



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 2

Demolition or Removal Activities

**5 May 2014, 9.00 am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

**Reporting Officer: Liz Devery
SENIOR PLANNER - POLICY**

**Peer Reviewed by: John Edmonds and Dan Wells
JOHN EDMONDS AND ASSOCIATES LTD**

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1. EXECUTIVE SUMMARY

Provisions in the Proposed District Plan seek to control the adverse effects of Demolition and Removal Activities within the different Zones of the District. The key focus is on ensuring the properties are left in a clean and tidy state; any waste is disposed of responsibly, and that the activity is carried out in a safe and timely manner. The Proposed District Plan provisions also state that the Council policy is to encourage landowners to consider alternatives to demolition and removal; and to encourage landowners to actively utilise their sites post-demolition.

Six submission points were received on the Demolition or Removal provisions of the Proposed District Plan, with three further submissions in support.

No changes to the Issues, Objectives have been sought.

In relation to the proposed policies, two submissions suggest formatting amendments to ensure a more user-friendly Plan, and another two seek expansion of supporting explanations. One submitter questions the relevance of part of a policy as it relates to the Business 4 Zone.

Submissions on Rule 3.4.2 relate to the matters of discretion, specifically relating to the potential imposition of a bond and the reasons for requiring one.

It is recommended that the decisions requested by the submitters are generally accepted. It is considered that the changes will make the demolition and removal consent process more transparent and the provisions user-friendly. The amendments will be consistent with the Objectives in the Proposed District Plan and meet the requirements of the Resource Management Act 1991.

In this report:

- Part 2 outlines several key procedural issues.
- Part 3 sets out background to the Proposed District Plan approach to Demolition and Removal Activities.
- Part 4 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan provisions.
- Part 5 assesses the relevant issues raised by submitters and the effects of the relief sought.
- Part 6 includes an evaluation of the provisions in accordance with Section 32AA of the RMA.
- Part 7 sets out the overall conclusions.
- Appendix 1 sets out recommendations on each of the submission points.
- Appendix 2 sets out the recommended changes to the text of the Proposed District Plan.

2. INTRODUCTION

2.1 Report Author

My name is Elizabeth Ann Devery. I am the Senior Planner – Policy at the Invercargill City Council, a position I have held since January 2003. I have over 14 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focussed on both developing and implementing District Plans and planning documents. I hold the qualifications of LLB/BA (First Class Honours) in Geography.

2.2 Peer Review

This report has been peer reviewed by Dan Wells and John Edmonds, from John Edmonds and Associates Ltd. Both John Edmonds and Dan Wells are practising resource management planners with a variety of experience throughout the plan change preparation process, Dan Wells has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University. John has a Bachelor of Regional Planning from Massey University.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used);
- Summary of the Hearing process;
- Background to the Demolition and Removal Activities topic, and the provisions of the Proposed Invercargill City District Plan 2013;
- Description of the statutory framework within which the proposed provisions have been developed;
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received;
- Assessment of the proposed changes under Section 32AA of the RMA.
- Concluding comments;
- Appendix 1 detailing recommendations on individual submissions;
- Appendix 2 detailing the recommended changes of the Proposed District Plan provisions relating to Demolition and Removal Activities

To see recommendations on an individual submission please refer to the table in **Appendix 1**. The table sets out the name and relevant submission number of those that submitted on the Demolition and Removal Activities provisions; a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee established by the Council under the Local Government Act

“FS” means further submission

“Operative District Plan” means the Invercargill City District Plan 2005

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013

“Provisions” is a term used to collectively describe Objectives, Policies and Rules

“RMA” means the Resource Management Act 1991

2.5 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the Demolition or Removal provisions of the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearing Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters, to assess and comment on the report. The Hearings Committee may determine that:

- the hearing should be reconvened to allow responses to any report prepared, or
- any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners. Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

This report relates to the provisions in the Proposed District Plan addressing Demolition or Removal Activities. This includes Section 2.2, which contains the issues relating to Amenity Values of the District, and Sections 2.19 to 2.43 containing the issues, objectives, policies and methods of implementation for each of the Zones; and Section 3.4, which contains the District Wide rules for Demolition or Removal Activities.

This is an area that did not require significant changes in the Proposed District Plan. The changes notified as part of the Proposed District Plan included strengthening the policies and being more explicit in terms of the matters over which the Council can exercise its control. Some of the background behind the proposed Demolition or Removal provisions is outlined below.

3.1 Proposed Issues, Objectives and Policies

There are no specific issues and objectives relating to Demolition or Removal Activities in the District Wide section of the Proposed District Plan. However, the policies and methods on Demolition or Removal Activities do relate to some District Wide issues and objectives such as amenity values, soils minerals and earthworks, contaminated lands and the maintenance of infrastructure.

In the Zone specific section of the Issues, Objectives and Policies, each Zone has policies relating to Demolition or Removal of buildings. The policies are focused mainly on managing the adverse effects of the Demolition or Removal Activities on amenity values by requiring the clean-up, screening and maintenance of the sites. It is acknowledged that Demolition or Relocation activities are temporary and localised but that they can create a significant nuisance.

In the Business Zones, the proposed policies also include the encouragement of active utilisation of the sites post-demolition. The Demolition or Removal of buildings can result in empty sites that could have a detrimental effect on the amenity, vibrancy, economics and function of these Zones. To ensure that sites are not left empty and untidy, the prompt redevelopment of the site is encouraged.

In the main shopping and business areas, the temporary utilisation of the empty site for car parking or public open space is also encouraged. The idea behind this is to highlight and encourage opportunities for strategic urbanism. Rather than detracting from the amenities of a commercial and retail area, the concept is that empty sites should be utilised to complement the environment. Temporary “pop-up” parks and gardens, for example, can provide useful, yet active and vibrant spaces, post-demolition that can be readily replaced once the landowner is ready to rebuild.

3.2 Proposed Rule

As in the Operative District Plan, the Proposed District Plan includes a District Wide Rule on Demolition or Removal Activities (Section 3.4). The Rule permits the Demolition or removal of buildings and structures under a specified area in the different zones. Apart from the Demolition or Removal of heritage structures and buildings, in the Proposed District Plan all other Demolition or Removal Activities are controlled. This is different to the activity status in the Operative District Plan which deems these activities to be restricted discretionary. Apart from activities affecting heritage structures, which were dealt with under the Heritage Rule, there have been no demolition or removal activities declined under the Operative District Plan and it

was considered that the restricted discretionary activity status was not necessary in the new District Plan.

However, the Proposed District Plan includes more matters over which the Council has control in the Proposed District Plan than were in the Operative District Plan. Points (C) and (E) – (H) in Rule 3.4.2, set out below, are those that were amended and added in the review process:

“3.4.2 The matters over which the Council shall exercise its control are:

- (C) Mitigation of any effects on Council infrastructure.*
- (E) The imposition of a bond (if required) to ensure the completion of rehabilitation. The value of the bond shall be calculated at up to 1.5 times the value of the work required to complete rehabilitation of the site.*
- (F) The ability to either recycle or to dispose of waste materials in an environmentally responsible manner.*
- (G) The time needed to complete the demolition or removal.*
- (H) The methods proposed for Demolition or disposal or removal.”*

These matters were included to enable the Council to fully consider the effects of the activities in relation to solid waste effects and the timeframes involved in the activity, and also to ensure that the sites are left clean and tidy.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

In developing the Proposed District Plan there are a number of statutory requirements guiding the process and outlining what must be considered. This section of the report details the statutory context.

4.1 Resource Management Act 1991

In reviewing the District Plan, Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that after considering a plan the local authority may decline, approve, or approve with modifications, the plan, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the Act (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

4.1.1 Part 2 of the RMA

Part 2 of the RMA (ss5-8) sets out the purpose and principles of the RMA.

The purpose of the RMA is set out in Section 5. I confirm that the provisions for demolition or removal activities fall within the purpose of the RMA. In particular, the provisions are designed to provide for these activities whilst avoiding, remedying or mitigating any adverse effects on the environment.

Section 6 of the RMA sets out the matters of national importance which must be recognised and provided for. None of these are especially relevant to the issue of Demolition or Removal Activities. The matter of national importance that is of most relevance is the protection of historic heritage from inappropriate subdivision, use, and development (s6(f)). There are rules proposed in the Proposed District Plan that separately manage the demolition and removal of heritage buildings. Whilst the Demolition or Removal Activities rule expressly refers to the Heritage rule for the demolition or removal of heritage buildings, Heritage issues are not covered in this report, and will be dealt with in the Heritage report.

Section 7 of the RMA sets out "other matters" for which particular regard shall be had. It is considered that the most relevant matters are the efficient use and development of natural and physical resources (s6(b)), the maintenance and enhancement of amenity values (s6c) and the maintenance and enhancement of the quality of the environment (s6(f)). In making the recommendations set out in this report, I confirm that particular regard has been given to these matters.

Section 8 of the RMA obliges persons exercising functions and powers under the RMA to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama Inc have been part of the Plan Review process as members of

the Council's Plan Group that worked on developing the Proposed District Plan. Consultation with local Iwi has also occurred.

Note: This report focuses on the submissions to the Demolition or Removal Activities provisions. The issues relating to Heritage, Contaminated Land, and Soils, Minerals and Earthworks are dealt with in separate reports.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under that Act. One of the functions, as set out in Section 31(1)(a) is:

"The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district."

Under section 31(1) (b) of the RMA a territorial authority has the responsibility to "... control ... any actual or potential effects of the use, development, or protection of land..."

The Demolition or Removal provisions in the Proposed District Plan include, policies, and methods intended to manage the actual or potential effects of the land use activity, being demolition or removal of buildings or structures. The proposed provisions therefore appropriately fall within the functions of territorial authorities under the RMA.

4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council's obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making its decision on the Plan Change. Section 6 of this report includes my evaluation of the Proposed District Plan provisions in accordance with Section 32AA.

4.2 Relevant Planning Policy Documents

The RMA specifies other documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these. These are addressed in the following section.

4.2.1 New Zealand Coastal Policy Statement

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand Coastal Policy Statement. There are no relevant matters identified for the provisions relating to Demolition or Removal Activities.

4.2.2 National Policy Statements or National Environmental Standards

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements. Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard.

There are no National Policy Statements or National Environmental Standards that directly relate to Demolition or Removal Activities.

4.2.3 Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an Operative Regional Policy Statement.

The policies and objectives from the Southland Regional Policy Statement (1997) generally seek to avoid, remedy or mitigate adverse effects of development on the environment. Those policies that are specifically relevant to Demolition or Removal Activities are discussed in detail below.

Solid Waste - The Solid Waste provisions in the Operative Regional Policy Statement seek to either minimise solid waste, or to minimise the adverse social, cultural, economic and environmental effects of solid waste.

5.16.3 *Objective 16.1 To minimise adverse social, cultural, economic and environmental effects of solid waste*

5.16.4 *Policy 16.1 Adopt and implement the internationally accepted hierarchy of waste management which specifies the following priorities –*

Priority 1 Reduce the amount of waste

Priority 2 Reuse as much of the waste as practicable

Priority 3 Recycle waste whenever practicable, taking into account economic and environmental costs and benefits

Priority 4 Recover resources whenever practicable from the waste stream, for example, energy

Priority 5 Manage the residue in an environmentally and culturally acceptable manner

5.16.4 *Policy 16.6 Reduce uncontrolled and illegal tipping*

The Demolition or Removal provisions in the Proposed District Plan give effect to the Policy Statement. The proposed matters that the Council has control over when making decisions on resource consents for Demolition or Removal Activities set out in 3.4.2, expressly include:

- (a) *The ability to either recycle or to dispose of waste materials in an environmentally responsible manner; and*
- (b) *The methods proposed for Demolition or disposal and removal.*

In considering these matters the Council has the ability to impose conditions to ensure that the “reduce, reuse or recycle” options are considered and to ensure that the waste is disposed of in an appropriate manner and that methods are utilised to minimise adverse effects on people, communities, tangata whenua values and the environment.

Built Environment – The Operative Regional Policy Statement for Southland includes provisions on the Built Environment. The most relevant policy in this Statement is Policy 10.7 which seeks to recognise that changes to one component of the built environment can have adverse effects on other components of the built environment. The Demolition or Removal provisions give effect to this policy in that they seek to avoid or mitigate effects of Demolition or Removal Activities on the wider environment.

Soils Minerals and Earthworks – The Operative Regional Policy Statement provisions on Soils address the adverse effects of land disturbance and maintaining and enhancing the soil resource by avoiding remedying or mitigating the effects of land use. The Demolition or Removal provisions in the Proposed District Plan give effect to these provisions in that the effects of any earthworks are specifically included as a matter over which the Council shall exercise its control.

4.2.4 Proposed Regional Policy Statement

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. The following policies are relevant to the issue of Demolition or Removal Activities.

Infrastructure / Transport – The Proposed Regional Policy Statement for Southland includes policies ensuring that the management of development, subdivision and land use activities does not result in adverse effects on the efficient operation, use, maintenance and development of infrastructure (Policy INF.5). Including provisions that address effects on infrastructure in the Demolition or Removal sections of the Proposed District Plan shows that regard has been had to the Proposed Regional Policy. I recommend that the use of bonds for the rehabilitation of damage to infrastructure is more explicitly acknowledged in the District Plan provisions.

Soils Minerals and Earthworks - In the Rural Land/Soils chapter of the Proposed Regional Policy Statement (Chapter 5) the objectives seek to ensure that land uses and land management practices maintain or enhance the health, life-supporting capacity/mauri and productive value of soil and also that soils loss and sedimentation of waterways is addressed.

Policy RURAL .5 – Effects of rural land development - the effects of rural land development shall be sustainably managed and land management practices encouraged so that:

- *soil properties are maintained or enhanced;*
- *soil erosion is minimised;*
- *soil compaction and nutrient and sediment loss is minimised;*
- *soil disturbance is reduced;*
- *water quality is maintained or enhanced;*
- *indigenous biodiversity is maintained or enhanced.*

In developing the proposed provisions on Demolition or Removal Activities, regard has been had to these proposed policies in that the effects of any earthworks is specifically included as a matter over which the Council shall exercise its control.

Solid Waste – Chapter 13 of the Proposed Regional Policy Statement covers issues on Solid Waste. The objectives seek to reduce the generation of waste and to avoid or mitigate the adverse environmental effects of solid waste storage, disposal, processing handling and transportation. The “reduce, reuse, recycle” hierarchy is adopted in the policies. Of most relevance to the matter at hand are the methods. These state that territorial authorities will:

WASTE.4 District Plans

Establish and maintain provisions in district plans to:

- (a) control the location of solid waste management and disposal activities;
- (b) minimise adverse environmental effects on people communities and tangata whenua values from solid waste management and disposal activities

In developing the proposed provisions on Demolition or Removal Activities, regard has been had to the Proposed Regional Policy Statement in that the matters of discretion include consideration of the disposal of waste materials.

4.2.5 Regional Plans

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. The relevant regional plan with respect to Demolition or Removal Activities is considered to be the Regional Solid Waste Management Plan adopted in April 1996.

The Solid Waste Management Plan deals with the management of solid waste and offal (including waste management and incineration) in the Southland Region. The Solid Waste Management Plan covers waste minimisation, Landfills, Offal, and Solid Waste Incineration. This is relevant to the Demolition or Removal Activities provisions as these activities can create considerable amounts of waste. As detailed above under both the Regional Policy Statement and the Proposed Regional Policy Statement, the proposed provisions are not inconsistent with these plans.

4.2.6 Iwi Management Plans

Ngai Tahu have lodged an Iwi Management Plan with the Council. The relevant document is the *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Tauira*. The provisions in that plan relating to solid waste management in the Southland Plains are particularly relevant to Demolition or Removal Activities.

It is my opinion that the concerns raised in the Iwi Management Plan have been given regard to. For Demolition or Removal Activities that trigger resource consent, one of the matters that the Council has control over is the ability to either recycle or to dispose of waste materials in an environmentally responsible manner. Through the resource consent process the Council has the ability to consider solid waste management practices.

4.2.7 Management Plans and Strategies Prepared under other Acts

A District Plan is required to have regard to management plans and strategies prepared under different Acts.

The Council's spatial plan, *The Big Picture* (prepared under the Local Government Act), is considered relevant. *The Big Picture* encourages the regeneration of older residential areas. In order to this, some demolition or removal activities will need to occur. The proposed provisions enable the demolition or removal of buildings, requiring that adverse effects are addressed through the consent process, and as such regard has been had to *The Big Picture*.

Also relevant is the Southland Waste Management and Minimisation Plan 2012-2018 which also promotes sensible waste management practices, favouring "reduce, reuse

or recycle". In preparing the proposed provisions, and in preparing my recommendation, regard has been had to this Plan

4.3 Summary

It is considered that the purpose and principles of the RMA are met by the demolition or removal activities provisions set out in the Proposed District Plan. The proposed provisions fall within the functions of the Council and the various documents required to be considered have been appropriately addressed in the preparation of the provisions relating to demolition or removal activities.

5. ANALYSIS OF SUBMISSIONS

Six submission points were received on the Demolition or Removal provisions of the Proposed District Plan, with three further submissions in support.

Five submissions related to the policies set out in the Zone Specific Issues, Objectives and Policies section. In the Business 1 and 2 Zones the submissions were in general support, but questioned the layout of the policies and sought that detail in the explanations be expanded to cover all relevant matters. In the Seaport and Smelter Zones the submitters were in support of the policies. One further submission was lodged in support of the submission in the Seaport Zone. In the Business 4 Zones, a submission queried the intention of the Demolition policies and their relevance to the Zone.

One submission was received that related to the Demolition or Removal Activities rule, in particular relating to one of the matters over which Council has limited the exercise of its control over. The submitter requested that 3.4.2(E) be expanded to clarify what the bond could be used for. As well as the rehabilitation of the site, the submitter considers that the reasons for a bond to be taken can also include likely mitigation costs where remedial work is likely to be required to infrastructure damaged or affected by the consent. The two further submissions support this and seek that the bond should cover effects to the wider environment including infrastructure and stormwater.

The key issues raised in submissions are:

1. Layout of policies and detail of explanations in the Business 1 and 2 Zones
2. The relevance of the Demolition policies in the Business 4 Zone
3. Clarifying the use of bonds

5.1 Layout of Policies and Detail of Explanations

Submissions on the Demolition policies in the Business 1 and 2 Zones questioned the layout of the policies, stating that these policies read as three separate policies, but are formatted as two. I agree with the submissions and believe that this is a matter that can be easily remedied by simple formatting. The amendment would not alter the intention of the policies, but will merely fix a formatting error and will result in policies that are easier to interpret and apply.

The submissions highlighting weaknesses in the explanations to the policies in the Business 1 and 2 Zones are also valid. The submissions suggest that the explanation to the policies covers only one of the demolition policies. There is no explanation to the policy encouraging the restoration and adaptive re-use of buildings in preference to demolition. There is also no explanation supporting the policy encouraging the active reutilisation of the sites post-demolition. While explanations in District Plans are not a requirement under the RMA, they are a useful guide for users of the District Plan providing guidance on the reasons for the policies. Expanding the explanations will not result in changes to the policies themselves but will result in a more user-friendly policy document.

5.1.1 Recommendation

The layout of the Demolition or Removal Activities Policies in the Business 1 and 2 zones should be amended to clearly reflect the fact that there are three separate policies under this heading. The explanation under the policies should be further detailed to ensure that there is an explanation for each policy.

5.2 Relevance of the Demolition Policies in the Business 4 Zone

There are three policy points in the Business 4 Zone (2.25.3 Policy 11) (as amended according to my recommendation above) which are the same as the demolition policies in the Business 1 and 2 Zones. The submitter on these policies questions why the policies are not the same as the Business 3 Zone instead, particularly why Council policy is encouraging sites in this zone to be utilised for car parking or open space. Specifically, Policy A and C differ from the Business 3 Zone, while Policy B is the same.

The Business 4 Zone covers small neighbourhood shopping centres. These are generally small clusters of about 3-4 shops within residential areas, offering small-scale retailing and servicing local communities. They are within walking distance of their general market and there is not a great need for substantial car parking areas. The Business 1 and 2 Zones are identified in the Proposed District Plan as the bigger retail and commercial areas in the city. The anticipated amenity in these zones is quite different to the residential scale of the Business 4 Zone.

I accept that the active reutilisation of the sites post-demolition in the Business 4 Zone should be encouraged to ensure the adverse effects of the demolition or removal activities are temporary. The management of adverse effects of these activities on amenity values by ensuring the clean-up, screening and maintenance of sites is still important. However, given the residential context and the scale of the Business 4 Zones, the policies should reflect the actual and anticipated differences between the Business zones and thus should not be the same as the Business 1 and 2 Zones. The need for car parking and open space, for example, is not the same in the Business 4 Zone as it is in the Business 1 and 2 Zones.

5.2.1 Recommendation

I recommend amendments to the Demolition or Removal Activities policies for the Business 4 zone.

With respect to Policy A, while it is true there is no policy in the Business 3 Zone that sets out to encourage the consideration of restoration and adaptive re-use of buildings in preference to demolition, there is no compelling reason why it should be removed from the Business 4 Zone. This policy seeks only encouragement, rather than requirement, and consideration of these alternatives where possible is good practice in terms of waste management and utilisation of existing resources. The methods of implementation in the Business 4 Zone also include education and environmental advocacy to protect and enhance the anticipated amenity values and to promote good urban design. These methods can be used to encourage the restoration or adaptive reuse of buildings in response to this policy.

Policy B, which manages adverse effects from Demolition or Removal Activities on amenity values, should be retained as it is consistent throughout the District Plan in all zones. No submission has sought that it be changed, and no change is recommended.

The one change that I do recommend is to Policy C. The scale and context of the Business 4 Zones is such that the encouragement of the use of empty sites for activities such as car parking or public open space is not necessary. The only zones in the Proposed District Plan that this clause is included are the Business 1 and 2 Zones. These Business zones are larger in scale, and the expected functions and

amenities vary significantly from the small scale, residentially-based and less vehicle-oriented Business 4 Zones.

5.3 Clarifying potential use of Bonds

Submissions on Rule 3.4 of the Proposed District Plan seek to expand the matters of discretion, specifically the reasons for the potential imposition of a bond under Rule 3.4.2(E). The Invercargill City Council Roading Manager considers that it would be appropriate to clarify that the bond taken can also include likely mitigation costs to cover potential infrastructural damage. Two further submitters support this submission. The general consensus between the submitter and further submitters is that the Council or infrastructure provider should not have to pay for works required to mitigate effects caused by the consent holder.

5.3.1 Implications on Consent Process

The current process under the Operative District Plan is for resource consent applications for demolition or removal to be circulated to the Works and Services Department for comment. Where it is considered that there is a risk that Council infrastructure could be damaged as part of the demolition or removal activity, the Works and Services Department will recommend that a condition be placed on the resource consent requiring a bond. This bond is sought in the majority of demolition or removal consents.

The bond amount sought to cover the potential damage does vary depending on whether it is a commercial or residential structure or building. This bond is referred to as a Council bond and is used to cover rehabilitation costs and any damage to infrastructure. Under the Operative District Plan the Council uses the following matters of discretion under Rule 4.30.2 to justify requiring a bond:

- “(2) Mitigation of the effects of any earthworks undertaken in association with the demolition*
- (3) Site rehabilitation*
- (4) The imposition of a bond or financial contribution (if required) to ensure the completion of rehabilitation”*

Amending Rule 3.4.2(E), as sought by the submitter, will not result in a change in how the resource consent process for Demolition or Removal Activities has been administered under the Operative District Plan but will make the process more transparent in terms of clarifying and justifying the reasons for the bond.

5.3.2 Objectives and Policies

Amending 3.4.2(E) as sought by the submitters would not be inconsistent with the objectives and policies set out in the Proposed District Plan. The maintenance of the Council’s infrastructure is an important part of the amenity of the district. Damage to infrastructure can have adverse effects on the function of the different areas. Requiring a bond to cover potential effects on infrastructure aids in ensuring the clean-up and maintenance of sites.

It is considered that the suggested amendments are consistent with the objectives and policies of the Proposed Plan.

5.3.3 Recommendation

Demolition or Removal Activities can require the use of heavy vehicles working on site and excavation work that pose potential risks to infrastructure, including the Council's piped infrastructure and the wider roading and footpath network. The potential effects on this resource justify the imposition of a bond.

It is considered that it would be appropriate to clarify what the bond may be used for in the provisions of the Proposed Plan. This would ensure that the process is transparent and that the Plan provisions are user-friendly.

5.4 Minor Amendments

I also recommend minor changes to the headings of some of the Zone policies to ensure consistency throughout the Plan. It is considered that these are minor amendments that will result in no consequence to the intention and outcome of the provisions. It is considered that the changes are a correction of a minor error and that the effects of the amendments are so minor that the amendments can be made at this stage under clause 16 (2) of the First Schedule to the RMA.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This section of the RMA was recently amended (since the notification of the Proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is for policies and rules to be examined to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

Section 32AA of the RMA requires a further evaluation to be released with the decision. This further evaluation is to outline the costs and benefits of any amendments made after the Proposed District Plan was notified.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Committee recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

6.1 Relevant Section 32AA Matters

This section of the report evaluates the recommended changes to the Demolition and Removal provisions. The following is a summary of the changes recommended to the policies and rules:

- Formatting of Policies in the Business 1 and 2 Zones
- Expansion of explanations for policies in the Business 1 and 2 Zones
- Amendment of policy in the Business 4 Zone removing the identification of use of empty sites post-demolition for car parking and public open space as a priority
- Expansion of the Demolition and Removal Activities Rule to provide possible uses for bond

The detail of the proposed changes to which this evaluation refers are set out in **Appendix 2**.

6.2 Section 32AA Further Evaluation

Demolition or Removal Activities are covered in the Amenity section of the original Section 32 report, as well as in the different Zone sections. The recommended amendments are only minor changes and do not raise any significant matters outside of the original evaluation report.

No changes to objectives are recommended.

The recommended changes are intended to aid in the interpretation of the policies and rules. The change to the policy in the Business 4 Zone will have a minor effect as there are no proposed rules that require consideration of these uses (rather this policy encourages consideration of these uses).

Due to the minor nature of the recommended changes it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes. It is sufficient to state that a more easily interpretable plan can aid efficient and effective regulation, which can result in positive effects with respect to these matters. For this reason, the recommended approaches are considered to be preferable to the alternatives of adopting the provisions as notified and those alternatives proposed by submitters for which recommendations differ.

7. CONCLUDING COMMENTS

The Issues and Objectives relating to Demolition or Removal Activities should remain as notified. They meet the requirements under the Resource Management Act 1991 and have not been the subject of any submissions.

I recommend that the formatting of the Business 1 and 2 Zone policies on Demolition or Removal Activities should be tidied up to ensure a user-friendly document. Including more detail in the explanations will further aid the users of the District Plan in terms of providing background guidance to the policies.

The Demolition or Removal Activities policy in the Business 4 Zone should be amended. While the reutilisation of sites post-demolition should be encouraged, the scale, residential context and anticipated function and amenity of the Business 4 Zones are such that there is no justification for encouraging the use of the empty sites for car parking and public open space.

A small amendment to Rule 3.4 Demolition or Removal Activities is considered appropriate to clarify that bonds can be required to cover the potential repair of infrastructure damaged as a result of these activities.

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APPENDIX 1 – RECOMMENDATIONS ON SUBMISSIONS

Submitter	Submission	Recommendation
BUSINESS 1 ZONE		
2.22.3 Policy 15 Demolition		
65.51 ICC Environmental and Planning Services	<p>The submitter supports the policy in part. The submitter considers that this policy reads as three different policies and should be tidied up.</p> <p>DECISION SOUGHT Split the policy into three different policies.</p>	<p>Accept</p> <p>Reformatting Policy 15 will ensure that all three policy points are readily identifiable.</p> <p>Amend to read as follows:</p> <p>Policy 15 Demolition (Page 2-81):</p> <p>(A) To encourage owners to consider the restoration, and adaptive re-use of buildings in preference to demolition.</p> <p>(AB) To manage the adverse effects of demolition or removal on amenity values by ensuring the clean-up, screening and maintenance of sites.</p> <p>(BC) To encourage active utilisation of sites post-demolition by encouraging their prompt redevelopment and in the meantime encouraging use of the site for such activities as car parking or public open space.</p>

Submitter	Submission	Recommendation
<p>65.52 ICC Environmental and Planning Services</p>	<p>The submitter supports the explanation in part. The submitter considers that the explanation does not cover (B) relating to the active reutilisation of the sites post-demolition</p> <p>DECISION SOUGHT Expand the explanation to ensure that it covers all three parts of the policy, not just (A)</p>	<p>Accept</p> <p>The suggested change is appropriate. The proposed explanation is not sufficient to justify all three parts of the policy. Expanding the explanation will ensure that the District Plan is user-friendly.</p> <p>Amend explanation to read as follows: <i>Explanation:</i> <u><i>It is good practice to consider the restoration and adaptive reuse of any building or structure as part of the redevelopment process, in order to identify opportunities to reduce waste entering the waste stream and to ensure best use of existing resources and infrastructure.</i></u></p> <p><i>Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.</i></p> <p><u><i>Vacant, derelict sites would be detrimental to the anticipated character, vibrancy, amenity, economics and function of this Zone. Where a site is to be left empty post-demolition, adaptive ways to use the space and opportunities for active reutilisation of the sites in the interim are to be encouraged.</i></u></p>

Submitter	Submission	Recommendation
BUSINESS 2 ZONE		
2.23.3 Policy 13 Demolition		
65.56 ICC Environmental and Planning Services	<p>The submitter supports the policy in part. The submitter considers the policy should be separated into three individual policies</p> <p>DECISION SOUGHT Split the policy into three different policies.</p>	<p>Accept</p> <p>See recommendation and reasons outlined above under submission 65.51.</p> <p>Amend to read as follows:</p> <p>Policy 13 Demolition (Page 2-88):</p> <p>(A) To encourage owners to consider the restoration, and adaptive re-use of buildings in preference to demolition.</p> <p>(AB) To manage the adverse effects of demolition or removal on amenity values by ensuring the clean-up, screening and maintenance of sites.</p> <p>(BC) To encourage active utilisation of sites post-demolition by encouraging their prompt redevelopment and in the meantime encouraging use of the site for such activities as car parking or public open space.</p>

Submitter	Submission	Recommendation
65.57 ICC Environmental and Planning Services	<p>The submitter supports the explanation in part. The submitter considers that the explanation does not cover (B) relating to the active reutilisation of the sites post-demolition</p> <p>DECISION SOUGHT Expand the explanation to ensure that it covers all 3 parts of the policy, not just (A)</p>	<p>Accept</p> <p>See recommendation and reasons outlined above under submission 65.52.</p> <p>Amend explanation to read as follows: <i>Explanation:</i> <u><i>It is good practice to consider the restoration and adaptive reuse of any building or structure as part of the redevelopment process, in order to identify opportunities to reduce waste entering the waste stream and to ensure best use of existing resources and infrastructure.</i></u></p> <p><i>Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.</i></p> <p><u><i>Vacant, derelict sites would be detrimental to the anticipated character, vibrancy, amenity, economics and function of this Zone. Where a site is to be left empty post-demolition, adaptive ways to use the space and opportunities for active reutilisation of the sites in the interim are to be encouraged.</i></u></p>
BUSINESS 4 ZONE		
2.25.3 Policy 11 Demolition		
65. 65 ICC Environmental and Planning Services	<p>The submitter questions why this policy is different to that in the Business 3 Zone, particularly why sites in this zone should be utilised for car parking or open space</p> <p>DECISION SOUGHT No remedy specified</p>	<p>Accept in part</p> <p>The policy is not appropriate for the Business 4 Zone in its entirety. Policy 11 should be amended to reflect the scale and context of the zone.</p> <p>The first two parts of the policy should be retained as notified.</p>

Submitter	Submission	Recommendation
		<p>The third part of the policy should be amended so that it is the same as the Business 3 Zone. While the active reutilisation of sites post-demolition should be encouraged, the need for car parking and open space is not the same as it is in the Business 1 and 2 Zones. The anticipated amenity, vibrancy, economics and function of these Zones varies and this difference should be reflected in the policies.</p> <p>It is also considered appropriate to amend the formatting of the policy and to expand the explanation to keep it in line with the other Demolition or removal policies in the Proposed District Plan.</p> <p>Amend Policy 11 as follows:</p> <ul style="list-style-type: none"> (A) To encourage owners to consider the restoration, and adaptive reuse of buildings in preference to demolition (B) To manage the adverse effects of demolition or removal on amenity values by ensuring the clean-up, screening and maintenance of sites (C) To encourage active reutilisation of sites post-demolition by encouraging their prompt redevelopment and in the meantime encouraging use of the site for such activities as car parking or public open space <p><u>Explanation: <i>It is good practice to consider the restoration and adaptive reuse of any building or structure as part of the redevelopment process, in order to identify opportunities to reduce waste entering the waste stream and to ensure best use of existing resources and infrastructure.</i></u></p> <p><i>Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.</i></p>

Submitter	Submission	Recommendation
SEAPORT ZONE		
2.42.3 Policy 10 Demolition or Removal Activities		
24.57 South Port NZ Ltd	<p>The submitter supports the policy as it believes that such activities sometimes occur within the Sea Port area and that it is appropriate that Demolition or removal activities are managed appropriately</p> <p>DECISION SOUGHT Retain</p>	Accept
FS24.11 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	<p><i>Support submission 24.57</i></p> <p>The further submitter considers it appropriate to manage potential nuisance effects associated with demolition activities.</p> <p>DECISION SOUGHT Retain policy 10</p>	Accept
SMELTER ZONE		
2.43.3 Policy 11 Demolition or Removal Activities		
71.42 NZAS Ltd	<p>The submitter supports the policy. The submitter supports the policy's recognition of the temporary effects that demolition activities can have on amenity values</p> <p>DECISION SOUGHT Retain Policy 11</p>	Accept

Submitter	Submission	Recommendation
RULE 3.4 DEMOLITION OR REMOVAL ACTIVITIES		
69.17 ICC Roading Manager	<p>The submitter considers that it would be appropriate to clarify that the bond taken can also include likely mitigation costs needed where remedial work are likely to be required to infrastructure damaged or affected by the consent</p> <p>DECISION SOUGHT Amend 3.4.2(E) to clarify that the bond taken can also include likely mitigation costs needed where remedial work are likely to be required to infrastructure damaged or affected by the consent</p>	<p>Accept</p> <p>The suggested change is consistent with the objectives and policies of the Proposed District Plan.</p> <p>The suggested amendment is merely a clarification of process. It will aid in ensuring that the Demolition or removal consent process is transparent and that the District Plan provisions are user-friendly. The amendments are consistent with the policies set out in the relevant Zones.</p> <p>The suggestions will not affect bond requests or current consent processes.</p> <p>Amend Rule 3.4.2(E) to read as follows: (E) The imposition of a bond (if required) to ensure the completion of rehabilitation, including any necessary remedial work to infrastructure damaged or affected as a result of the demolition or removal activity. The value of the bond shall be calculated at up to 1.5 times the value of the work required to complete rehabilitation of the site.</p>
FS28.8 NZ Transport Agency	<p>Support Submission 69.17 The further submitter comments that the Council or infrastructure provider should not have to pay for works that are required to mitigate effects caused by the consent holder.</p> <p>DECISION SOUGHT Amend 3.4.2(E) as sought in submission 69.17</p>	<p>Accept</p> <p>See recommendations and reasons set out under submission 69.17 above.</p>
FS39.18 Environment Southland	<p>Support submission 69.17 The further submitter agrees that bonds are appropriate to cover the potential costs of any remediation work required, including the removal of sediment and other material from stormwater sumps and drains. They comment that every effort should be made to</p>	<p>Accept in part</p> <p>The relief sought in the further submission to allow submission 69.17 is accepted. It is considered appropriate to clarify that bonds are sought to cover potential costs of remediation work.</p>

Submitter	Submission	Recommendation
	<p>minimise the chance of environmental, human health, infrastructure damage or adverse effects occurring. They believe that matters over which the Council shall exercise its control should be extended to include waste tracking and the implementation of best practice guidelines for the screening and sorting of demolition waste and its ultimate disposal. They consider that this could be achieved by the addition of a new criteria or bolstering 3.4.2 (B), (C), (F) and (H).</p> <p>DECISION SOUGHT Accept submission 69.17</p>	<p>Some of the matters raised in the detail of the further submission go beyond the scope of the original submission. The submission raises issues relating to the disposal of waste, not just to the effects of Demolition or Removal Activities on infrastructure. The submission suggests amendments to clauses not referred to in the original submission. It is considered that it is not necessary or appropriate to add new criteria as suggested in the body of the further submission. The matters covered in 3.4.2(B), (C), (F) and (H) are broad enough to enable the Council to exercise control over the matters raised in the further submission, such as waste tracking and the screening and sorting of demolition material, without further amendment.</p>

APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(Underline indicates recommended additions, strikethrough indicate recommended deletions.)

SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

2.19 Airport Operations Zone

2.19.3 Policies

Policy 12 Demolition or removal activities (Page 2-70) – no change

Explanation: No change

2.20 Airport Protections Zone

2.20.3 Policies

Policy 13 Demolition or removal activities (Page 2-73) – no change

Explanation: No change

2.22 Business 1 (Central Business District) Zone

2.22.3 Policies

Policy 15 Demolition (Page 2-81):

(A) To encourage owners to consider the restoration, and adaptive re-use of buildings in preference to demolition.

(AB) To manage the adverse effects of demolition or removal on amenity values by ensuring the clean-up, screening and maintenance of sites.

(BC) To encourage active utilisation of sites post-demolition by encouraging their prompt redevelopment and in the meantime encouraging use of the site for such activities as car parking or public open space.

Explanation: It is good practice to consider the restoration and adaptive reuse of any building or structure as part of the redevelopment process, in order to identify opportunities to reduce waste entering the waste stream and to ensure best use of existing resources and infrastructure.

Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.

Vacant, derelict sites would be detrimental to the anticipated character, vibrancy, amenity, economics and function of this Zone. Where a site is to be left empty post-demolition, adaptive ways to use the space and opportunities for active reutilisation of the sites in the interim are to be encouraged.

2.23 Business 2 (Suburban Shopping and Business) Zone

2.23.3 Policies

Policy 13 Demolition or removal activities (Page 2-88):

- (A) To encourage owners to consider the restoration, and adaptive re-use of buildings in preference to demolition.
- (AB) To manage the adverse effects of demolition or removal on amenity values by ensuring the clean-up, screening and maintenance of sites.
- (BC) To encourage active utilisation of sites post-demolition by encouraging their prompt redevelopment and in the meantime encouraging use of the site for such activities as car parking or public open space.

Explanation: *It is good practice to consider the restoration and adaptive reuse of any building or structure as part of the redevelopment process, in order to identify opportunities to reduce waste entering the waste stream and to ensure best use of existing resources and infrastructure.*

Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.

Vacant, derelict sites would be detrimental to the anticipated character, vibrancy, amenity, economics and function of this Zone. Where a site is to be left empty post-demolition, adaptive ways to use the space and opportunities for active reutilisation of the sites in the interim are to be encouraged.

2.24 Business 3 (Specialist Commercial) Zone

2.24.3 Policies

Policy 14 Demolition and or removal activities (Page 2-95) – No change

Explanation - No change

2.25 Business 4 (Neighbourhood Shop) Zone

2.25.3 Policies

Policy 11 Demolition or removal activities (Page 2-99):

- (A) To encourage owners to consider the restoration, and adaptive re-use of buildings in preference to demolition.
- (AB) To manage the adverse effects of demolition or removal on amenity values by ensuring the clean-up, screening and maintenance of sites.
- (BC) To encourage active utilisation of sites post-demolition by encouraging their prompt redevelopment, ~~and in the meantime encouraging use of the site for such activities as car parking or public open space.~~

Explanation: *It is good practice to consider the restoration and adaptive reuse of any building or structure as part of the redevelopment process, in order to*

identify opportunities to reduce waste entering the waste stream and to ensure best use of existing resources and infrastructure.

Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.

Prompt redevelopment and active reutilisation of empty sites post demolition is encouraged to avoid vacant sites being left derelict affecting the amenities of the neighbourhood.

2.26 Business 5 (Rural Service) Zone

2.26.3 Policies

Policy 13 Demolition or removal activities and relocation of buildings (Page 2-103) – No change

Explanation - No change

2.27 Hospital Zone

2.27.3 Policies

Policy 10 Demolition or Removal Activities (Page 2-107) – No change

Explanation -No change

2.29 Industrial 1 (Light) Zone

2.29.3 Policies

Policy 13 Demolition ~~and~~ or Removal Activities (Page 2-113) – No change

Explanation - No change

2.31 Industrial 2 (Urban) Zone

2.31.3 Policies

Policy 10 Demolition ~~and~~ or Removal Activities (Page 2-119) – No change

Explanation - No change

2.32 Industrial 3 (Large) Zone

2.32.3 Policies

Policy 11 Demolition ~~and~~ or removal activities (Page 2-125) – No change

Explanation - No change

2.34 Otatara Zone

2.34.3 Policies

Policy 12 Demolition or removal activities (Page 2-136) – No change

Explanation - No change

2.36 Residential 1 Zone

2.36.3 Policies

Policy 17 Demolition or removal activities (Page 2-146) – No change

Explanation - No change

2.39 Residential 3 (Large Lot) Zone

2.39.3 Policies

Policy 17 Demolition or removal activities (Page 2-161) – No change

Explanation – No change

2.40 Rural 1 Zone

2.40.3 Policies

Policy 16 Demolition or removal activities (Page 2-166) – No change

Explanation – No change

2.41 Rural 2 (Rural Transition) Zone

2.41.3 Policies

Policy 15 Demolition or removal activities (Page 2-172) – No change

Explanation – No change

2.42 Seaport Zone

2.42.3 Policies

Policy 10 Demolition or removal activities (Page 2-176) – No change

Explanation – No change

2.43 Smelter Zone

2.43.3 Policies

Policy 11 Demolition or removal activities (Page 2-180) – No change

Explanation – No change

SECTION THREE - RULES

3.4 Demolition or Removal Activities (Page 3-4)

3.4.1 Unless Section 3.8 Heritage applies, it is a permitted activity to demolish or remove all buildings and structures with an area of less than:

- (A) 80 square metres in the Residential 1, Residential 1A Residential 2, Residential 3 and Otatara Zones.
- (B) 1,000 square metres in the Smelter Zone.
- (C) 120 square metres in other zones.

3.4.2 Unless Section 3.8 Heritage applies, it is a controlled activity to demolish or remove buildings and structures with an area of:

- (A) 80 square metres or more in the Residential 1, Residential 1A, Residential 2, Residential 3 and Otatara Zones.
- (B) 1,000 square metres or more in the Smelter Zone.
- (C) 120 square metres or more in other zones.

The matters over which the Council shall exercise control are:

- (A) Screening mechanisms if needed.
- (B) Mitigation of the effects of any earthworks undertaken in association with the demolition.
- (C) Mitigation of any effects on Council infrastructure.
- (D) Site rehabilitation.
- (E) The imposition of a bond (if required) to ensure the completion of rehabilitation, including any necessary remedial work to infrastructure damaged or affected as a result of the demolition or removal activity. The value of the bond shall be calculated at up to 1.5 times the value of the work required to complete rehabilitation of the site.
- (F) The ability to either recycle or to dispose of waste materials in an environmentally responsible manner.
- (G) The time needed to complete the demolition or removal.

(H) The methods proposed for demolition and disposal or removal.

3.4.3 Note: Reference should be made to Section 3.8 Heritage of this Plan for rules relating to the activity status of demolition or removal activities of heritage buildings.