
POST ENGAGEMENT PREFERRED OPTION UPDATE REPORT TO DISTRICT PLAN COMMITTEE

DATE: 28 November 2018

TOPIC NAME: Relocated buildings

SCOPE DESCRIPTION: Relocated buildings

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EXECUTIVE SUMMARY

<i>Summary of Preferred Option Endorsed by DPC for Further Engagement:</i>	<i>For residential and rural areas, to carry over a revised version of the existing provisions (permitted or controlled activity, depending on the nature of the building).</i> <i>For all other areas, to make relocated buildings a permitted activity, subject to the same district plan standards that relate to new buildings</i>
<i>Summary of Feedback Received:</i>	<i>That relocated buildings should be a permitted activity subject to specific performance standards. Where a performance standard is not complied with, it should be a restricted discretionary activity.</i>
<i>Recommended Option Post Engagement:</i>	<i>The Preferred Option previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase'</i>
<i>DPC Decision:</i>	<i>The Preferred Option previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase'</i>



1.0 Introduction

1.1 Overview of Preferred Option Endorsed by DPC

On 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:

“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).”

Operative District Plan

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.

Option 3

Option 3 retains the existing activity status, but amends the rule 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.

Option 5

Option 5 removes the provision for the relocation of buildings within and between schools to be a permitted activity because the activity is already provided for in other ways and so is redundant.

Option 7

Option 7 sees 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.

2.0 Summary of Feedback Received

2.1 House Movers Section, New Zealand Heavy Haulage Association (Inc)

The topic of relocated buildings was not part of the formal engagement process, as little change to the existing provisions is proposed. However, the House Movers Section of the New Zealand Heavy Haulage Association (Inc) (the Association) have provided feedback.

The Association supports relocated buildings of all types being a permitted activity, subject to the following performance standards:

- a. any relocated building complies with the relevant standards for Permitted Activities in the District Plan;
- b. any relocated dwelling must have been previously designed, built and used as a dwelling;
- c. A building inspection report shall accompany the building consent for the building/dwelling. The report is to identify all reinstatement work required to the exterior of the building/dwelling;
- 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 work required to reinstate the exterior of any relocated building/dwelling, including the siting of the building/dwelling on permanent foundations, shall be completed within 12 months of the building being delivered to the site.

The Association proposes a non-notified restricted discretionary activity status for relocated buildings that do not comply with the performance standards. The Association proposes the following assessment criteria:

- a. proposed landscaping;

- b. the proposed timetable for completion of the work required to reinstate the exterior of the building and connections to services;
- c. the appearance of the building following reinstatement

3.0 Analysis of Feedback Received

3.1 Relocated buildings as a permitted activity, subject to standards:

Analysis

The Association has an established history of interest in district plan provisions relating to relocated buildings, including as a submitter and appellant.

The approach sought by the Association is that outlined as Option 6 in the 20 June 2018 Preferred Option Report (to make all relocated buildings permitted, subject to additional standards beyond new buildings). The Association feedback makes reference to *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004), which resulted from a Central Otago District Council decision to make relocated buildings a restricted discretionary activity, consistent with their previous county scheme. The Court found that the s32 analysis was inadequate to justify such a status, and amended the district plan in a similar manner to that currently sought by the Association.

The Association feedback does not provide any information that was not considered in the analysis of Option 6, and does not address any of the risks outlined in that analysis.

The Preferred Option Report discussed the Proposed South Taranaki District Plan, where all relocated buildings are permitted, subject to performance standards that include a cash bond lodged with Council to the value of 125% of the estimated cost of listed external reinstatement works. Where standards are not complied with, the building becomes a restricted discretionary activity.

The Association appealed the South Taranaki requirement for a cash bond (*New Zealand Heavy Haulage Association Inc (House Movers Section) v South Taranaki District Council* [2018] NZEnvC 80). In this instance, the Court found that the proposed provisions were appropriate, subject to amendments relating to providing for progressive part-releases of bonds and allowing for performance (bank) bonds as an alternative to cash bonds. Both of these amendments are consistent with current Selwyn practice, and form part of the previously endorsed preferred option.

Conclusion

That the Preferred Option previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase'.

4.0 Recommended Option Post Engagement

The Project Team recommends that:

- The Preferred Option previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase'.