



Proposed District Plan submission form



Clause 6 of the First Schedule, Resource Management Act 1991.

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

To: Central Hawke's Bay District Council		
1. Submitter details		
Full Name	Last Jonathan	First Bhana-Thomson
Company/Organisation (if applicable)	House Movers Section of the New Zealand Heavy Haulage Association Inc	
Contact Person (if different)	Stuart Ryan	Jonathan Bhana-Thomson
Email Address	stuart@stuartryan.co.nz	Jonathan@hha.org.nz
Address	Level 11, 59 High Street, Auckland CBD, 1010	Level 6, Aviation House, 12 Johnston Street, Wellington, 6011
Phone	Stuart Ryan - Mobile 021 2860 230	Jonathan Bhana-Thomson - Mobile 027 417 5554
2. This is a submission on the Proposed District Plan for Central Hawke's Bay		
3. <input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not – gain an advantage in trade competition through this submission <i>(Please tick relevant box)</i>		
<i>If you could gain an advantage in trade competition through this submission please complete point 4 below:</i>		
4. <input type="checkbox"/> I am <input checked="" 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 effects of trade competition. <i>(Please tick relevant box if applicable)</i>		
<i>Note: 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.</i>		
5. <input checked="" type="checkbox"/> I wish <input type="checkbox"/> I do not wish – to be heard in support of my submission in person <i>(Please tick relevant box)</i>		
6. <input checked="" type="checkbox"/> I will <input type="checkbox"/> I will not – consider presenting a joint case with other submitters, who make a similar submission, at a hearing. <i>(Please tick relevant box)</i>		
7. Do you wish to present your submission via Zoom? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
8. Please complete section below <i>(insert additional boxes per provision you are submitting on):</i>		
The specific provision of the plan that my submission relates to:		
Refer to letter attached		
Do you: <input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Amend <i>(Please tick relevant box)</i> N/A		
What decision are you seeking from Council?		
Reasons:		
Refer to letter attached		
Please note: All submissions will be treated as public documents and will be made available on Council's website. However, you may request that your contact details (but not your name) be withheld. If you want your contact details withheld, please let us know by ticking this box. <input type="checkbox"/>		



Central Hawkes Bay District Council
PO BOX 127
Waipawa 4240

6 August 2021

Attention: Team Leader – Planning

By email: districtplan@chbdc.govt.nz.

District Plan Review – Submission on Proposed Central Hawkes Bay 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. Members of the Association are based in the Hawke’s Bay, and elsewhere.
2. The Association appreciated the opportunity to earlier present feedback to the Council in relation to the draft District plan in 2019.
3. The Central Hawkes Bay District Council has sought submissions on the Proposed Central Hawkes Bay District Plan (“**PDP**”).
4. This submission relates specifically to the management and activity status of the relocation of buildings in the PDP.
5. 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.

Relief Sought

6. The Association **supports**:
 - a. in general, the move in the proposed plan to permitted activity status for those applications involving relocated buildings that meet performance standards and criteria, as set out in the **schedule** attached.

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- b. The classification of “*Relocated Buildings*’ as a permitted activity in all zones (Large Lot Residential Zone; General Residential Zone; General Rural Zone; Rural Lifestyle Zone; Rural Production Zone; Settlement Zone; Commercial Zone; General Industrial Zone).
 - c. In general, Council retaining a degree of control over relocated buildings through the use of performance/permitted activity standards.
 - d. Permitted activity standards;
 - i. 1 (building previously designed built and used as a dwelling),
 - ii. 2 (compliance with all relevant performance standards for the zone),
 - iii. 3 (building pre-inspection report),
 - iv. 7 (all external reinstatement work identified in pre-inspection report to be completed within 12 months); and
 - v. 8 (owner of the site to certify in advance compliance within 12-month period).
 - e. Restricted Discretionary activity status for relocated buildings that do not meet the permitted activity status standards.
7. The Association **supports in part/opposes in part:**
- a. Permitted activity standard 4 (preparation of pre-inspection report by authorised persons). The Association requests amendment to Standard 4 to add a “Licensed Building Practitioner” in the list, in accordance with the practice of many other District Plans around the country.
8. The Association **opposes:**
- a. Permitted activity standard 5 (notification to Council 48 hours before relocation). The Association requests this condition be removed from the permitted activity standards.
 - b. Permitted activity standards 6 (building on permanent foundations no later than two weeks). The Association requests that standard 6 be amended to allow a two-month time period for a building to be placed on permanent foundations after movement to the site.
9. If required, the Association requests Council to make any necessary further or consequential amendments to give effect to this submission, including such amendments

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as required to the definitions, other matters, rules, objectives, policies and reasons of the proposed plan to give appropriate recognition to the positive effects of removal, re-siting, and relocation of dwellings and buildings, in accordance with the reasons for this submission, and the relief sought.

Reasons for conditional support/opposition:***Permitted Activity Standard 4 (preparation of pre-inspection report by authorised persons)***

10. The Association supports in part permitted activity standard 4 which currently provides a list of authorised persons able to complete a building Pre-Inspection Report.
11. The Association requests the Council to amend Standard 4 to include a “Licensed Building Practitioner” in the list, in accordance with the practice of many other District Plans around the country.
12. A Licenced Building Practitioner has the skills required to identify what issues need to be addressed and rectified once the building is relocated onto the new site.

Permitted Activity Standard 5 (notification to Council 48 hours before relocation)

13. The Association opposes permitted activity standard 5 which currently provides that Council be notified of the intended delivery date at least 48 hours before the building is relocated and that relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road.
14. This control is not one that should be in the District plan as it is not a planning control, but rather a roading issue regarding the potential of damage to the footpath. Although the Association understands that avoidance of damage to footpaths is a concern of the Council, the Association does not believe that the inclusion of this as a permitted activity standard is the appropriate place for it.
15. The Association requests this condition be removed from the permitted activity standards.

Permitted Activity Standard 6 (building on permanent foundations no later than two weeks)

16. The Association opposes standard 6 which currently provides that the building must be placed on permanent foundations no later than two weeks from the date the building is moved on to the site.
17. Most house relocation companies would seek to place relocated houses on permanent foundations when the building arrives to site as this is the most time and cost efficient way of achieving this.

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18. However, practice may vary due to site or weather conditions beyond the control of the house relocation company. For example:
- a. when houses are relocated during winter, the presence of wet, sodden ground may mean that a house planned for positioning on permanent foundations is delayed unexpectedly.
 - b. changes in ground conditions may result in variations to the original plans which require engineering approval.
19. It is not practicable or cost-effective to obtain resource consent in these circumstances.
20. The Association requests that standard 6 be amended to allow a two-month time period for a building to be placed on permanent foundations after movement to the site.

Appearance

21. The Association **does** wish to be heard in support of this submission.

Yours faithfully



Stuart Ryan
Barrister

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Schedule – Provisions in Proposed Central Hawkes Bay District Plan for relocated buildings

1. Relocated Building is defined as:

the removal, relocation, re-siting or demolition of an existing building (excluding the relocation or demolition of heritage buildings that are listed in HH-SCHED2 – Schedule of Heritage Items) 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.

2. The table below shows the activity status of relocated buildings in the various zones of the Proposed Plan.

Zone	Activity Status	Conditions
Large Lot Residential Zone	Permitted	1) The building must be for the purpose of accommodating a permitted or consented activity on the site. 2) Compliance with conditions in the table below.
General Residential Zone	Permitted	
General Rural Zone	Permitted	
Rural Lifestyle Zone	Permitted	
Rural Production Zone	Permitted	
Settlement Zone	Permitted	
Commercial Zone	Permitted	
General Industrial Zone	Permitted	

Further conditions for Relocated Buildings	
1	Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built and used as a dwelling or for visitor accommodation
2	The relocated building must comply with all other relevant performance standards for the zone.

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3	<p>A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must:</p> <ol style="list-style-type: none"> 1. state whether the building is structurally sound; 2. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity; 3. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site; 4. provide clear photographs of the building in its current state; and 5. provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of the reinstatement work
4	<p>The Building Pre-Inspection Report must be prepared by:</p> <ol style="list-style-type: none"> 1. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or 2. A member of the New Zealand Institute of Building Surveyors; or 3. An independent person, persons or company as approved by Central Hawke's Bay District Council Building Control Authority; or 4. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District
5	<p>The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date</p>
6	<p>The building must be placed on permanent foundations no later than two weeks from the date the building is moved to the site.</p>
7	<p>All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must be completed within 12 months from the date the building is moved to the site.</p>
8	<p>The owner of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner will be responsible for ensuring this work is completed</p>

3. Where compliance with any of the above conditions is not achieved, relocated buildings have a restricted discretionary activity status. The matters which Council may exercise discretion over differ depending on which zone the relocated building is going to be in. All zones have the following discretionary matters:

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- a) Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of appropriate standard, and compatible with other buildings in the vicinity.
 - b) The bulk and location of the building in relation to the requirements of the zone.
 - c) The need for structural repairs and reinstatement of the building and the length of time for completion of that work.
 - d) The imposition of a performance bond to ensure compliance with the consent conditions.
4. In the Large Lot Residential Zone (LLRZ), the same discretions as above apply, however the Zone also contains some additional discretionary matters that the Council may consider.