

BEFORE THE WAIMAKARIRI DISTRICT COUNCIL HEARINGS PANEL

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

AND

IN THE MATTER of Submission 250

**REBUTTAL EVIDENCE OF STUART JOHN FORD
ON BEHALF OF SURVUS**

10 June 2024

QUALIFICATIONS AND EXPERIENCE

1. My name is Stuart John Ford. My qualifications and experience are outlined in my evidence in chief.
2. I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

SECTION 42A REPORT

3. I have read the section 42A Report Large Lot Residential Rezoning including the Walton Farm Consulting Rural Productive Review – 25 Ashley Gorge Road (**Appendix N**) (the Walton report) and refer to and comment on them in my rebuttal evidence.

EVIDENCE

4. The Walton report appears to be a peer review of my original assessment “*Assessment of land owned by Morgan McIntosh Ltd at 25 Ashley Gorge Road Oxford for its potential to be re zoned by meeting the requirements of the NPS-HPL*”.
5. In the Walton report he agrees with my assessment of the property in terms of:
 - a. *The productive capacity of the 49.7 block is severely limited by poorly drained soils, cold winter temperatures including snow. (Paragraph 2).*
 - b. *The geophysical size and location of the block also limit the potential of the property to remain as a viable dairy or dairy grazing unit. It is obvious that the old dairy farm was abandoned some years ago, probably due to the lack of scale. It is surrounded by small block properties on two side and roads on the other two. The proximity to the Oxford town boundary is incredibly obvious with over adjoining 20 neighbours. (Paragraph 3).*
 - c. *The Environmental considerations in Table 4 are a fair summary of the benefits of the proposed rezoning.... (Paragraph 7)*
 - d. *I agree with the social and cultural considerations with the exception of the food security as it is likely that at least 1 out of the 80 properties is likely to*

produce some form of food i.e. eggs, fresh vegetables at a scale that could make up for the small amount of loss of HPL land. (Paragraph 7)

- e. *The positive outcome on the economics of the land use intensification in the Waimakariri District have been well documented by Keating, Fairweather and others over the years. (Paragraph 8)*
- f. *The intangible values are not that well defined. However, I agree that this would be of significant value to future generations, and that it would not be easy to replicate the application just anywhere due to the location specifics i.e. the town boundary. The associated extra dwellings that would be an outcome, could only enhance the current population and therefore justify amenities such as schools. The land use change could easily see the production of other products through cottage industries that currently are limited in existence. (Paragraph 9)*

6. He summarises his opinion as:

It is my opinion that this proposal could meet the rules and objectives of the national policy statement on highly productive land (NPS-HPL) under clause 3.6, sub clause 1(c) in that the benefits outweigh the costs.

It is my opinion that this is a sensible and practicable application that whilst on the surface does not meet the NPS-HPL due to its zoning, the location, environmental and social factors more than outweigh the current loss of 49.7 ha of poor performing pasture and tired infrastructure.

- 7. It is my opinion that the Walton report fully supports both my methodology and the result that I have come to.
- 8. I note from reading the S42A Report that the author (Mr. Buckley) does not refer to Mr Walton's peer review at all and there is no apparent consideration of its findings.
- 9. I have reviewed the s 42A report by Mr Buckley and wish to respond to the statements made in Paras 427 and 428.
- 10. At Para 427, Mr Buckley states that he doesn't agree with my assessment. He gives his reason that he doesn't agree with the fact that there are significant constraints that:

“preclude a 50ha LUC Class 2 parcel of land that is relatively flat that has been operating as a dairy farm since 1976 and as a farm prior to 1940s, and is on a rural water supply scheme, not being suitable for primary production. Mr Ford in his evidence notes that the highest and best use of the land would be for dairy support.”

- 11. I would like to point out that the land has not been an operating dairy farm since May 2022 and I understand that the decision to cease dairy farming was that it was no longer practically or economically viable for that land use to be continued on such a small scale.
- 12. I would also like to point out that far from contending that the land was not suitable for primary production my assessment is that because of the range of constraints on the land that dairy support is the highest and best rural land use, and that dairy support is primary production.

13. At Para 428 Mr Buckley states that *“I do not agree with his assessment, and that the rezoning of the property meets clause 3.6(1)(c) on the basis that continued loss of rural land outweighs the long term environmental, social, cultural and economic cost associated with the loss of the land for primary production.”*
14. My cost benefit evaluation followed the format of that suggested in both the Guidance Document¹ and the Cost Benefit Analysis² carried out on the NPS-HPL. Nowhere in my cost benefit assessment have I considered or reported that *“continued loss of rural land outweighs the long term environmental, social, cultural and economic cost associated with the loss of the land for primary production.”*
15. Nowhere in the s42A report does Mr Buckley detail exactly what has led him to disagree with my 3.6(1)(c) assessment.
16. I note that Mr Walton agrees with my assessment.

Stuart Ford

July 2024

¹ MFE (2023): National Policy Statement for Highly Productive Land: Guide to implementation.

² Market Economics (2020): National Policy Statement – Highly Productive Land. Cost-Benefit Analysis