



**GENERAL DISTRICT-WIDE MATTERS**

## **Relocated Buildings and Shipping Containers**

### **Section 32 Report for the Proposed Waitomo District Plan**

Section 32 Report – Relocated Buildings and Shipping Containers

SUMMARY OF ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONT...
<p>The relocated buildings and shipping container chapter addresses the following issues:</p> <ul style="list-style-type: none"> <li>Relocated buildings can provide a sustainable, affordable housing option, but if undertaken poorly, relocated buildings can adversely affect the amenity of an area.</li> <li>While new relocated buildings have affects no different from buildings constructed on site, second hand relocated buildings can be left in states of disrepair without cladding and on barrels.</li> <li>In areas with special character, second-hand relocated buildings can adversely affect the character.</li> <li>Poorly situated second hand relocated buildings, shipping containers and relocated buildings that are not adequately finished have the potential to detract from character.</li> <li>Shipping containers can adversely impact the character and amenity of the surrounding neighbourhood, particularly where they are highly visible, are left in a state of disrepair or where a number of containers are clustered together.</li> </ul>	<p><b>Section 5 RMA</b> Section 5 requires management of resources in a way which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. Relocated buildings are an efficient re-use of building materials and may enable more people to have cheaper access to living accommodation. There is the potential for effects on the environment, particularly amenity and character if the relocated buildings are not clad and finished appropriately. New relocatable homes are a cost effective way for people to meet their housing needs. Providing housing choice is pivotal in meeting the social, economic and cultural wellbeing of people and communities in accordance with section 5(2) of the RMA and assisting with growth targets.</p> <p>Maintaining good on-site amenity is an important contributor to achieving a good quality of life for individuals.</p> <p><b>Section 6 RMA</b> There are no section 6 matters of relevance to this chapter.</p> <p><b>Section 7 RMA</b> The following clauses are relevant in section 7: (b) the efficient use and development of natural and physical resources.</p>	<p>There are six National Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> <li>New Zealand Coastal Policy Statement 2010</li> <li>NPS for Electricity Transmission 2008</li> <li>NPS for Renewable Electricity Generation 2011</li> <li>NPS for Freshwater Management 2020</li> <li>NPS on Urban Development 2020</li> <li>NPS for Highly Productive Land 2022</li> </ul> <p>The most relevant of these is the NPS on Urban Development. Relocated houses (both reused and new) can assist meeting the housing needs of the District. It will enable a variety of homes that meet the needs, in terms of type, price, and location, of different households in accordance with Policy 1.</p> <p>The NPS for Urban Development requires sufficient opportunities for the development of housing and business land to meet demand while providing choices for communities and future generations.</p> <p>Relocated buildings can also support the development of commercial and industrial activities and help achieve a well-functioning urban environment.</p> <p>There are also 8 National Environmental Standards (NESs) currently in place:</p> <ul style="list-style-type: none"> <li>NES for Air Quality 2004</li> <li>NES for Sources of Human Drinking Water 2007</li> <li>NES for Telecommunication Facilities 2016</li> <li>NES for Electricity Transmission Activities 2009</li> <li>NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011</li> <li>NES for Plantation Forestry 2017</li> <li>NES for Freshwater 2020</li> <li>NES for Storing Tyres Outdoors 2021</li> </ul> <p>None of the NESs are relevant to this chapter.</p> <p><b>Relevant case law considered</b> New Zealand Heavy Haulage Association Inc v The Central Otago District Council (Environment Court C45/2004). In this case the Court was asked to consider whether it was appropriate to require a resource consent for relocated buildings because of the effects relocated buildings can have on character and amenity. The Court found there was no real difference in effects, provided there was appropriate permitted activity performance standards.</p>	<p><b>The Waikato Regional Policy Statement</b> This RPS has four objectives that are particularly relevant to relocatable buildings:</p> <ul style="list-style-type: none"> <li>Objective 3.2 Resource use and development</li> <li>Objective 3.10 Sustainable and efficient use of resources – in particular this objective seeks to use natural and physical resources efficiently and minimise the generation of waste</li> <li>3.12 Built environment</li> <li>3.21 Amenity – which requires the qualities and characteristics of areas and features which contribute to amenity are maintained or enhanced.</li> </ul> <p>The methods for achieving these objectives are set out in the policies which seek to:</p> <ul style="list-style-type: none"> <li>Have regard to the existing environment (Policy 6.1)</li> <li>Minimise waste production and encourage beneficial re-use of waste materials (Policy 6.5)</li> </ul> <p><b>The Manawatū-Whanganui One Plan</b> There are no provisions of relevance to relocatable buildings.</p>	<p>The Waikato Tainui Environment Management Plan 2018 (WTEP)</p> <p>While there are objectives and policies which pertain to rural and urban development, they are more concerned with the location of development rather than the form of development. Consequently, there are no provisions of direct relevance.</p>
<p><b>OPERATIVE WAITOMO DISTRICT PLAN</b></p>	<p>The re-use of relocatable buildings is an efficient use of building materials that would otherwise likely be destroyed or placed in a landfill.</p>	<p>(c) the maintenance and enhancement of amenity values.</p> <p>(f) maintenance and enhancement of the quality of the environment.</p>	<p><b>IWI MANAGEMENT PLANS</b></p>	<p><b>OTHER RELEVANT PLANS OR LEGISLATION</b></p>
<p>The Operative Waitomo District Plan (ODP) does not explicitly manage relocated buildings. Relocated buildings are not managed separately from any other form of building.</p>	<p>Relocatable buildings have the potential to adversely affect amenity and character of the receiving environment, particularly in areas with special amenity values. If relocatable buildings are not finished in terms of being piled and clad, they can have a negative effect on the character and amenity. Shipping containers can be a very effective means of creating space, but if there is a cluster of them, they can also adversely affect the character and amenity of the environment.</p>	<p>Relocatable buildings have the potential to adversely affect amenity and character of the receiving environment, particularly in areas with special amenity values. If relocatable buildings are not finished in terms of being piled and clad, they can have a negative effect on the character and amenity. Shipping containers can be a very effective means of creating space, but if there is a cluster of them, they can also adversely affect the character and amenity of the environment.</p>	<p>We are required to take into account planning documents recognised by an iwi authority and lodged with the territorial authority, but there are no provisions of relevance in the Maniapoto Environment Management Plan (MEMP) 2018.</p>	<p>The Building Act 2004 and the Building Code assist in managing relocated buildings, and a building consent is required.</p>
<p><b>SCALE &amp; SIGNIFICANCE s32(1)(c)</b></p>	<p><b>Section 8 RMA</b> Section 8 is not relevant to this issue.</p>	<p>Section 8 is not relevant to this issue.</p>	<p><b>IWI MANAGEMENT PLANS</b></p>	<p><b>STRATEGIC DIRECTION</b></p>
<p>The assessment is based on eight factors outlined in Ministry for the Environment’s guidance on Section 32 reports. Each factor is scored in terms of its scale and significance (where 1 is low and 5 is high).</p> <p>Reason for Change: Problem / Issue: 2 Degree of Shift from Status Quo: 3 Who and How Many Affected, Geographic Scale of Effects: 3 Degree of Impact on or Interest from Māori: 2 Timing and Duration of Effects: 2 Type of Effect: 2 Degree of Risk or Uncertainty: 1</p> <p><b>Total (out of 40): 15</b></p>	<p>Section 8 is not relevant to this issue.</p>	<p>Section 8 is not relevant to this issue.</p>	<p><b>IWI MANAGEMENT PLANS</b></p>	<p>The following objective from the Strategic Directions chapter of the PDP are relevant to this topic: <b>SD-06:</b> Promote development within the commercial, industrial and rural production zones that increases the type and range of employment opportunities within the district. <b>SD-010:</b> The buildings, structures, sites, areas, ecosystems, natural landscapes and features identified as having special qualities and values and which contribute to the district’s sense of place and identity, are protected.</p> <p><b>UNCERTAINTIES AND RISKS s32(2)(c)</b></p> <p>The issue of relocated buildings and shipping containers is well understood and there is very little degree of risk or uncertainty.</p>

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<b>OBJECTIVE(S)</b> s32(1)(a)	
<p><b>Relevance</b> – The objectives directly relate to the key resource management issues identified and provide clear direction. The objectives directly identify the adverse effects that may arise from relocated buildings and shipping containers and seek to minimise them and are highly relevant to the issues.</p> <p><b>Usefulness</b> – The objectives clearly set out the effects to be avoided and the environmental outcomes sought.</p> <p><b>Reasonableness</b> – The objectives do not set unreasonable outcomes.</p> <p><b>Achievability</b> – The objectives are achievable.</p> <p><b>Are the objectives the most appropriate way to achieve the Purpose of the Act?</b>  The proposed objectives are considered to meet the tests of relevance, usefulness, reasonableness and achievability. The objectives are the most appropriate way to achieve the purpose of the RMA because they:</p> <ul style="list-style-type: none"> <li>• directly relate to the key resource management issues identified and provide clear direction;</li> <li>• will give effect to purpose of the RMA by enabling people to meet their needs;</li> <li>• give effect to the directions in higher order policy documents, particularly the minimisation of waste and enabling people to explore cost-effective ways to meet their housing needs;</li> <li>• will assist in achieving the Strategic Objectives;</li> <li>• provide a greater range of housing choice and diversity in terms of design and form within existing townships;</li> <li>• maintain and achieve residential character and amenity;</li> <li>• preserve the character and amenity in areas with special character;</li> <li>• are not anticipated to amount to unjustifiable costs on any part of the community;</li> <li>• provide a relatively high level of certainty around the subject matter of the objectives, and a corresponding low risk of establishing the objectives as proposed;</li> <li>• are clear, measurable and able to be implemented within the ambit of Council’s powers, skills and resources; and</li> <li>• reflect the feedback from the community.</li> </ul> <p>The proposed objectives have been selected because they are considered the most appropriate for achieving sustainable management in relation to relocatable buildings and shipping containers. They address the identified resource management issues, give effect to the relevant statutory requirements, assist with achieving the Strategic Objectives and do not lead to unreasonable costs. The objectives provide clear identification of the potential adverse effects, and the environmental outcomes sought.</p>	
<b>PROVISIONS</b> s32(1)(b)	
<b>EFFICIENCY &amp; EFFECTIVENESS</b> s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)	<b>ALTERNATIVES</b> s32(1)(b)(i)
<p><b>Benefits Anticipated</b></p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> <li>• Maintain and enhance the amenity of neighbourhoods.</li> <li>• Preserve the natural character of the coastal environment in the Te Maika precinct.</li> <li>• Enables re-use of building resources.</li> </ul> <p><u>Economic</u></p> <ul style="list-style-type: none"> <li>• Protect the primacy of Te Kūiti as the key commercial area.</li> <li>• Enable a more cost effective form of building.</li> </ul> <p><u>Social</u></p> <ul style="list-style-type: none"> <li>• Protect the identified character of precincts.</li> <li>• Enables shipping containers to be used for living accommodation in remote locations.</li> <li>• Ensure the appearance of the building is appropriate.</li> <li>• Provides for diversity of housing choice.</li> </ul> <p><u>Cultural</u></p> <ul style="list-style-type: none"> <li>• Protect the integrity of the railway cottage cluster precinct.</li> </ul> <p><b>Costs Anticipated</b></p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> <li>• Nonenvironmental costs anticipated.</li> </ul> <p><u>Economic</u></p> <ul style="list-style-type: none"> <li>• May incur additional costs in obtaining resource consent.</li> <li>• Potential time delays in obtaining resource consent.</li> <li>• Reduced affordability due to consenting requirements.</li> </ul> <p><u>Social</u></p> <ul style="list-style-type: none"> <li>• May result in a loss of residential character and amenity.</li> </ul> <p><u>Cultural</u></p> <ul style="list-style-type: none"> <li>• No cultural costs anticipated.</li> </ul>	<p>For the purpose of this evaluation, the Council has considered the following potential options:</p> <ol style="list-style-type: none"> <li>1. The proposed provisions; and</li> <li>2. The status quo.</li> <li>3. The approaches of other district plans</li> </ol> <p>The ODP provisions are not considered to be efficient or effective in achieving the objectives.</p> <p>In order to identify other reasonably practicable options, the Council has undertaken the following:</p> <ul style="list-style-type: none"> <li>- Reviewed other relevant district plan provisions for relocated buildings and shipping containers.</li> <li>- Sought feedback from Council asset managers in terms of infrastructure.</li> <li>- Collated feedback from discussions with iwi.</li> <li>- Feedback from elected representatives.</li> </ul>

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<p><b>Economic growth opportunities</b> The use of relocated buildings and shipping containers may enable economic growth, particularly where they offer a more affordable and cost-effective option. There are a number of building companies now specialising in constructing transportable buildings.</p> <p><b>Employment opportunities</b> The provisions are unlikely to result in any increase or decrease in employment opportunities.</p>	
<p><b>QUANTIFICATION OF BENEFITS &amp; COSTS s32(2)(b)</b></p> <p>Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Given the assessment of the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic.</p>	
<p><b>EFFICIENCY &amp; EFFECTIVENESS s32(1)(b)(ii)</b></p> <p>Section 32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:</p> <p><u>Efficiency</u> The provisions will efficiently achieve the relevant objectives as they enable the use of relocated buildings with an appropriate assessment of environmental effects of the proposal. The proposed rules and requirements are efficient as they provide a high level of certainty to landowners, residents, neighbours, the community and Council about the nature and effects of the use of this building form.</p> <p><u>Effectiveness</u> The proposed provisions are considered to be the most effective means of achieving the objectives as together they will:</p> <ul style="list-style-type: none"> <li>• give effect to the higher order policy documents enabling diversity of housing choice and enabling people to meet their living requirements.</li> <li>• give effect to the Waikato RPS by enabling reuse of materials and minimisation of waste.</li> <li>• enable the Council to fulfil its statutory obligations, including Part 2 of the RMA, particularly section 7 in terms of the efficient use and development of natural and physical resources and the maintenance and enhancement of the quality of the environment.</li> <li>• enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner.</li> </ul>	<p><b>REASONS FOR PROVISIONS s32(1)(b)(iii)</b></p> <p>Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions: While the provisions are a departure from the ODP, they address the potential for relocated buildings and shipping containers to have adverse effects on areas where there is special character or amenity. They will be effective in achieving the objectives, whilst still enabling an affordable building form, and minimise waste in the case of reused buildings.</p>