

**BEFORE THE INDEPENDENT HEARINGS COMMISSIONER
APPOINTED BY THE CHRISTCHURCH CITY COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the submission made by Boffa Miskell Limited on the resource consent application of Cambridge 137 Limited for demolition of Harley Chambers and the construction of a hotel.

**STATEMENT OF EVIDENCE OF MAURICE RICHARD DALE
ON BEHALF OF BOFFA MISKELL LIMITED**

9 October 2024

1.0 INTRODUCTION

- 1.1 My name is Maurice Richard Dale. I hold the position of Senior Principal and Planner with the environmental consultancy firm Boffa Miskell Limited, based in the firm's Christchurch office. I have been employed by Boffa Miskell since 2010.

Qualifications and Experience

- 1.2 I hold a Bachelor of Resource and Environmental Planning from Massey University (1998). I am also a full member of the New Zealand Planning Institute, and an accredited hearing Commissioner. I have 26 years' experience in planning and resource management, gained at local authorities and consultancies in New Zealand and the United Kingdom.
- 1.3 As a consultant, I have acted on a broad range of resource management issues and developments for local and central government, corporates, and private clients, a number involving presenting evidence before Councils, and the Environment Court. I have extensive experience in consenting large scale urban developments in central city environments, including within Christchurch, under the Resource Management Act 1991 (**RMA**).
- 1.4 I am familiar with the application site at 137 Cambridge Terrace, with Boffa Miskell being an occupier of the adjoining building at 141 Cambridge Terrace since June 2018.

Code of Conduct

- 1.5 I am mindful of my professional obligations regarding independence and impartiality as an expert planner in giving this evidence. Whilst I am an employee of Boffa Miskell, my evidence has been prepared on the basis that Boffa Miskell and the applicant have reached agreement on conditions that are now volunteered, which was the focus of the Boffa Miskell submission. Consequently, there are no remaining points of contention, and my evidence does not rely on my own expert

opinion. Subject to that agreed outcome, Boffa Miskell's position is essentially one of qualified support.

- 1.6 Insofar as it applies given the nature of my evidence, I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes and agree to comply with the code.

2.0 SCOPE OF EVIDENCE

- 2.1 I am authorised to give evidence on behalf of Boffa Miskell Limited.
- 2.2 My evidence addresses construction related environmental effects, and primarily the management of noise and vibration experienced at adjoining properties during the demolition of Harley Chambers, and construction of the new hotel proposed by Cambridge 137 Limited (**the applicant**).
- 2.3 My evidence addresses:
- (a) the location and business of Boffa Miskell as an occupier of the adjoining building.
 - (b) Boffa Miskell's position on the application.
 - (c) the resource consents required and activity status.
 - (d) management of construction noise and vibration.
- 2.4 In preparing my evidence, I have read:
- (a) the resource consent application, prepared by Planz Consultants.
 - (b) the Council s42A report, prepared by Mr Scott Blair.
 - (c) the planning evidence prepared by Mr Matthew Bonis, for the applicant.

3.0 BOFFA MISKELL'S BUSINESS

- 3.1 Boffa Miskell is an environmental consultancy which first established in Christchurch in 1972, and which has expertise in planning,

landscape architecture, urban design, ecology, biosecurity, and cultural advice.

- 3.2 Boffa Miskell's Christchurch office is located at Level 1, 141 Cambridge Terrace, immediately adjoining the application site at 137 Cambridge Terrace. The office occupies the entire floorplate of Level 1 and includes a large outdoor courtyard on the western side of the building used for office gatherings and staff breaks and recreation.
- 3.3 The Christchurch office currently has 58 staff. Activities conducted within the premises are typical of a professional services office and include desk-based administration and report writing, phone calls, meetings, workshops, and seminars – all of which require a reasonably low noise environment to be maintained.

4.0 BOFFA MISKELL'S POSITION ON THE APPLICATION

- 4.1 Boffa Miskell is supportive of the applicant's plans to demolish the existing Harley Chambers and construct a 42m high, 200 room hotel as per the plans included in the resource consent application.
- 4.2 As an occupier of the adjoining building at 141 Cambridge Terrace, Boffa Miskell is acutely aware of the risks that the existing Harley Chamber's building presents to the health and safety of the public and our staff, and the general loss of central city amenity arising from the building in its current deteriorated state.
- 4.3 Boffa Miskell believes demolition of the building and its replacement with a modern high-quality hotel will be a positive addition to the central city, creating additional vibrancy and amenity, and further support the city's continued recovery from the 2011 earthquakes.
- 4.4 While Boffa Miskell supports the proposal, it's submission sought changes to the conditions of consent volunteered by the applicant in section 11 of the application to provide greater assurance that the effects of demolition and construction, and primarily noise and vibration on Boffa Miskell's business, are appropriately managed to ensure they are reasonable. I address this in section 7 of my evidence below.

5.0 RESOURCE CONSENTS REQUIRED AND ACTIVITY STATUS

5.1 The s42A Report of Mr Blair, and planning evidence of Mr Bonis, have traversed the resource consents required and activity status of those consents under the Christchurch District Plan (**CDP**).

5.2 Relevantly, I note that:

- (a) Following release of the Council decisions on Plan Change 14 (**PC14**), the heritage listing associated with Harley Chambers has been removed, and that demolition of the building is now a *permitted activity*.
- (b) Resource consent is required for construction of the hotel under the CDP rules set out at paragraph 50 and Attachment C of Mr Bonis's evidence.
- (c) The proposal overall is to be assessed as a *discretionary activity* under the CDP and RMA.

5.3 In relation to (a) above, I note that the permitted activity status of demolition is however contingent on compliance with rule 6.1.6.1.1 of the CDP requiring compliance with the noise limits in Tables 2 and 3 of *NZS 6803: Acoustics – Construction Noise*. I understand the applicant considers they will be able to comply with those limits during demolition.

6.0 MANAGEMENT OF CONSTRUCTION NOISE AND VIBRATION

6.1 Boffa Miskell's submission sought amendments to the applicant's proposed conditions of consent to require:

- (a) Demolition and construction to comply with commonly accepted best practice noise and vibration management limits, to the extent that it is practicable to do so.
- (b) Adoption of management measures contained within a Construction Noise and Vibration Management Plan (**CNVMP**) to ensure noise and vibration generated is effectively managed in accordance with best practice.

- (c) Safe pedestrian routes are provided during demolition and construction – e.g. by way or temporary footpath closure or providing a covered pedestrian route.
- 6.2 Detailed changes were attached as Annexure 1 to Boffa Miskell's submission. The s42A Report of Mr Blair has adopted many of the requested changes, which have been further amended by Mr Bonis as set out in Attachment D to his planning evidence.
- 6.3 Common to both sets of conditions, is the exclusion of conditions relating to the management of noise and vibration for the demolition of Harley Chambers on the basis that demolition is now a *permitted activity* following the Council's decision on PC14. Like Mr Blair and Mr Bonis, Boffa Miskell accepts that imposing noise and vibration conditions on the demolition would no longer be reasonable in terms of s108 and s108AA RMA given that permitted status.
- 6.4 Further amendments to the noise and vibration conditions have been discussed and agreed by Mr Blair, Mr Bonis, and I to provide greater assurance that the effects of noise and vibration are appropriately managed to ensure they are reasonable. Those amendments are set out in the memo from Mr Bonis in **Annexure A** attached to my evidence and include:
 - (a) Deletion of the purpose of the CNVMP in condition 19 on the basis this duplicates the CNVMP objective in condition 2(v).
 - (b) Requiring noise from hotel construction to comply where practicable with the recommended noise limits for long-term duration construction in *NZS6803:1999 Acoustics – Construction Noise*. In the event that construction works exceed those limits, work is to be undertaken in accordance with the noise management measures outlined in the CNVMP.
 - (c) Inclusion of further detail on the requirements for vibration monitoring to be included in the CNVMP.
- 6.5 I understand these amendments are acceptable to Mr Blair as the reporting planner for the Council and the applicant. If they were to form

part of the consent in granting the application, Boffa Miskell would be satisfied on the issues raised in the company's submission.

Maurice Richard Dale

9 October 2024

**ANNEXURE A – AGREED AMENDMENTS TO NOISE AND
VIBRATION CONDITIONS**

Memo

To:	Maurice Dale C/- Boffa Miskell Ltd Scott Blair C/- Christchurch City Council
From:	Matt Bonis, Planz Consultants
Date:	8 October, 2024
Subject	RMA/2024/576 Cambridge 137 Limited for demolition of a heritage building and construction of a hotel

The purpose of this Memo is to set out volunteered Conditions by the applicant for the above in relation to Noise and Construction Management based on the discussions held between Matt Bonis, Scott Blair and Maurice Dale as undertaken on 8 October 2024.

The volunteered Conditions will be tabled at the Hearing on 17th October 2024 include the following which are understood to be acceptable to both the Christchurch City Council and address the matters raised in the submission from Boffa Miskell (Submission No.33) as dated 24 June 2024.

The Conditions are tracked changed as set out in **Attachment A** on the basis of:

Red and underlined or ~~striketrough~~ as contained in the Bonis Evidence in Chief dated 2 October 2024.

Green and underlined or ~~striketrough~~ as based on the Volunteered Conditions to be tabled on 17 October 2024 as based on the discussions held on 8 October 2024.

Regards

PLANZ CONSULTANTS LTD



Matt Bonis
Partner

DDI: 021 79 66 70
EMAIL: matt@planzconsultants.co.nz

Attachment A: Construction Noise and Vibration Conditions to be tabled on 17 October 2024.

Vibration and construction noise

18. Construction works associated with the hotel development which create vibration must be undertaken in accordance with ISO4866:2010 and compliance must be as monitored by the applicant. Where compliance with specified vibration limits in ISO4866:2010 is not practicable, construction work must occur in accordance with the vibration management measures outlined with compliance with any vibration levels to be monitored and assessed as set out in the Construction Noise and Vibration Management Plan (CNVMP) as required by Condition 19(d).
19. Pursuant to Condition 2(v) a All construction works undertaken in conjunction with the hotel development must occur in accordance with an accepted Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified practitioner which addresses the requirements of NZS6803:1999 Acoustics - Construction Noise and ISO4866:2010 Vibration of fixed structures. The purpose of the CNVMP is to ensure noise and vibration are effectively managed in accordance with the best practicable options. Noise from construction works must where practicable comply with the recommended noise limits for long term duration construction outlined in NZS6803:1999, and where compliance is not practicable be undertaken in accordance with the measures outlined in the CNVMP. The CNVMP shall be submitted to rcmon@ccc.govt.nz at least 10 days prior to commencing the relevant works on site and include at a minimum:
 - a. Assessment of proposed machinery and equipment to be used;
 - b. Days and hours of work;
 - c. Management measures for noise and vibration, including specific triggers or thresholds for implementing them, including regard being had to measures developed following consultation with the occupiers of the following buildings
 - 69 Worcester Boulevard;
 - 129 Cambridge Terrace; and
 - 141 Cambridge Terrace.
 - d. Procedures for noise and vibration monitoring and reporting. Vibration levels shall be monitored and assessed as follows:
 - (i). Vibration monitoring shall be conducted by a suitably qualified and experienced person (e.g., Member of the Acoustical Society of New Zealand or equivalent).
 - (ii). Measurements are to be undertaken to enable assessment against the relevant vibration triggers or thresholds, using metrics taken from ISO4866:2010.
 - (iii). Select measurement positions to be representative of the receiver location of interest, including:
 - 69 Worcester Boulevard;
 - 129 Cambridge Terrace; and
 - 141 Cambridge Terrace, Level 1.
 - e. Communication strategy for occupiers of neighbouring sites; and

- f. Procedures for managing and responding to any complaints received about noise and vibration.

The consent holder must submit this CNVMP to the Council, Attn: Team Leader Compliance and Investigations for certification via email to rcmon@ccc.govt.nz at least 20 working days prior to the commencement of construction work associated with this consent. This CNVMP is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 19. prior to the commencement of any construction work and, once certified, the CNVMP will thereafter form part of the Approved Consent Document.

NOTE: The Team Leader (or their nominee) will either certify, or refuse to certify, the CNVMP within 10 working days of receipt. Should the Team Leader (or their nominee) refuse to certify the CNVMP, then they will provide a letter outlining why certification is refused based on the parameters contained in this condition.

Should the Team Leader (or their nominee) refuse to certify the CNVMP, the consent holder must submit a revised CMP to the Resource Consents Manager for certification. The certification process must follow the same procedure and requirements as outlined in condition ~~16~~19.

The CNVMP may be amended at any time by the Consent Holder. Any amendments to the CNVMP must be submitted by the Consent Holder to the Council for certification. Any amendments to the CNVMP must be:

1. for the purposes of improving the measures outlined in the CNVMP for achieving the CNVMP purpose (see condition 2(v)(b)); and
2. consistent with the conditions of this resource consent.

If the amended CNVMP is certified, then it becomes the certified CNVMP for the purposes of condition ~~16~~19 and will thereafter form part of the Approved Consent Document.