

**Before an Independent Hearing
Commissioner Appointed by
Christchurch City Council**

In the Matter

of the Resource Management Act
1991

And

In the Matter

of a resource consent application to
establish an agricultural equipment
sales, servicing and training facility
at 33 and 69 School Road, Yaldhurst

**Statement of Evidence of
Jonathan Clease
for Landpower Group**

Dated: 17 May 2020

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INTRODUCTION

Qualifications and Experience

1. My full name is Jonathan Guy Clease.
2. I am employed by a planning and resource management consulting firm Planz Consultants Limited as a Senior Planner and Urban Designer. I hold a Bachelor of Science (Geography), a Master of Regional and Resource Planning, and a Master of Urban Design. I am a Full member of the New Zealand Planning Institute and currently sit on the NZPI Board.
3. I have some twenty-five years' experience working as a planner, with this work including a wide range of resource consent preparation and policy development, providing s42A reports on plan changes and associated s32 reports. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.
4. I was closely involved in the review of the Christchurch District Plan and presented evidence on the notified provisions on behalf of submitters on commercial, industrial, Lyttelton Port, natural hazards, hazardous substances, and urban design topics. I have likewise been recently involved in the development of second-generation Timaru, Selwyn, Waimakariri, Waikato, and Kaipara District Plans. I have recently prepared the s42a reports on PC68 and PC72 to the Selwyn District Plan regarding urban growth beyond the boundaries shown in Map A of the Canterbury Regional Policy Statement.
5. I have visited the site and the broader context on several occasions over the past year. I am also familiar with the area more generally having worked on other projects nearby (including the rezoning and subsequent development of Waterloo Business Park) and having travelled past the site on SH73 for numerous years.

CODE OF CONDUCT

6. I confirm that I have read the Code of Conduct for Expert Witnesses 2014 contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this

evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

SCOPE OF EVIDENCE

7. My evidence is given on behalf of Landpower Group on planning matters relating to the establishment of a new agricultural machinery sales and servicing facility at 33 and 69 School Road, Yaldhurst. I was the peer reviewer of the original resource consent application. I have also engaged with Council and have coordinated the responses to the Section 92 requests for further information.
8. My evidence discusses the following:
 - (a) I present an overview of the application and associated potential environmental effects; and
 - (b) Provide a summary of the policy framework applicable to the application and respond to the Section 42A report prepared by Ms Cottam

SUMMARY OF THE PROPOSAL

9. Landpower propose to establish an integrated rural farm machinery sales and servicing facility with ancillary administration and a field-based driver and apprentice training programme.
10. The sale and servicing of farm machinery is inextricably linked to the rural environment. The nature of the customer base, combined with the specific business requirements, have led to an extensive site search as set out in the statement of Mr Wilson. It has proven challenging to locate a site that is proximate to the rural hinterland, has profile to, and safe connection with, a collector or arterial road, is of sufficient size to enable a large pastoral field trial area to be integrated with the facility, and is concurrently readily accessible from Christchurch City where the majority of staff live.
11. This search has led to Landpower's acquisition of the site at 33 and 69 School Road. A description of the proposal is set out in paragraph 7 of Ms Cottam's report and reflects Section 3 of the original application. I confirm that Ms Cottam has accurately captured the key elements of the proposal.

12. Site context is a key matter in informing an assessment of this proposal. The site has a Rural Urban Fringe Zoning, as does the surrounding area. The District Plan does not contain zone descriptions, or in the case of the Rural Chapter any zone-specific policies which might provide specific guidance as to the role and outcomes of the zone. Geographically, the Rural Urban Fringe Zone covers all the flat land surrounding the urban edge of Christchurch. As the name suggests, it is a transitional area between urban Christchurch and more extensive rural landholdings further inland.
13. The zone, and especially the immediate site context, is that of a rural village. The village is roughly arranged along two east-west road corridors, with quite different visual and functional characteristics. School Road provides the 'residential' axis of the village, and contains a primary school, church, and recreation domain. SH73 provides the commercial axis of the village and includes a tavern, dairy, petrol station, garden centre, multiple industrial activities, and the 'Norwood' branded farm machinery activity on the southeastern side of the SH 73 and Hasketts Road intersection.
14. This diversity of activity and its contrast with the underlying zoning is shown on Figures 1 and 2 below. Figure 1 is an aerial photo of the village and shows the extent of built structures. Figure 2 is the zone framework with the domain in green and the school in purple.

Figure 1. Aerial of Yaldhurst Village

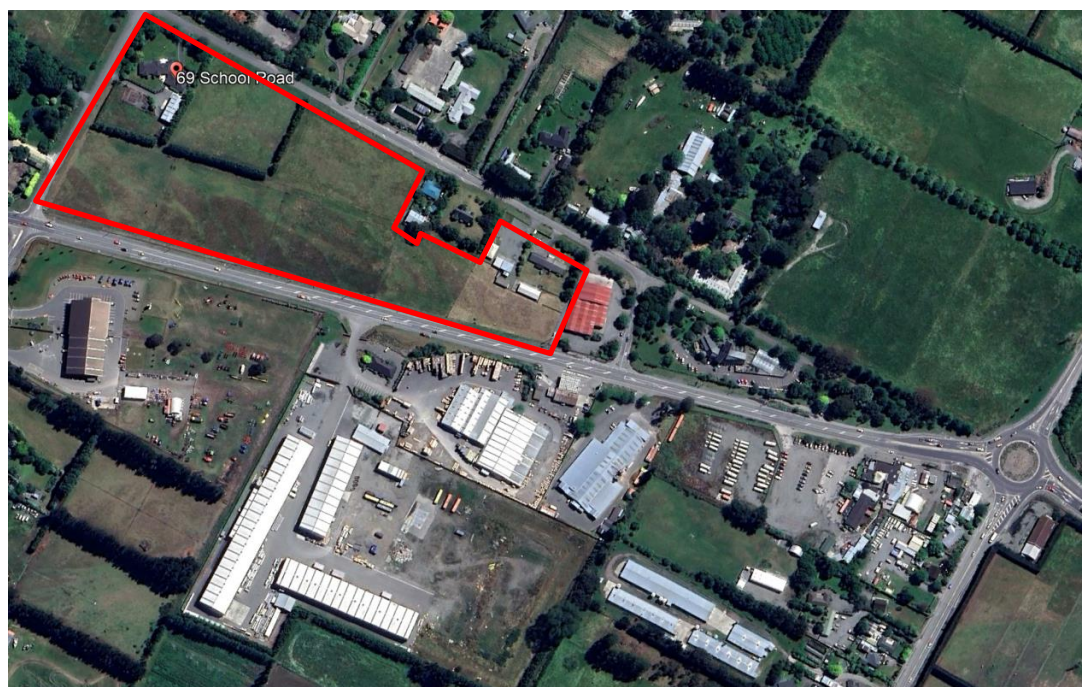
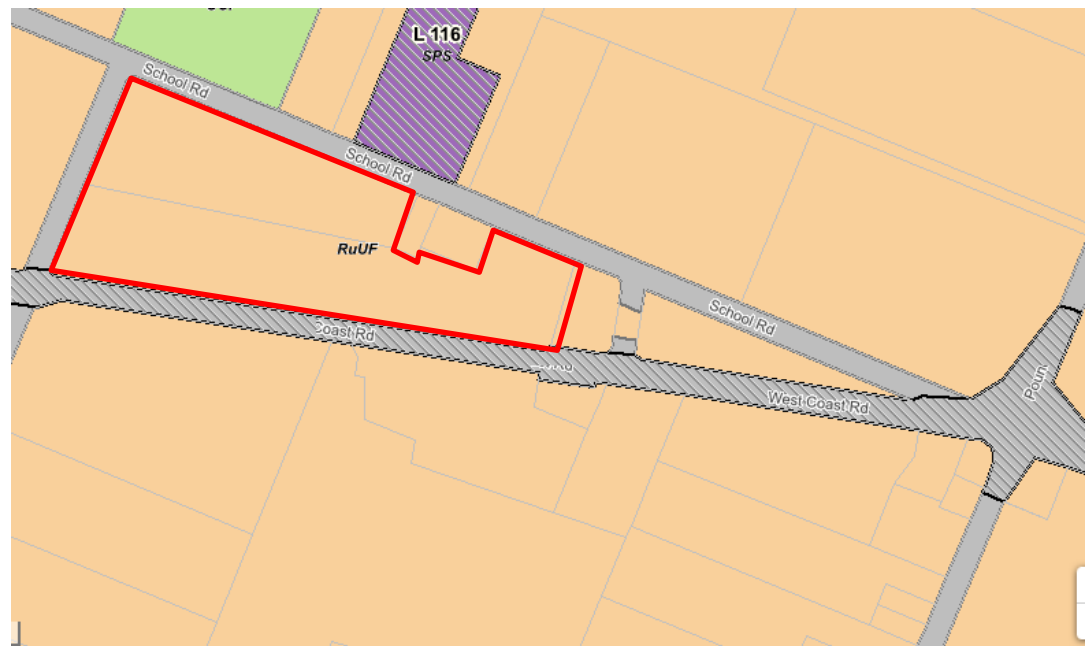


Figure 2. Zone Map

15. The key contextual conclusion is that the Rural Urban Fringe Zone, in this location, supports a wide range of activities, many of which are not what would typically be regarded as 'rural' (i.e. pastoral) in nature. This localised context goes to the heart of conclusions regarding the compatibility of the proposal with the surrounding rural character, and the diversity of activities and built outcomes found within the Rural Urban Fringe Zone.
16. Since the application was originally lodged, the applicant has actively engaged with Council officers to resolve concerns raised by both Mr Head (as part of the s95 report on notification), and by several submitters. As set out in Mr Bentley's landscape evidence¹, the design of the facility and associated landscaping has been modified to ensure the proposal sits comfortably within the local context of Yaldhurst village. Importantly it means that the extent of effects on rural landscape and character values have been reduced since the s95 determination was made.

RESPONSE TO SECTION 42A REPORT – ENVIRONMENTAL EFFECTS

17. I agree with Ms Cottam that there is little relevant permitted baseline to inform the assessment of effects². The iterative review of the proposal with

¹ Evidence of James Bentley, para.21

² S.42A, para. 39. See also Section 7.2 of the application.

Council Officers, combined with Landpower's commitment to being a 'good neighbour', mean that there is broad agreement between the applicant and the Council's experts regarding the management of potential effects, summarised as follows:

- i) **Transport effects** are addressed in the evidence of Mr Smith for the applicant and Mr Dore for Council³. Ms Cottam has reviewed Mr Dore's advice and has concluded that the effects are "less than minor and acceptable in terms of safety and efficiency of the roading network". She has likewise concluded that effects from trip generation will be less than minor⁴.

Both Mr Smith and Mr Dore note the need for a separate (and subsequent) process involving the road controlling authorities (Council in the case of Hasketts and School Roads, and Waka Kotahi for SH 73). Both organisations will need to approve the detailed design and associated works within the road corridor that are necessary to form new site entrances and undertake any associated refinements to the Hasketts/ SH 73 intersection. This subsequent process is subject to Conditions 29-31.

- ii) **Acoustic effects** are addressed in the evidence of Ms Satory for the applicant and Ms Kloosterman and Ms van der Eft for Council⁵. Ms Satory has concluded that the activity will comply with the District Plan daytime standards. She has likewise concluded that in the unlikely event that heavy vehicles enter the site in the night time, that even if such activity breaches the District Plan noise standards, that as *"the resulting noise levels remain below 45 dB L_{Aeq} at the notional boundary of all dwellings, these events are expected to occur infrequently, and there is already occasional night time heavy vehicle noise in the area, I expect the effects will be minimal"*⁶.

These conclusions are consistent with the findings of Council Officers. It is noted that these findings rely on the provision and maintenance of acoustic fencing along the northern and eastern

³ S.42, Appendix 5

⁴ S.42A, para. 64 & 65

⁵ S.42A, Appendix 3 and Appendix 4

⁶ Evidence of Rewa Satory, para.34

sides of the main works yard. These fences were shown on the plans accompanying the original application. In preparing evidence it has been noted that through the iterative landscape design review process these fences have not been explicitly shown on the latest Boffa Miskell landscape plan. For the avoidance of doubt, these fences are shown on Annexure A of Ms Satory's evidence and have been added to the landscape plan attached to Mr Bentley's evidence. The landscape plan remains otherwise unchanged from the plans referenced in the S42A reports.

The applicant offers an additional acoustic condition as follows:

Condition X: the acoustic fencing shown on 'Boffa Miskell drawings 12 May 2022 Revision 3 Figure 1' shall be installed prior to the workshop being occupied for farm machinery servicing. The fencing shall be maintained thereafter.

- iii) **Landscape and rural character effects** are addressed in the evidence of Mr Bentley for the applicant and Mr Head for Council⁷. The need to effectively mitigate potential effects on the rural landscape and associated character is considered to be the key effect in play with this application. As such it is a topic that has received careful and ongoing review to ensure that the site layout, building design, and landscape design are all carefully resolved so that the proposal successfully integrates with its local context. There appears to be agreement between the landscape experts regarding an appropriate assessment methodology and the effectiveness of the mitigation that now forms part of the application. Mr Bentley has concluded that the proposal will result in low adverse landscape and visual effects, moving to 'very low' as the vegetation matures. He has also concluded (and Mr Head has agreed), that these thresholds equate to a finding of a 'less than minor' effect in RMA terminology and the tests associated with s104D⁸.

I note that Ms Cottam states at para. 44 that she adopts Mr Head's assessment and conclusion. She then concludes in para. 47 that "*I consider rural amenity and character on terms of visual effect to be*

⁷ S.42A, Appendices 1 and 2

⁸ Evidence of James Bentley, para.27

no more than minor and acceptable". This finding has then been carried through to Ms Cottam's overall findings whereby she concludes that the residual effects following mitigation will be "*no more than minor for the short term and will reduce further to less than minor once the proposed vegetation is established and mature*"⁹. Without wanting to quibble, Mr Head's conclusions (and those of Mr Bentley) are that a finding of a 'low to very low' effect under the landscape methodology equates to a less than minor threshold in terms of an RMA assessment.

- iv) **Reverse sensitivity effects** on existing rural activities are negligible given that none of the site neighbours are engaged in farming activities, and neither have they raised reverse sensitivity concerns in submissions. The applicant has engaged with the Christchurch International Airport Ltd to understand CIAL's concerns regarding the need to acoustically insulate those parts of the building to be used for administration and training, and to appropriately design the stormwater system to avoid attracting bird species that could give rise to an increased risk of birdstrike. Conditions 18 (acoustic design) and 36 (birdstrike) have been agreed between the applicant and CIAL and now form part of the suite of conditions included in the s42A report.

- v) **Construction-phase dust management, soil contamination, and servicing effects** were all addressed in the application and have not given rise to any concerns by Council Officers. It is noted that three-water services will require separate consents from the Canterbury Regional Council, with an advice note to this effect associated with Condition 34 (servicing). These consents are of a technical nature and as such it is considered appropriate for the land use consent components of the proposal to be considered separately i.e. the proposal can be readily differentiated from say a quarry or intensive pig or poultry farm where consideration of matters subject to regional consents are integral to forming an overall merit-based assessment of the proposal.

⁹ S42A, para. 73

- vi) **Positive effects:** Ms Cottam rightly notes that in addition to the management of adverse effects, the proposal will also result in a number of positive effects¹⁰. These effects include the enablement of the productive use of the rural environment through the timely provision of agricultural machinery repairs, and the upskilling of a key part of the rural workforce. Positive effects likewise extend to the substantial provision of new landscaping and tree cover around the site perimeter and the delivery of a high quality architecturally designed building that buffers the more residential areas on School Road from the existing industry and heavy vehicle traffic on SH 73. The proposal involves the removal of an existing dwelling (a 'sensitive activity') from being located within the airnoise contours. For the applicant, the proposal enables their Christchurch-based operations to be consolidated into a single, purpose-designed, facility with associated efficiencies in terms of landholdings, staff interaction, and enhanced customer service.
18. In summary, there is common ground between the applicant's experts and Council Officers that the offered mitigation, combined with the agreed comprehensive suite of conditions, means that the proposal will not give rise to any environmental effects that would exceed a 'less than minor' threshold. There is likewise agreement that the proposal will result in a range of positive effects.

RESPONSE TO SECTION 42A REPORT – POLICY FRAMEWORK

19. Ms Cottam and I are largely in agreement regarding the alignment of the proposal against the District Plan policy framework. Section 8.1 of the application included a comprehensive assessment of the proposal against the relevant objectives and policies. This assessment was further expanded upon in a Planz letter dated 18th February 2022 (attached to the S42A report along with Landpower feedback regarding staffing numbers).
20. Ms Cottam agrees¹¹ with the assessment of the proposal against Chapter 3 strategic objectives set out in the original application¹². Of importance, we

¹⁰ S42A, Para. 40

¹¹ S42A para. 74

¹² Landpower Resource Consent application, section 8.1.1 (Pg. 37-38)

also both largely agree on the compatibility of the proposal against the suite of rural zone objectives and policies.

21. Where we differ (and ultimately it is a minor difference), is in regard to the head office component of the wider activity. Ms Cottam has separated out this element and assessed it separately against the policy framework. In my view this is an unnecessarily fine-grained approach to take, especially as Ms Cottam correctly observes that this part of the activity “occupies a relatively small area of the land i.e. 5% of the building plus some additional car parks”.
22. In my view the head office component is clearly ancillary to the overall operation. The term ‘ancillary’ is defined in the District Plan as having “its ordinary dictionary meaning, except that it excludes any activity or any part of an activity carried out on another site”. The Collins Dictionary defines it simply as something that is ‘a subsidiary or auxiliary thing or person’. As a guide, and accepting that it is a different zone, the Industrial General Zone provisions regard any office activity that makes up the lesser of 500m² or 30% of the GFA of all buildings on the site as being ancillary (Rule 16.4.1.1(P14)).
23. As such, in my view it is simply unnecessary and artificial to separately analyse this discrete element of the overall activity. I readily acknowledge that it would be different were head office administration to be the predominant activity on the site, or alternatively were it to be of a significant scale i.e. a major corporate headquarters. Neither of these scenarios is the case here. The existing head office function is currently co-located with the repair and parts storage operations in the airport precinct. The applicant is simply seeking to retain this integration with the balance of the firm’s rural-facing operations in the proposed new location.
24. Ms Cottam ultimately comes to a similar conclusion whereby she finds that “*the inclusion of the head/ regional office does not materially impact how the site would be laid out*”. She likewise concludes that “*a strategic need [to be located in a Rural Zone] is present for the activity as a whole. The site provides a convenient and accessible location for rural productive activities to utilise the majority of the proposed activities. It is logical for a head office (which assists in the running the company onsite and other South Island locations) to be situated within the site alongside the servicing and sales functions of the activity. While it could be performed in other zones, this*

*location is more of a strategic, co-ordinated and efficient option for this business as a whole as demonstrated by the applicant*¹³.

25. Apart from that minor difference in pathway to come to a similar overall conclusion, we are in agreement regarding the proposal's overall consistency with the District Plan policy framework.
26. Given our agreement that the proposal is consistent with the District Plan policy framework, and noting that that framework in turn gives effect to the Canterbury Regional Policy Statement ('CRPS'), it is not considered necessary here to provide a detailed analysis of the proposal against the CRPS. For completeness, Section 8.2 of the application included a comprehensive assessment of the CRPS, and especially Chapter 6 which deals with urban growth management in the 'Greater Christchurch' area. This assessment remains valid.

CONCLUSION

27. In conclusion, the applicant has engaged with Council Officers in a proactive and constructive manner over the course of the application being processed. The applicant has likewise visited immediate neighbours and engaged with CIAL to ensure that their concerns were understood and responded to. This iterative process has enabled the proposal to be refined through a series of amendments to the site layout, building design, and landscape plan. These changes and other necessary mitigation are the subject of a comprehensive, and agreed, suite of conditions.
28. There is now agreement between the various experts regarding the potential environmental effects of the proposal. These effects have been mitigated down to the point that they are 'less than minor' and therefore readily pass the s104D test of being 'no more than minor'. The findings on effects have necessarily helped to inform the assessment of the proposal against the District Plan's policy framework. Of particular note is the immediate site context within Yaldhurst village/ local 'rural' character (as opposed to an open pastoral landscape setting), and secondly the clear nexus between the activity and the role it plays in supporting rural productive activities.

¹³ S42A, para. 84

29. The proposal is therefore considered to pass both threshold tests under s104D. With the recognised positive effects also taken into account under s104(1), the proposal is considered to ultimately give effect to s5 and the purpose of the Act. Consent can therefore be granted, subject to the agreed conditions.



Jonathan Clease

17 May 2022