

## DISTRICT PLAN REVIEW

# Proposed Waimakariri District Plan - Submission

Clause 6 of Schedule 1, Resource Management Act 1991

### Submitter details

(Our preferred methods of corresponding with you are by **email** and **phone**).

Full name: \_\_\_\_\_

Email address: \_\_\_\_\_

Phone (Mobile): \_\_\_\_\_ Phone (Landline): \_\_\_\_\_

Postal Address: \_\_\_\_\_ Post Code: \_\_\_\_\_

Physical address: \_\_\_\_\_ Post Code: \_\_\_\_\_  
(if different from above)

Please select one of the two options below:

I **could not** gain an advantage in trade competition through this submission (go to Submission details, you do not need to complete the rest of this section)

I **could** gain an advantage in trade competition through this submission (please complete the rest of this section before continuing to Submission details)

Please select one of the two options below:

I **am** directly affected by an effect of the subject matter of the submission that:

- A) Adversely affects the environment; and
- B) Does not relate to trade competition or the effect of trade competition.

I **am not** directly affected by an effect of the subject matter of the submission that:

- A) Adversely affects the environment; and
- B) Does not relate to trade competition or the effect of trade competition.

## Submission details

The specific provisions of the proposal that my submission relates to are as follows: *(please give details)*

My submission is that: *(state in summary the Proposed Plan chapter subject and provision of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons) (please include additional pages as necessary)*

I/we have included: \_\_\_\_\_ additional pages

I/we seek the following decision from the Waimakariri District Council: *(give precise details, use additional pages if required)*

## Submission at the Hearing

I/we wish to speak in support of my/our submission

I/we do not wish to speak in support of my/our submission

If others make a similar further submission, I/we will consider presenting a joint case with them at the hearing

## Signature

*Of submitters or person authorised to sign on behalf of submitter(s)*

Signature \_\_\_\_\_

Date \_\_\_\_\_

*(If you are making your submission electronically, a signature is not required)*

## Important Information

1. The Council must receive this submission before the closing date and time for submissions.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and public. Your submission will only be used for the purpose of the District Plan review process.
3. Only those submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

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.

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 specialised knowledge or skill to give expert advice on the matter.

**Send your submission to:** Proposed District Plan Submission  
Waimakariri District Council  
Private Bag 1005, Rangiora 7440

**Email to:** developmentplanning@wmk.govt.nz

**Phone:** 0800 965 468 (0800WMKGOV)

**You can also deliver this submission form to one our service centres:**

**Rangiora Service Centre:** 215 High Street, Rangiora

**Kaiapoi Service Centre:** Ruataniwha Kaiapoi Civic Centre, 176 Williams Street, Kaiapoi

**Oxford Service Centre:** 34 Main Street, Oxford

**Submissions close 5pm, Friday 26 November 2021**

**Please refer to the Council website [waimakariri.govt.nz](http://waimakariri.govt.nz) for further updates**

Waimakariri District Council  
Private Bag 1005,  
Rangiora 7440

26 November 2021

Attention: Team Leader – Planning

By email: [developmentplanning@wmk.govt.nz](mailto:developmentplanning@wmk.govt.nz)

## District Plan Review – Submission on Proposed Waimakariri 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. The Association is also involved in the moving and siting of buildings pre-fabricated off-site.
2. The Waimakariri District Council has sought submissions on the Proposed Waimakariri District Plan (“**PDP**”).
3. This submission relates specifically to the management and activity status of the relocation of buildings in the PDP (and any related provisions including objectives, policies, rules, and methods).
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 *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding). In that decision the 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. On this basis, the same treatment should also apply to buildings which are pre-fabricated off-site and relocated to the site.

### Proposed District Plan – Relocatable Buildings

5. Relocatable buildings are defined in the PDP, this definition is set out at **Schedule 2**.
6. It appears that the intent of the PDP is that relocatable dwellings are to be treated the same as in situ buildings within the current operative District Plan, and that this approach is carried through into the new plan.
7. The Association supports the intent of the PDP for relocated buildings to be classified the same as in situ buildings, with permitted activity status for those activities involving relocated building that meet performance standards and criteria, but has concerns as to

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whether the definitions support the policy intent of the PDP. The Association considers that relocatable buildings are already sufficiently provided for in the definition of 'building' in the PDP. This definition, as adopted from the National Planning Standards, includes "moveable or immovable physical construction", which clearly includes a building prefabricated offsite or a re-sited/relocated building.

8. If the reference in the PDP to "*construction or alteration of or addition to 'any building' or other structure*" includes a relocation of buildings, then the activity status for relocatable buildings across the zones would be:

Zone	Activity Status
Large Lot Residential Zone	<b>Permitted</b> where the activity complies with all built form standards
General Residential Zone	
Medium Density Residential Zone	
Settlement Zone	
General Rural Zone	
Rural Lifestyle Zone	
Neighbourhood Centre Zone	<b>Permitted</b> where the activity complies with all built form standards and the building or addition is less than 450m <sup>2</sup>
Local Centre Zone	
Large Format Retail Zone	
Mixed Use Zone	<b>Permitted</b> where the activity complies with all built form standards and the building or addition is less than 450m <sup>2</sup> and any new building or addition does not have a frontage to a Principal Shopping Street
Town Centre Zone	
Light Industrial Zone	<b>Permitted</b> where the activity complies with all built form standards
General Industrial Zone	
Heavy Industrial Zone	
Natural Open Space Zone	
Open Space Zone	
Sport and Active recreation zone	

11. In all the above, where the build form standards are not complied with, the activity becomes either discretionary, restricted discretionary or non-complying depending on which built form standard is not complied with.

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12. There is a rule (TEMP-R6) which deals with temporary storage of relocatable buildings. This rule is set out in full at **Schedule 3** but deals only with the temporary storage of relocatable buildings in the General Rural Zone and Rural Lifestyle Zone. While the Association, in general, supports this rule, it considers that the scope of the rule should be broadened so that it applies to all zones (aside from the Pines Beach and Kairaki Regeneration Zone, discussed later).

### Definitions

13. Definitions from the PDP that are relevant to the Associations' submission are set out at **Schedule 2**.
14. In the operative Waimakariri District Plan, '*relocatable buildings*' are provided for within the definition of '*construction activities*'. However, the definition of '*construction work*' in the PDP does not specifically include relocatable buildings, and only includes reference to '*buildings*'.
15. The inclusion of a new definition of '*relocatable buildings*', separate from the definition of '*buildings*' creates a distinction between the two types of buildings, which may imply that where construction works are permitted, this only applies to the construction of in situ buildings.
16. The way that that the PDP currently reads appears to not expressly provide for relocatable buildings as an activity in any zone which would then mean relocatable buildings fall to the activity status for activities not provided for (discretionary or restricted discretionary).
17. The Waimakariri District Council has confirmed that, under the District Plan, relocated buildings are treated in the same way as any other residential building (by email from Council's Development Planning Unit, dated 14 October 2021 to James Hook)<sup>1</sup>. However, the Association submits that some clarification is needed to ensure that this intention is sufficiently provided for in the PDP.
18. The Association requests deletion of the definition of 'relocatable building' so that relocatable building is included under the definition of building.
19. As a moveable building, all relocatable buildings would be captured under the definition of '*building*'. This would make relocatable buildings included in '*construction work*' under the 'installation' of a building.
20. In the operative Waimakariri District Plan, the definition of '*construct*' clearly includes relocatable buildings as it includes, in relation to a building "to design, build, erect, prefabricate and *relocate*".
21. To ensure relocatable buildings are included in construction work activities under the PDP, a further step could be taken to add a note at the end of the definition of construction work that provides "*for the avoidance of doubt, installation of a building includes the relocation and resiting of a building*" or words to that effect.

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<sup>1</sup> James Hook is the Planning Consultant to the Association.

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**Rule TEMP-R6**

22. The only rule in the PDP which specifically uses the term ‘relocatable buildings’ is TEMP-R6 which provides for the temporary storage of a building in the General Rural and Rural Lifestyle Zone.
23. If the definition of ‘relocatable building’ is deleted from the PDP, the Association supports the following remedies to remove use of the term within TEMP-R6 (a comparison table of the current and proposed TEMP-R6 is set out at **Schedule 3**):
- Amend the heading of rule TEMP-R6 to refer to “temporary storage of buildings” as opposed to “temporary storage of relocatable buildings”, as this would then apply generally to all buildings
  - Amend subclauses 2, 3, and 4 of the rule TEMP-R6 so they refer to “building” rather than “relocatable building”
  - Add a new temporary activity rule (i.e. TEMP-R6A) to permit temporary storage of a building in the Pines Beach and Kairaki Regeneration Zone, subject to standards that are currently part of the definition of “relocatable building” (as the current definition of relocatable building includes specific standards applicable to Pines Beach and the Kairaki Regeneration Zone, this will retain those provisions even though the definition is deleted and will create a new temporary building storage rule specific to that zone).
24. The permitted activity standards sought at **Schedule 1** provide that the building shall be located on permanent foundation no later than [2] months of the building being moved to the site. The Association recognises that this presents a difference between the proposed permitted activity standards and the proposed TEMP-R6 rule (at **Schedule 3**) where a relocatable building in any zone apart from Industrial Zones, can be stored up to 6 months. However this does not create a conflict, as it is two different rules pertaining to different activities; temporary storage of relocatable buildings, and installation of relocatable buildings.
25. With respect to (c), the Association proposes the following rule for the Pines Beach and Kairaki Regeneration Zone:

TEMP-R6A	Temporary Storage of a Building	
<b><i>Pines Beach and Kairaki Regeneration Zone</i></b>	<b>Activity status: PER</b>  Where: <ol style="list-style-type: none"> <li>the standards in Rule TEMP-R6 are met;</li> <li>the building shall be generally of timber or metal framing and exclude any structures that have cast in situ concrete walls, concrete block walls, brick and stone walls (including brick</li> </ol>	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b>  TEMP-MD1 - Character

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	<p>veneer), unless such structures are certified by a qualified structural engineer to be of a specific design which would enable at least the greater part of the building to be relocated if required;</p> <p>3. the building can be removed from the site in less than seven consecutive days;</p> <p>4. the building is fully self-contained or able to disconnect from Council reticulated services in less than two days; and</p> <p>a statement of professional opinion is provided which confirms that the proposed building is relocatable and is suitable to be established on the site. This shall be provided by a suitably qualified and experienced Structural Engineer, Architect, Architectural Designer or similar</p>	<p>and amenity values</p> <p>TEMP-MD2 - Transport</p> <p>TEMP-MD3 - Site alteration, disturbance and remediation</p> <p>TEMP-MD4 - Public safety and security</p> <p>SPZ-PBKR-MD1 – Development design and scale</p>
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### Permitted Activity Standards

26. The Association supports the inclusion of permitted activity standards that are specific to moveable buildings, in the relevant construction activity table in each zone. The below example amends the construction activity within the General Residential Zone, and the Association supports the same or similar standards being added to all zones.

GRZ-R1 Construction or alteration of or addition to any building or other structure	
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity complies with all built form standards (as applicable)</li> <li>2. <i>A building is moved:</i> <ol style="list-style-type: none"> <li>a. <i>It shall be fixed to permanent foundations within 2 months (unless being stored as a temporary activity); and</i></li> <li>b. <i>Reinstatement works to the exterior of the building shall be completed within 12 months, including connection to services, and closing in of the foundations.</i></li> <li>c. <i>A building pre-inspection report to accompany the</i></li> </ol> </li> </ol>	<p>Activity status when compliance not achieved: as set out in the relevant built form standards</p>



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<i>application for a building consent for the destination site which identifies all reinstatement works that are to be completed to the exterior of the building and a certification by the property owner that the reinstatement works shall be completed within the specified [12] month period.</i>	
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27. A full set of permitted activity standards which have been endorsed by the Association is attached at **Schedule 1**, however the above example includes a simplified version of these standards which is also supported by the Association.

### Relief Sought

28. The following relief is sought by the Association to satisfy the abovementioned concerns:
- That a simple set of permitted activity standards be incorporated into the permitted activity construction rule in each zone which reflects the above example (at [26]) to address “moveable construction” i.e. relocatable buildings;
  - That the definition of ‘relocatable buildings’ is deleted so that there is no longer separate definitions for ‘*building*’ and ‘*relocatable building*’;
  - That rule TEMP-R6 is amended to delete reference to ‘relocatable buildings’ and to apply to all Zones, as set out in **Schedule 3**;
  - That there be a separate rule applicable to temporary storage of buildings in the Pines Beach and Kairaki Regeneration Zone (i.e. rule TEMP-R6A), as set out at [25];
  - Or; any alternative or consequential relief that satisfied the concerns of the Association.

### Hearing

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

Yours faithfully



**Stuart Ryan**  
Barrister



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**Schedule 1 – Permitted Activity Standards**

**insert** permitted activity standards (or to same or similar effect):

- 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.*

**Schedule 2 – Definitions**

Term	Definition in PDP
Relocatable Building	<p>means a building being temporarily stored that is easily capable of, and designed for, relocation, either in part or whole, to another site.</p> <p>In relation to any relocatable building located within the Pines Beach and Kairaki Regeneration Zone, means a building that is intended for relocation, either in part or whole, to another site and demonstrates compliance with the following:</p> <ul style="list-style-type: none"><li>a. the building shall be generally of timber or metal framing and exclude any structures that have cast in situ concrete walls, concrete block walls, brick and stone walls (including brick veneer), unless such structures are certified by a qualified structural engineer to be of a specific design which would enable at least the greater part of the building to be relocated if required;</li><li>b. the building can be removed from the site in less than seven consecutive days;</li><li>c. the building is fully self-contained or able to disconnect from Council reticulated services in less than two days; and</li><li>d. a statement of professional opinion is provided which confirms that the proposed building is relocatable and is suitable to be established on the site. This shall be provided by a suitably qualified and experienced Structural Engineer, Architect, Architectural Designer or similar.</li></ul>



Construction Work	<p>has the same meaning as in NZS6803-1999:</p> <p>means any work in connection with the construction, erection, installation, carrying out, repair, maintenance, cleaning, painting, renewal, removal, alteration, dismantling, or demolition of:</p> <ul style="list-style-type: none"><li>a. <b>any building</b>, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground level;</li><li>b. any road, motorway, harbour or foreshore works, railway, cableway, tramway, canal, or aerodrome;</li><li>c. any drainage, irrigation, or river control work;</li><li>d. any electricity, water, gas, or telecommunications reticulation;</li><li>e. any bridge, viaduct, dam, reservoir, earthworks, pipeline, aqueduct, culvert, drive, shaft, tunnel, or reclamation; or</li><li>f. any scaffolding.</li><li>g. any work in connection with any excavation, site preparation, or preparatory work, carried out for the purpose of any construction work;</li><li>h. the use of any plant, tools, gear, or materials for the purpose of any construction work;</li><li>i. any construction work carried out underwater, including work on ships, wrecks, buoys, rafts, and obstructions to navigation; and</li><li>j. any inspection or other work carried out for the purpose of ascertaining whether construction work should be carried out.</li></ul>
Building	<p>means a temporary or permanent movable or immovable physical construction that is:</p> <ul style="list-style-type: none"><li>a. partially or fully roofed; and</li><li>b. is fixed or located on or in land;</li></ul> <p>but excludes any motorised vehicle or other mode of transport that could be moved under its own power.</p>



### Schedule 3 – Comparison Table for TEMP-R6

Current TEMP-R6	TEMP-R6	Temporary storage of a relocatable building	
	<b>General Rural Zone</b>  <b>Rural Lifestyle Zone</b>	<b>Activity status: PER</b>  Where: 1. the building is temporarily being stored prior to transfer to another site; 2. a maximum of one relocatable building is stored on-site for a maximum of six months within any 24 month period and; 3. during the storage period, the relocatable building is not connected to any water, wastewater, or electricity supply, and is not to be fixed to the ground; and 4. the relocatable building meets the setback, building coverage and height rules for the zone in which the site is located.	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b>  TEMP-MD1 - Character and amenity values  TEMP-MD2 – Transport  TEMP-MD3 - Site alteration, disturbance and remediation  TEMP-MD4 - Public safety and security
Suggested Amended TEMP-R6	TEMP-R6	Temporary storage of a building	
	<b>All zones Except Commercial and Mixed Use Zones and the Pines Beach and Kairaki Regeneration Zone</b>	<b>Activity status: PER</b>  Where: 1. the building is temporarily being stored prior to permanent siting or transfer to another site; 2. in all zones apart from Industrial Zones a maximum of one relocatable building is stored on-site for a maximum of six months within any 24 month period and; 3. during the storage period, the relocatable building is not connected to any water, wastewater, or electricity supply, and is not to be fixed to the ground; and 4. the relocatable building meets the setback, building coverage and height rules for the zone in which the site is located.	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b>  TEMP-MD1 - Character and amenity values  TEMP-MD2 – Transport  TEMP-MD3 - Site alteration, disturbance and remediation  TEMP-MD4 - Public safety and security