

BEFORE THE ENVIRONMENT COURT

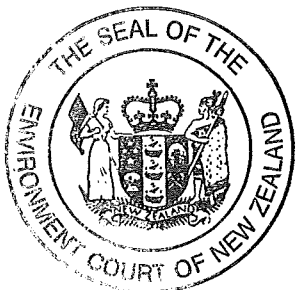
IN THE MATTER of the Resource Management Act 1991
AND of an appeal under clause 14 of Schedule 1
to the Act
BETWEEN HOUSE MOVERS SECTION OF THE NEW
ZEALAND HEAVY HAULAGE
ASSOCIATION INC
(ENV-2016-WLG-000044)
Appellant
AND PALMERSTON NORTH CITY COUNCIL
Respondent

Environment Judge B P Dwyer sitting alone pursuant to section 279 of the Act

In Chambers at Wellington

CORRIGENDUM TO CONSENT ORDER ISSUED ON 12 DECEMBER 2016

- [A] The consent order issued 12 December 2016 in this matter is cancelled.
- [B] Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) the appeal is allowed subject to the amendments to the identified provisions of the Palmerston North City District Plan set out in Appendix 1, attached to and forming part of this order;
 - (2) the appeal is otherwise dismissed.
- [C] Under section 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

[1] The Court issued a consent order for this matter on 12 December 2016. However, an amendment to Rule 9.5.5(h) paragraph (e) was inadvertently omitted from the consent order. The parties have requested that the Court issue a new consent order. I have considered the material lodged and agree with counsel that I have the power to correct the consent order issued, and that it is appropriate to do so.

Other relevant matters

[2] No person gave notice of an intention to become a party under section 274 of the Resource Management Act.

Orders

[3] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum (unless stated otherwise for specific reasons) requesting this order;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

DATED at Wellington this 16th day of December 2016



B P Dwyer
Environment Judge



APPENDIX 1

Agreed Amendments to Decision on Proposed Plan Change 15A to Resolve Appeal by Heavy Haulage

Amend the Performance Standard (h) of Rule 9.5.5 as identified by strikethrough and underline:

R 9.5.5 Dwellings, and Accessory Buildings, including relocated dwellings and accessory buildings, (excluding those prohibited by R 9.10.1) and Micro Scale Wind Turbines

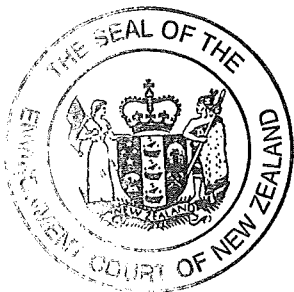
Dwellings, Accessory Buildings and Micro Scale Wind Turbines are Permitted Activities provided the following Performance Standards are complied with.

Performance Standards

...

(h) Relocation Dwellings and Accessory Buildings

- (a) Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- (b) A building pre-inspection report prepared by a licenced building practitioner shall accompany the application for building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building.
- (c) The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.
- (d) All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated building shall be completed within ~~69~~ months of the building being delivered to the site. Without limiting (b) above, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- (e) The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the ~~69~~ month period.
- (f) Any relocated building intended for use as a dwelling shall comply with the Performance Standards of Rule 9.5.5(a)-(g).



- (g) Any relocated building shall comply with the Air Noise Control provisions in R 10.7.1.1(h).
- (h) Any relocated building shall comply with the provisions of Section 14 Hazardous Substances.

