

**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

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**EVIDENCE-IN-REPLY OF JAMES DOUGLAS MARSHALL FAIRGRAY  
FOR WESTON LEA LIMITED**

**Dated: 30 April 2019**

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Solicitors on Record

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## **INTRODUCTION**

1. My name is James Douglas Marshall Fairgray. My qualifications and experience are set out in my evidence in chief (12 April 2019).
2. I repeat the confirmation given in my evidence in chief that I have read the Environment Court Code of Conduct for expert witnesses and agree to comply with it.
3. I confirm that the topics and opinions addressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

## **SCOPE OF THIS EVIDENCE**

4. In this statement, I address the statements of Mr Jamie Sirl, and Mr Mark Hector Roberts presented on behalf of Hamilton City Council (**HCC**) as submitter (submission 65).

## **STATEMENT OF JAMIE SIRL**

5. Mr Sirl provides evidence on the level of demand for sports parks which will be generated by the expected population of Amberfield. He states that 1.2ha of sports park per 1,000 population is "*an appropriate starting point for land provision*" (para 8 (a)). For the expected 2,300 population of Amberfield, he accepts the Xyst finding that the land requirement is 2.76ha (that is,  $2.3 \times 1.2 = 2.76\text{ha}$ ).
6. This concurs with the upper end of my estimate of 2.48 to 2.76ha (paragraph 1i of my EIC).
7. Mr Sirl acknowledges that HCC has not adopted a level of service (**LoS**) for sports parks or sports fields provision, so that there is not a standard land requirement specified for greenfield areas in Hamilton. Mr Sirl relies on the Xyst report (April 2019) and HCC Location Assessment (April 2019) to justify the provision of 1.2ha per 1,000 persons.

8. Mr Sirl identifies that for a sports park to meet effective LoS standards, a minimum land area of 7ha is required, to provide the requisite number of fields and supporting land area.
9. While with improved field quality the total land area may be somewhat less than 7ha, I agree with the principle that a sports park should be of an appropriate scale to provide the intended services and amenity in one location. On this basis, a sports park of 7ha would be expected to service a population of around 5,830 persons.
10. In my view it is appropriate to provide for sports parks of an appropriate scale to efficiently serve sub-urban areas, with populations of this size or greater, rather than to provide for sports park capacity at a lesser scale to meet the needs of a smaller population. This is the case especially when the total area to be served has a substantial population expected to require one or more sports parks (in this case, the Peacocke area with its expected population of 20,000 persons).
11. A major consequence of this approach is that providing for a sports park in a specific location will usually mean that the minimum required 7ha sports park will provide a larger land area than is required by the immediate population. In this case, the Amberfield population will generate demand for 2.48 to 2.76ha.
12. This means that the efficiency sought in providing for a sports park network of minimum 7ha must be matched by the efficiency with which such a network is funded by HCC. Otherwise, there will be cross-subsidies, where some developments contribute more than their fair share of sports park space, and other developments contribute less than their fair share.
13. In the case of the Amberfield development, the calculation of the appropriate share seems straightforward when the LoS of 1.2ha per 1,000 is applied. Amberfield should contribute 2.48 to 2.76ha.
14. Mr Sirl identifies that HCC has progressed preparation of a notice of requirement for the northern site for a sports park of approximately 14ha. That park would be about 2.2km road distance from the proposed park in Amberfield.

15. The combined area of the two sports parks of approximately 21 ha would cater for a population of 18-20,000 persons, which generally accords with the projected population for the Peacocke area.

### **STATEMENT OF MARK ROBERTS**

16. Mr Roberts' evidence sets out the basis for the assessment of alternative sites, drawing on the Peacocke Active Sports Park Location Assessment Report, to identify suitable locations for future sports parks in Peacocke.
17. This Assessment report is dated 12 April 2019, and consequently I was not able to offer comment on that report in my Evidence in Chief.
18. Mr Roberts' Assessment does not alter my findings as set out in my Evidence in Chief.
19. I have examined Mr Roberts' assessment, in which he rates candidate sites according to their scale and slope, then according to five criteria. On that basis, he has estimated rated scores for each candidate site, and has then rank-ordered these sites with Site 9 (being the North Eastern site generally subject to the notice of requirement process) showing the highest score (29), and Site 5 (being the Amberfield site) the second highest score (21).
20. I understand he developed the Assessment framework specifically for the Peacocke Structure Plan Area assessment. He does not offer examples of where else the method has been applied.
21. My concerns with the Assessment framework relate to the accuracy of a judgement-based process to rank-order the candidate sports park sites, as follows:
  - (a) The method applies a simple set of ratings for each site, where every criterion is accorded the same importance. However, it is likely that some criteria will be of greater significance than others in achieving open space objectives. There is no sensitivity analysis indicated to test the significance of each ratings, or to show whether the rankings may change if some criteria are afforded higher weightings than others;

- (b) The ratings are arbitrary, with each site rated on an apparent 5-point scale for each criterion according to judgement. While this may be broadly valid, it would be prudent to show sensitivity analysis. It is also important to recognise that ratings are not a measure of scale or significance in the same way that land area or distance are discrete measures, but an assessment based on value judgements. It is not clear whether Mr Roberts produced the ratings on his own, or whether the ratings were produced through a collaborative process involving several HCC staff;
- (c) Once the area and slope thresholds are identified, candidate sites are assessed according to only five criteria. The multi-faceted nature and role of urban sports parks would suggest other criteria may be directly relevant;
- (d) There is potential for double-counting because there is some overlap between criteria. For example, the “*Wider open space network*” criterion rates sites according to their capacity for sports pitches, when that matter has already been largely dealt with in the “Area” assessment as to whether the site is large enough to be a candidate for a sports park;
- (e) The wide range of the rated scores assigned to the sites, notably the “*Wider open space network*” criterion where in theory each site should score quite highly because each would provide at least the minimum capacity, but the assigned scores range from 1 to 5 (Mr Roberts Table 3 p19). Since each site presumably met the Area requirements, then I would expect the ratings to be quite similar across all candidate sites, rather than see one site’s score be five times another site;
- (f) Apparent inconsistencies in the ratings, for example on the “*Wider open space network*” criterion Site 1 is rated with a positive (tick) in the text (p14) but is scored only 1, whereas Site 6 is rated with a negative (cross) in the text (p16) but is scored as a 3;
- (g) Apparent inconsistencies in the “Location” criterion ratings, for example Site 1 is relatively central to the Peacocke cell but is scored as a 3, whereas Site 5 is close to the periphery but is scored as a 4;

- (h) The conditional nature of the ratings, where Site 10 for example is evaluated not *per se*, but taking into account “*its proximity to the better suited site 9<sup>1</sup>*”, indicating a two-step process has been applied, which has impacted its score and ranking. Site 10 is rated lower than Site 9, but still scores 20, which is only one behind Site 5. Given that the total requirement for Peacocke would be met by one large 14ha sports park and one smaller 7ha sports park, then a clear two-step process to compare Sites 9 and 10 first to rank the larger park options, and then subsequently compare Sites 1, 5 and 6 for the smaller park options, would likely alter the ratings and potentially the rankings.
22. I also note that other criteria which are relevant to Peacocke’s growth future have not been included in the Assessment framework. For example, the sites as evaluated cover quite substantial land areas over and above the footprints required for a 7ha or 14ha park. It is not clear whether the balance of the parcels would be available for urban development otherwise, or may represent some opportunity cost. Similarly, an implicit assumption in the assessment is that the cost per ha of the sports park land would be the same irrespective of location.

23. In summary, the nature and structure of Mr Roberts' assessment framework means that the final rankings are sensitive to judgement calls on each criterion. This highlights the importance of applying any ratings and rankings very carefully and consistently across the candidate sites. It also highlights the potential risk of relying on assessment framework which based on a simple ratings approach, rather than a more comprehensive approach based on using a simple framework in conjunction with a qualitative assessment which is able to take account of a wider set of criteria.

**Dated this 30<sup>th</sup> day of April 2019**

A handwritten signature in blue ink, appearing to be 'JDM', written in a cursive style.

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James Douglas Marshall Fairgray