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Response Date	Aug 31 22
Notes	
Q1	Select the chapter you want to provide feedback on
Q2	In general, to what extent do you support the contents of this chapter?
Q3	Objective/Policy/Rule/Standard reference:
Q4	Feedback/Comments
Q5	Objective/Policy/Rule/Standard reference:
Q6	Feedback/Comments
Q7	Objective/Policy/Rule/Standard reference:
Q8	Feedback/Comments
Q9	Objective/Policy/Rule/Standard reference:
Q10	Feedback/Comments
Q11	supporting documents?
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Q12	If you need more space, or have any other general comments, please leave them here
	<p>Good afternoon, Please find attached feedback on the Draft Waitaki District Plan from the House Movers Section of the New Zealand Heavy Haulage Association Inc. Please acknowledge receipt. Ngā mihi Sian Kilgour Junior Barrister Phone: 09 280 1111 Mobile: 021 201 2474 Ākarana Chambers, Level 11, Southern Cross Building, 59 High Street, Auckland PO Box 1255, Shortland Street, Auckland 1140, New Zealand http://stuartryan.co.nz/</p>

Waitaki District Council
20 Thames Street
Private Bag 50058
Oamaru

31 August 2022

Attention: Team Leader - Planning

By email: planreview@waitaki.govt.nz

Feedback on the Waitaki District Draft Plan – Rules for Relocated Buildings

1. The House Movers Section of the New Zealand Heavy Haulage Association Inc (the “**Association**”) represents firms and individuals engaged in building removal and relocation throughout New Zealand.
2. The Waitaki District Council has sought submissions on the Draft Waitaki District Plan (“**Draft Plan**”).
3. This submission relates specifically to the management and activity status of the relocation of buildings in the Draft Plan.
4. The Association wishes to ensure that regulatory controls through District Plans properly reflect the purpose and intentions of the Resource Management Act 1991 as expressed in the decision of the Environment Court in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding). In that decision the Environment Court held that there was no real difference in effect and amenity value terms between the in situ construction of a new dwelling and relocation of a second-hand dwelling, subject to appropriate permitted activity performance standards.

Provisions in the Draft Plan – Relocated Buildings

5. The definition of “building” in the Draft Plan is taken from the NPS and is:
 - ...a temporary or permanent movable or immovable physical construction that is:
 - a) partially or fully roofed; and
 - b) fixed or located on or in land;
 - c) but excludes any motorised vehicle or other mode of transport that could be moved under its own power.
6. The Draft Plan defines “building activity” as:

means undertaking any of the following building works:

 1. erection of new buildings and structures and
 2. external alterations and additions to existing buildings or structures;

Note: Other building work (i.e., internal alterations or demolition) involving Historic Heritage Items may be captured by additional heritage specific definitions.
7. “*Building activities*” are provided for in the Draft Plan as permitted activities in most zones.

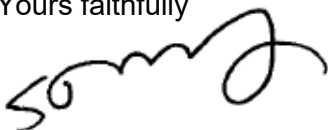
Feedback on the Waitaki District Draft Plan – Rules for Relocated Buildings

8. There is no separate activity status for “*relocated buildings*”, which are commonly described by other district councils as the removal, relocation or re-siting of an existing building from any site to another site, excluding the movement of a building within the same title or a new building built off-site that has not been used and is for the express purpose of being located to the subject site.
9. There is no separate definition for “*relocated buildings*”.¹

Reasons for Feedback

10. The Draft Plan definition of “*relocatable buildings*” (see footnote 1), does not clearly include relocated buildings.
11. It is also not clear that the definition of “*building activity*” would include relocated buildings.
12. If relocated buildings are not provided for as a “building activity”, this would mean that the activity of relocation of a building would default to be a discretionary activity in all zones.
13. The Association **supports**:
 - a. The addition of a definition of “relocated buildings” which provides that “*relocated buildings*” means: “*the removal, relocation or re-siting of an existing building from any site to another site, excluding the movement of a building within the same title or a new building built off-site that has not been used and is for the express purpose of being located to the subject site*” or words to that effect.
 - b. Express provision in the Waitaki District Plan for relocated buildings as a permitted activity in zones where building activities are provided for as a permitted activity, for those applications involving relocated buildings that meet performance standards and criteria, as set out in the **schedule** attached.
 - c. Council retaining a degree of control over relocated buildings through the use of performance/permitted activity standards.
 - d. Restricted Discretionary activity status for relocated buildings that do not meet the permitted activity status standards.

Yours faithfully



Stuart Ryan
Barrister

¹ Note: There is a definition in the Draft Plan for “relocatable buildings” as “*a building that is constructed in a manner such that it can be relocated from its current position with relative ease and includes buildings on piles but not any building that has a concrete slab foundation*”.

Feedback on the Waitaki District Draft Plan – Rules for Relocated Buildings**Schedule – Recommended Performance Standards for Relocated Buildings**

1. Any relocated dwelling complies with the relevant standards for permitted activities in the District Plan.
2. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
3. A building pre-inspection report shall accompany the application for a 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. The report shall include a certification by the property owner that the reinstatement works shall be completed within the specified 12 month period.
4. 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.
5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (c) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.