

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
WAIMAKARIRI DISTRICT COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991 (**RMA** or
the Act)

AND

IN THE MATTER OF

Hearing of Submissions and Further
Submissions on the Proposed Waimakariri
District Plan (**PWDP** or **the Proposed Plan**)

AND

IN THE MATTER OF

Hearing of Submissions and Further
Submissions on Variations 1 and 2 to the
Proposed Waimakariri District Plan

AND

IN THE MATTER OF

Submissions and Further Submissions on the
Proposed Waimakariri District Plan by **Mark
and Melissa Prosser**

**SUPPLEMENTARY EVIDENCE OF STUART JOHN FORD
IN RESPONSE TO OFFICER REPORT
ON BEHALF OF MARK AND MELISSA PROSSER
REGARDING HEARING STREAM 12C**

DATED: 8 July 2024

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INTRODUCTION

- 1 My name is Stuart John Ford.
- 2 I have prepared a statement of evidence regarding Hearing Stream 12C in support of Mark and Melissa Prosser's submission on the Proposed Waimakariri District Plan (**PWDP**) to rezone approximately 73 ha at Mandeville from Rural Lifestyle Zone (**RLZ**) to Large Lot Residential Zone (**LLRZ**).
- 3 My qualifications and experience are set out in that statement. I confirm that this supplementary statement of evidence is also prepared in accordance with the Environment Court's Code of Conduct.
- 4 On 23 May 2024 the Waimakariri District Council (**Council**) released an Officer Report for Hearing Stream 12C prepared under section 42A of the RMA containing an analysis of submissions seeking Large Lot Residential Zone and recommendations in response to those submissions (**Officer Report**).
- 5 The Officer Report recommends that the Prosser rezoning submission be rejected. My supplementary evidence is filed in response to that Report.

SCOPE OF SUPPLEMENTARY EVIDENCE

- 6 In my supplementary evidence I address the following matters:
 - (a) My supplementary evidence responds to those parts of the Officer Report that address matters within scope of my expertise, with particular emphasis on matters where there is a difference of view between myself and the Officer Report.
- 7 In preparing my supplementary evidence I have:
 - (a) Reviewed the Officer Report and the Appendices to that Report relevant to my area of expertise;
 - (b) Reviewed my evidence in chief filed earlier on behalf of the Submitters;
 - (c) Reviewed the S42A report writer's response to written questions from the panel(**Response Document**); and
 - (d) Reviewed other materials specifically mentioned in my supplementary evidence discussed below.

CONTEXT AND APPROACH

- 8 As mentioned, the Officer Report recommends decline of the Prosser rezoning submission. A range of reasons are given for this recommendation, some of which relate to my area of expertise.
- 9 The approach I have adopted in this supplementary statement of evidence is to identify those parts of the Officer Report (including Appendices attached to that Report) where I disagree with the Officer Report and to explain my reasons for disagreement.

RESPONSE TO OFFICER REPORT

- 10 **At paragraphs 89 to 92** - the Officer report discusses Rural Production Considerations and states at paragraph 91 that:

The Rural Production report identified minimum areas required for various agricultural land uses, with 10ha being considered the minimum production area...

- 11 I disagree with the above comment.
- 12 I have read the Rural Production Report which was created by Macfarlane Rural Business (**Rural Production Report**) and have the following comments on it.
- 13 In the intro it states:

The purpose of this report is to review the impact change in zoning of rural land, particularly minimum lot size will have on primary production. Whilst every endeavour has been made to provide an informed view on the effect land parcel size has on productivity and profitability, the intention is not to recommend precise land use and or zoning options.

- 14 In my view, the Rural Production Report has a number of technical and methodological errors in it which make its results extremely unreliable, as noted below:
- (a) It says that it has used literature reviews, gross margin analysis and discussions with relevant industry personal(sic). But then doesn't reference or include any of that work in the report so there is no ability for the reader to determine the veracity of the statements made in it.

- (b) It does produce a table which lists minimum lot sizes from 10-15 ha for small seeds and viticulture up to 100 ha for Extensive livestock farming but gives a very sparse reasoning for how MRB arrived at those estimates.
- (c) It then reports the results by zone as, (just a few reported):
- (i) the minimum lot size could be as low as 10 – 15ha and still be economically viable as the EBITD per hectare could be up to \$10,000 per hectare. It is desirable that a minimum effective area (not total lot size) of 10 ha is available for production.
 - (ii) a minimum lot size of 10 – 15 hectares should be economically viable.
 - (iii) a minimum lot size of 40ha should be investigated.
 - (iv) a minimum lot size of 20ha would be justifiable.
 - (v) a minimum lot area of at least 40 ha could be introduced.
 - (vi) a minimum lot area of 40ha is justified although given the isolation and the relative inability to diversify, a larger minimum size could be implemented.
- 15 It is my opinion that the use of qualifiers on the Rural Production Report recommendations and the fact that the Report does not make solid recommendations as to what is an appropriate minimum lot size make it worthless for any further use, particularly planning.
- 16 **At paragraph 137** - the Officer Report states:
- The planning evidence states that rezoning the property to LLRZ would be more efficient utilisation of the land than 4ha development. In my opinion rural production options exist for smaller 4ha properties. However, given the minimal intensive utilisation of surrounding RLZ land this assumption may reflect the local situation.*
- 17 The author of the Officer Report is correct that there are a few rural production options that do exist for smaller 4 ha properties but in this case, given the constraints that I have identified, soil types etc the highest and best land use is not commercially viable.

18 It is a matter for taking it from the theoretical, the Officer Report approach, to the actual, my approach, in an assessment of the blocks capabilities.

19 **At paragraph 158** - the Officer Report states:

The submitter's consultant, Mr Ford, has provided an agricultural productivity assessment of the site that incorporates the soils assessment. Council was unable to commission a review of the agricultural productivity assessment due to the lack of availability of external experts. I concur with Mr Ford's assessment of the NPS-HPL. Mr Ford's assessment that the rezoning of the land and the corresponding loss in agricultural production would be "minimal" is not supported by Central Governments concern with loss of productive land.

20 I disagree with the above comment.

21 I stand by my assessment that the loss of productivity from the consented (4ha) to the proposed (urban) is minimal because the difference between the two is not significant because the consented size is too small to be considered highly productive anyway.

22 I have briefly reviewed the references which justify the conclusions made in the Officer Report.

- (a) The Stats data includes a large proportion of land loss to forestry which means that there is nothing that we can conclude from it as regards HPL or the site.
- (b) MPI MFE 2019 is a discussion document on the then thinking on HPL which has resulted in the NPS-HPL which addresses the concerns and allows for them but in this case the land is already consented for 4 ha blocks so it doesn't come under any HPL assessment.
- (c) MFE is a very similar doc to the MPI MFE 2019 in that it is a discussion on the thinking behind the release of the NPS-HPL.

23 I am of the opinion that the Officer Report discussion is based on some high level principals which I have taken into consideration but they are overridden by the practical consideration of the land in question.

24 **At paragraph 160** – the Officer Report states:

There is an argument that GRUZ would be the more appropriate zoning than RLZ.

- 25 I am of the opinion that there are two errors with this claim.
- 26 The first is that it is inconsistent with evidence that the submitter intends to implement their existing consent to subdivide into 20 x 4ha lots.
- 27 A 20 x 4ha lots subdivision consent forms the permitted baseline for this site. This should inform the effects assessment when undertaking the comparison between RLZ and LLRZ for the site. However, the report does not appear to engage with the concept of permitted baseline at all.
- 28 The second is that there needs to be a submission seeking GRUZ for the site before the Panel can adopt this approach. The Officer Report does not mention any such submissions, and I'm not aware of any.

REPLY TO RESPONSE DOCUMENT

- 29 I have read the S42A report writer's preliminary response to the panel's written questions and the contents do not appear to be of relevance to my expertise.

Stuart Ford
8 July 2024