

Proposed Waitomo District Plan SUBMISSION FORM



Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

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www.waitomo.govt.nz

Closing date for submissions: 12pm on 23 December 2022

SUBMITTER DETAILS: *(please note that the (*) are required fields and must be completed)*

Name of submitter: * House Movers Section of the New Zealand Heavy Haulage Association Inc	
Contact person for communications: * Jonathan Bhana-Thomson (CE of the association), Stuart Ryan (lawyer)	
Agent (if applicable): Stuart Ryan, lawyer	
Postal address: PO BOX 3873, WELLINGTON 6140 (Submitter); Level 11, 59 High Street, Auckland (Agent)	
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Please tick your preferred method of contact *	Correspondence to *
<input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal	<input type="checkbox"/> Submitter <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Both
Trade competition and adverse effects: *	
<input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission.	
Only if you ticked "I could" above, please answer this question: I am/am not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.	
Note to person making submission: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.	
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):	
<ul style="list-style-type: none">• it is frivolous or vexatious:• it discloses no reasonable or relevant case:• it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:• it contains offensive language:• it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.	
Would you like to present your submission in person at a hearing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If others make a similar submission I will consider presenting a joint case with them at the hearing.	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Please complete a line for every submission point, adding as many additional lines as you need:

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: <ul style="list-style-type: none"> • Support? • Oppose? • Amend? 	What decision are you seeking from Council? What action would you like: <ul style="list-style-type: none"> • Retain? • Amend? • Add? • Delete? 	Reasons
<i>e.g SD-05</i>	<i>e.g Support</i>	<i>e.g Retain Objective SD-05</i>	<i>e.g It will help to reduce adverse effects between activities and ensure resources are used efficiently</i>
		<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Refer to submission attached </div>	

Signed: _____ Date: _____

(A signature is not required if you make your submission by electronic means)

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.

Submission #	Customer #	Property #
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Attention: Waitomo District Plan Committee

23 December 2022

15 Queen Street,
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PO Box 404,
Te Kuiti 3941

By Email: districtplan@waitomo.govt.nz

District Plan Review – Submission on the Proposed Waitomo District Plan

Introduction

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 Waitomo District Plan Committee has sought submissions on the proposed Waitomo District Plan (“**Proposed Plan**”).
3. This submission relates specifically to the management and activity status of the relocation of buildings in the Proposed 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.

Feedback to Draft Plan by the Association

5. The Association provided feedback on the draft Waitomo district plan on 2 June 2022.
6. In that feedback the Association supported the move to permitted activity status for second-hand relocated buildings, restricted discretionary status where standards were not met, and that Council retain a degree of control over relocated buildings through the use of performance standards (with the feedback attaching a schedule of performance standards recommended by the Association).
7. The Association opposed several of the performance standards in the draft Waitomo District Plan, being those performance standards relating to the time period for

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reinstatement work, the requirement for a second check of the building once it arrived on-site, and the default to discretionary status if performance standards were not met.

8. It is acknowledged that most of the feedback from the Association appears to have been adopted in the Proposed Plan.

Proposed Plan Provisions

9. 'Second-hand relocated building' is defined in the Proposed Plan as:
 - means a used **building** previously constructed and used, which is lifted and relocated from one **site** to another, generally as a whole, or sometimes split into sections.
10. The rules on second-hand relocated buildings are contained in Chapter 38 in the General District-Wide Matters section of the Proposed Plan.
 - a. Second hand relocated buildings *less* than 30m² are permitted in all zones and precincts (except PREC1, PREC6 & PREC7).
 - b. Second hand relocated buildings *greater* than 30m² are permitted in all zones (except PREC1, PREC2, PREC6 & PREC7) where performance standards are complied with. These performance standards are attached at **Schedule 1**.
 - c. Where compliance is not achieved with the performance standards for second-hand relocated buildings greater than 30m², the activity defaults to a discretionary activity.

Relief Sought

11. The Association **supports**:
 - a. In general, the move in the Proposed Plan to permitted activity status for those applications involving relocated buildings that meet appropriate performance standards and criteria,
 - b. Council retaining a degree of control over relocated buildings through the use of performance/permitted activity standards.
 - c. The performance standards and criteria set out in **Schedule 2** attached, including the use of a building pre-inspection report (a template is attached as **Schedule 3**), as being more appropriate and effective than the standards and criteria in the proposed plan.
 - d. Restricted Discretionary activity status for relocated buildings that do not meet the permitted activity standards (in preference to full discretionary activity status).

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- a. Any consequential changes including to objectives policies, rules, or other methods in order to achieve the relief sought above.
12. The Association **does wish** to be heard in support of this submission.
13. If others make a similar submission the Association will consider presenting a joint case with them at a hearing.

Yours faithfully



Stuart Ryan
Barrister

Address for Service:

Stuart Ryan Barrister

By email: stuart@stuartryan.co.nz / sian@akaranachambers.co.nz

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And to:

Jonathan Bhana-Thomson, Chief Executive

Email: Jonathan@hha.org.nz

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Schedule 1 – Performance Standards in Proposed Plan

RLB- R6.	Second-hand relocated buildings 30m² or larger	
1.	<p>For any relocated building 30 m² or larger, a Building Relocation Inspection Report must accompany an application for a building consent. The Building Relocation Inspection Report must be prepared by one of the following suitably qualified and experienced people:</p> <ul style="list-style-type: none"> (i) A Waitomo District Council Building Compliance Officer (or equivalent); or (ii) A member of the New Zealand Institute of Building Surveyors; or (iii) A licensed building practitioner (carpenter or design category); or (iv) A building inspector from the local authority where the building is being relocated from; and 	<p>Where compliance not achieved: DIS</p>
2.	<p>If the Building Relocation Inspection Report has been prepared by a person other than a Waitomo District Council Building Compliance Officer (or equivalent position), the accuracy and completeness of the Building Relocation Inspection Report must be confirmed by a Waitomo District Council Building Compliance Officer (or equivalent position) by undertaking an on-site inspection of the relocated building once it has been relocated. Should the Waitomo District Council Building Compliance Officer determine that the relocated building requires external repair works in addition to that identified in the submitted Building Relocation Inspection Report in order to achieve a tidy and workmanlike external appearance, then:</p> <ul style="list-style-type: none"> (i) The owner of site to which the building is to be relocated will be contacted and must agree in writing to the additional works within 2 weeks of notification of the requirement for additional works. The additional works then become part of the Building Relocation Inspection Report; and 	
3.	<p>The Building Relocation Inspection Report must 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; and</p>	
4.	<p>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; and</p>	

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<p>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. The reinstatement work must include connections to all infrastructure services and closing in and ventilation of the foundations.</p>	
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District Plan Review – Submission on the Proposed Waitomo District Plan**Schedule 2 – 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 (3) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

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Schedule 3 – Building Pre-inspection Report Template



Building Pre-Inspection Report for Relocation

*New Location Address
Region*

For: *Council Name*

Date of report

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APPENDIX A – PHOTOGRAPHS

1.0 GENERAL INFORMATION

1.1 Introduction

This Building Pre-Inspection report accurately records the external condition of the *dwelling house/garage/ancillary building* to be relocated and to establish all reinstatement works required to the exterior of the building after relocation to a workmanlike standard and to achieve a tidy appearance to meet requirements of the District Plan .

Limited inspection of the interior has been undertaken for the purpose of the Report.

The Report confirms whether the building is considered Safe and Sanitary.

The Report also identifies site-specific requirements including but not limited to the requirement for; the construction of the new foundations, new retaining walls, service connections, water and sewerage treatment (if applicable).

The Report must be read in conjunction with the condition table and photographs provided, which assist in providing a representation of the condition of the premises prior to the commencement of the relocation.

The Report has been prepared by *Name of Company Name* as per our instruction/agreement dated _____ on behalf of our clients *Name*

1.2 Applicants Contact Details

Applicant:	<i>Applicant (clients) name</i>
Contact address:	<i>Contact address</i>
Telephone:	
Email:	
Any Additional information:	

Agent:	<i>Authorised agent</i>
Contact address:	<i>Contact address</i>
Telephone:	
Email:	
Any Additional information:	

1.3 Building details

Type of building	<i>Dwelling house, garage, ancillary building</i>
Approximate age of building:	<i>Provide date range i.e. 1940-1950</i>
Brief Description:	<i>Number of storeys, approximate size, roof, walls, floor construction, additional features</i>
Proposed site address:	<i>Address of the intended site of the relocated building</i>
Site address where the building was inspected:	<i>Address...</i>
Proposed Use of Building	<i>Dwelling house, residential garage, ancillary</i>
Previous Use of the Building	<i>Relocated building must have been previously designed, built and used as a dwelling (Except previously used garage and ancillary buildings)</i>
Inspection Dates & Weather:	<i>Date and weather at the time of inspection</i>
Inspection by:	<i>Name of inspector</i>
Other persons present:	<i>Name of other parties present</i>
Building Consent Status	<i>Has Building Consent documentation been prepared for the relocation works.</i>

1.4 Reporting Conditions

This Report has been prepared under the following conditions of engagement:

- The survey is based on a visual inspection only; therefore it is not possible to guarantee that all concealed areas containing defects will be accessible (floor voids, roof voids, etc). No intrusive investigation will therefore be undertaken.
- Signs of water ingress will be searched for during the completion of the survey, however the Report cannot warrant that the building is free from water penetration, from defective roofing, cladding, rainwater goods, rising damp or the like unless evident at the time of our visual survey.
- Only areas where safe access is possible have been inspected.
- The Report is provided for the use of the client identified in section 1.1 and the council and may not be used by others without written permission. The writer of this report accepts no liability to third parties who may act on the report.
- This Report must be read in conjunction with photograph and condition tables provided.
- This Report is for the purposes of the District Plan. The Report also requires a safe and sanitary declaration for the purposes of the Building Act 2004.

1.5 Exclusions

This report **does not** include comment about the following:

- a) The structure of the building unless otherwise commented upon;
- b) The surrounding neighbourhood;
- c) The value of the property;
- d) Illegal Works; and
- e) Internal condition of the building unless otherwise commented upon.

Additionally, no search has been made of:

- f) Local Authority rates;
- g) Government Valuation; or
- h) LIM or PIM reports.

1.6 Definitions

The following defines the condition comments of the elements surveyed:

- Good: Items that have suffered minimal weathering, wear or decay and are free from any visual defects.
- Reasonable: Items that have worn through 'normal' use and weathering, and is in commensurate condition to the building age and use.
- Poor: Items that are worn, decayed or weathered either due to the age, abnormal use or lack of maintenance.

1.7 Areas Accessed



Example:

The external envelope of the subject building viewed from ground floor level and where safely accessed by ladder from ground level.



Internally, our inspection was limited to those parts of the buildings that could be safely accessed and a head and shoulders inspection of the roof space.

Access was gained into the subfloor space....

2.0 MANDATORY CONDITION TABLE

RMA 1991 – Mandatory External Reinstatement					
Item	Construction Element	Description	Condition	Required Upgrades & Comments	Photograph
1	Roof	<i>Corrugated iron/fibre cement sheet, concrete tile, metal tile, butynol membrane, other</i>	<i>Good/Reasonable/ Poor</i>	<i>None/ Repaint/ Re-roof etc</i>	 <p><i>Insert multiple photographs if/as required under any of the below sub-headings.</i></p>
2	Spouting and Downpipes	<i>PVC, metal, butynol membrane, other</i>	<i>Good/Reasonable/ Poor</i>	<i>None/ Repaint/ Replace etc</i> <i>Example: Repair all timber fascias, barges as well as rainwater goods to ensure surface moisture discharges into new Council approved outlet at new site location.</i>	

2.0 MANDATORY CONDITION TABLE

RMA 1991 – Mandatory External Reinstatement					
Item	Construction Element	Description	Condition	Required Upgrades & Comments	Photograph
3	Wall Cladding	<i>Fibre cement weatherboard/sheet, timber weatherboard, Board and batten, metal sidings, other</i>	<i>Good/Reasonable/Poor</i>	<i>None/ Repaint/ Replace etc</i>	
4	Foundation cladding	<i>NA</i>	<i>NA</i>	<i>Foundation cladding is to be installed as specified in the Building Consent</i>	
5	Window and Door Joinery	<i>Powder coated aluminium, timber, steel, single glazed, double glazed</i>	<i>Good/Reasonable/Poor</i>	<i>None/ Install new joinery/Repair and redecorate existing joinery</i> <i>Example: Repair and repaint window and door joinery. Replace all broken glass immediately after relocation.</i>	

3.0 BUILDING ACT REQUIREMENTS

This Report is for purposes required by the District Plan. It is not a report to address matters required by the Building Act.

A building consent is required for the relocation of this building and all subsequent works as a consequence. The building work must be designed and undertaken by Licensed Building Practitioners with the appropriate category of licence (certain homeowner exemptions may apply). This Pre-inspection Report must be submitted to council with an application for building consent.

The building consent documents must be provided to council along with the appropriate fees and proof of ownership (Certificate of Title less than 3 months old or sale and purchase agreement for the proposed site).

The site specifics must be appropriately designed to include foundations, considering, layout, sizing, position, bracing, ventilation, access etc.

4.1 SAFE AND SANITARY

Comment is required.

Licensed Building Practitioner MUST give a declaration regarding whether the building is/isn't Safe and Sanitary.

Note:

If the building is not considered safe and sanitary then give reasons. (example: evidence of leaky building)

4.2 HEALTH & SAFETY

Set out below is a description of the health and safety concerns identified.

Example:

Building materials identified are suspected to contain asbestos. This includes, but not limited to fibre cement claddings, vinyl flooring and soffit linings. Asbestos is relatively safe when encapsulated, but is dangerous to health when fibres become air borne. This can occur when the building materials are damaged or become degraded.

No specialist laboratory testing has been carried out to confirm the presence or absence of asbestos or any other material hazardous to health. All comments are based upon a visual inspection only.

It is recommended that a specialist asbestos surveyor be instructed to identify the risks present.

5.0 ESTIMATE OF COSTS OF EXTERNAL REINSTATEMENT WORKS

The estimate of costs of external reinstatement works is the sum of [*to insert*]

Note:

Allow a contingency sum for any damage in transit

“Reinstatement Works” means the extent of the work required to the exterior of the Relocated Building as specified in the Building Pre-Inspection Report for the purposes of the District Plan. The exterior reinstatement works will not include matters regulated by the building legislation or connection to foundations; but may include matters required by the District Plan for work to be undertaken and completed to the exterior of the building to a workmanlike standard and to achieve a tidy appearance, including, without limitation:

- (a) Repair of broken windows and window frames;*
- (b) Repair of rotten weatherboards or other damaged wall cladding;*
- (c) Necessary replacement or repair of roof materials;*
- (d) Cleaning and/or painting of the exterior where necessary e.g. roof, walls, window frames etc;*
- (e) Repair of transit damage; and/or*
- (f) Replacement and painting of baseboards or other foundation cladding.*

6.0 LICENSED BUILDING PRACTITIONER SIGNATURE

I, certify that the information provided is true and correct and that the building described above appears to have applied with the relevant Building Regulations at the time of its construction, and (if a dwelling) the building has been previously designed, built and used as a dwelling (Except previously used garage and ancillary buildings).

Author

Peer Reviewer

Signed:

If undertaken/available

Qualifications *LBP Category, BOINZ, RICS, NZIBS, ANZIA etc*

For and On Behalf of *Company Name*

Address

Inspectors business address

Telephone

Telephone business number

Email

Email business address

7.0 OWNER DECLARATION

As a requirement of the [insert council name] District Plan/Resource Consent, I/we _____ CERTIFY that I/we will ensure that within 12 months from the building being delivered to site the buildings external reinstatement, insulation, heating, infrastructure, closing in, ventilation of foundations, and connections to services (mains or private) will be completed.

I acknowledge that failure to complete any mandatory work identified in 2.0 'Mandatory Condition Table' relating to the reinstatement of the building may lead to council taking enforcement action under the Building Act 2004, or Resource Management Act 1991, including by way of a notice to fix, infringement notice, abatement notice, enforcement order, or prosecution.

Signed:..... (PRINT).....

Owner

Signed:..... (PRINT).....

Owner

Signed:..... (PRINT).....

Owner



Elevation description i.e. Front Elevation

Elevation description i.e. Rear Elevation

Elevation description

Elevation description

Elevation description

Elevation description

<i>Elevation description</i>	<i>Elevation description</i>	<i>Elevation description</i>
<i>Elevation description</i>	<i>Elevation description</i>	<i>Elevation description</i>

Additional Comments and Notes