

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY THE HAMILTON CITY COUNCIL**

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

AND

IN THE MATTER of an application for subdivision and land use consent for the Amberfield development pursuant to the Act.

APPLICANT Weston Lea Limited

CONSENT AUTHORITY Hamilton City Council

**EVIDENCE-IN-REPLY OF ANDREW GRAHAM DUNCAN
FOR WESTON LEA LIMITED**

Dated: 30 April 2019

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INTRODUCTION

1. My name is Andrew Graham Duncan. I am the lead contract manager for the Amberfield project. My qualifications and experience are set out in my evidence in chief dated 12 April 2019.

Scope of evidence

2. In this statement, I address the statements of:
 - (a) Jamie Grant Sirl, Senior Planner, within the Community Group, for the Hamilton City Council dated 23 April 2019 presented on behalf of Hamilton City Council (submitter 65).
 - (b) Andrew Richard Parsons, Strategic Development Manager, for the Hamilton City Council dated 23 April 2019 presented on behalf of Hamilton City Council (submitter 65).

STATEMENT OF JAMIE SIRL

3. Mr Sirl at paragraph 63 of his evidence states:

“An email sent to Council on behalf of the applicant dated 12 February 2018 confirmed that the application to be lodged would not include vesting of a sports park on the basis that ‘HCC have discussed the sports park requirement but not formalised an acquisition process’.”
4. That statement should be contextualised by the regular without prejudice meetings that occurred prior and subsequent to February 2018 between the Council and Weston Lea teams to resolve agreement on strategic infrastructure matters and the sports park location.
5. Weston Lea representatives advised in those meetings that Weston Lea wished to be informed of Council’s intentions as to the potential acquisition of land within Amberfield for sports park purposes and the exact size, location, demand drivers and timing.
6. Mr Sirl states in paragraph 60 of his evidence that HCC staff advised that sports park was required in the “general location” identified in the structure plan.

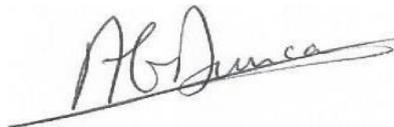
7. In paragraph 62 of his evidence, Mr Sirl states “guidance was provided to the Applicant (Luke O’Dwyer email 15 November 2017) as a guide to inform master planning/concept planning.” The guidance and information was limited.
8. Consequently, in the absence of detailed information and commencement of an acquisition process, Weston Lea included within its application for Amberfield, master plan flexibility to incorporate Council’s future indicative 7ha of land for sports park use.
9. The foregoing contrasts with Council recently commencing a formal acquisition process of land for sports park use on other Adare land known as the “Estate Block” within Peacocke Structure Plan Area (as referred to in paragraph 88 of David Serjeant’s evidence-in-chief).

STATEMENT OF ANDREW RICHARD PARSONS

10. Mr Parsons states in paragraph 13 of his evidence that “Although not yet finally agreed, Council’s position is reflected in the latest draft Private Developer Agreement (PDA) which is attachment A to my evidence.”
11. Council staff and Weston Lea representatives have been engaged in extensive without prejudice discussions regarding a private developer agreement under the Local Government Act for the Amberfield development.
12. The PDA presented by Mr Parsons remains in the course of negotiation and is not yet at the point of being finally agreed.

13. Relevantly, Mr Parsons states in paragraph 15 of his evidence that, “Accordingly, it appears from the technical evidence submitted on behalf of Weston Lea that there is now a high level of agreement between the parties concerning these infrastructure related matters.” I agree with that statement and concur this will support a PDA to be mutually agreed by Council and Weston Lea in due course.

Dated this 30th day of April 2019

A handwritten signature in black ink, appearing to read 'AG Duncan', written over a horizontal line.

Andrew Graham Duncan