

19 The Crescent, PO Box 1262,
Invercargill 9840, NEW ZEALAND
Telephone: 03 218 2546
Facsimile: 03 214 4285
Email: admin@bonischconsultants.co.nz
Web: www.bonischconsultants.co.nz



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The General Manager
Invercargill City Council
Private Bag 90104
INVERCARGILL

ATTENTION: The Director, Environmental & Planning Services

Dear Sir

JOB NO 6800 – JJ LTD LAND USE APPLICATION, SH 6, LORNEVILLE

We enclose an application on behalf of JJ Ltd seeking:

- land use consent to establish and operate a farm vehicle sales and service business within the Rural Zone.

Legal Description of Existing Property

Lot 7, DP 15006 & Lot 1, DP 402989 (RT 409794)
Lot 6, DP 15006 (RT SL12A/494)

RT SL12A/494 is held R.H and S.J Walker.
RT 409794 is held by Small Farm Shearing Ltd.

The applicant has a conditional sale and purchase agreement in place for these properties.

Site Description

The site is located at 27 Lorne Dacre Road (State highway 98) and 2137 Winton Lorneville Highway (State highway 6). The property is located on the north eastern corner of the Lorneville Roundabout.

The site is located within the Rural Zone of the District Plan and is a predominantly flat area of land with no existing buildings on site, other than a shed at the western end of the site which will be retained. There are two large hedgerows located in the east of the property with scattered trees elsewhere. The bulk of the site is generally maintained in pasture.

There is an existing access way to the site off each of State highways 6 and 99.

The neighbouring land to the north contains rural residential lots, with existing dwellings on most properties. To the east the neighbouring land is rural. The other three corners of the Lorneville Roundabout are made up of similar rural service industries clustered around the Lorneville Roundabout, with Goldpine and Claas Harvest Centre located on the south western side of roundabout; Challenge Auto and Diacks nurseries on the south eastern side; the Richardson Group business park containing Agricentre and Dynamic Maintenance on the western side of the subject site. Noel McIntyre Drainage is soon to locate within the Richardson Group business park.

In summary the area around the roundabout is dominated by Rural Service activities while the land surrounding this core area is generally rural or rural residential.



Figure 1: Development Site.

Agricentre can be seen on the north western corner of the roundabout; Goldpine and the Claas Harvest Centre on the south eastern corner and Challenge Auto on the south western corner.

Description of Activity

Background to Relocation

The applicant seeks land use consent to establish and operate a farm machinery sales and service business activity on the subject site. JJ Ltd intends to relocate from their existing inner city locations to the subject site which is more appropriately suited to the needs of their business and clients.

The inner city sites are located at 260 Dee Street (sales) and 62 Liffey Street (service), Invercargill. The location and area of the site requires vehicle testing to be undertaken on urban roads, and for machinery to be shifted between the two sites on a regular basis (up to 40 movements per day). This is not a desirable situation for the business, customers or other road users. The relocation to the Lorneville roundabout site will allow all operations to be undertaken on site in an area which contains similar activity types.

Buildings

Concept plans have been prepared by Beattie McDowell Architects Ltd and these are attached for reference. The Site Development Plan and General Arrangement Site Plan provide the overall site layout. The main vehicle showroom and workshop will be located in the south western corner of the site and at the closest point will be 23 metres from the road boundary. The building slants back from this point to the north east, the set back from the road boundary therefore increases from this point. The area of the building is approximately 2000m².

Site Usage

The area immediately to the north of the buildings is to be a fenced yard for storage of machinery. A wash down bay is also included in the north east corner of the yard space as shown on the plans. The yard will be fenced with a chainlink fence running along the western, northern and southern sides, the workshop building forms the southern wall. A control gate will be located on the western side of the yard to allow staff access. There will be no public access to this space.

Testing Area

North from the fenced yard will be a vehicle testing area, allowing customers to test new machinery and staff to test serviced machinery. The ability to have a vehicle testing area located within the site is invaluable to the applicant as this means no testing needs to be undertaken on public roads as currently occurs with the town boundaries.

The vehicle testing area is generally enclosed by existing hedges and tree lanes on the western, northern and eastern sides, reducing noise effects and protecting visual amenity from neighbouring properties and the surrounding area.

Remainder of Site

The remainder of the site will be held in pasture and managed as a small farm unit through use of stock.

Car Parking and Access

Car parking is provided on the north western side of the building adjoining the showroom and fenced yard. 30 car parks, including one accessible car park, are proposed to be provided to cater to staff and customer/clients. JJs employs 30 staff (including management). It is anticipated that up to 30 clients will visit the site per day in the summer months and up to 20 per day in the winter months, a significant proportion of clients typically arrive in the farm machinery requiring servicing rather than passenger vehicles.

Access to the site will be located off Lorne Dacre Highway in the position indicated on the enclosed site plans. All other access ways to the site will be permanently closed and where easements allow for access to the site from State highway 6, this will be surrendered as it relates to this site.

Signage

A pylon sign is proposed to be located within the 8.5m wide outdoor display area at the corner of State highway 6 and 98. The sign will be 4.1 metres high, 600mm thick (tapering) and 1.9 metres wide.

It is also proposed to have signage attached to/painted on to the face of the building. This will mainly be on the western face of the building above the display windows with an additional JJs Ltd company sign on the southern face.

The proposed signage is illustrated on the elevation plans and on plan 1000.

INVERCARGILL CITY DISTRICT PLAN PROVISIONS

3.16 SIGNAGE

3.16.1 It is a permitted activity to erect signage that complies with the following maximum levels:

Zone	Provisions	Signage Proposed
Rural	(a) Signage painted on, or attached parallel to, buildings: Maximum area: 1.5m ² ; OR	Signage proposed on western face and small sign on southern façade Total area = 35.55m ²
	(b) Free standing signage: (i) Maximum area: 1.5m ² . (ii) Maximum height: No higher than 2m; OR	1 x free standing pylon sign Area = 6.15m ² Maximum height = 4.1 metres
	(c) Signage attached at an angle to the building: Maximum area: 1.5m ² .	Nil

Provided that:

- (A) All signage must relate directly to the activity that is occurring on the site.
- (B) All signage, other than that attached to verandahs or to a building façade, must be contained within the legal boundaries of the site.
- (C) Any signage attached under a verandah shall not exceed the width of the verandah and must provide a minimum of 2.6m clearance to the footpath.
- (D) Any signage attached to a building shall not exceed the height of that building.
- (E) No signage is to be mobile or rotate.
- (F) Illuminated signage is permitted within all Zones except the following:
 - (a) Otatara Zone.
 - (b) Residential 1, 1A, 2, 3 and 4 Zones.
 - (c) Rural Zone.
- (G) Flashing signage is permitted only along the pedestrian-friendly frontages identified in the Business 1 Zone.
- (H) In measuring the area of any signage:
 - (a) The area of any double-sided signage with less than 200mm between each face is to be calculated on the basis of a single sided sign.
 - (b) The area of any three-dimensional signage is to be calculated as the sum of up to four visible perpendicular faces.

The signage directly relates to the activity occurring on site; all signage is located within the legal boundaries of the site; no signage exceeds the height of the proposed building; no signage will be mobile or rotate; the signage will be illuminated after hours but will not be flashing; the depth of the sign exceeds 200mm and the area cannot be calculated on the basis of a single sided sign.

3.16.3 The following signage is a discretionary activity:

Within the following Zones:

- Business 1, Business 2, Business 3, Business 4, Business 5, Business 6.
- Industrial 1, Industrial 2, Industrial 2A, Industrial 3, Industrial 4.
- Rural.

Any signage that exceeds the maximum area and/or height permitted under Rule 3.16.1 by less than 20% is discretionary activity, provided that the signage also meets Rule 3.16.1(A) to (G).

The area and height of the proposed subdivision exceeds the permitted standards by more than 20% and therefore cannot be undertaken as a permitted activity.

3.16.5 Any signage which is neither a permitted activity nor a discretionary activity under Rules 3.16.1, 3.16.2 and 3.16.3 above is a non-complying activity.

The proposed signage cannot be undertaken as a permitted or discretionary activity and is therefore a non-complying activity.

3.17 SOILS, MINERALS AND EARTHWORKS

Earthworks and Mineral Extraction

3.17.1 Except for within the National Grid Yard, Rules 3.17.2 – 13.17.8 do not apply to:

- (A) Land and activities in the Smelter Zone, Seaport 1 and 2 Zones or Industrial 1, 2, 3 and 4 Zones.
- (B) The movement, deposition or removal of material when it is a necessary consequence of building a structure for which a building consent has been obtained on that site.
- (C) The removal and deposition of material for the purposes of work in compliance with Council's Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure.
- (D) The movement, deposition or removal of material for the purpose of forming hard surfaces such as accessways and paths.
- (E) The cultivation of land
- (F) The construction, maintenance and upgrading of utilities as provided for by Rule 3.9 Utilities.
- (G) The movement, deposition or removal of material associated with the removal and replacement of underground petroleum storage systems.

The earthworks associated with establishing the operation on site will not comply with Rule 3.17.1.

3.17.2 Subject to Rule 3.1 Biodiversity, Rule 3.3 Contaminated Land, Rule 3.8 Heritage, Rule 3.9 Utilities, Rule 3.10 Natural Features, Landscapes and Townscapes, Rule 3.12 Natural Hazards and Rule 3.17.3 it is a permitted activity to undertake the following earthwork activities, provided these comply with the conditions in Rule 3.17.3:

- (A) Activities associated with the construction, operation, maintenance, repair and upgrading of utilities not provided for by Rules 3.17.1(C) and 3.17.1(F).
- (B) The excavation, stockpiling and use of material from a borrow pit.
- (C) The construction and operation of dead holes and farm landfills.
- (D) Earthworks in the National Grid Yard
- (E) All other earthworks provided that the quantity of earthworks undertaken in a 12 month period shall not exceed:
 - (a) 50m³ per site up to 1,000m² , plus 50m³ each 1,000m² thereafter, in the Residential 1, 1A, 2, 3 and 4, Business 1, 2, 3, 4 and 5, and Otatara Zones.
 - (b) 2,000m³ per site in the Rural Zone.
 - (c) 1,000m³ per site in all other Zones

Earthworks required for site establishment will exceed 2000m³

3.17.6 It is a non-complying activity to:

- (A) Establish and operate a landfill.
- (B) Undertake activities to extract minerals from the ground, except where provided for by 3.17.2(B).
- (C) Undertake earthworks activities that do not comply with 3.17.3(C)

The earthworks are not for the establishment of a landfill, for the extraction of minerals from the ground and the site is not located within a National Grid area.

3.17.7 It is a discretionary activity to undertake earthworks not provided for by Rules 3.17.2 or 3.17.6.

The earthworks are not provided for by Rules 3.17.2 or 3.17.6 and are assessed as a discretionary activity pursuant to Rule 3.17.7.

3.20 TRANSPORT

Carparking

Activity	Parking Requirement	Required No. of Car Parks	To be provided
Office	1 car park per 50m ² gross floor area or part thereof	247m ² office space = 5 car parks	30 provided in car park; 8 provided within workshop
Retail Sales with outdoor display areas	Activities with outdoor display areas: One staff car park per two staff or part thereof on the site at any time, plus one car park per 50m ² of indoor retail space or part thereof, plus one car park per 100m ² of outdoor display area (covered or uncovered) or part thereof.	22 staff (total for site) = 11 carparks Showroom area 280m ² = 6 car parks Outdoor display area 1248m ² = 13 car parks	
Vehicle repair, servicing and storage	One car park per two staff or part thereof on site at any one time.	Staff as above.	
Total		35	38

The required number of car parks under the District Plan is provided.

3.20.2 Car parking design: All car parking spaces are to be designed to comply with the car parking standards set out in Appendix VIII (Transport Standards).

All car parks will comply with car parking standards as set out in Appendix VII.

3.20.6 Loading Facilities and Manoeuvring Spaces: Provision is to be made for loading and unloading facilities and manoeuvring spaces on site for vehicles servicing that activity, except:

- (A) For infrastructure.
- (B) Within the Priority Redevelopment Precinct in the Business 1 Zone
- (C) Within the Smelter Zone.
- (D) For residences fronting the street within the Residential 1, Residential 1A, Residential 2, Residential 3 and Residential 4 Zones.

Large areas are available for loading and unloading on site.

3.20.7 Where any loading facility and/or manoeuvring space is provided:

- (A) It is to be so designed that vehicles using the facility are able to enter and leave the site in forward gear.
- (B) The facility and any associated vehicle manoeuvring area, is to be designed to comply with the manoeuvring diagram in Appendix VIII.

Vehicles will be able to enter and leave the site in forward gear. Suitable manoeuvring areas are available.

3.20.11 Accesses to, and Egresses from, Roads: It is a discretionary activity to construct and use new vehicle accesses from, and egresses on to, State Highways:

- (A) For any activity, where the speed limit exceeds 50 kph.
- (B) For any discretionary or non-complying activity where the speed limit is 50 kph or less.

The proposed access location is slightly west of the existing access and will be a new access point for the site. The speed limit at this site exceeds 50 kph and the activity is a discretionary activity pursuant to Rule 3.20.11.

3.38 RURAL ZONE

3.38.1 Permitted Activities:

The following are permitted activities in the Rural Zone:

- (A) *Agriculture*
- (B) *Animal boarding activity*
- (C) *Educational activity on sites listed in Appendix V - Educational Activity (Existing)*
- (D) *Home occupation*
- (E) *Home stay*
- (F) *Residential activity*
- (G) *Residential care activity limited to a maximum of eight persons*
- (H) *Roadside sales activity, other than on State Highways*
- (I) *Veterinary clinic*

The activity is not listed as a permitted activity under Rule 3.38.1.

3.38.2 Discretionary Activities:

The following are discretionary activities in the Rural Zone:

- (A) *Commercial recreation activity*
- (B) *Communal activity*
- (C) *Education activity other than those on sites listed in Appendix V - Educational Activity (Existing)*
- (D) *Essential services*
- (E) *Habilitation centre*
- (F) *Healthcare activity*
- (G) *Hospital activity*
- (H) *Marae activity*
- (I) *Nursery activity*
- (J) *Residential care activity for nine or more persons*
- (K) *Roadside sales activity on State Highways*
- (L) *Service stations*
- (M) *Visitor accommodation*

The activity is not listed as a discretionary activity under Rule 3.38.2.

3.38.3 Non-complying Activities:

The following are non-complying activities in the Rural Zone:

- (A) *Any activity not listed as either permitted, discretionary or prohibited.*

The activity is not listed as a permitted, discretionary or prohibited activity and is therefore assessed as a non-complying activity pursuant to Rule 3.38.3.

3.38.4 Prohibited activities:

The following are prohibited activities in the Rural Zone:

- (A) *Except as provided for in Rule 3.38.1(L), new Noise Sensitive Activities within the Outer Control Boundary or the Single Event Sound Exposure Boundary.*
- (B) *Additions or alterations to existing buildings containing Noise Sensitive Activity within the Outer Control Boundary or the Single Event Sound Exposure Boundary which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements.*

The activity is not listed as a prohibited activity under Rule 3.38.4.

Space around Buildings

- 3.38.4 *A yard at least four metres deep shall be provided along all side and rear boundaries of any non-residential activity.*
- 3.38.5 *A yard at least 20 metres deep is required between plantation forestry activities and any site boundary.*
- 3.38.6 *Where an activity does not comply with Rules 3.38.4 or 3.38.5 above, the activity is a discretionary activity.*

All buildings are set back at least 4 metres from side and rear boundaries. The property does not adjoin any forestry activity. *Complies*

Height of Structures

- 3.38.12 *All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:*
- (A) *Maximum height: 10 metres.*
- (B) *Recession plane: Infogram 4 applies on sites less than one hectare and/or along boundaries adjoining a Residential Zone.*

All buildings are less than 10 metres high. The site does not adjoin a residential zone.

Fire Safety

- 3.38.14 *Rules 3.38.15 – 3.38.20 apply to properties that:*
- (A) *Are not connected to the Council's reticulated water supply; or*
- (B) *Are connected to the Council's reticulated Restricted Flow Supply.*

The site will not be connected to Councils reticulated water supply or reticulated Restricted Flow Supply as these networks are not available in this area.

3.38.17 *A fire fighting connection, in accordance with Appendix B of SNZ PAS 4509:2008 is to be located more than six metres and less than 90 metres from any proposed building on the site. The connection point is to be designed so that:*

- (A) *It is located so that it is clearly visible to enable connection of a fire appliance; and*
- (B) *It is located so that fire appliances have unimpeded vehicular access, including a minimum width of four metres for an accessway, from the property boundary to the connection point; and it shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area is to be located in the centre of a clear working space with a minimum width of 4.5 metres; and*
- (C) *Where the water pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or*
- (D) *Where the water pressure at the connection point/coupling is greater than 100kPa, a 70mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or*
- (E) *Underground tanks, or tanks that are partially buried (provided the top is no more than one metre above ground) may be accessed by an opening in the top of the tank, whereby couplings are not required.*

Fire fighting water supply will be provided in accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).

Overall Assessment

The activity is assessed as a discretionary activity pursuant to Rule 3.20.11 and a non complying activity pursuant to Rules 3.16 .5 (signage) and 3.38.3(rural zone). The overall activity status is **non-complying**.

OBJECTIVES AND POLICIES ASSESSMENT – PROPOSED INVERCARGILL CITY DISTRICT PLAN

2.40.2 Objectives

Objective 1: The rural environment is maintained and enhanced while allowing for productive rural activities to be undertaken.

Objective 2: Provide for the use and development of land within the rural area while maintaining, and where practical enhancing, amenity values.

2.40.3 Policies

Policy 1 Rural Zone: To require rural allotments to be of a size and nature that enables rural activities and maintains the rural character and visual amenity of the Rural Zone.

Policy 2 Rural activities: To provide for rural activities to establish and operate within the Rural Zone.

Policy 3 Non rural activities: To avoid activities that do not have a need to locate within the Rural Zone and which would result in adverse effects inconsistent with the function, character and amenity provided for by the Rural Zone.

Policy 4 Soils: To maintain the life supporting capacity and productive value of the soil resource in the Rural Zone.

Policy 5 Historical sections: To allow a single dwelling on sites under two hectares which existed with a Certificate of Title issued prior to 29 October 2016 and which can be connected to the Council's reticulated sewerage system.

Policy 11 Outdoor living: To promote the provision of practical outdoor private open space, accessible to the living areas of the dwellings, as an important dimension of amenity.

Policy 12 Incidence of daylight and sunlight: To ensure light and sunlight incidence to the subject property and to neighbouring properties for amenity, home heating (energy conservation) and health reasons.

Policy 13 Noise: To maintain ambient noise levels to protect health and amenity of noise sensitive activities, whilst allowing agricultural activities, and to recognise that some parts of the Zone are subject to higher levels of noise generated by farm activities.

Policy 14 Noise: To recognise that some parts of the Rural Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Policy 15 Odour: To accept that intermittent emissions of agricultural related odours will occur within the Rural Zone.

Policy 16 Glare: To ensure freedom of nuisance from glare.

Policy 17 Electrical interference: To avoid nuisance from electrical interference.

Policy 18 Lightspill: To avoid, remedy or mitigate the adverse effects of lightspill.

Policy 19 Wind: To avoid, where practical, increasing the adverse impacts of any natural wind effects from land use activities and associated structures.

Policy 20 Signage: To protect the amenity of the Rural Zone by controlling the size and nature of signage and requiring that any signage should relate to the activity being carried out on the site.

Policy 21 Dilapidated structures and ill-maintained lands: To avoid the adverse effects of dilapidated structures and ill-maintained lands on the amenity of rural areas.

Policy 24 Hazardous substances: To provide for the opportunity to store and use moderate amounts of hazardous substances.

Policy 25 Height and location of structures: To manage the scale of development in rural areas is an important dimension of amenity, recognising that the height and location of structures are main components of that.

The proposed activity provides a service for the rural sector, allowing for the sale and servicing of farm machinery within a rural area and along significant transport routes. Farmers and other rural operators will no longer have to transport their farm machinery into the Invercargill city centre along, busy urban routes for servicing. Likewise testing of machinery for purchase and following servicing can be undertaken within the rural environment that it will be utilised in.

Low levels of noise or glare will be associated with the activity. Noise generated will generally relate to the operation and testing of farm machinery, which are typical sounds for the rural environment. Glare will be restricted through the operational hours of the business. Some security lighting will be required but this will be directed downwards and internally within the site.

Signage will be appropriate to the activity and environment and will not dominate the area. The buildings proposed are situated a significant distance from the nearest dwelling and will not dominate those residential uses.

The development overall will be in keeping with existing development on each side of the Lorneville roundabout and will not unduly affect the amenity of the area.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

Visual Amenity

The development of the site will change the amenity on the north eastern corner of the Lorneville roundabout through the addition of the new building, display areas and signage. Currently the site is open grass/pasture with some hedgerows and trees around the edges of the property. The building will have an area of 1965m² which makes up a small portion of the site but there will be additional indirect site coverage through machinery displays along the road edge.

The applicant proposes to soften the display area by incorporating a landscaped 2 metre buffer zone from the legal boundary between the site and road, then forming a display area on an 8.5 metre wide grassed strip. The Beattie McDowell plan (Plan ref 1009) showing the perspective from the south west of the site illustrates this.

The building itself is then set back a further 12.5 metres from the display area. The minimum set back of the building from the road/site common boundary is 23 metres. When looking from the south western corner of the site, the main face of the building is 37 metres from the road boundary. Due to these setbacks the building will be relatively unobtrusive on the site and not over dominate the environment.

Additional landscaping will be undertaken around the building and yard area, in particular around access and car parking points. The remainder of the site will be retained with a generally rural aspect. The vehicle testing area will be located immediately north of the building/yard area (see Plan 1000 General Arrangement Site Plan), and will be enclosed by the existing hedges and trees. This area and the

remainder of the site to the east will be retained in pasture with stock animals likely to be used in pasture management.

Plan 1009 shows the general design of the proposed building with large areas of glazing on the wall sections facing the roads. Silver grey colours will be used around the showroom/office areas with dark grey used in the workshop garage areas, both being recessive colours (see Plan ref 1006). The building will generally be low in profile with a maximum height of 10 metre at the main showroom dropping down to 6 metres over the 'parts store' and then rising to 8 metres over the workshop bays. This varied height prevents the building presenting as a block and adds interest and variation to the built form.

The development of the site will sit well in the existing surrounding environment with similar types of rural service operations located on the three other corners of the Lorneville Roundabout. Agricentre on the north western corner provides a similar activity type with farm machinery sales and service; Goldpine operates out of the south western corner with large display areas of wood products typically used in the rural sector. On the south eastern corner of the site is Challenge Auto's providing fuel and vehicle mechanics. The JJ's development sits comfortably in this environment.

Vehicular Access and Legal Frontage

Site Access

Access to the site will be off Lorne Dacre Road (State highway 98) as shown on the attached site plans. This will be from a proposed crossing point identified on the site plans and identified by NZ Transport Agency (NZTA) as SH98:0/21.90. State highway 98 is a Limited Access Road at the site frontage. It is proposed to form this access to Diagram E standard which includes a minimum 6 metre wide vehicle crossing and tappers on each side of the road. State highway 98 is an 80km/hr speed environment at this location.

The existing approved crossing point at CP216 will be permanently closed. The site also has access off State highway 6 via a shared access at CP 165B. The existing Right of Way easement over Lot 5, DP 15006 will be relinquished and there will be no access to the site off State highway 6 on completion of the development.

There will be no access to or from the Winton Lorneville Highway and the previously existing access which served the dwelling which was located at 2150 Winton Lorneville Highway has been permanently closed.

Vehicle Movements

Customer number vary seasonally but it is expected that on average 3 clients will visit the site per hour, some of these will arrive in farm machinery requiring servicing. The business experiences high customer/client volumes during the summer months, reducing during winter.

JJs currently employs 22 staff on site, including management and the majority of these staff members will arrive around 8am and leave around 5pm. These will therefore be peak times for traffic movements from the site. The majority of staff are likely to enter and exit the site from/to the west. Staff entering the site will generally be turning left off the highway and the slip lane proposed will allow cars to pull left out of the main traffic flow in order to make this turn quickly and safely.

Staff and some clients exiting the site will generally turn right across the highway. The site access has good visibility in each direction and suitable queuing space is available on site to allow cars to wait for safe turning opportunities. Of the three State highways surrounding the Lorneville roundabout, State highway 98 represents the lowest volume road for traffic movements and it is not expected that vehicles turning right across the highway will experience difficulty turning safely, even during times of peak traffic.

Client/customers are likely to approach the site from rural areas and therefore are more likely to turn left out of the site than staff.

NZ Transport Agency have been consulted in regard to the proposed activity and the following conditions of consent are promoted by the applicant:

1. *That prior to commencement of any earthworks or construction activities on the site, CP213 shall be temporarily upgraded either in its current position or in the relocated proposed new access position, to a modified Diagram C standard with a 6m-wide formation of seal from the edge of seal and formed with a compacted hard surface for a distance of at least 10m (by 6m wide) inside the property boundary. This is to prevent debris migration from vehicles accessing the site during construction activities.*
2. *Regular sweeping of SH99 100m either side of temporarily upgraded CP213 shall occur during site and construction works, particularly during any transport of material to and from the site. This sweeping shall occur once per week during earthworks activities or as directed by the NZ Transport Agency's Network Manager, Highways South during construction activities on the site.*
3. *That the planted buffer in the site adjacent to the SH6 and SH99 boundaries shall be a minimum 3m wide to match the required 3m setback for outdoor display.*
4. *That all landscaping in the planted buffer is designed, planted and maintained so that sight distances to the Pylon Sign are at least 200m in both directions.*
5. *Signs on the site may be illuminated outside of operating hours, but all lighting must be designed, installed and maintained so that it is shielded from, or directed down and away from SH6 and SH99, this includes any security lighting on the site.*
6. *That prior to undertaking the activity within the site, the proposed access to 27 Lorneville Dacre Highway is formed in accordance with the NZ Transport Agency's Diagram E standard as outlined in the Planning Policy Manual (2007) and to the satisfaction of the NZ Transport Agency's Network Manager. This may include turning bays and further seal widening to accommodate heavy vehicles.*
7. *That all access to the site and activity shall be from SH98. No access to the site shall be obtained from SH6 via CP165B and ROW over adjacent Lot 5 DP 15006.*
8. *Access to the site from SH6, CP165B and ROW easements over Lot 5 DP 15006 shall be relinquished prior to any construction activities and/or development on the site.*
9. *That the internal road and parking areas shall be formed, graded, drained and sealed from the SH98 boundary to the service and visitor accessible areas within the site.*
10. *Construction drawings showing full details of the access upgrade works, any associated works, methodology and TMP are forwarded to the NZ Transport Agency's Network Manager for*

- approval at least 15 working days before the commencement of works. The construction drawings will need to show full details of NZ Transport Agency requirements as set out above.
11. *The applicant is to obtain an Agreement as to Works from the NZ Transport Agency in order to undertake construction works on the State highway in terms of section 51 of the Government Rounding Powers Act 1989. An application to that effect can be made to the NZ Transport Agency's Network Manager.*
 12. *In order to protect the operation of the State highway, the applicant is to obtain a Notice under Section 93 of the Government Rounding Powers Act 1989 from the NZ Transport Agency prior to the approval of the subdivision and a certificate being issued pursuant to Section 224 of the Resource Management Act 1991.*
 13. *The Approved Site Plans are to be sent to the NZ Transport Agency in order for revised Crossing Place (CP) Notices to be issued. These may then be registered against the titles with Land Information New Zealand (LINZ) on behalf of the NZ Transport Agency under Section 91 of the Government Rounding Powers Act 1989.*
 14. *That all machinery display within the site shall be located at least 3m from the boundary of the site with the State highways so as not to impeded the sight distance visibility of motorists utilising the roundabout.*
 15. *That all signage on the site shall comply with the Transport Agency's 'Can I put up an advertising sign alongside a state highway?' brochure:*
<https://www.nzta.govt.nz/assets/resources/advertising-sign-alongside-sh/ad-signs-brochure.pdf>
 16. *That the final position of the freestanding Pylon Sign shall be approved by the NZ Transport Agency to ensure that it is located sufficient distance inside the site so as not to impede sight distance visibility of motorists utilising the roundabout.*
 17. *Prior to undertaking the activity at the site, the consent holder shall supply the consent authority with written confirmation from the NZ Transport Agency's network management consultant that the above works have been completed to meet the NZ Transport Agency's requirements.*

ADVICE NOTES:

- A. *A Traffic Management Plan (TMP) in accordance with the latest version of the 'Code of Practice for Temporary Traffic Management' is submitted to the NZ Transport Agency's Traffic Management Coordinator for approval at least seven (7) working days prior to the commencement of work. The TMP (along with a copy of this letter) shall detail the proposed dates/times of construction and the name of the contractor who will be carrying out the construction of the crossing and associated works. The TMP is required to ensure that the construction or construction traffic would not affect the normal operation of the State highway*

Car Parking

Section 3.20 sets out car parking requirements for activities in the Invercargill District. The applicant intends to provide 30 car parks for staff/customer/client use with these primarily being located on the Winton Lorneville frontage, near to the showroom. An additional eight parks will be located within the workshop area for staff car parking only.

The assessment of car parking requirements under Section 3.20 of the District Plan shows that 35 car parks are required to be provided on site to comply with the permitted activity standards. 30 car parks

are proposed to be located in the north west of the site, including one accessible park and eight staff car parks will be provided within the workshop area. 38 parks will therefore be provided on site.

This is considered sufficient to cater to the expected customer/client numbers at peak times, as well as providing for on-site car parking for staff. It is noted that some staff work off site at all times and the actual on-site requirement for staff parking is less than provided.

All car parks will be sealed, marked and formed to the standards set out in Appendix VIII (Transport Standards).

Noise and Glare

It is not anticipated that there will be noise or glare effects experienced beyond what would be anticipated for a rural environment outside of the site.

There will be some noise associated with the testing of machinery, however this machinery is all farm machinery and the associated noise will therefore be typical of the rural environment.

Some security lighting will be required at night time. All lighting will be directed downwards or inwards on site so that no glare is experienced on the neighbouring State highways or on neighbouring properties. The existing hedgerows on site will assist with reducing effects from lighting on neighbouring properties.

Earthworks

(a) The nature and volume of any fill or extracted material proposed

Earthworks will be required on site in order to form the building platform, access, car parking and hard stand areas within the site. The volume of earthworks is anticipated to be approximately 7000m³.

(b) The effects on the sustainability of the soil resource

The soils on the south western corner of the site are identified as being highly versatile soils. However the site has not been farmed, other than stock grazing to keep grasses down, for some time. There will be a small effect on the sustainability of the soil resource as a result of the building locating on site but the remainder of the site will continue to be managed through stock or for baleage.

(c) Potential effects of dust and noise, including traffic to and from the site and machinery on site.

There will be some localised noise and dust effects resulting from the earthworks. However these will be limited in duration. The areas to be excavated are set back from existing dwellings and effects on neighbours should be minor if typical construction noise and dust mitigation measures are followed. If it is necessary to transport cut material off site, this will be transported to a suitable facility and any vehicle crossing points will be kept free of sediment and debris. Sediment and erosion control measures will be followed during the earthworks process.

(d) The location and standard of any access to or egress from the site which is proposed to be used and any upgrades proposed, including on the adjoining roading network.

All access will be on to Lorne Dacre Road. This road is considered to be of a suitable standard for truck access/egress and will not require upgrading. Truck movements will be minimal on and off site during the construction process with the intention that most soils will be distributed over the remainder of the site.

(e) Effects on natural water bodies and established drainage networks.

Sediment control measures will be put in place during all earthworks undertaken. There are no open watercourses within the vicinity of the required works but there are existing stormwater drainage lines that will be protected during the works.

- (f) Any effect on site of:
- (i) heritage and/or archaeological significance and cultural importance to iwi listed in Appendix II
- (ii) outstanding natural features and landscapes and/or significant indigenous biodiversity shown on the District Planning Maps.

There are no known heritage or archaeological sites of significance or cultural importance in the area. The site is not identified as being an area of outstanding natural features and landscapes or areas of significant indigenous biodiversity.

NES – Assessing and Managing Contaminants in Soil to Protect Human Health

The proposed activity will result in a change in land use for the site and therefore the National Environment Standard applies.

The site has historically been used for rural activities and the applicant and existing landowner are not aware of any potential existing or historic sources of land contamination on the site. Environment Southland were contacted in regard to potential land contamination on the site and have stated that they do not hold any record of potential land contamination on this property.

The activity can therefore be undertaken as a permitted activity pursuant to Clause 8(4) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Consultation

Consideration was given to affected parties by the applicant, and early consultation with neighbouring landowners was undertaken to ensure any concerns could be addressed prior to an application being finalised. All neighbouring landowners approached had few concerns with the proposed development of the site and have signed written approval forms and the site plans. The following parties have provided their written approval.

- 2139 Winton Lorneville Highway
- 2135 Winton Lorneville Highway
- 6 Lorne Dacre Road
- 8 Lorne Dacre Road
- 10 Lorne Dacre Road
- 16 Lorne Dacre Road
- 18 Lorne Dacre Road
- 30 Lorne Dacre Road
- 6 Lorneville Wallacetown Highway – Agricentre
- 20 Lorneville Wallacetown Highway – KGR
- 871 North Road – Challenge Auto
- 25 Wallacetown Lorneville Highway - Goldpine

The applicants are currently seeking the written approval of the landowners of 59 Lorne Dacre Road. We expect to have this in the next few days and will forward on receipt.

No other parties are considered to be potentially adversely affected by the proposed development of the site. All other activity types in the area are commercial/rural service activities similar in scale and type to the applicants proposed activity. It is considered that there are no special circumstances for the proposed development which would warrant notification to the wider public and as such it is considered that the application can be processed under delegated authority by Council on the basis of the above written approvals being provided.

Section 104D RMA

Section 140D of the RMA sets out particular restrictions for non-complying activities:

- (1) *Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
 - (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

Council may grant or refuse an application under Section 104B of the RMA. The consideration for non-complying activities is commonly known as the 'gateway test'. If either of the limbs of the test can be passed, then the application is eligible for approval. There is no primacy given to either of the limbs.

The proposal can be considered to not be contrary to the objectives and policies of the Invercargill City District Plan. The effects of the proposed buildings and use of the site for a rural service activity are considered to be in keeping with the objectives and policies of the Rural Zone, with the objectives for the zone being: 'the rural environment is maintained and enhanced while allowing for productive rural activities to be undertaken'; and, 'to provide for the use and development of land within the rural area, while maintaining and where practical enhancing amenity values'. Both of these objectives are achieved by the activity. The adverse environmental effects associated with the development of the site are considered to be no more than minor in the existing environment and the proposed activity is therefore considered to pass the gateway test of S104D(1)(i).

Resource Management Act – Part II

Part II of the Resource Management Act promotes the sustainable management of natural and physical resources while safeguarding the life supporting capacity of air, water, soil and ecosystems; sustaining the potential of natural and physical resources to meet the needs of future generations and avoiding, remedying or mitigating adverse effects of activities on the environment.

In relation to Section 6 of the Act, it is considered that there are no matters of national importance requiring scrutiny for this proposal.

Section 7 sets out a number of matters relevant to this application, requiring that in managing the use, development and protection of natural and physical resources particular regard shall be had to –

- (b) *The efficient use of development of natural and physical resources*
- (c) *The maintenance and enhancement of amenity values*
- (f) *Maintenance and enhancement of the quality of the environment.*

The use of the site for a rural service activity is considered to be an efficient use of natural and physical resources, bringing the service activity to the farmers and other rural users. Amenity values are maintained through setbacks from road and neighbouring boundaries and through the retention of existing landscaping and provision of additional landscaping around buildings and hard stand areas and in particular areas fronting the State highways. The proposed activity is considered to be consistent with the principles of the Resource Management Act 1991.

Please find enclosed:

1. Beattie McDowell Architects Site Plans
2. Planning Map
3. Spatial Map Print
4. Search copies of RT 409794 and SL12A/494
5. Correspondence with NZ Transport Agency
6. Correspondence with Environment Southland – land contamination
7. Neighbouring landowner written approvals.

Address for service of applicant:

JJ Ltd
C/- Bonisch Consultants
PO Box 1262
INVERCARGILL 9840
Attn: Christine McMillan

Address for service of applicant for invoicing any additional costs:

JJ Ltd
PO Box 1005
INVERCARGILL 9840
Attn: Paul Jones

Please also forward this office a copy of any invoice for additional costs of processing this application.

Please contact me if you require any further information.

Yours faithfully

BONISCH CONSULTANTS

A handwritten signature in blue ink, appearing to be "Christine McMillan", written in a cursive style.

Christine McMillan

encl