

Coversheet for Selwyn District Plan Committee decision on:

Preferred Option Report: DW013 Relocated Buildings

On the 20 June 2018 a Preferred Option Report was taken to the District Plan Committee Meeting for endorsement.

The Preferred Option Report recommended the following:

“For residential areas, including rural settlements, a combination of Options 3 and 5, being to carry over a revised version of the existing provisions.

For all other areas, Option 7, being to make relocated buildings a permitted activity, subject only to the same district plan standards that relate to new buildings.”

As a result of the discussions during this committee meeting, the recommendations made in the Preferred Option Report were subject to an amendment, which was subsequently endorsed.

The amendment to the recommended preferred option is as follows:

- a) *“That the Committee endorses the Preferred Option for Relocated Buildings for further development and engagement, with the amendment that the relocation of buildings in the rural zones retain their existing controlled activity status (Options 3 and 5).”*

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 16 May 2018

TOPIC NAME: District-wide

SCOPE DESCRIPTION: Relocated buildings – DW013

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PREPARED BY: Rachael Carruthers

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>This report reviews the operative provisions of the District Plan relating to the relocation of buildings to ensure that the provisions remain relevant and appropriate.</i>
<i>Preferred Option</i>	<i>For residential areas, including rural settlements, a combination of Options 3 and 5, being to carry over a revised version of the existing provisions. For all other areas, Option 7, being to make relocated buildings a permitted activity, subject only to the same district plan standards that relate to new buildings.</i>
<i>DPC Decision</i>	



1.0 Introduction

The overall aim of this report is to establish a range of options, including a preferred option, to manage the continued use of relocated buildings in Selwyn District as part of the Selwyn District Plan Review.

The report considers the existing provisions relating to relocated buildings within Selwyn and how these provisions have been implemented, particularly those resource consents that have been granted for relocated buildings in Selwyn since 2008. Trends relating to conditions imposed and the distribution of these buildings within the district have been identified.

The current provisions are compared with relevant statutory documents and the provisions of adjoining districts Christchurch, Hurunui and Waimakariri are considered. Invercargill and South Taranaki have both recently removed the controlled activity status from relocated buildings within their districts, and so their new provisions are also considered.

Seven options are presented for consideration. Of these, a combination of Options 3 and 5 are recommended for residential areas, with Option 7 recommended for all other areas.

2.0 Summary of Issues

Buildings are often relocated as a whole or in parts, on to a new site, from either within or outside the District. Buildings are relocated for many reasons. They can be a cheaper alternative to new buildings; a specific building design may be desired; or the building may be relocated to a new site to preserve it.

Experience shows that relocating buildings can however result in adverse effects, particularly for the receiving environment. Relocated buildings are often older and may appear out of place when re-positioned into a much newer context, such as a new residential subdivision. Of necessity, the process of relocation often means the building itself must undergo remedial work to re-establish it as fit for its intended purpose, and depending on how that is undertaken, and how long it takes to complete, that can result in adverse amenity effects, even if only temporarily.

Some people object to relocated buildings being moved into their neighbourhood because they think it will reduce property values in the area, particularly if the relocated building is old and the other houses, new. Other people are more concerned if the relocated building sits on blocks on the new site for a long time, or is damaged during transit and not repaired.

3.0 Statement of Operative District Plan approach

3.1 Operative District Plan

Relocated buildings are defined in the operative District Plan (both volumes) as *“any building that is removed from one site and relocated to another site, in whole or in parts. It does not*

include any new building which is designed for, or intended to be used on, a site but which is erected off the site, in whole or in parts, and transported to the site."

This definition excludes new pre-fabricated (transportable) buildings being moved to their first site. The policies seek to manage the extent and timing of exterior reinstatement works, which are not required for these buildings. The subsequent relocation of such buildings to another site is within the definition, and so transportable buildings are subject to the rules for relocated buildings at that time.

In practice, where buildings to be relocated have been substantially disassembled before transport ('flat packed'), they have not been treated as relocated buildings, but rather as new buildings using second-hand materials. This occurs where the degree of disassembly means that it is no longer a 'building' in whole or in parts.

"Building" is currently defined (both volumes) as *any structure or part of any structure whether permanent, moveable or immovable, but does not include any of the following:*

- *Any scaffolding or falsework erected temporarily for maintenance or construction purposes*
- *Any fence or wall of up to 2m in height*
- *Any structure which is less than 10m² in area and 2m in height*
- *Any vehicle, trailer, tent, caravan or boat which is moveable and is not used as a place of storage, permanent accommodation or business (other than the business of hiring the facility for its intended use)*
- *Any utility structure.*

Townships Policy B3.4.30 and identical Rural Policy B3.4.19 seek to ensure that any relocated building is reinstated to an appropriate state of repair, within a reasonable timeframe. The Plan does not prevent people relocating buildings for the following reasons:

- In general, the Plan does not control the design or age of other buildings (building design is controlled in some zones).
- Relocated buildings can be an efficient use of physical resources, which is a matter to be considered in promoting sustainable management under section 7(e) of the Act.
- If a particular developer wishes, they can use mechanisms outside the District Plan to prevent relocated buildings within a particular subdivision.

The operative District Plan provides for relocated buildings as permitted activities in all Living and Rural zones and in the Business 1 zone under the following circumstances:

- The relocated building is an accessory building; or
- The building is relocated from one position to another within the same site; or
- The building is relocated on to a site for a temporary activity and is removed from the site within 2 days of the activity ceasing; or
- The building is relocated on to a site to provide temporary accommodation during a construction project on the site, and the building is removed from the site within the lesser time of 12 months; or when the construction work ceases.

- The building is being relocated within or between schools.

Where a relocated building in these zones does not satisfy the criteria for a permitted activity, then it becomes a controlled activity. Control is retained over:

- The time period within which the building will have its new foundations laid or covered;
- The time period to repair any damage to the exterior of the building;
- The standards to which the exterior of the building will be finished and the time period for completing this work;
- Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond;
- Any monitoring conditions.

Relocated buildings of all types are permitted activities in Business 2 and 3 zones.

In all cases, the relevant bulk and location standards apply to relocated buildings in the same way that they apply to a new build on that site.

3.2 Implementation of the Operative District Plan

In relation to the time period within which the building must be placed on its new foundations, current practice is for the consent conditions to allow 15 working days from when the building arrives on the site in townships, and 30 working days in the rural zone.

Council's monitoring officer has advised that buildings are generally not placed on their new foundations within the timeframe allowed by consent conditions, but that most are on foundations within two months. Buildings that are left on sties for extended periods can be a safety risk (there have been instances of children playing under buildings where they have been inadequately fenced) or can deteriorate.

In relation to the time period within which the exterior of the building is to be repaired, current practice is for the consent condition to allow six months from when the building arrives on the site in townships, and twelve months in the rural zone.

Council's monitoring officer has advised that reinstatement works generally take around nine months to complete, although some take years. Where reinstatement works to ensure water tightness are delayed, the building can deteriorate.

The reinstatement assessments that accompany resource consent applications often underestimate the cost of the works to be undertaken. This can result in applicants overestimating their ability to complete works within a reasonable timeframe.

The completion of identified reinstatement works is generally ensured by way of a bond, to the value of the estimated cost of the reinstatement works plus 10 percent. Applicants are given the choice of three types of bond: to have the money held by council; to have the money held by their solicitor's trust account; or to have the money held by their bank.

Where the money is held by council in the CORB account, it can be released in stages where part of the work has been completed (for example, the building has been re-roofed but not yet re-clad), but the release is dependent on the next council payment run and so can take several weeks. The consent holder therefore needs sufficient funds available to them to both pay for the works and to provide the bond.

Where the money is held by the consent holder's solicitor in their trust account, it can be released to the consent holder more quickly. Again, release in stages is possible, but the consent holder generally still needs sufficient funds available to them to both pay for the works and to provide the bond.

Where the money is held by the consent holder's bank, it is generally held as a part of the mortgage for the property. Council's monitoring officer advises that the establishment and release of the bond is time consuming for the bank and can be expensive for the consent holder, and so banks prefer to loan the bond amount and for the bond to be held by council or the solicitor. Where a bond is held by a bank, their preference is that the bond be released as a single amount, rather than in stages.

3.3 Existing provisions for the permitted relocation of buildings

The existing provisions make a number of building relocations a permitted activity, namely where the building is:

- an accessory building; or
- relocated from one position to another within the same site; or
- relocated on to a site for a temporary activity; or
- relocated on to a site to provide temporary accommodation during a construction project on the site; or
- being relocated within or between schools.

The relocated building is an accessory building

Accessory buildings for relocation tend to fall into two types: structures that were constructed as permanent buildings on their original site (such as garages and implement sheds) and those that were always intended to be moved from one site to another (such as porta-coms and shipping containers).

Buildings that were intended to be permanently on their original site require a new foundation on their new site, and so require a building consent. Council's Building Department advise that garages and other simple structures tend to be dismantled and reassembled (so becoming a 'new build with second hand materials') because their lack of internal bracing makes it difficult for them to be moved as an intact unit. As such, they fall outside the definition of a 'relocated building' and are subject only to the district plan standards that relate to new buildings.

More complex structures have also been relocated as accessory buildings. In particular, there have been instances where buildings that have been constructed and used as dwellings on their original site have been relocated to the rural area as a 'sleepout' by the pre-relocation removal of

the kitchen. As a permitted activity, there has been no requirement to reinstate the exterior of the building to a reasonable standard. This has resulted in buildings that both have an adverse effect on the amenity of the rural area (because the exterior has not been reinstated) and that appear to increase the residential density of the rural area (because, regardless of the internal fitout, they still look like a dwelling).

It is the intended use of structures such as porta-coms and shipping containers that currently trigger the need to obtain resource consent, rather than the relocation of the structure itself. Regardless of their size, if they are intended for use as accessory buildings such as sleepouts or storage, then they are a permitted activity. It is generally only when they are intended for use as part of a commercial activity such as a home occupation that the need for a resource consent is currently triggered.

Structures such as porta-coms and shipping containers require a building consent only if building work (such as a foundation) is proposed. If no foundation or connection to services is proposed, then no building consent is required. Council's monitoring and compliance staff have advised that the presence of shipping containers in particular on residential properties is a source of complaints because of adverse effects on visual amenity. However, provided that the relevant bulk and location standards are met, there is nothing in the operative District Plan that prevents a landowner from obtaining a building consent to erect a structure of the same dimensions as a shipping container and cladding it in a similar secondhand material.

The building is relocated from one position to another within the same site

The relocation of a building from one position to another within the same site generally occurs in order to facilitate additional development on the site, such as the erection of a second dwelling or to improve the layout of a subdivision. Again, the need for new foundations means that a building consent is required. The desire to maximise the return from the additional development is generally sufficient incentive to ensure that the exterior of the relocated building is reinstated, so as not to adversely affect potential sale prices.

The building is relocated on to a site for a temporary activity

This provision allows for temporary activities to relocate buildings onto a site to facilitate the activity, and then to remove them once the activity is concluded. 'Temporary activity' is defined in the operative District Plan, and includes activities that last for up to 7 consecutive days, not more than 3 times per year. Such buildings may be to provide for: event management; event or vendor space; or public conveniences at an event. Although the standard only specifies their removal time (no more than two days after the conclusion of the temporary activity) and not their time on-site before the activity commences, such buildings are generally moved from site to site for various temporary activities. As such, there is a financial incentive on the part of both the building owner (looking to maximise the number of events the building can be at and therefore the income) and the building user (looking to minimize the time they need to hire the building and therefore the cost) to delay arrival of such buildings as long as possible.

Such buildings still need to comply with bulk and location requirements, and so cannot be positioned where a building is unexpected.

Buildings relocated under this provision are only on sites for limited periods, and so I consider that it would be unreasonable to require them to go through a resource consent process. Buildings of this nature are unlikely to require a foundation, and so a building consent would not be required.

The building is relocated on to a site to provide temporary accommodation during a construction project on the site

Resource consent staff have advised that, where temporary accommodation has been proposed as part of a construction project, it has been within an existing building, most commonly an existing dwelling while a replacement dwelling is built. As such, the relocation of a building has not been involved and this provision has not been used to provide accommodation in the sense of a temporary dwelling.

Buildings have been relocated to sites to act as site offices for large construction projects, providing accommodation in the wider sense, but these have either been considered accessory buildings to the main activity on the site and therefore permitted under that provision, or considered through the wider consenting process for the main activity.

The building is being relocated within or between schools.

Almost every school in Selwyn is on a site designated for education purposes. As such, the relocation of buildings such as prefab classrooms within or between schools is almost always subject to an outline plan approval process. This aspect of the permitted activity standards has therefore not been used in the life of the operative District Plan.

Putting aside designated sites, where a building is relocated within a school, then provision is already made for this in the current permitted activity standard. Where a building is being relocated into a school, then the increased level of activity on the site which has necessitated the new building would also be subject to Plan requirements. Where a resource consent is required for the increased activity, then the relocation would be considered as part of the wider application, including reinstatement works if the building is a classroom or other principal building. Should the provisions of the proposed District Plan be such that the increased activity is a permitted activity, then there is no readily apparent reason why a building relocated to a school on a non-designated site shouldn't be subject to the same requirements as relocated buildings elsewhere in the district.

4.0 Summary of relevant statutory and/or policy context and other background information

4.1 Resource Management Act 1991

The relocation of existing buildings to extend their use and therefore their life can be a sustainable use of an existing built resource, thereby achieving the purpose of the Act.

4.2 Canterbury Regional Policy Statement

The development policies of the Canterbury Regional Policy Statement are more targeted towards large scale development. However, the following policies may be related to the relocation of dwellings, particularly in terms of providing choice and diversity while protecting existing identity and character.

5.3.1 Regional Growth (Wider Region)

To provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that:

1. ensure that any

(a) urban growth; and

(b) limited rural residential development

occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;

2. encourage within urban areas, housing choice, recreation and community facilities, and business opportunities of a character and form that supports urban consolidation;

3. promote energy efficiency in urban forms, transport patterns, site location and subdivision layout;

4. maintain and enhance the sense of identity and character of the region's urban areas; and

5. encourage high quality urban design, including the maintenance and enhancement of amenity values.

6.3.2 Development form and urban design

Business development, residential development (including rural residential development) and the establishment of public space is to give effect to the principles of good urban design below, and those of the NZ Urban Design Protocol 2005, to the extent appropriate to the context:

1. *Tūrangawaewae* – the sense of place and belonging – recognition and incorporation of the identity of the place, the context and the core elements that comprise the place. Through context and site analysis, the following elements should be used to reflect the appropriateness of the development to its location: landmarks and features, historic heritage, the character and quality of the existing built and natural environment, historic and cultural markers and local stories.

2. *Integration* – recognition of the need for well-integrated places, infrastructure, movement routes and networks, spaces, land uses and the natural and built environment. These elements should be overlaid to provide an appropriate form and pattern of use and development.

3. *Connectivity* – the provision of efficient and safe high quality, barrier free, multimodal connections within a development, to surrounding areas, and to local facilities and services, with

emphasis at a local level placed on walking, cycling and public transport as more sustainable forms of transport.

4. Safety – recognition and incorporation of Crime Prevention Through Environmental Design (CPTED) principles in the layout and design of developments, networks and spaces to ensure safe, comfortable and attractive places.

5. Choice and diversity – ensuring developments provide choice and diversity in their layout, built form, land use housing type and density, to adapt to the changing needs and circumstances of the population.

6. Environmentally sustainable design – ensuring that the process of design and development minimises water and resource use, restores ecosystems, safeguards mauri and maximises passive solar gain.

7. Creativity and innovation – supporting opportunities for exemplar approaches to infrastructure and urban form to lift the benchmark in the development of new urban areas in the Christchurch region.

4.3 Building Act

The relocation of buildings requires a building consent, but council's Building Department advice is that the scope of that consent is more limited than for a new building. The building consent is limited to the: structural suitability of the building for the new site (bracing and joins); foundations; access to the building (eg steps where a pile foundation is proposed); drainage; and the connection to utilities.

The exterior of the building is only subject to a building consent where the building is to be re-clad, such as where a brick veneer has to be removed and replaced. Where the cladding is not to be replaced as part of the project, such as with weatherboards, then the exterior of the building is not subject to the building consent.

Work associated with a building consent must be commenced within six months of the issue of the consent, and completed within two years.

4.4 Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan provides a policy framework for the “protection and enhancement of Ngāi Tahu values, and for achieving outcomes that provide for the relationship of Ngāi Tahu with natural resources across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū”.

The Mahaanui Iwi Management Plan provides statements of Ngāi Tahu objectives, issues and policies for natural resource and environmental management in the takiwa that express kaitiakitanga and protect toanga. The plan is divided into eight policy sections addressing:

- Kaitiakitanga
- Wai Māori (freshwater)

- Ngā Tūtohu Whenua (cultural landscapes)
- Ranginui (sky)
- Papatūānuku (land)
- Tāne Mahuta (mahinga kai and biodiversity)
- Tangaroa (oceans)
- Tāwhirimātea (climate change).

Section 5.4 Papatūānuku addresses issues of significance in the takiwa relating to land. Issue P3 Urban and Township Planning seeks Ngāi Tahu participation in urban and township planning development. Policies responding to this issue focus on the involvement of Papatipu Rūnanga in the development and implementation of broader development plans and strategies. Issue P4 Subdivision and Development acknowledges that development can have significant effects on tāngata whenua values but can also present opportunities to enhance those values. Policies encourage engagement with Papatipu Rūnanga by local authorities and developers and refer to subdivision and development guidelines which state (in part) that new developments should incorporate design guidelines to reduce the development footprint on existing infrastructure and the environment.

There are no specific provisions with the Mahaanui Iwi Management Plan related to relocated buildings aside from the overarching policies related to development and subdivision.

The relevant District Plan bulk and location standards apply to relocated buildings in the same way that they apply to a new build on that site. These include setbacks from water bodies and works within or near wāhi tapu and wāhi taonga areas.

4.5 Distribution of relocated buildings

In the period from 2008 until the end of 2017, 240 resource consents have been granted for relocated buildings. Almost all have been dwellings (including family flats), although some have been intended for use by businesses or for community purposes. This equates to less than 2% of all new dwellings in townships over the same period, but slightly more than 10% in the rural area. Within the rural area, the geographical distribution of relocated buildings has been fairly evenly split between wards.

Within townships, the distribution of relocated buildings has been more varied and concentrated in the smaller townships further from Christchurch. When considered as a percentage of new dwellings within each township as a whole, relocated buildings have formed a significant proportion of new dwellings in each of Coalgate (59%), Hororata (57%) and Southbridge (47%) over this time. They have formed around a third of all new dwellings in each of Whitecliffs, Springfield, Rakaia Huts and Dunsandel and around 10% of all new dwellings in each of Glentunnel, Sheffield and Doyleston. In other townships, relocated buildings have formed 5% or less of all new dwellings.

This geographical distribution is likely to be a result, at least in part, of developer covenants imposed on subdivisions in the larger townships, preventing the use of relocated buildings on sites. Such covenants are less likely to be imposed on new subdivisions in smaller townships, or

where existing bare sections are developed. In addition, sections in these smaller townships are generally less expensive than sections closer to Christchurch and therefore more attractive to persons looking to minimize development costs by relocating an existing building.

5.0 Summary of alternative management responses – Other Districts

5.1 Ashburton District

The Ashburton District Plan became operative in 2014, and contains a district-wide section (chapter) for relocated buildings and temporary activities. The Plan defines ‘relocation’ as “*in relation to a building, means the removal of any building from any site and the permanently fixing down on a new site.*” As such, structures such as shipping containers that are not permanently fixed down are not included within the definition and are not subject to the provisions relating to relocated buildings.

The Plan separately defines the relocation of a heritage item.

In summary, the relocation of buildings is a permitted activity in most zones, subject to compliance with standards relating to:

- the previous use of the building (buildings to be used as a dwelling must have been constructed as such – conversion of non-residential buildings to dwellings does not meet the standard)
- the issue of a building consent
- the building must be placed on permanent foundations within 2 months of arriving on site
- the identification of required exterior reinstatement works and their completion within 6 months of the building arriving on site

Where the relocation of a building does not meet the applicable standards, it is assessed as a restricted discretionary activity without notification or written approvals. Discretion is restricted to consideration of:

- Landscaping
- The timeframe for reinstatement works
- The design and appearance of the building following reinstatement.

The relocation of buildings is not a permitted activity in: the high density residential development zone in central Ashburton; the residential and rural land in and around Barhill; or in the high country. However, this is consistent with the standards for new buildings in these areas, which are also restricted discretionary activities concerned with the design and appearance of the building. The matters for discretion are the same, regardless of whether the building is relocated to the site or built new.

5.2 Christchurch City

The Christchurch District Plan defines “relocation of a building” as meaning “the removal and re-siting of any building from any site to a new permanent site, but excludes new (i.e. immediately habitable) buildings constructed elsewhere specifically for, and subsequently relocated permanently onto, another site.” ‘Relocatable building’ and ‘relocation of a heritage item’ are defined separately.

The Plan has separate provisions permitting temporary buildings associated with construction activities and temporary activities such as events.

Although the Plan includes a definition and matters for discretion for the relocation of buildings, the relocation of buildings is a permitted activity in all zones, subject only to the same standards as new buildings.

5.3 Hurunui District Plan

The Hurunui Proposed District Plan notes in the Settlement chapter that the relocation of any building has the same activity status and is subject to the same requirements as any new dwelling. The Rural chapter is less explicit on the matter, but the s42A report for that chapter clearly sets out an expectation that, by deleting the rule that made non-compliance with permitted activity standards a restricted discretionary activity, the relocation of buildings would become a permitted activity in the Rural zones.

Where the Plan does retain controls over relocated buildings, however, is in Rural zones where containers (such as shipping containers) are located within 500m of a strategic arterial road or district arterial road where the container is visible from the road. In summary, the exercise of discretion in this circumstance is restricted to consideration of visual character and amenity effects.

5.4 Waimakariri District Plan

The Waimakariri District Plan is silent on the issue of relocated buildings. Because they are not explicitly listed as a more restrictive category, they are a permitted activity, subject only to the standards that apply to all buildings.

5.5 Cross boundary assessment summary

Having reviewed the District Plan provisions relating to relocated buildings within the four Canterbury districts adjoining Selwyn, in general only Ashburton manages relocated buildings in any way other than the same as new buildings. In that case relocated buildings are permitted activities, subject to standards relating to the prior and proposed use of the building and the timing of reinstatement works. Hurunui requires a resource consent for shipping containers in certain circumstances where they will be visible from major roads. Selwyn is currently the only district where a resource consent is required for all relocated dwellings and principal buildings in residential and rural zones.

5.6 Invercargill City Plan

Decisions on the Proposed Invercargill City Plan were released in 2016, with the appeals version released in January 2017. The provisions relating to relocated buildings are beyond challenge and as such are now treated as operative. Within the residential, rural residential and rural zones of Invercargill City, the relocation of accessory buildings and new dwellings is a permitted activity, subject to no additional standards beyond those applicable to new buildings.

Similar to Ashburton, the relocation of a previously used building intended to be used as a dwelling is a permitted activity, subject to standards relating to:

- the building must be placed on permanent foundations within 90 days of arriving on site
- the identification of required exterior reinstatement works and their completion within 12 months of the building arriving on site

Where the relocation of a building does not meet the applicable standards, it is assessed as a restricted discretionary activity. Discretion is restricted to consideration of:

- The timing and scope of reinstatement works
- Structural integrity and weatherproofing
- Stormwater management on the site
- Visibility from public places and screening
- The timing of site rehabilitation
- Monitoring of progress
- The imposition of a bond to ensure the completion of works, up to 1.5 times the value of the work
- Any heritage values of the receiving site and/or any adjoining site

Separate rules manage the demolition or removal of buildings from a site, with a resource consent required where buildings exceed a certain size.

These rules give effect to general policies requiring all buildings to be *“sound, well-maintained and tidy in appearance, recognising the adverse effects of dilapidated structures and ill-maintained lands on the wider neighbourhood”*, together with more specific policies to *“manage the adverse effects of demolition or removal activities on amenity values by ensuring the clean-up, screening and maintenance of sites”* and to *“manage the adverse effects of relocation activities on amenity values by ensuring that any relocated building is placed on permanent foundations and reinstated to a reasonable state of repair within a reasonable timeframe.”*

5.7 South Taranaki District Plan

The Proposed South Taranaki District Plan was notified in 2015, with decisions released in November 2016. A relocated building is defined in that Plan as meaning *“any second hand building which is transported in whole or in parts and relocated from its original location to a new*

location, including relocation within the same site. This includes relocation of accessory buildings and shipping containers where the latter are converted for habitable purposes.”

The relocation of all buildings (including the removal of a building from its original site) is a permitted activity, subject to standards requiring:

- The pre-relocation identification of exterior reinstatement works identified in a schedule to the district plan and their completion within 12 months of the building arriving on the site, with an undertaking to this effect from the building owner
- The placement of the building on permanent foundations within two months of it arriving on the site
- Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built and used as such
- A cash bond to be lodged with council to the value of 125% of the estimated cost of the external reinstatement works, with the reinstatement bond assessment sheet being included in the district plan as an appendix.

Where the standards are unable to be met, the relocation becomes a restricted discretionary activity. The exercise of discretion is restricted to consideration of:

- External appearance of the building and site reinstatement
- Effects on amenity values
- Length of time taken to re-construct, repair or refurbish the building
- Performance bond.

6.0 Summary of Options to address Issues

There are essentially three potential approaches to relocated buildings in the proposed District Plan: to make provisions more restrictive (Option 1); to keep them about the same, potentially with some tweaks (Options 2 – 5); or to be more permissive (Options 6 – 7). These options are discussed in more detail below.

6.1 Option 1 – Increase the activity status from controlled to restricted discretionary

This option would provide Council with the opportunity to decline applications if it was considered that the design or existing condition of the building was inappropriate for the new location.

Effectiveness in Addressing Issue:

Council does not generally dictate the design of new buildings, and in the areas where that does occur, relocated buildings are subject to the same standards as new buildings. If a person was to choose to erect a new building that was, for example, a replica of a villa, then this would not generally be subject to Council-imposed design constraints. It would therefore be inequitable to impose this type of restriction on relocated buildings.

The structural integrity of the building and any associated strengthening required is subject to the building consent process. The required exterior reinstatement works and their associated cost are currently identified by the applicant as part of preparing the application. If the applicant is unwilling to take on the project once the works have been identified, then they do not make the application. As such, introducing uncertainty to the resource consent process on this basis would result in unnecessary duplication of council processes.

The areas of concern to the community in relation to relocated buildings are most often in relation to the time taken to complete phases of the work. In instances where work has taken significantly longer than anticipated or required by consent conditions, this has not been foreseen by the consent holder. As such, there would not have been an ability for consent to have been declined on the basis of the expected timeframe because it would not have formed part of the original application.

Risks:

This approach is inconsistent with the approach taken in any neighbouring districts, and such a proposal would likely be subject to significant submissions in opposition.

Budget or Time Implications:

There would be time and cost associated with the development of new policies to direct when a relocated building should be approved or declined and the development of appropriate matters for discretion.

Stakeholder and Community Interests:

For persons seeking to relocate a building, such an approach would create uncertainty about whether consent would be granted. Given that the sale of relocated buildings is usually subject to tight time frames (often requiring the building to be removed from its original location within 10 days to allow redevelopment of the original site), applicants could be left with a building they have purchased under a time pressure but no ability to relocate it to their intended site.

For the wider community, this approach would give the appearance of enabling buildings to be declined, but in practice issues of concern to neighbours arise when reinstatement takes longer than anticipated. This is not something that is able to be addressed at the consenting stage, because the consent is based on what is anticipated, not on what is not.

Recommendation:

Option 1 would create uncertainty about whether a consent would be granted, which could act as a dis-incentive to potential applicants, and also may result in buildings being moved to a site in anticipation of consent, but then having that consent declined. Option 1 is therefore not recommended as a suitable approach to managing relocated buildings in Selwyn.

6.2 Option 2 – Retain existing (permitted/controlled) status, but amend the list of permitted relocations to remove accessory buildings

Option 2 would see the existing activity status retained, but the rule extended to require all accessory buildings to obtain resource consent. Depending on the definition of ‘building’, it may also be appropriate to include shipping containers within the definition of relocated buildings.

Effectiveness in Addressing Issue:

Option 2 would enable Council to require and exercise control over reinstatement works to accessory buildings in the same manner as control is currently exercised over dwellings and principal buildings.

As noted above, secondhand accessory buildings such as garages and implement sheds generally lack the structural integrity required for relocation in one piece, and so are dismantled and rebuilt on their new site as new buildings using secondhand materials. As such, they are not relocated buildings and would not require resource consent for relocation.

The most common complaints in relation to relocated accessory buildings relate to shipping containers. These are seldom placed on a foundation and so do not require a building consent (because no building work is undertaken, no building consent is required). In most instances, therefore, they do not come to the attention of council staff until a complaint is lodged, by which time the container has already been relocated to the site. Requiring a resource consent for such containers would enable enforcement staff to require a retrospective resource consent to be obtained or containers to be removed. It is likely that the conditions on any such consent sought would be limited to reinstatement works such as painting the exterior of the container. While this may appease neighbours, there is no equivalent requirement to paint the exterior of accessory buildings where secondhand materials have been used.

In addition, shipping containers are often hired rather than purchased, as they are intended to be used for a limited time, often during a construction project. As such, these containers would currently be exempt from the need to contain resource consent under the temporary activity provision. Therefore, it would only be those containers that were intended to be permanently located on the site that would be subject to resource consenting requirements under Option 2. This could also lead to enforcement issues, where a land owner may intend that a container be temporary, but it remains on site longer than expected.

Risks:

This approach is inconsistent with the approach taken in any neighbouring districts, and is likely to result in mainly retrospective applications resulting from complaints. This would increase the workload for enforcement staff without significantly altering the effects of shipping containers on amenity.

Budget or Time Implications:

There would be time and cost associated with the drafting of amended provisions, including ensuring internal consistency with other standards and rules.

Stakeholder and Community Interests:

Option 2 would address some of the amenity effects associated with older shipping containers located on residential properties. However, shipping containers are generally not positioned on foundations and so building consent is generally not required. As such, council only becomes aware of them once a complaint is received.

While a resource consent condition might require such a container to be painted, there is no equivalent requirement to paint the exterior of accessory buildings that have been dismantled at their original site and reassembled at their new site in the same position relative to boundaries that a container could be placed.

Recommendation:

Option 2 would increase the workloads of both enforcement and resource consents staff without significantly altering the effects of (in particular) shipping containers on amenity. As such, Option 2 is not recommended.

6.3 Option 3 – Retain existing (permitted/controlled) status, but amend the list of permitted relocations to require accessory buildings to have been constructed and used on the new site as such

Option 3 would see the existing activity status retained, but the rule amended to require buildings to be relocated as permitted accessory buildings to have been constructed as accessory buildings and to be used as accessory buildings on their new site.

Effectiveness in Addressing Issue:

As noted above, more complex structures have also been relocated as accessory buildings, such as where buildings that have been constructed and used as dwellings on their original site have been relocated to the rural area as a 'sleepout' by the pre-relocation removal of the kitchen. This has resulted in buildings that have an adverse effect on the amenity of the rural area because reinstatement works to the exterior of the building are not undertaken in a reasonable timeframe, even after the kitchen is reinstalled.

The flip side of this is where one or more buildings that were constructed as accessory buildings (such as porta-coms and shipping containers) are relocated to a site with the intention of converting them to a dwelling. Because the conversion occurs after they arrive at their new site, they are accessory buildings at the time of relocation and exterior reinstatement works are not managed by council.

Amending the provision for the permitted relocation of accessory buildings to require the building to have been originally erected as an accessory building and that it be used as an accessory building on the new site would preserve the integrity of the intent of the current provision, while enabling council to control exterior reinstatement works for more complex buildings, regardless of their intended use on their new site.

Option 3 would also ensure that any proposal to avoid compliance with residential density standards by relocating a 'sleepout' that had previously been a dwelling, and then reinstating the facilities once on the new site, could be managed by the conditions of the resource consent.

Risks:

This approach is inconsistent with the approach taken by neighbouring districts.

Budget or Time Implications:

There would be time and cost associated with the drafting of amended provisions, including ensuring internal consistency with other standards and rules.

Stakeholder and Community Interests:

By amending the permitted activity status for relocated accessory buildings to clarify that it only applied to buildings that were originally constructed as accessory buildings, the wider community could be reassured that compliance with the intent of the rule could not be avoided by projects that removed the kitchen before relocation, such that the building no longer met the definition of a dwelling, and then reinstated it once the building was in its new location.

Recommendation:

Option 3 provides a balance of providing certainty to applicants that they will be able to proceed with their desired project and to the wider community that reinstatement works on relocated dwellings and principal buildings will be completed to a reasonable standard within a reasonable timeframe, because the applicant has the funds available to complete the work.

By amending the permitted activity status for relocated accessory buildings to clarify that it only applies to buildings that were originally constructed as accessory buildings, the wider community could be reassured that compliance with the intent of the rule could not be avoided by projects that removed the kitchen before relocation, such that the building no longer met the definition of a dwelling, and then reinstated it once the building was in its new location.

Option 3 is therefore part of the recommended approach in residential areas, including rural settlements.

6.4 Option 4 – Status quo

Option 4 would see no change to the existing provisions. The relocation of buildings would be a permitted activity in certain circumstances, otherwise a controlled activity.

Effectiveness in Addressing Issue:

Option 4 provides a balance of providing certainty to applicants that they will be able to proceed with their desired project and to the wider community that reinstatement works on relocated dwellings and principal buildings will be completed to a reasonable standard within a reasonable timeframe, because the applicant has the funds available to complete the work.

However, it is fairly easy to get around the rules by removing the kitchen before relocation occurs, such that the building is an accessory building at the time of relocation, regardless of the intended reinstallation of the kitchen once the building is on its new site. In this instance, it is not possible for council to manage the completion of exterior reinstatement works within a reasonable timeframe because the relocation was a permitted activity.

Risks:

Option 4 is inconsistent with the more permissive approach taken by Selwyn's neighbouring districts within Canterbury, in which relocated buildings are generally permitted.

Budget or Time Implications:

There would be time and cost associated with ensuring that the existing provisions match the structure of the proposed Plan.

Stakeholder and Community Interests:

Option 4 is the 'known entity' and as such is widely understood by stakeholders and the wider community. However, while not commonly done, it is possible to frustrate the intent of the existing provisions to ensure that any relocated building is reinstated to an appropriate state of repair, within a reasonable timeframe.

Recommendation:

Option 4 is therefore not the recommended approach.

6.5 Option 5 – Remove provisions explicit to schools

Option 5 would retain most of the status quo but remove the provision for the relocation of buildings within and between schools to be a permitted activity.

Effectiveness in Addressing Issue:

As discussed in section 3.3 above, the separate provision for the permitted relocation of buildings within and between schools is redundant, because the activity is already provided for in other ways.

Where a building is relocated within a school site, then the general provision for the permitted relocation of a building within the same site already exists. Similarly, where the building is being relocated between schools is an accessory building, then the general provision for permitted accessory buildings already exists. Where the building is a principal building, then either the requirement for an outline plan (for designated sites) or a new resource consent (for other sites)

would likely be triggered by the increased activity on the site. Part of the assessment of that outline plan approval request or resource consent application would be the design and appearance of the buildings.

Risks:

As Option 5 is the removal of requirements that are duplicated elsewhere, there are no apparent risks associated with it.

Budget or Time Implications:

There would be time and cost associated with the drafting of amended provisions, including ensuring internal consistency with other standards and rules.

Stakeholder and Community Interests:

Option 5 is the removal of requirements that are duplicated elsewhere. As such, there would be no change to existing stakeholder and community interests.

Other

The existing exemption only relates to buildings within or between schools, not to all education providers. As such, the likes of preschools and tertiary education providers are already subject to the same provisions as all other relocated buildings.

Recommendation:

Option 5 therefore forms part of the recommended approach.

6.6 Option 6 – Make all relocated buildings permitted, subject to additional standards beyond new buildings

Consistent with the Ashburton, Invercargill and South Taranaki approaches, standards could be developed that, when met, resulted in the relocation of buildings becoming a permitted activity.

Any proposal to vary from the standards would then require a resource consent, with either a controlled or restricted discretionary status.

Effectiveness in Addressing Issue:

Depending on the particulars of the standards, this approach would give certainty to both people wishing to relocate a building and the wider community that firstly, the building could be relocated, and secondly that reinstatement works would occur in a timely fashion. However, where reinstatement works are outside the building consent (eg painting weatherboards), there is limited ability to monitor progress without resorting to enforcement action.

Unless it is being purchased from a relocation yard, it is common for the sale of buildings for relocation to include very short timeframes for the building to be removed from its current location (two weeks is typical). As such, buildings will be relocated onto their eventual site and left on jacks or other temporary supports until a building consent has been granted and the new foundation has been completed. By default, an approach that required the pre-relocation issue

of a building consent would therefore result in most relocated buildings technically requiring a resource consent because the building consent has not been issued by the time the building arrives on site.

Risks:

The greatest risk with this approach is that persons intending to relocate a building underestimate the cost of the reinstatement works and so fail to complete them within the specified timeframe. Funding constraints have the potential to result in relocated buildings sitting unfinished for extended periods of time – potentially even beyond the two years for completion of the works subject to the building consent.

Having a timeframe associated with permitted activity status can result in a person complying with the standard one day and then not complying with the standard (and therefore needing a retrospective resource consent) the following day. This does not provide certainty from the outset to persons relocating a building, or to the wider community.

Budget or Time Implications:

There would be time and cost associated with developing provisions for permitted activities, together with an appropriate status for buildings that did not comply with the standards for a permitted activity.

Stakeholder and Community Interests:

Option 6 would reduce upfront costs for persons wishing to relocate a building by removing resource consent fees. However, the use of a timeframe standard for permitted activities would result in situations where a relocated building was a permitted activity one day and requiring a retrospective resource consent the next. This does not provide certainty to building owners or the wider community that the project will proceed, or that effects would be managed.

Recommendation:

Although consistent with the current approach taken by Ashburton, Invercargill and South Taranaki, failure to comply with the timeframe standards used by each of these districts would result in a building being permitted one day and requiring a retrospective resource consent the next. This does not provide certainty to owners or the wider community and so Option 6 is not recommended.

6.7 Option 7 – Make all relocated buildings permitted, subject to no additional standards beyond those applying to new buildings

Option 7 would see relocated buildings being treated exactly the same as new buildings from a district plan perspective, subject only to the building consent process. This is consistent with the approach taken in Christchurch and Waimakariri and for most relocated buildings in Hurunui.

Effectiveness in Addressing Issue:

Once issued, work associated with a building consent must commence within six months and be completed within two years. While significantly shorter than the unlimited-timeframe building permits that were in place at the time county scheme rules relating to relocated buildings were first introduced, reliance on only these timeframes could result in buildings sitting unfinished on sites for significantly longer than is currently the case. Further, the building consent does not address matters that are mainly aesthetic in nature, such as repainting weatherboards to ensure that the building ‘settles’ into its new environment.

While relocated buildings, as a proportion of all buildings, are only a small fraction of new dwellings in the fastest-growing areas of the district, as described above they are a significant proportion of new dwellings in some townships. As such, delays in placing buildings on permanent foundations and progressing with completing reinstatement works can have an adverse effect on the residential amenity values of these townships.

Because a building consent is only required where building work is proposed, building consent is not required before a building arrives on its new site. Without standards or consent conditions requiring a building to be placed on complying foundations within a certain timeframe, there is a greater potential for buildings to sit on temporary supports for an extended period while a building consent application is prepared and obtained.

While the relocation of a building to a site within an existing developed area can result in a building that is similar in design to others in the area, the act of relocation is stressful on the structure. As such, reinstatement works are usually required to ensure that the building settles into its new environment. Reliance on the building consent process would not require these works to be undertaken beyond those required to make the building weathertight.

Within non-residential areas of townships, the relocation of dwellings and principal buildings is uncommon. In general, standards in these areas are not intended to maintain residential amenity, because residential activities are not a core function of these zones. Where a building is relocated, there is a commercial incentive to complete the work to a reasonable standard within a reasonable timeframe, so that the building can be occupied and therefore generate income.

Within the rural area, there is a greater separation distance between dwellings than in townships. As such the adverse amenity effects associated with the relocation of buildings is reduced because directly affected neighbours are further away. There is no council requirement to maintain older homes that are still on their original site, and so any delays in undertaking reinstatement works would not necessarily result in a relocated dwelling looking out of place in a rural context.

Risks:

Increased complaints relating to perceived or actual delays in undertaking reinstatement works, particularly in residential areas.

Adverse effects on the amenity values of residential areas where a significant proportion of new dwellings are relocated buildings.

Budget or Time Implications:

There would be time and cost associated with either amending the provisions for permitted activities to include relocated buildings, or with removing all references to relocated buildings, so that the proposed Plan is silent on them, thus treating them the same as any other building.

Stakeholder and Community Interests:

Option 7 would facilitate the relocation of existing buildings by removing an additional consenting requirement and associated cost. However, this may be at a cost to the wider community because, without the need to comply with consent conditions or permitted activity standards, there would be a greater likelihood of buildings remaining on temporary supports for extended periods.

Not subjecting relocated buildings to a tighter timeframe than required by the building consent, and not requiring the exterior of these buildings to be reinstated to a reasonable standard, has the potential to have adverse effects on residential amenity, particularly in communities where development is not generally subject to developer covenants preventing relocated buildings. This is most likely to occur in smaller townships further from Christchurch.

Recommendation:

Option 7 is therefore not recommended in residential areas, including rural settlements.

In all other areas, where separation distances between dwellings are greater or residential amenity does not need to be protected to the same extent, Option 7 is recommended.

7.0 Summary of stakeholder engagement

Internal discussions were held with members of council's building consent, resource consent and monitoring and enforcement staff. Their comments are reflected above.

8.0 Conclusion

Although retaining the current controlled activity status for relocated dwellings and principal buildings differs from the approach taken in the neighbouring districts, relocated dwellings make up a significant percentage of new dwellings in several of Selwyn's smaller townships. Removing all controls on the relocation of buildings in residential areas would therefore have the potential to have significant adverse effects on amenity values in these areas.

9.0 Preferred Option for further engagement

The Project Team recommends that:

- Options 3 and 5 be adopted in drafting the Proposed District Plan, for residential areas, including rural settlements. Specifically, that the majority of the existing provisions related to relocated buildings be retained, with the following edits:
 - amend the permitted activity status for relocated accessory buildings to clarify that it only applies to buildings that were originally constructed as accessory buildings and that they must continue to be used as accessory buildings on the new site; and
 - remove the redundant provision for the relocation of buildings within and between schools to be a permitted activity.
- Option 7 be adopted in drafting the Proposed District Plan, for all other areas. Specifically, that the relocation of all buildings be a permitted activity, subject only to the same district plan provisions that relate to new buildings.