

**In the matter of** the Resource  
Management Act  
1991

**And**

**In the matter of** the Ruakura Variation  
to the Hamilton  
Proposed District Plan

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**STATEMENT OF REBUTTAL EVIDENCE OF**

**JAMIE SIRL**

**On behalf of Hamilton City Council**

**22 July 2016**

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**INTRODUCTION**

**Qualifications and Relevant Experience**

1. My full name is Jamie Sirl. I have the qualifications and experience set out in my technical evidence dated 8 July 2016.

**Expert Witness Code of Conduct**

2. As stated in my technical evidence, I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014.

**SCOPE OF EVIDENCE**

3. The purpose of this rebuttal evidence is to provide further comments in relation to:
    - a. Indicative Ruakura Open Space
    - b. Ruakura Open Space and Infrastructure
  4. The evidence presented is in no way a predetermination of any decision on the resource consent Land Development Plan application currently being considered by Council.
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### Indicative Ruakura Open Space

5. The intention of the fixed Ruakura open space areas, which reflects the Board of Inquiry (BOI) decision, is to ensure that particular sections of the open space network can adequately accommodate the multiple functions that the open space is intended to provide for.
  6. In the Ruakura Medium Density Residential Zone, the Ruakura Open Space Zone, which is fixed, is the green corridor that runs adjacent to the Spine Road. The intention of this green corridor is that it provides multiple functions including accommodating a pedestrian and cycle network, contributes positively to the visual amenity of the future residential area, and incorporates areas for recreation.
  7. All other areas of the Ruakura open space within the Ruakura Medium Density Residential Zone are indicative, to allow for greater flexibility at the Land Development Plan (LDP) and subdivision application stage. These include the 'Indicative Ecological Link' and the 'Indicative Neighbourhood Reserves' identified on Figure 2-14 Ruakura Structure Plan - Land Use.
  8. Mr Hall's view is that greater flexibility of the green corridor that runs adjacent to the Spine Road (Ruakura open space zone) will result in better open space outcomes than would result from retaining the area as fixed. This is inconsistent with the BOI decision.
  9. Mr Hall outlines in his evidence in Paragraph 83, *"The planned area MILK plan differs in position and layout of the Open Space as a result of detailed further analysis done through the LDP application preparation, and in doing so achieves a better open space outcome, with greater provision of reserve area than that specified on the planning maps"*.
  10. My understanding is that Mr Hall's argument is based on his view that the open space outcomes proposed in the LDP application for M, I, L, and K are an improvement on the open space outcomes that would be achieved under the Ruakura Variation. My view is that the LDP application does not demonstrate that a better open space outcome has been achieved.
  11. In my opinion, retention of the Ruakura Open Space Zone provides greater assurance that intended open space outcomes will be realised, than the suggested amendment by Mr Hall to change the Ruakura Open Space Zone to an indicative overlay shown on the Ruakura Structure Plan.
  12. The open space outcomes proposed in the LDP application being assessed by Council, in my view inadequately achieves the high-quality multifunctional open space outcomes intended by the BOI decision, and the Hamilton City Council Operative District Plan.
  13. My view is that the stormwater function is taking priority within the Ruakura open space areas, particularly evident in the LDP consent lodged for areas M, L, and K, with other intended functions such as areas for recreational activities not adequately provided for, and incorporated into the design of the open space network, as was the intention of the BOI decision.
  14. Mr Hall states that the LDP consent application for LDP areas M, I, L, and K results in *"greater provision of reserve area than that specified on the planning maps"*. A greater area of land does not necessarily result in a better outcome, as the proposed increase in open space area is in part due to an increase in the stormwater swale network, which is providing little else in the way of the other intended open space functions. This is particularly evident for LDP areas
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M, L, and K. There are also areas of open space that are proposed to be vested in Council which are considered to offer very little benefit or serve any functional purpose.

15. In summary, it is my view that greater flexibility in the application of the open space provisions, specifically the fixed width of the green corridor along the Spine Road, is unlikely to result in the intended high-quality open space outcomes. The flexibility provided by the multiple functionality of the Ruakura open space area, without clear provisions that address the balance of various functions may result in suboptimal open space outcomes. This in part has been addressed through fixing the width of sections of the open space network to provide certainty of the open space areas that are required to be provided as a minimum.
16. In principle, any reduction in the requirement for the open space area to accommodate stormwater should present an opportunity to utilise open space areas for the other intended functions as is anticipated in Objective 15.2.10 and its supporting policies.
17. Paragraph 85 of Mr Hall's evidence makes reference to positive discussions with Council officers. The open space outcomes proposed in LDP areas M, I, L, and K are currently being assessed, with particular regard to the multifunctional benefit or range in functions that is intended for open space at Ruakura. At this stage further information will be required, and discussions around open space outcomes for the LDP areas M, I, L, and K are still being held.
18. Mr Hall in paragraph 94 makes reference to a risk in reduction through the indicative approach, unless there is a rule which specifies a minimum level of provision. I support any clarity that a minimum level of provision may provide, subject to ensuring that the intended multiple functions are adequately provided for within the open space network.
19. Provision for neighbourhood parks is contained with 1.2.2.25(y) which requires a neighbourhood reserve to be an area of approximately 0.5ha. The intention of this rule is to ensure that areas of open space are provided that facilitates recreational activities, including children's play, areas to play sport, and accommodate park facilities including toilets. I am surprised that Tainui Group Holdings and Chedworth Properties Limited have sought the deletion of Information Requirement 1.2.2.25 (y) given the desire for certainty in plan rules.

### **Ruakura Open Space and Infrastructure**

20. Mr Hall seeks the inclusion of provisions that enables the location of strategic water and wastewater infrastructure to be located with the Ruakura Open Space area.
  21. Any provision that enables the location of strategic water and wastewater infrastructure within the open space area needs to consider the impact of any infrastructure on the intended open space functions to ensure that these other functions are not compromised.
  22. Wastewater infrastructure is not provided for within the activity status table 15.3, and is currently not anticipated to be located in the Ruakura Open Space Zone.
  23. Although outside the scope of the District Plan, consideration should also be given to any implication of provisions that allow for the location of strategic water and wastewater infrastructure within the open space area on future ownership and management of the open space area. For example, it may not be appropriate to locate water and wastewater infrastructure within land that is proposed to vest in Council as recreation reserve to be held under the Reserves Act 1977.
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24. Greater clarity of whether strategic water and wastewater infrastructure could be provided within the open space areas, without impacting on the ability to adequately accommodate the intended multiple functions is required prior to the inclusion of a broad statement within the Transportation Network section of the Plan, as proposed by Mr Hall.

## **CONCLUSION**

25. In summary, I have no reason to alter my overall conclusions in relation to the above planning matters.

Jamie Sirl  
22 July 2016

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