

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

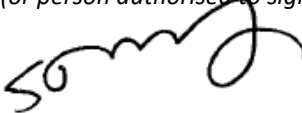
TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

1. Submitter details:

Full Name:	Jonathan Bhana-Thomson		
Company / Organisation Name: (if applicable)	House Movers Section of New Zealand Heavy Haulage Association Inc		
Contact person (if different):	Stuart Ryan (Lawyer for the Association)		
Full Postal Address:	Level 11, 59 High Street, Auckland, New Zealand		
Phone contact:	Mobile: 021 2860 230	Home: 021 2860 230	Work: 09 357 0599
Email (please print):	stuart@stuartryan.co.nz		
2. (Please select one of the two options below)			
<input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission <input type="checkbox"/> I could gain an advantage in trade competition through this submission			
<i>If you could gain an advantage in trade competition through this submission, please complete point 3 below</i>			
3. <input type="checkbox"/> I am 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 effect of trade competition			
<input type="checkbox"/> I 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 effect of trade competition			
<i>Note: if you are a person who could gain 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</i>			
The specific provisions of the Plan that my submission relates to are: <i>(please provide details including the reference number of the specific provision you are submitting on)</i> (refer attached submission)			



<p>Confirm your position: <input type="checkbox"/> Support <input type="checkbox"/> Support In-part <input type="checkbox"/> Oppose <i>(please tick relevant box)</i></p> <p><i>(refer attached submission)</i></p>
<p>My submission is: <i>(Include details and reasons for your position)</i></p> <p><i>(refer attached submission)</i></p>
<p>I seek the following decision from the Council: <i>(Give precise details. If seeking amendments, how would you like to see the provision amended?)</i></p> <p><i>(refer attached submission)</i></p>
<p><input checked="" type="checkbox"/> I wish to be heard in support of my submission <input type="checkbox"/> I do not wish to be heard in support of my submission <i>(Please tick relevant box)</i></p>
<p>If others make a similar submission, I will consider presenting a joint case with them at a hearing <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Do you wish to present your submission via Microsoft Teams? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Signature of submitter: <i>(or person authorised to sign on behalf of submitter)</i></p> <p></p> <p>Date: 21 October 2022</p> <p><i>(A signature is not required if you are making your submission by electronic means)</i></p>

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.



3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- 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.

SUBMISSION NUMBER



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Proposed District Plan
Strategic Planning and Policy,
Far North District Council,
Private Bag 752
KAIKOHE 0400

21 October 2022

Attention: District Plan Review

By email: pdp@fndc.govt.nz

Submission on the Proposed Far North District Plan –Provision Relocated Buildings & Dwellings

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 Far North District Council has sought submissions on the Proposed Far North District Plan (“**Proposed Plan**”).
3. This submission relates specifically to the management and activity status of the relocation of buildings.
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.

Plan Provisions in the Proposed Plan

5. The Association provided feedback in a letter sent to the Far North District Council on 17 December 2018.
6. In the Proposed Plan, “*relocated building*” is defined as:

...a used building more than 2 years old that has been removed from a site, from within or from outside the District, and transported to another site. The definition includes used buildings that have been divided into sections for the purpose of transport and reassembly on the new site. The definition also includes alterations or additions to such buildings that occur concurrently with their initial establishment on the new site.

Submission on the Proposed Far North District Plan – Rules for Relocated Buildings

7. The below table summarises the activity status in the Proposed Plan to the relocation of a building:

Zone	Activity Status	Rule
Carrington Estate	Permitted	Relocation of buildings (CAR-R2)
		Relocation of buildings where they are not within or adjoining the approved building footprint in the Carrington Estate Development Plan and Schedule (CAR-R7)
Heritage area Overlays – All zones	Non-complying	Relocation of a Scheduled Heritage Resource (HA-R12)
	Prohibited	Demolition or relocation of the specified scheduled heritage resource (HA-R14)
Historic Heritage – All zones outside of heritage area overlays	Discretionary with standards	Relocation of a scheduled heritage resource (HH-R7)
Historic Heritage – All zones outside of heritage areas overlays	Prohibited	Demolition or relocation of specified scheduled heritage resource

8. It appears there is no separate activity status for relocated buildings (which are not heritage resources) in any of the zones aside from Carrington Estate. Accordingly, it would appear there is a need to expressly provide for relocated buildings (especially dwellings) as a permitted activity in order to avoid the application of any default rule.
9. The definition of “building” in the Proposed 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
10. Under the Proposed Plan, the activity of “*new buildings or structures, and extensions or alterations to existing buildings or structures*” is a permitted activity in most zones (i.e. General residential, rural production, rural lifestyle Rural residential etc.). This rule does not adequately cover relocated buildings which may not be ‘new’ (unless new transportable).

Reasons for Submission

11. The Proposed Plan definition of “building” does not clearly include relocated buildings, and the existence of a separate definition of relocate buildings in the Proposed Plan appears to create a distinction between “buildings” and “relocated buildings”.
12. It is not clear that the permitted activity status applied in most zones to “*new buildings and structures*” also applies to the relocation of buildings. It is submitted that relocated buildings

Submission on the Proposed Far North District Plan – Rules for Relocated Buildings

should have the same status as new buildings, and subject to the same performance standards unless there is any specific overlay or control which applies e.g. historic heritage.

Relief

13. The Association seeks relief which **supports**:

- S482.001 a. Express provision in the Far North District Plan for relocated buildings (especially
- S482.002 dwellings) as a permitted activity, in all zones where new buildings and structures
- S482.003 are provided for as a permitted activity, for relocated buildings that meet
- S482.004 performance standards and criteria, as set out in **Schedule 1** attached.
- S482.005
- S482.006 b. Council retaining a degree of control over relocated buildings through the use of
- S482.007 performance/permitted activity standards, including by the use of a pre-inspection
- S482.008 report (a template for a building pre-inspection report is attached as **Schedule 2**).
- S482.009
- S482.010 c. Restricted Discretionary activity status for relocated buildings that do not meet the
- S482.011 permitted activity status standards.
- S482.012
- S482.013 d. Consequential or further relief including to the relevant objectives, policies and
- S482.014 provisions of the proposed plan in order to give effect to the submissions above.
- S482.015

S482.016 14. The Association **does wish** to be heard in support of this submission.

S482.017 15. If others make a similar submission, the Association will consider presenting a joint case

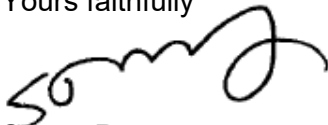
S482.018 with them at a hearing

S482.019

S482.020

S482.021

Yours faithfully



Stuart Ryan
Barrister

Cc:

Address for Service

Stuart Ryan barrister
by email: stuart@stuartryan.co.nz
phone (021) 286 0230

And to:

Jonathan Bhana-Thomson
Chief Executive

STUART
RYAN

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Submission on the Proposed Far North District Plan – Rules for Relocated Buildings

New Zealand Heavy Haulage Association Inc
Po Box 3873,
Wellington 6140

Email: jonathan@hha.org.nz

Submission on the Proposed Far North District Plan – Rules for Relocated Buildings**Schedule 1 –Permitted Activity 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.*

STUART
RYAN

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Submission on the Proposed Far North District Plan – Rules for Relocated Buildings

Schedule 2 – Building Pre-Inspection Report



Building Pre-Inspection Report for Relocation

*New Location Address
Region*

For: *Council Name*

Date of report

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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....

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>	

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