria Street in advance of the Theatre site to alert drivers to the new hazard
  - At the end of a show, traffic management staff shall be located at the pedestrian crossing opposite the Theatre to manage the flow of pedestrians and traffic in this area. This could include active stop / go management.
136. The Consent Holder shall undertake a review of the OTMP after the first 6 months of operation to determine whether the objective set out at Condition 134 is being achieved in practice and shall submit a copy of the review to the Council (Team Leader Compliance Monitoring). If it is determined that any operational improvements or amendments need to be implemented, the OTMP shall be amended in accordance with the processes set out Conditions 54 - 58.

### **Travel Demand Management Plan**

137. At least 20 working days prior to the operation of the Waikato Regional Theatre, a Travel Demand Management Plan (TDMP) shall be submitted by the Consent Holder to Council (Manager, City Transportation Unit (or nominee) for certification. The objective of the TDMP is ensure travel-related effects during theatre events, general loading activities and hotel operation are appropriately avoided, remedied or mitigated.
138. The TDMP shall describe proposed methods and requirements necessary to achieve the objective of the TDMP and include (but not be limited to) the following:
- (a) Information about walking, cycling, bus routes, nearby parking locations, cycle parking locations and drop-off areas;
  - (b) Information on the bus/coach parking areas that avoids the use of Victoria Street (immediately outside the theatre) and on Sapper Moore-Jones Place;
  - (c) How parking locations will be communicated to ticket purchasers. This could be via a link to the website sent by email, or an app; and
  - (d) How bus/coach parking locations will be communicated to the relevant operators.
139. The TDMP shall be made publicly available by the Consent Holder on the theatre website (or similar).
140. The TDMP shall be updated at least annually by the Consent Holder.

## Other Council Approvals

141. Prior to Commencement of Construction, the Consent Holder shall provide evidence to the Council (Planning Guidance Unit Manager (or nominee)) of the necessary Council approvals under the Local Government Act 2002 for the required changes to the on-street parking adjacent to the subject site in order to give effect to the requirements of the OTMP as set out in Conditions 133-136.

## Settlement and Deformation Monitoring

142. Prior to Commencement of Construction, a condition survey of adjacent land. This shall comprise external visual observations and inspections of Victoria Street, Sapper Moore-Jones Place, Embassy Park including of buried services within these public places, and the retained portions of the former Hamilton Hotel. The condition surveys shall include:
- (a) A description of the type of foundations;
  - (b) A description of the existing levels of damage considered to be of an aesthetic or superficial nature;
  - (c) A description of existing levels of damage considered to affect the serviceability of the building / structure where visually apparent without recourse to intrusive or destructive investigation;
  - (d) An assessment as to whether existing damage may or may not be associated with actual structural damage and an assessment of the susceptibility of buildings / structures to further movement and damage, to the extent predicted;
  - (e) Photographic evidence of existing observable damage;
  - (f) A review of the Alarm and Alert Levels identified in Condition 146 to confirm they are appropriately set and confirmation that any ground settlement less than the Alarm Level will not cause damage;
  - (g) An assessment of what proposed monitoring frequency is appropriate;
  - (h) An assessment of where and how many Deformation Monitoring Stations is adequate and appropriate for the effective detection of change to building and structure condition; and
  - (i) CCTV survey of buried services where possible.
143. At least twenty (20) working days prior to the Commencement of Construction, the Consent Holder shall prepare a Settlement and Deformation Monitoring Plan (SDMP) and submit it to the Council (Planning Guidance Unit Manager (or nominee)) for certification that it gives effect to the objectives of and complies with the requirements in Conditions 144 to 145.
144. The objective of the SDMP is to:
- (a) Provide for the safety or people and structural integrity of property (specifically Victoria Street, Sapper Moore-Jones Place, Embassy Park and the retained portions of the former Hamilton Hotel) at all times.
145. The SDMP shall include (but not be limited to) the following matters:

- (a) Confirmation of the excavation approach and the design of any temporary retaining walls proposed;
- (b) The location and number of proposed monitoring points shall be shown on plans together with the rationale for their number and location based on the baseline information collected through the Pre-commencement Surveys required under condition 142;
- (c) The frequency of monitoring shall be confirmed. Indicatively, it is anticipated that monitoring will commence with weekly observations, with possible reduction in frequency during the works if no settlements or deformations are observed;
- (d) All Alert and Alarm Level Triggers, including reasons if changes are proposed, for example as a result of recommendations in the building condition surveys or more specific tolerance levels for the former Hamilton Hotel are established; and
- (e) Details of contingency actions to be implemented if Alert or Alarm Levels are exceeded.

**Advice note:**

1. The relevance of Condition 143 to the works will vary depending on the approach to earthworks (i.e. temporary retaining wall versus battering, etc) and whether groundwater is intercepted, and dewatering required. The information requirements under Condition 145 provides the opportunity to clarify the construction approach and set out appropriate monitoring procedures.

**Alert and Alarm Levels**

146. The activity shall not cause any settlement or movement greater than the Alarm Level thresholds specified in Schedule A below. Alert and Alarm Levels are triggered when the following Alert and Alarm Trigger Thresholds are exceeded:

<b><u>Schedule A: Alarm and Alert Levels</u></b>			
<b><u>Type of movement</u></b>		<b><u>Trigger Thresholds</u></b>	
		<b><u>Alert/Action</u></b>	<b><u>Alarm</u></b>
<b><u>a)</u></b>	<b><u>Differential vertical settlement between any two Ground Surface Settlement Monitoring Stations</u></b>	<b><u>1:700</u></b>	<b><u>1:500</u></b>
<b><u>b)</u></b>	<b><u>Total vertical settlement between the pre-excavation baseline level and subsequent measurements at any Ground Surface Settlement Monitoring Station</u></b>	<b><u>5mm</u></b>	<b><u>10mm</u></b>
<b><u>c)</u></b>	<b><u>Lateral deflection between the baseline level and subsequent measurements at any retaining wall during basement construction</u></b>	<b><u>10mm</u></b>	<b><u>15mm</u></b>

	monitoring station		
<u>Notes: any settlement monitoring must be undertaken with an accuracy of no greater than +/- 2mm to.</u>			

### Reporting procedure

147. In the event that Alert Levels are triggered, the Consent Holder shall notify the Council (Planning Guidance Unit Manager (or nominee) within 24 hours. Relevant monitoring stations shall be re-monitored within this period to confirm the accuracy of the data obtained. Once the movements have been confirmed, construction shall be halted with immediate effects until a plan or how to proceed has been agreed with the Council (Planning Guidance Unit Manager (or nominee)).

### Post-works Condition Surveys

148. Upon completion of the dewatering and basement construction, a visual assessment of the Victoria Street, Sapper Moore-Jones Place, Embassy Park and the retained portions of the former Hamilton Hotel building shall be undertaken and CCTV surveys of buried services repeated.

### **General Advice notes**

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval.*

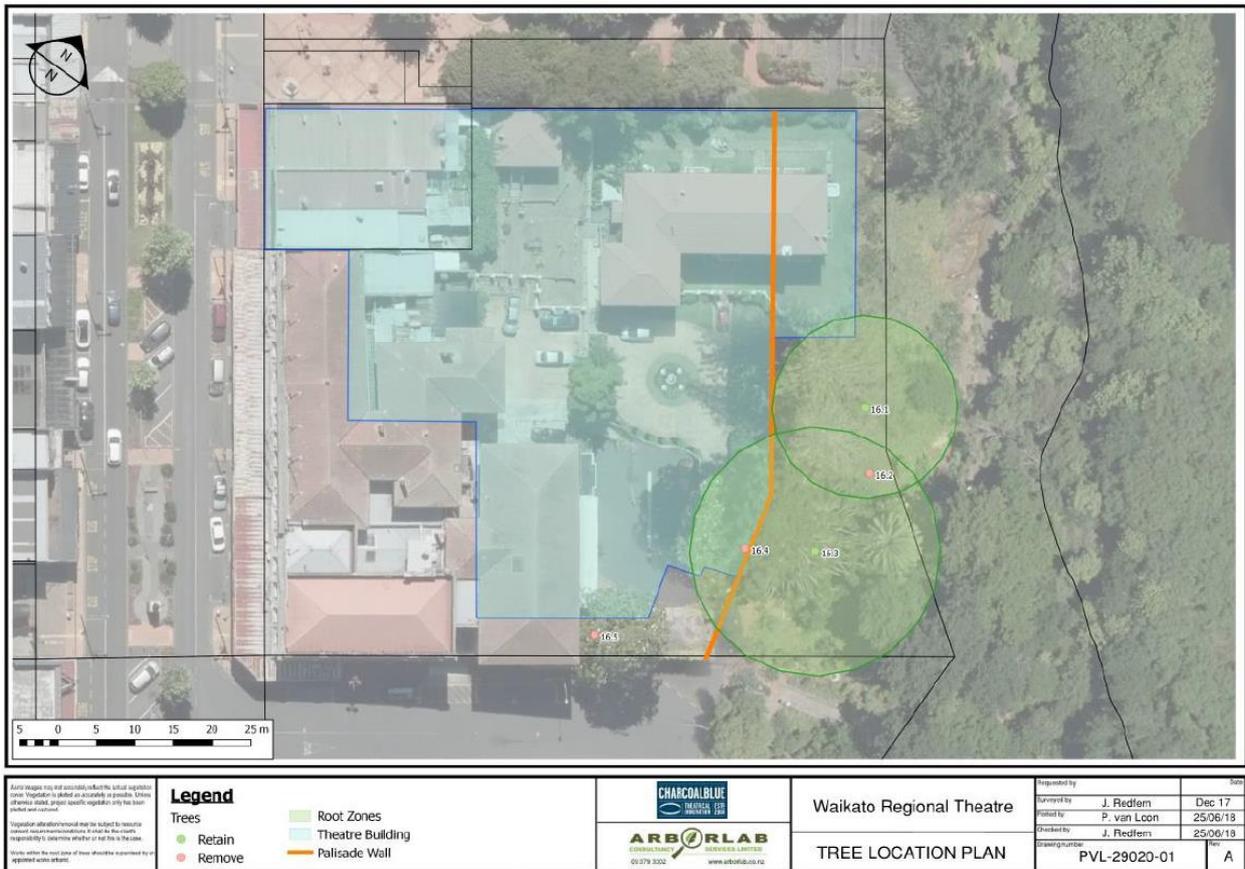
**ANNEXURE A**

**Approved drawing and document set (refer Condition 6)**

**<To be confirmed prior to the closing of the hearing to ensure the relevant/most up to date documentation is included>**

# ANNEXURE B

## Tree Location Plan



Earth images may not accurately reflect the actual vegetation cover. Vegetation is plotted as accurately as possible. Unless otherwise stated, proposed specific vegetation only has been marked with a red dot.

Vegetation information should not be taken to constitute an endorsement or recommendation by Charcoal Blue or Arborlab. Responsibility is solely the client's for all data in this plan.

Plans show the root zone of trees identified by an approved arborist.

Legend	
Trees	Root Zones
● Retain	Theatre Building
● Remove	Palisade Wall

**CHARCOALBLUE**  
LANDSCAPE ARCHITECTS

**ARBORLAB**  
CONSULTANTS  
ARBORESCENT LIMITED  
06 379 3032  
www.arborlab.co.nz

Waikato Regional Theatre

**TREE LOCATION PLAN**

Prepared by		Date	
Reviewed by	J. Redfern	Dec 17	
Filled by	P. van Loon	25/06/18	
Checked by	J. Redfern	25/06/18	
Drawing number	PVL-29020-01		A

## ANNEXURE C

### Indicative Operational parking plan

#### 50% Theatre Capacity Temporary Drop-off / Pick-up car parking provision



#### 75% Theatre Capacity Temporary Drop-off / Pick-up car parking provision



## ANNEXURE D

### Identified Buildings



Identified Buildings to be included within the Neighbour Liaison Group and be subject to Pre-commencement Building Condition Surveys