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

for an agricultural machinery sales, servicing and training facility with ancillary office at School Road,

Yaldhurst

Further Right of Reply re. Alternative Conditions

Dated: 10 June 2022

- I apologise for the delay in providing this memorandum, unfortunately the Applicant's representatives and experts have been affected variously by illness, COVID, bereavement, hearings and overseas travel which together have delayed this respond until now.
- 2. In paragraph 4 of my right of reply on behalf of the Applicant I stated that I understood Ms Cottam would make a couple of alternative suggestions and that I had been explained the gist of them. As a result I reserved the right to respond to those alternatives should that be required.
- 3. Ms Cottam provided an alternative set of conditions on 13 June 2022 and an accompanying memorandum. The alternatives suggested went beyond the scope of what had been discussed with the Applicant's planner.
- 4. The Applicant's preference is for the condition wording as provided in the Right of Reply.
- The Applicant and its advisors have particular concerns with the practicality
 of successfully implementing the proposed alternative landscape
 conditions proposed by the Council officers.
- 6. The Applicant readily acknowledges the benefits of the timely establishment of landscaping to help mitigate visual effects. The ability to establish landscaping in combination with the proposed construction sequencing formed the basis of the landscape Phasing Plan (Boffa Miskell Landscape Phasing Plan dated 6th June 2022), with the staged implementation of this landscaping forming the basis of the Applicant's Condition 24.
- 7. If the Commissioner has a preference to describe the landscape sequencing in words rather than by reference to the phasing plan, then the following is suggested, using the Council's Condition 24 as the base:

Condition 24 – landscape sequencing

a. All planting identified as 'pre-construction planting areas' on Boffa Miskell Proposed Landscape Phasing Plan dated 6th June 2022 to be implemented in the first planting season following the start of works on site.

- b. The berm shown on cross section B and Acoustic Bund on the western portion of the Native Shelter Belt (Boffa Miskell Plant Palettes Plan dated 12 May 2022) to be rough graded as part of site scape operations. Fine grading and installation of fencing to be completed as soon as carpark has been built. Planting of these areas including native buffer planting adjacent to the north of the carpark to be completed in first planting season following fine grading (1st April to 31st August).
- The Native Shelter Belt Planting within the area currently occupied by the existing dwelling at 33 School Road to be planted in first planting season (1st April to 31st August) following completion of demolition and site clearance of 33 School Road property.
- d. The remainder of the planted areas including the beds and specimen trees adjacent and within hardstand areas and carpark to be planted in first planting season (1st April to 31st August) following completion of the main building, storage building and associated hardstand areas.
- 8. The other matter of particular concern relates to the height of planting. Boffa Miskell have advised that sourcing the requisite number of specimen trees at heights of 3-4m will be challenging. Their successful establishment will also be challenging at this height given the exposed nature of the site and the absence of any reticulated irrigation infrastructure.
- 9. The Applicant is committed to the successful establishment of landscaping as a key amenity response, and considers that such successful establishment is better progressed through planting smaller trees that have a higher prospect of becoming established, such that the end outcome is better than planting larger trees with a higher failure rate. As such the Applicant's wording for Condition 25 with reference to 25I-45L root ball size is preferred.

Amanda Dewar

Counsel for Landpower Group 23 June 2022