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**I seek the following decision from the local authority:** *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

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Refer Submission Attached

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**I wish ~~(or do not wish)~~ † to be heard in support of my submission.**

*[\*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.]*

*[†Select one.]*

**\*If others make a similar submission, I will consider presenting a joint case with them at a hearing.**

*[\*Delete if you would not consider presenting a joint case.]*

**Signature of submitter (or person authorised to sign on behalf of submitter)**

*[A signature is not required if you make your submission by electronic means]*

**Date** 14.12.2022 .....

**Electronic address for service of submitter:** jonathan@hha.org.nz .....

**Telephone:** (04) 472 0366 .....

**Postal address (or alternative method of service under s352 of the Act):** PO Box 3873, Wellington 6140 .....

**Contact person:** *[name and designation, if applicable]* Stuart@stuartryan.co.nz / sian@akaranachambers.co.nz (Lawyer for the Association) .....

**Note to person making submission**

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. 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.
2. 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):
  - 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 specialist knowledge or skill to give expert advice on the matter.

Planning Policy Team,  
Timaru District Council,  
PO Box 522,  
Timaru

14 December 2022

Attention: Planning Policy Team

By email: [pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)

### **Submission on the Proposed Timaru District 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 Timaru District Council has sought submissions on the Timaru Proposed 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.

### **Provisions in the Proposed Plan – Relocated Buildings**

5. ‘Building’ is defined as:

Has the same meaning as in the National Planning Standards (as set out below):

Means 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;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

6. ‘Relocated building’ is defined as:

means any building that is relocated, in whole or in part, from one site to another site, but excludes:

a. shipping containers; and

b. new buildings specifically constructed for relocation to another site; and

c. non-motorised caravans.

**Submission on the Proposed Timaru District Plan – Rules for Relocated Buildings**

7. Under the Proposed Plan, the relocation of a heritage item within or outside a heritage setting is a discretionary activity (HH-R8).
8. The provisions for Relocated buildings (and shipping containers) are contained in the ‘General District-Wide Matters’ chapter of the Proposed Plan.
9. The table below summarises the activity status of relocated buildings:

<b>RELO-R1</b>	<b>Placement of a relocated building</b>	
1. General Industrial Zone & Port Zone	Activity Status: Permitted	Activity status where compliance not achieved: not applicable
2. All Zones except the General Industrial Zone and Port Zone	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b> The applicant has entered into a contract with a Licensed Building Practitioner that confirms that within twelve months of the building being located on the site:</p> <ol style="list-style-type: none"> <li>1. the building will be permanently sited on foundations; and</li> <li>2. any damage to the exterior of the relocated building will be repaired to a tradesman's like manner.</li> </ol> <p><b>Matters of control are reserved to:</b></p> <ol style="list-style-type: none"> <li>1. The exterior appearance and materials of the building; and;</li> <li>2. Method and timing of notification to council to monitor the consent.</li> </ol> <p><b>Note:</b> <i>This rule does not apply if the building is a temporary activity provided for in TEMP - Temporary Activity Chapter.</i></p>	<p><b>Activity status where compliance is not achieved: Restricted Discretionary</b></p> <p><b>The matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the timeframe to permanently site the building on foundations and to repair any damage to the exterior of the building; and</li> <li>2. the quantum and details of a bank bond to guarantee the building is permanently located on foundations and any damage to the exterior is completed; and</li> <li>3. the exterior appearance and materials of the building.</li> </ol>

10. The temporary activity chapter of the Proposed Plan provides for temporary buildings and structures ancillary to construction work as permitted activities with standards (TEMP-R1).

**Reasons for Submission**

11. Controlled activity status for relocated buildings reflects a stricter approach than adopted by many other district councils. Recent district plan reviews by other Councils (such as New Plymouth, who has just recently concluded hearings on their District Plan review), show a trend of district plans providing for relocated buildings as permitted activities with performance standards, and with a default to restricted discretionary where compliance with these performance standards is not achieved.

**Submission on the Proposed Timaru District Plan – Rules for Relocated Buildings**

12. In the Association's experience, the provision of better information can assist with avoiding any issues in relation to the timeframe for reinstatement, as well as amenity affects.
13. Since the Environment Court outcome in 2004, the Association has made submissions to more than 50 District Plans nationwide, and in this period while the Association has formulated its' approach based on the Court ruling, the Association has also refined some of the detail of the approach.
14. The Association has developed its' own template inspection report, and some Councils' have adopted (or adapted) the Association's pre-inspection report and have published their own version.<sup>1</sup> This means that a standard set of criteria are covered in this report. This report template is attached as **Schedule 1**.
15. In general, the Association does support the requirement of a pre-inspection report in the plan, and the pre-inspection report with this submission provides an example which addresses reinstatement issues.
16. Further, in order to motivate building owners to progress the reinstatement of the building, in the Associations' recent submissions to other council areas, the Association has promoted that a 2 month time period be the maximum period allowed for the installation of the relocated house onto permanent foundations. This means that the house is well on the way to being remediated onto the new site.
17. It is the Associations experience that any issues with amenity values or remediation of relocated dwellings can be addressed through the use of performance standards. The performance standards recommended by the Association (and have been adopted by other Councils) are set out in the **Schedule** attached.
18. In light of recent district plan reviews by other councils, and the decision of the Environment Court in Central Otago, the Association **supports**:
  - a. Express provision in the Timaru District Plan for relocated buildings as a permitted activity in all zones where building activities are provided for as a permitted activity, for those applications involving relocated buildings that meet performance standards and criteria, (see **Schedule** attached).
  - b. Express provision in the Timaru District Plan for demolition of non-heritage buildings as a permitted activity in all zones where building activities are provided for as a permitted activity.
  - 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.

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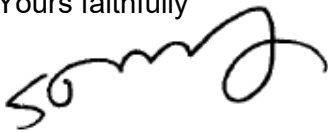
<sup>1</sup> For recent examples, see [Hastings District](#), and [Queenstown Lakes](#).

**Submission on the Proposed Timaru District Plan – Rules for Relocated Buildings**

e. Any consequential changes to the objective, policies, and other methods in order to give effect to this submission.

19. The Association **does wish** to be heard in support of this submission.
20. If others make a similar submission, the Association will consider presenting a joint case with them at a hearing.

Yours faithfully



**Stuart Ryan**  
Barrister

Cc: Jonathan Bhana-Thomson, Chief Executive of NZHHA ([jonathan@hha.org.nz](mailto:jonathan@hha.org.nz))

**Address for Service:**

Stuart Ryan barrister  
By email: [stuart@stuartryan.co.nz](mailto:stuart@stuartryan.co.nz); [sian@akaranachambers.co.nz](mailto:sian@akaranachambers.co.nz)  
Phone (021) 286 0230

**And to:**

Jonathan Bhana-Thomson  
Chief Executive  
New Zealand Heavy Haulage Association Inc  
Po Box 3873,  
**Wellington 6140**

By Email: [jonathan@hha.org.nz](mailto:jonathan@hha.org.nz)

**Submission on the Proposed Timaru District Plan – Rules for Relocated Buildings****Schedule – Recommended Performance Standards for Relocated Buildings**

- a) Any relocated dwelling complies with the relevant standards for permitted activities in the District Plan.
- b) Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- c) 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.
- d) 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.
- e) 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.

**Submission on the Proposed Timaru District Plan – Rules for Relocated Buildings**

**Schedule 1 – Pre-Inspection Report**





## Building Pre-Inspection Report for Relocation

*New Location Address  
Region*

For: *Council Name*

*Date of report*

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## **APPENDICES**

### **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