

Louise White

From: Marina Chevalier <Marina@akaranachambers.co.nz>
Sent: Friday, 20 November 2020 11:17 AM
To: Louise White
Cc: Stuart Ryan; 'JONATHAN BHANA-THOMSON (jonathan@hha.org.nz)'; dpreview
Subject: [EXTERNAL] RE: House Movers submission on Proposed District Plan

Kia ora Louise,

The “Additional comments and notes” section forms part of the template pre-inspection report attached to the submission, i.e. it would be a section for certified building practitioners to fill in if they had any additional comments relating to the building relocation. Similarly, the pictures are provided as examples of what one might expect in the pre-inspection report.

I have filled in the additional information below:

Matters to address

1. Submitter details:

Full Name	<i>Last</i> Ryan (Counsel for the organisation)		<i>First</i> Stuart
Company/Organisation <i>if applicable</i>	The House Movers’ section of the New Zealand Heavy Haulage Association Inc.		
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2. I could I could not
gain an advantage in trade competition through this submission.
(Please tick relevant box)

If **you could** gain an advantage in trade competition through this submission please complete point four below:

3. I am I am not
directly affected by an effect of the subject matter of the submission that:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.
(Please tick relevant box if applicable)

Note:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

4. I will I will not
Consider presenting a joint case with other submitters, who make a similar submission, at a hearing.
(Please tick relevant box)

Regards

Marina Chevalier | Junior Barrister

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20 November 2020

Attention: Team Leader – Planning

By email : louise.white@porirua.govt.nz

District Plan Review – Submission on Proposed Porirua District Plan

Introduction

1. I write for the House Movers Section of the New Zealand Heavy Haulage Association Inc (referred to as the “**Association**”). The Association represents firms and individuals engaged in building removal and relocation throughout New Zealand. The Association represents two housemoving companies active in the Porirua area: Britton Housemovers Ltd and Gold Coast Building Removals Ltd.
2. The Association wishes to ensure that regulatory controls through District Plans properly reflect the purpose and intentions of the Resource Management Act 1991 as expressed in the decision of the Environment Court in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding). In this case the Environment Court held that there was no real difference in effect and amenity value terms between the *in situ* construction of a new dwelling and relocation of a second-hand dwelling, subject to appropriate permitted activity performance standards.
3. The Association submitted feedback on 16 April 2020 on the Draft District Plan, supporting the permitted activity classification of relocated buildings, as coming under the definition of “*Building Activity*”. The Association also sought further provisions to clarify and define the industry terms relating to relocated buildings:
 - a. *relocation* (onto a site),
 - b. *removal* (off a site), and
 - c. *re-siting* (within a site).
4. The Association maintains this position with some minor alterations in respect of the Proposed Porirua District Plan (“**Proposed Plan**”).

The Proposed Plan

Permitted activity

5. The Association has reviewed the Proposed Plan.
6. It is understood that the term “*Building Activity*” in the Draft Plan has been replaced with the term “*Construction Activity*” in the Proposed Plan, defined as:

means undertaking or carrying out any of the following building works:

 - a. erection of new buildings and structures;
 - b. alterations and additions to existing buildings or structures;
 - c. demolition or removal of an existing building or structure, including total or partial demolition or removal; and
 - d. relocation of a building;

but excludes any building work associated with infrastructure.

Note: Building work associated with infrastructure is addressed in the Infrastructure chapter.
7. “*Construction Activity*” is permitted (subject to each zone’s compliance standards) in the following zones:
 - a. GRZ - General Residential Zone
 - b. MRZ - Medium Residential Zone
 - c. GRUZ - General Rural Zone
 - d. RLZ - Rural Lifestyle Zone
 - e. SETZ - Settlement Zone
 - f. NCZ - Neighbourhood Centre Zone
 - g. MUZ - Mixed Use Zone
 - h. CCZ - City Centre Zone
 - i. GIZ - General Industrial Zone
 - j. FUZ - Future Urban Zone
8. Construction activity is not provided for in the Large Format Retail Zone (LFRZ-R21), nor the City Centre Zone (CCZ-R22) and therefore defaults to a discretionary activity.
9. The Future Urban Zone provides for “*Building activity including additions and alterations, excluding fences and standalone wall*” as a permitted activity where compliance standards are met (FUZ-R1) and provides for “*Construction activity*” as a permitted activity (FUZ-R5). While the term “*building*” is defined in the Proposed Plan, the term “*Building Activity*” is no longer defined.
10. As such, the Proposed Plan does not distinguish between *in situ* constructed housing

and relocated dwellings. In the zones listed in paragraph 7, removal and relocation of dwellings will therefore be classified as a permitted activity, provided that the activity complies with the same building standards as *in situ* construction i.e. site coverage, height in relation to boundary, zoning etc.

11. The Association:
- a. **supports** the approach that relocated dwellings (including the removal of dwellings) have the same activity status as *in situ* dwellings; and
 - b. **supports in part** that relocated dwellings are subject to the same standards as *in situ* dwellings (additional standards suggested below).

Relief sought

12. There are several aspects to the shifting of buildings, including:
- *relocation* (onto a site),
 - *removal* (off a site), and
 - *re-siting* (within same site).
13. In order to ensure certainty for plan users who are seeking to relocate, remove or re-site dwellings, and to avoid the unintended application of any default rule to the above activities, it is therefore suggested that:
- a. all these activities be expressly provided for as a permitted activity in the zones listed in paragraph 7 of this submission, subject to the same zone standards as *in situ* dwellings; and
 - b. all these activities be defined in the interpretation chapter of the Proposed Plan. The Association requests that the following definitions be provided:

Relocation

Includes any building that is removed from one site and relocated to another site, in whole or in parts. It excludes any new building which is designed for, or intended to be used on, a site but which is constructed or prefabricated off-site, in whole or in parts, and transported to the site.

Removal

Means the shifting of a building off a site and excludes demolition of a building.

Re-siting

Means shifting a building within a site.

14. To retain a degree of regulatory control over relocated buildings, the House Movers support the following performance standards to accompany the permitted activity classification and in addition to the zone performance standards which currently apply to "*Construction Activity*" in the Proposed Plan:
- 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 (refer **Schedule 1**). 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.*
15. These standards are the most appropriate way of achieving the purpose of the RMA, pursuant to s 32, whilst giving effect to the *Central Otago* decision.
16. The Association proposes a non-notified restricted discretionary activity status for relocated buildings that do not comply with the performance standards in the zones listed in paragraph 7 of this submission, which reflects the *Central Otago* decision. The Association proposes the following assessment criteria:
- Restricted Discretionary Activity*
(on a non-notified, non-service basis)
- Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:*
- i) Proposed landscaping;*
 - ii) the proposed timetable for completion of the work required to reinstate the exterior of the building and connections to services.*
17. The Association also invites the Council to make any further or consequential amendments to give effect to this submission, including such amendments as required to the definitions, other matters, rules, objectives, policies and reasons of the proposed plan to give appropriate recognition to the positive effects of removal, re-siting, and relocation of dwellings and buildings, in accordance with the reasons for this submission, and the relief sought.
18. A suggested pre-inspection report (which may either be a non-statutory form, or prescribed into the plan, or to similar effect) is attached as **Schedule 1**.
19. The Association **does** wish to be heard in support of this submission.

Yours faithfully,



Stuart Ryan / Marina Chevalier

SCHEDULE 1 - suggested Pre-inspection report



Building Pre-Inspection Report for Relocation

*New Location Address
Region*

For: *Council Name*

Date of report

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APPENDICES

APPENDIX A – PHOTOGRAPHS

1.0 GENERAL INFORMATION

1.1 Introduction

This Building Pre-Inspection report accurately records the external condition of the *dwelling house/garage/ancillary building* to be relocated and to establish all reinstatement works required to the exterior of the building after relocation to a workmanlike standard and to achieve a tidy appearance to meet requirements of the District Plan .

Limited inspection of the interior has been undertaken for the purpose of the Report.

The Report confirms whether the building is considered Safe and Sanitary.

The Report also identifies site-specific requirements including but not limited to the requirement for; the construction of the new foundations, new retaining walls, service connections, water and sewerage treatment (if applicable).

The Report must be read in conjunction with the condition table and photographs provided, which assist in providing a representation of the condition of the premises prior to the commencement of the relocation.

The Report has been prepared by *Name of Company Name* as per our instruction/agreement dated _____ on behalf of our clients *Name*

1.2 Applicants Contact Details

Applicant:	<i>Applicant (clients) name</i>
Contact address:	<i>Contact address</i>
Telephone:	
Email:	
Any Additional information:	

Agent:	<i>Authorised agent</i>
Contact address:	<i>Contact address</i>
Telephone:	
Email:	
Any Additional information:	

1.3 Building details

Type of building	<i>Dwelling house, garage, ancillary building</i>
Approximate age of building:	<i>Provide date range i.e. 1940-1950</i>
Brief Description:	<i>Number of storeys, approximate size, roof, walls, floor construction, additional features</i>
Proposed site address:	<i>Address of the intended site of the relocated building</i>
Site address where the building was inspected:	<i>Address...</i>
Proposed Use of Building	<i>Dwelling house, residential garage, ancillary</i>
Previous Use of the Building	<i>Relocated building must have been previously designed, built and used as a dwelling (Except previously used garage and ancillary buildings)</i>
Inspection Dates & Weather:	<i>Date and weather at the time of inspection</i>
Inspection by:	<i>Name of inspector</i>
Other persons present:	<i>Name of other parties present</i>
Building Consent Status	<i>Has Building Consent documentation been prepared for the relocation works.</i>

1.4 Reporting Conditions

This Report has been prepared under the following conditions of engagement:

- The survey is based on a visual inspection only; therefore it is not possible to guarantee that all concealed areas containing defects will be accessible (floor voids, roof voids, etc). No intrusive investigation will therefore be undertaken.
- Signs of water ingress will be searched for during the completion of the survey, however the Report cannot warrant that the building is free from water penetration, from defective roofing, cladding, rainwater goods, rising damp or the like unless evident at the time of our visual survey.
- Only areas where safe access is possible have been inspected.
- The Report is provided for the use of the client identified in section 1.1 and the council and may not be used by others without written permission. The writer of this report accepts no liability to third parties who may act on the report.
- This Report must be read in conjunction with photograph and condition tables provided.
- This Report is for the purposes of the District Plan. The Report also requires a safe and sanitary declaration for the purposes of the Building Act 2004.

1.5 Exclusions

This report **does not** include comment about the following:

- a) The structure of the building unless otherwise commented upon;
- b) The surrounding neighbourhood;
- c) The value of the property;
- d) Illegal Works; and
- e) Internal condition of the building unless otherwise commented upon.

Additionally, no search has been made of:

- f) Local Authority rates;
- g) Government Valuation; or
- h) LIM or PIM reports.

1.6 Definitions

The following defines the condition comments of the elements surveyed:

- Good: Items that have suffered minimal weathering, wear or decay and are free from any visual defects.
- Reasonable: Items that have worn through 'normal' use and weathering, and is in commensurate condition to the building age and use.
- Poor: Items that are worn, decayed or weathered either due to the age, abnormal use or lack of maintenance.

1.7 Areas Accessed

Example:

The external envelope of the subject building viewed from ground floor level and where safely accessed by ladder from ground level.

Internally, our inspection was limited to those parts of the buildings that could be safely accessed and a head and shoulders inspection of the roof space.

Access was gained into the subfloor space....

2.0 MANDATORY CONDITION TABLE

RMA 1991 – Mandatory External Reinstatement					
Item	Construction Element	Description	Condition	Required Upgrades & Comments	Photograph
1	Roof	<i>Corrugated iron/fibre cement sheet, concrete tile, metal tile, butynol membrane, other</i>	<i>Good/Reasonable/ Poor</i>	<i>None/ Repaint/ Re-roof etc</i>	 <p style="color: red; font-weight: bold; margin-top: 10px;"><i>Insert multiple photographs if/as required under any of the below sub-headings.</i></p>
2	Spouting and Downpipes	<i>PVC, metal, butynol membrane, other</i>	<i>Good/Reasonable/ Poor</i>	<i>None/ Repaint/ Replace etc</i> <i>Example: Repair all timber fascias, barges as well as rainwater goods to ensure surface moisture discharges into new Council approved outlet at new site location.</i>	

2.0 MANDATORY CONDITION TABLE

RMA 1991 – Mandatory External Reinstatement					
Item	Construction Element	Description	Condition	Required Upgrades & Comments	Photograph
3	Wall Cladding	<i>Fibre cement weatherboard/sheet, timber weatherboard, Board and batten, metal sidings, other</i>	<i>Good/Reasonable/ Poor</i>	<i>None/ Repaint/ Replace etc</i>	
4	Foundation cladding	<i>NA</i>	<i>NA</i>	<i>Foundation cladding is to be installed as specified in the Building Consent</i>	
5	Window and Door Joinery	<i>Powder coated aluminium, timber, steel, single glazed, double glazed</i>	<i>Good/Reasonable/ Poor</i>	<i>None/ Install new joinery/Repair and redecorate existing joinery</i> <i>Example: Repair and repaint window and door joinery. Replace all broken glass immediately after relocation.</i>	

3.0 BUILDING ACT REQUIREMENTS

This Report is for purposes required by the District Plan. It is not a report to address matters required by the Building Act.

A building consent is required for the relocation of this building and all subsequent works as a consequence. The building work must be designed and undertaken by Licensed Building Practitioners with the appropriate category of licence (certain homeowner exemptions may apply). This Pre-inspection Report must be submitted to council with an application for building consent.

The building consent documents must be provided to council along with the appropriate fees and proof of ownership (Certificate of Title less than 3 months old or sale and purchase agreement for the proposed site).

The site specifics must be appropriately designed to include foundations, considering, layout, sizing, position, bracing, ventilation, access etc.

4.1 SAFE AND SANITARY

Comment is required.

Licensed Building Practitioner MUST give a declaration regarding whether the building is/isn't Safe and Sanitary.

Note:

If the building is not considered safe and sanitary then give reasons. (example: evidence of leaky building)

4.2 HEALTH & SAFETY

Set out below is a description of the health and safety concerns identified.

Example:

Building materials identified are suspected to contain asbestos. This includes, but not limited to fibre cement claddings, vinyl flooring and soffit linings. Asbestos is relatively safe when encapsulated, but is dangerous to health when fibres become air borne. This can occur when the building materials are damaged or become degraded.

No specialist laboratory testing has been carried out to confirm the presence or absence of asbestos or any other material hazardous to health. All comments are based upon a visual inspection only.

It is recommended that a specialist asbestos surveyor be instructed to identify the risks present.

5.0 ESTIMATE OF COSTS OF EXTERNAL REINSTATEMENT WORKS

The estimate of costs of external reinstatement works is the sum of [*to insert*]

Note:

Allow a contingency sum for any damage in transit

“Reinstatement Works” means the extent of the work required to the exterior of the Relocated Building as specified in the Building Pre-Inspection Report for the purposes of the District Plan. The exterior reinstatement works will not include matters regulated by the building legislation or connection to foundations; but may include matters required by the District Plan for work to be undertaken and completed to the exterior of the building to a workmanlike standard and to achieve a tidy appearance, including, without limitation:

- (a) Repair of broken windows and window frames;*
- (b) Repair of rotten weatherboards or other damaged wall cladding;*
- (c) Necessary replacement or repair of roof materials;*
- (d) Cleaning and/or painting of the exterior where necessary e.g. roof, walls, window frames etc;*
- (e) Repair of transit damage; and/or*
- (f) Replacement and painting of baseboards or other foundation cladding.*

6.0 LICENSED BUILDING PRACTITIONER SIGNATURE

I, certify that the information provided is true and correct and that the building described above appears to have applied with the relevant Building Regulations at the time of its construction, and (if a dwelling) the building has been previously designed, built and used as a dwelling (Except previously used garage and ancillary buildings).

Author

Peer Reviewer

Signed:

If undertaken/available

Qualifications *LBP Category, BOINZ, RICS, NZIBS, ANZIA etc*

For and On Behalf of *Company Name*

Address

Inspectors business address

Telephone

Telephone business number

Email

Email business address

7.0 OWNER DECLARATION

As a requirement of the [insert council name] District Plan/Resource Consent, I/we _____ CERTIFY that I/we will ensure that within 12 months from the building being delivered to site the buildings external reinstatement, insulation, heating, infrastructure, closing in, ventilation of foundations, and connections to services (mains or private) will be completed.

I acknowledge that failure to complete any mandatory work identified in 2.0 'Mandatory Condition Table' relating to the reinstatement of the building may lead to council taking enforcement action under the Building Act 2004, or Resource Management Act 1991, including by way of a notice to fix, infringement notice, abatement notice, enforcement order, or prosecution.

Signed:..... (PRINT).....

Owner

Signed:..... (PRINT).....

Owner

Signed:..... (PRINT).....

Owner

		
<p><i>Elevation description i.e. Front Elevation</i></p>	<p><i>Elevation description i.e. Rear Elevation</i></p>	<p><i>Elevation description</i></p>
<p><i>Elevation description</i></p>	<p><i>Elevation description</i></p>	<p><i>Elevation description</i></p>

<i>Elevation description</i>	<i>Elevation description</i>	<i>Elevation description</i>
<i>Elevation description</i>	<i>Elevation description</i>	<i>Elevation description</i>

Additional Comments and Notes