

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a submission in respect of the **PROPOSED WAIKATO DISTRICT PLAN** by **AMBURY PROPERTIES LIMITED** pursuant to Clause 6 of Schedule 1 of the Act to rezone 178ha of land at Ohinewai

STATEMENT OF REBUTTAL EVIDENCE OF ROBERT QUIGLEY

1. INTRODUCTION

- 1.1 My name is Robert Quigley. I am a Director at Quigley and Watts Limited.
- 1.2 I have outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence in chief ("EIC").
- 1.3 I have read the statement of evidence prepared by Melissa Hackell on behalf of Waikato Regional Council.

Purpose and scope of rebuttal evidence

- 1.4 This statement of rebuttal evidence addresses a number of matters raised in Ms Hackell's EIC. Specifically, I address the following:
 - (a) The appropriateness of the social impact assessment ("SIA") methodology that I adopted to assess the full implementation of the masterplan (Section 2);
 - (b) The appropriateness of the representation of stakeholders in the SIA (Section 3);

- (c) Other issues raised by Ms Hackell (Section 4); and
- (d) Brief concluding comments (Section 5).

2. **APPROPRIATENESS OF THE SIA METHODOLOGY**

- 2.1 The issue that has been raised is that my assessment is flawed on the basis that other '*reasonably foreseeable alternate scenarios*' should have been assessed (Section 5.2), there has been "*exclusion of key stakeholders*" from Ohinewai (Section 5.3), it does not establish a "*social licence for the development*" (Section 5.3), it "*focusses narrowly on employment*" (Section 5.4), and it does not assess "*social connections*" (section 5.5).
- 2.2 Most of these issues were first raised in the Section 42A report and again in the expert conferencing. They were addressed in my first statement of evidence (Section 2.3), again in expert conferencing (Section 3) and here in this rebuttal.
- 2.3 In summary, my SIA assesses the most likely, and largest, potential delta of change that might be experienced. That is the purpose of SIA within an RMA context. My role is not and should not be to compare the potential impacts a series of undefined hypothetical alternatives which might occur. Rather, my role is to assess the Masterplan, to assist decision makers to decide whether the proposed rezoning is appropriate. To that end, the Masterplan has been comprehensively considered. This approach aligns with best practice insofar as it provides the assessor the chance to identify the largest potential change in social effects.
- 2.4 In my view, any alternative approach, such as assessing a myriad of counter-factual scenarios, or scenarios in which of something less than the Masterplan is implemented, would require speculation and dilute the effects identified in this assessment (bringing them closer to neutral), or be based off assumptions which are not actively being pursued.
- 2.5 Regarding potential counter-factual scenarios to assess, taking Ms Hackell's suggestion, the Masterplan would need to be broken into 'clumps' and each assessed separately. Simply, this would be based on multiple assumptions, would dilute consequent potential effects and increase the likelihood of finding neutral impacts. Data would

somehow need to be collected on each scenario and so the demand on stakeholders would be substantial. Overall, this approach would provide little assistance to decision makers.

- 2.6 As described by Nick Taylor in the original SIA guide¹, trying to assess all possible outcomes is fruitless:

"It should be clear that social assessment does not involve a research process in the strict definition of the term. That is, formal hypotheses are not posed to see if they find support in the data. Instead, projections are made based on data and procedures that are seen to be sufficiently reasonable and convincing for others to agree on their plausibility. But these are projections about futures for which one can never be sure. The 'future' will keep changing as people react to the project or plans in their attempts to enhance the outcomes and minimise the costs for themselves and others."

- 2.7 Ms Hackell describes the 'reasonable foreseeable outcomes' that in her view should be assessed (Section 5.1 and 5.2). With respect, Ms Hackell confuses what SIA practice is. SIA assesses a proposal to identify potential outcomes. SIA does not assess potential outcomes such as 'Ohinewai becomes a dormitory town' (5.2b) or 'an increase in proportion of properties being sold on the open market' (5.2c). Such outcomes would be potential findings. The type of approach suggested by Ms Hackell is strongly open to potential bias/producing a pre-determined outcome. In contrast, my SIA assessed the Masterplan, via a thorough and complete collection of evidence and analysis.

- 2.8 Ms Hackell has picked 'social connections' out of the twelve domains in the Treasury's Living Standards Framework as an additional area that should have been assessed within my SIA (Section 7.3). In my opinion, selecting what to assess in an SIA is not a case of picking topics from a list (and leaving most behind). In contrast, I have outlined the rationale for the scope of my assessment in my first statement of evidence (Section 4) and the scope chosen suits the

1 Taylor CN, Bryan CH and Goodrich CG (2004). Social assessment: Theory, process and techniques. Social Ecology Press.

needs in this situation. Treasury also have this to say about their work:²

"The Dashboard does not (and is not intended to) provide the depth of quantitative and qualitative wellbeing evidence needed for agency or sector policy analysis. Agencies, local government and non-government interest groups will want to develop their own wellbeing datasets, with a deeper range of wellbeing data and evidence to suit their own needs."

2.9 I have considered potential affects across 10 different areas of study, each informed by specifically collected data and consequent analysis to suit the needs of this situation.

3. **REPRESENTATION OF STAKEHOLDERS IN THE SIA**

3.1 Ms Hackell suggests that additional stakeholders from Ohinewai should have been included in the assessment (prospective Ohinewai residents from the existing Auckland Sleepyhead factory; and existing Ohinewai residents). Ms Hackell suggests this leads to *'a failure of the SIA to establish social licence for the development.'*

3.2 My SIA did not interview Comfort Group employees. This is because the potential effects on employees was not a focus of the assessment. SIA assesses potential effects on the communities 'outside the fence', not on communities 'inside the fence.' Also, as set out in David Gaze's statement of rebuttal evidence, because the development is not confirmed, it would be difficult for an employer to have a social researcher asking staff if the staff would move their life south, without any certainty of that ever occurring. Not causing untoward stress on the business and staff was also a consideration in my decision to not interview staff. Regardless, such information is not required to assess the potential effects on the existing Ohinewai community. There is adequate data to undertake such an assessment.

3.3 For the Ohinewai community, I interviewed the three main people of the Ohinewai Area Committee (Chair, Deputy Chair and Secretary), the four largest businesses in Ohinewai, the primary school (Principal,

2 What's the purpose of the LSF dashboard. Available at <https://treasury.govt.nz/information-and-services/nz-economy/higher-living-standards/measuring-wellbeing-lsf-dashboard>

Deputy Principal and eight students), leaders at Matahuru Marae, and residents of Lumsden Road and Tahuna Road. This is a substantial sample frame, well in excess of other recent SIA I have seen performed in New Zealand.

- 3.4 Ms Hackell claims that this lack of representation results in a failure to establish a social licence to operate. Guidelines on how to achieve Social Licence to Operate (of which I am the lead author of the NZ version)³ do not recommend use of a resource management application to achieve such an outcome. Instead, Social Licence to Operate is achieved over many years, and is based on trusted relationships, something this project has substantial amounts of. Achieving a Social Licence to Operate was not a purpose of my SIA and nor should it be.
- 3.5 Ms Hackell says that my SIA *“does not consider existing residents’ perspective on their community values and aspirations.”* To the contrary, an entire section in my SIA titled ‘Community Way of Life’ which more than adequately is dedicated to addressing community way of life for Ohinewai and other surrounding communities. Ms Hackell also says, *“the assessment focuses narrowly on the employment benefits and does not adequately assess the current social values existing in the area and impact of the development on those values.”* My SIA does include a number of other chapters beyond employment, covering: Population; Housing; Early childhood services; Primary and secondary schooling; Children; Businesses; Health, social, emergency services; Lumsden and Tahuna Road residents; and community way of life. These aspects are critically important to people who live in the area and to say these have not been well considered is false.

4. **OTHER ISSUES**

- 4.1 Ms Hackell claims Ohinewai will become a dormitory town because people in Huntly and Te Kauwhata are reporting the movement of Auckland commuters to their townships. However, this misses the point that a dormitory town exists because people choose to travel

3 Quigley R and Baines J (2014). How to improve your social licence to operate: A New Zealand industry perspective. Wellington: Ministry for Primary Industries.

long distances for work, weighing that against the benefits of owning their home.

- 4.2 Mr Heath addresses the likelihood that Ohinewai will become a dormitory town in Section 3 of his economic evidence. If the Masterplan is approved, the difference for Huntly, Te Kauwhata, and especially Ohinewai, is the projection for up to 2,600 jobs within the district. In contrast, Te Kauwhata has approximately 370 jobs (seven times fewer), meaning that currently, new homes in Te Kauwhata are less likely to be sold to people moving to the township for work. While not all people who live in Te Kauwhata, Huntly and Ohinewai will work in Ohinewai, the likelihood that someone is buying in one of these townships due to Ohinewai work is substantially higher than in the present situation, including for proposed new residential developments in Huntly.
- 4.3 Lastly, Ms Hackell questions the employment findings of my SIA. This was a topic previously agreed between the parties in the JWS and I stand by my finding and our previous agreement:⁴

"Employment: the scale of estimated employment opportunities has the potential to generate positive social impacts at the individual, family and community level"

5. **CONCLUDING COMMENTS**

- 5.1 The issues raised by Ms Hackell were addressed in expert conferencing and in my EIC. The rationale for the scope of my SIA is sound. My SIA collected and analysed a substantial evidence base, and with clear reasoning has provided a thorough assessment of the potential social effects of the Masterplan.

Robert Quigley

24 August 2020

4 (Section 2i, Joint Witness Statement of experts in relation to social impacts).