



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Decision No. 4

Relocated Buildings

Hearings Committee

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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INTRODUCTION

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged to those provisions dealing with Relocated Buildings.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to those matters. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"FS" means Further Submission.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"The Hearings Committee" or "the Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"Heritage NZ" means Heritage New Zealand Pouhere Taonga (formerly the New Zealand Historic Places Trust).

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

THE HEARING TO CONSIDER SUBMISSIONS TO THE PROPOSED PLAN

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers on 5 May 2014.

Section 42A Report

The Hearings Committee received a report from Joanna Shirley, Policy Planner with the Invercargill City Council. In her report, Mrs Shirley outlined that there are no specific issues or objectives relating to relocated buildings, however, the general objectives and issues relating to Amenity Values are relevant. She also noted that policies focus on managing the adverse effects of relocation activities to ensure that a suitable standard of amenity is achieved, and that the relocation of buildings is properly managed and completed in a timely manner. Arising from that, the Proposed District Plan includes a District Wide Rule on Relocated Buildings (Section 3.15) setting performance standards which need to be

achieved as part of the relocation process in order for the activity to be permitted. Where the standard is not met then consent is required as a restricted discretionary activity.

Submitters Attending the Hearing

No submitters attended the hearing.

Material Tabled at the Hearing

Jane O'Dea, Heritage Adviser - Planner for Heritage New Zealand advised that the recommendations in the Section 42A report were supported.

MATTERS REQUIRING PARTICULAR CONSIDERATION

No matters required particular consideration by the Committee.

SECTION 32 EVALUATION

Requirements

The Committee was advised by Mrs Shirley that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified, with the detail of the assessment corresponding with the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

Assessment

No changes are being made to the Proposed Plan provisions and as the Committee understands its obligations, it is not required to undertake any further assessment of matters outlined in Section 32 of the RMA.

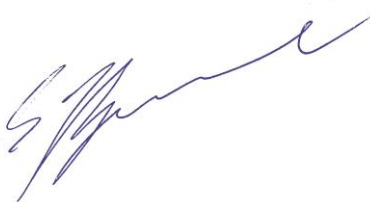
Dated at Invercargill this 11th day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

APPENDIX 1 - Decisions on Submissions

SUBMISSIONS	DECISION
3.15.5 RULE RELOCATED BUILDINGS	
<p>66.1 - House Movers Section of New Zealand Heavy Haulage Association (Inc) The submitter supports the rules as they reflect the <i>NZ Heavy Haulage Association Inc v Central Otago District Council</i> (Environment Court, C45/2004, Thompson EJ presiding) case. <u>Decision sought:</u> Retain rule.</p> <p>115.1 - Heritage New Zealand The submitter supports these provisions. The submitter notes the Council's obligations under the RMA, in particular s6(f). The submitter notes that in addition to the specific heritage provisions, the consideration of heritage values is embedded throughout the Plan.</p> <p>The submitter considers the approach recognises that not all important heritage values are listed in the District Plan Heritage Record or covered by the heritage rules of the Plan. The submitter believes it is appropriate that the Council has the opportunity to consider effects on heritage values even where such values are not particularly identified for protection in Appendix II.</p> <p><u>Decision sought:</u> Adopt these provisions as they relate to heritage values: 3.15.5(H).</p>	<p>Decision 4/1 These submissions are noted.</p> <p>Amendments to District Plan No amendments are required.</p> <p>Reason The submitters support the provisions and do not request any change to them.</p>