

**BEFORE THE INDEPENDENT HEARINGS PANEL APPOINTED BY THE  
WESTERN BAY OF PLENTY DISTRICT COUNCIL**

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

**AND**

**IN THE MATTER** of Proposed Private Plan Change  
95 to the Western Bay of Plenty  
District Plan First Review –  
Pencarrow Estate, Pongakawa

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**SUMMARY STATEMENT OF EVIDENCE OF STUART FORD ON BEHALF  
OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
(LAND PRODUCTIVITY)**

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## INTRODUCTION

1. My name is Stuart John Ford.
2. I am an agricultural and resources economist. I hold a Dip Ag and B Ag Comm from Lincoln University and have undertaken post graduate studies in resource economics at Massey University. I have worked in the field of agricultural and resource economics for twenty-five years.
3. My experience which relates to the task required in this instance includes:
  - (a) Evidence given on behalf of Auckland Council to the Environment Court in relation to the appeal of the Self Family Trust in regard to a land zoning decision on elite soils.
  - (b) Support for Auckland Council in preparing a Section 42A report on a development proposal at Patumahoe South in relation to the productivity of the land.
  - (c) Support for Auckland Council in preparing a Section 42A report on a development proposal at O'Hara Waiuku in relation to the productivity of the land this has subsequently been appealed to the Environment Court.
  - (d) Provision of evidence to the Environment Court on the productive potential of the land known as Sticky Forest adjacent to Wanaka.
  - (e) Provision of evidence to the Environment Court on the commercial viability of Rangitane River Park - Kerikeri.
  - (f) Support for the Waimakariri District Council in preparing a Section 42A report on a development proposal at Ohoka in relation to the productivity and the commercial viability of land.
  - (g) Support for the Rangitikei, Ashburton, Timaru and the Waikato Councils as a peer reviewer of NPS-HPL applications.
  - (h) Preparation of reports for various applicants in Northland, Auckland, Waikato, Bay of Plenty, Wellington, Wairarapa, Waimakariri, Christchurch City, Selwyn, Timaru and Dunedin Councils.

4. I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023 and I agree to comply with it. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where I state I am relying on the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my expressed opinion.

#### **SCOPE OF STATEMENT**

5. I prepared a peer review report in relation to the LandVision report lodged in support of Private Plan Change 95 (**PPC95**). My peer review was attached to the Section 42A Report as Attachment 9.
6. I have reviewed the Statement of Evidence of Joel Perry (Land Productivity) on behalf of the Applicant in response to the Section 42A Report.
7. In this statement I respond to Mr Perry's assessment of Clause 3.6 (1) (b) and (2) of the NPS-HPL.

#### **RESPONSE TO ASSESSMENT UNDER CLAUSE 3.6(1)(b)**

8. The NPS-HPL at Clause 3.6 (2) states that:

(2) In order to meet the requirements of subclause (1)(b), the territorial authority must consider a range of reasonably practicable options for providing the required development capacity, including:

- (a) greater intensification in existing urban areas; and
- (b) rezoning of land that is not highly productive land as urban; and
- (c) rezoning different highly productive land that has a relatively lower productive capacity.

9. In my initial peer review report (Attachment 9 to the Section 42A Report) I stated that:

"Considering the quite large changes that occurred on the subject site when the assessment was carried out at a paddock scale, I suspect that there would be a similar level of change which would occur on the alternative site if they were assessed at the same scale. Therefore, I wonder at the confidence that can be put on any conclusions that can be made when comparing the alternative sites at a regional scale with the subject site at a paddock scale."

10. Mr Perry in his evidence in chief has conducted the same assessment by listing the LUC status of the site pursuant to the NZLRI.

11. I have entered this data into Table 1 to enable us to make a comparison to determine which site has the lower overall productive capacity.

**Table 1: LUC status of comparable sites.**

LUC Status	Pencarrow Estate	Pptn	Te Puke	Pptn	Paengaroa	Pptn	Pongakawa	Pptn
Area Total	9.9		803		207		191	
2s1			533	66%	108	52%	110	58%
2w1	9.7	98%	133	17%				
3w1			137	17%			11	6%
3e2							63	33%
3e5	0.2	2%			98	47%		
LUC 4-8			167	21%			8	4%

12. Pencarrow Estate has 98% of its land classified as LUC 2.
13. My interpretation of this data is that the Te Puke comparison site has 38% of its area which is of a lower LUC status and hence has a lower productive capacity than Pencarrow Estate with 21% not being classified as HPL.
14. Paengaroa has 47% of its area which is of a lower LUC status than Pencarrow Estate.
15. Pongakawa has 43% of its area which is of a lower LUC status than Pencarrow Estate.
16. I cannot reconcile my assessment with that of Mr Perry who states that :
- It is still my opinion following this assessment that the overall productive capacity of the site is lower than that of the sites identified for potential resident development around Paengaroa and Pongakawa.
17. It is my assessment that using the NZLRI assessment of LUC status in the Te Puke site, it can provide 167ha which meets clause 3.6(2)(b) (because it is not HPL) and that all three comparable sites are able to provide significant areas which meet clause 3.6(2)(c) (because they have a relatively lower productive capacity).
18. In conclusion there is not an inferiority of the PPC95 site when analysed in terms of the NZLRI classification.

**Stuart John Ford**  
**13 November 2024**