

Resource Management Act 1991

Submission on Notified Proposed Plan Change to Central Otago District Plan

Clause 6 of Schedule 1, Resource Management Act 1991

(FORM 5)

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

Details of submitter

Name: House Movers Section of the New Zealand Heavy Haulage Association Inc

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Contact person: Stuart Ryan, Lawyer for the Association - 09 357 0599, stuart@stuartryan.co.nz

This is a submission on proposed Plan Change 19 to the Central Otago District Plan (the proposal).

I am/ am not* a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (*select one)

The specific provisions of the proposal that my submission relates to are:

(Give details, attach on separate page if necessary)

Refer to submission, attached.

This submission is:

Refer to submission, attached.

I / We seek the following decision from the consent authority:

(Give precise details, including the general nature of any conditions sought)

Refer to submission, attached.

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.



Signature - Stuart Ryan, Barrister

02/09/2022

Date

Submissions close at 4pm on Friday 2 September 2022

Submissions can be emailed to districtplan@codc.govt.nz

Note to person making submission:

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 a 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.*

Central Otago District Council
PO Box 122
Alexandra 9340

2 September 2022

Attention: The Chief Executive

By email: districtplan@codc.govt.nz

Submission on Plan Change 19 – Residential Zoning

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.
2. The Central Otago District Council has sought submissions on Plan Change 19 (**PC-19**).
3. This submission relates specifically to the management and activity status of the relocation of buildings in PC-19.
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 the decision of the Environment Court in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding). In that decision the Environment Court held that there was no real difference in effect and amenity value terms between the in situ construction of a new dwelling and relocation of a second-hand dwelling, subject to appropriate permitted activity performance standards.

Operative Plan Provisions and Environment Court Decision

5. Under the Operative Central Otago District Plan (operative plan), relocated buildings in residential zones are restricted discretionary activities where the activity is “*the relocation of a previously used building intended for use as a dwelling (excluding previously used accessory buildings or garages) that does not comply with the standards set out in Rule 7.3.6(xi)*” (emphasis supplied) (set out below).

Rule 7.3.6(xi) Relocatable Dwellings

- (a) Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling.
- (b) A building inspection report shall accompany the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building.
- (c) All reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within six months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

Submission on Plan Change 19 – Residential Zoning

- (d) The proposed owner of the relocated building must certify that the reinstatement work will be completed within the six month period.

Breach: discretionary (restricted) activity see Rule 7.3.3(vii)

Reason

Non-residential buildings in a residential area can have an adverse effect on amenity values. Incompletely reinstated relocated buildings can have an adverse effect on the amenity values of residential areas.

6. The matters which Council must restrict its discretion to are - the proposed timetable for completion of the work required to reinstate the exterior of the building and connections to services, and the design and appearance of the building following reinstatement.
7. Although it is not explicitly stated in the residential zones chapter of the operative plan, it is assumed that where relocated buildings do comply with the standards in Rule 7.3.6(xi), relocated buildings would be provided for as a permitted activity (per rule 7.3.1(i)).
8. This is in line with the Environment Courts decision in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding), where the final decision on standards (Decision No. C61/2004, attached as **Schedule 3**) annexed rules to be substituted for the rules relating to relocated buildings in the Central Otago District Plan. The rules approved by the Court stated that relocated buildings were to have permitted activity status in the Residential Resource Area as well as the Rural Settlements Resource Area.

Draft Plan Change 19

9. In all residential zones (Large Lot, Low Density and Medium Density), relocated buildings are “controlled”. Control is reserved over: the time period within which the building will be placed on its foundations; identification of, and the time period to complete reinstatement works to the exterior of the building; provision of servicing and whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.
10. In Medium Density and Low Density Residential Zones, controlled activity status applies where the relocated building is intended for use as a dwelling (excluding previously used garages and accessory buildings) was previously designed, built and used as a dwelling.
11. In the Large Lot Residential Zone, controlled activity status applies where:
 - a. Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling;
 - b. A building inspection report shall be provided with the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building;
 - c. All reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within six months of the building being delivered to the site. Reinstatement work is to

Submission on Plan Change 19 – Residential Zoning

include connections to all infrastructure services and closing in and ventilation of the foundations; and

- d. The proposed owner of the relocated building must certify that the reinstatement work will be completed within the six month period
12. In Medium Density and Low Density Residential Zones, where compliance is not achieved (with the requirement that the building was previously designed, built and used a dwelling), the activity defaults to discretionary activity status.
13. Default to discretionary activity status occurs in the Large Lot Residential Zone where compliance is not achieved with the standards listed above at para [11].

Reasons for Feedback

14. The move from permitted activity status with performance standards in the operative plan, to controlled activity status in PC 19 is a shift to a stricter approach to the treatment of relocatable dwellings in Central Otago. We are concerned that this more restrictive regime is the result of some non-compliance with the current rules for permitted activity status – and we are wanting to engage with the Council to understand any insights about what was behind this lack of reinstatement.
15. Recent district plan reviews by other Councils (such as New Plymouth, who has just recently concluded hearings on their District Plan review), show a trend of district plans to provide for relocated dwellings as permitted activities with performance standards, and with a default to restricted discretionary where compliance with these standards is not achieved.
16. In the Association's experience, the provision of better information can assist with avoiding any issues in relation to the timeframe for reinstatement.
17. Since the Environment Court outcome in 2004, the Association has made submissions to more than 50 District Plans nationwide, and in this period while we have formulated our approach based on the Court ruling, we have also refined some of the detail of the approach.
18. We have developed our own template inspection report, and some Councils have adopted (or adapted) the Association's pre-inspection report and have published their own version.¹ This means that a standard set of criteria are covered in this report.
19. In general, the Association does support the requirement of a pre-inspection report in the plan generally, and the pre-inspection report with this submission provides an example which addresses reinstatement issues.
20. Further, in order to motivate building owners to progress the reinstatement of the building, in our recent submissions to other council areas, we have promoted that a 2 month time period be the maximum period allowed for the installation of the relocated house onto

¹ For recent examples, see [Hastings District](#), and [Queenstown Lakes](#).

Submission on Plan Change 19 – Residential Zoning

permanent foundations. This means that the house is well on the way to being remediated onto the new site.

21. Finally, in terms of the period of time permitted to comply with the various requirements in the reinstatement report, in areas of New Zealand where weather conditions can delay works, that a period of nine or twelve months have been specified in other District Plans as a more achievable target. In the current environment with more restrictions on materials and labour, a slightly longer period is more likely to result in higher levels of compliance – although we are flexible in our thinking on this.

Relief Sought

22. In light of recent district plan reviews by other Councils, and the decision of the Environment Court in Central Otago, the Association supports:
- a. Permitted activity status for those applications involving relocated buildings that meet performance standards and criteria, as set out in **Schedule 1**, attached.
 - b. Council retaining a degree of control over relocated buildings through the use of performance/permitted activity standards (including through the use of a pre-inspection report, attached as **Schedule 2**).
 - c. Restricted Discretionary activity status for relocated buildings that do not meet the permitted activity status standards.

Yours faithfully



Stuart Ryan / Sian Kilgour
Barrister

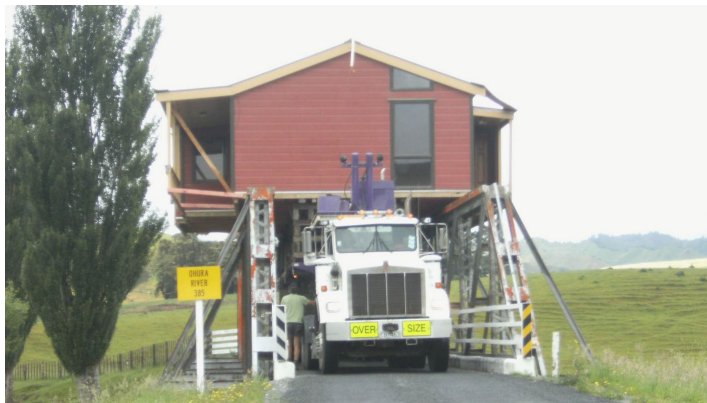
Cc: Jonathan Bhana-Thomson, Chief Executive, NZHHA

Submission on Plan Change 19 – Residential Zoning**Schedule 1 – Recommended Performance Standards for Relocated Buildings**

- (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.

Submission on Plan Change 19 – Residential Zoning

Schedule 2 – Pre Inspection Report



Building Pre-Inspection Report for Relocation

*New Location Address
Region*

For: *Council Name*

Date of report

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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 also provides photographs of the surroundings of the destination site. These photos provide context for the standard to be achieved in reinstating the relocated building.

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><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, barge 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.

Building Surveyor 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 BUILDING SURVEYORS 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 CERTIFICATE AND 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, 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



Elevation description i.e. Front Elevation

Elevation description i.e. Rear Elevation

Elevation description

Elevation description

Elevation description

Elevation description

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

Destination Site Photographs

Additional Comments and Notes

Submission on Plan Change 19 – Residential Zoning

Schedule 3 - *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C61/2004) (Final Decision – Standards)

Decision No. C 61 /2004

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a reference under clause 14 of the First
Schedule to the Act

BETWEEN NEW ZEALAND HEAVY HAULAGE
ASSOCIATION INC
(RMA 497/00)
Appellant

AND THE CENTRAL OTAGO DISTRICT
COUNCIL
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge C J Thompson
Environment Commissioner C E Manning
Environment Commissioner O M Borlase

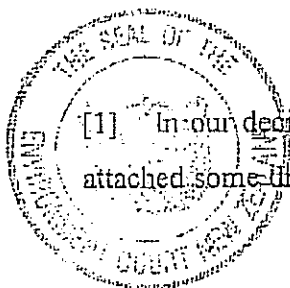
SUBMISSIONS received 30 April 2004

COUNSEL:

S J Ryan for the New Zealand Heavy Haulage Association Inc
J E Macdonald for the Central Otago District Council

FINAL DECISION – STANDARDS

[1] In our decision of 15 April 2004 we outlined our views on the substantive issues, and attached some draft standards which we believed reflected those views. We asked counsel to



consider those drafts and to comment on them by 30 April. We are grateful for their responses.

[2] There was a suggestion that we might reword rule 7.3.6(xi)(a) lest, inadvertently, new relocatable housing should be caught by it. We do not think that can be so if the whole rule is read. It refers to previous 'use' as a dwelling.

[3] Both counsel suggested that paras (b) and (c) might benefit from the certainty of being referenced back to the building inspection report and the building consent. We agree, and have amended them accordingly.

[4] At the suggestion of Ms Macdonald, we have also made a minor amendment to the "Reason" paragraph of the Rule.

Order


[5] The formal order of the Court will therefore be that the Council is to amend its district plan by substituting the relevant Rules with those annexed to this decision.

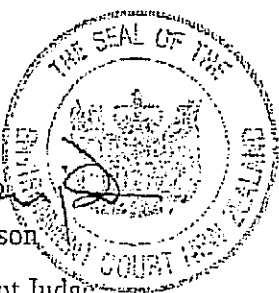
Costs

[6] If costs cannot be agreed, any application is to be lodged within 15 working days from the release of this decision, and any response is to be lodged within a further 5 working days.

DATED at WELLINGTON this 17th day of May 2004

For the Court


C J Thompson
Environment Judge



Residential Resource Area

Permitted Activity Status

1. Add a new Standard to Rule 7.3.6, as follows:

- (xi) **Relocatable Dwellings**

- (a) Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling.

- (b) A building inspection report shall accompany the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building.

- (c) All reinstatement work required by the building inspection report and the building consent to reinstatc the exterior of any relocated dwelling shall be completed within six months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

- (d) The proposed owner of the relocated building must certify that the reinstatement work will be completed within the six month period.

Reason

Non-residential buildings in a residential area can have an adverse effect on amenity values.

Incompletely reinstated relocated buildings can have an adverse effect on the amenity values of residential areas.

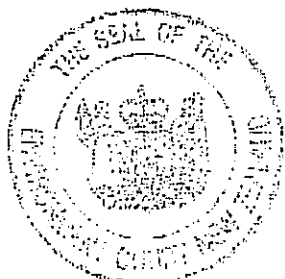
Breach: discretionary (restricted) activity see Rule 7.3.3 (vii)

2. Amend Rule 7.3.3 (iii) to read as follows:

- (iii) **Relocatable Buildings**

The relocation of a previously used building intended for use as a dwelling (excluding previously used accessory buildings or garages) that does not comply with the standards set out in Rule 7.3.6(xi) is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the following:



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

Any application made under this rule will generally not be notified or served where the written approval of affected persons has been obtained.

Reason

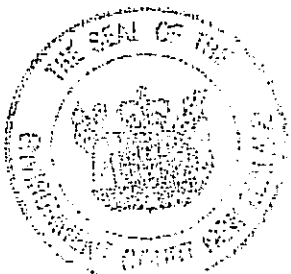
In the past Council has experienced difficulties with the completion of reinstatement works in respect of dwellings relocated to new sites. These buildings sometimes require exterior upgrading and repair and may be left on the site in an unfinished state. Consequently they can have significant adverse effect on local amenity values. Discretionary (restricted) activity status enables the Council to consider whether a delay in completing the exterior reinstatement of a particular building is appropriate and to impose conditions that will ensure amenity standards are maintained. Previously used accessory buildings and garages are not subject to this rule.

3. Add a new Rule 7.3.3 (vii) to read as follows:

(vii) Relocatable Buildings

The relocation of previously used buildings for any purpose, other than for use as a dwelling (excluding previously used accessory buildings or garages), is a discretionary (restricted) activity.

... (continue as per current rule 7.3.3(iii))



Proposed Rules: Rural Settlements Resource Area

Permitted Activity Status

1. Redraft Rule 10.3.6(i) as follows:

- (i) **Residential amenity**

All activities shall comply with the standards applied also in the Residential Resource Area set out in Rule 7.3.6(iii), (iv), (v) (vii) and (xi) of this Plan.

2. Amend Rule 10.3.3(ii) to read as follows:

- (ii) **Breach of Standards**

Any activity that fails to comply with any of the standards contained in Rule 10.3.6 (except for standard 7.3.6(xi), incorporated by Rule 10.3.6(i)) is a discretionary (restricted) activity.

...continue as per current Rule 10.3.3 (ii)

3. Amend Rule 10.3.3(iii) to read as follows:

- (iii) **Relocatable Buildings**

The relocation of a previously used building intended for use as a dwelling (excluding previously used accessory buildings or garages) that does not comply with standard 7.3.6(xi) (incorporated by Rule 10.3.6(i)) is a discretionary (restricted) activity.

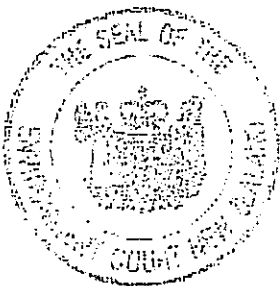
Council shall restrict the exercise of its discretion to the following:

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

Any application made under this rule will generally not be notified or served where the written approval of affected persons has been obtained.

Reason

In the past Council has experienced difficulties with the completion of reinstatement works in respect of dwellings relocated to new sites. These buildings sometimes require exterior upgrading and repair and may be left



on the site in an unfinished state. Consequently they can have significant adverse effect on local amenity values. Discretionary (restricted) activity status enables the Council to consider whether a delay in completing the exterior reinstatement of a particular building is appropriate and to impose conditions that will ensure amenity standards are maintained. Previously used accessory buildings and garages are not subject to this rule.

3. Add Rule 10.3.3 (v) to read as follows:

(v) **Relocatable Buildings**

The relocation of previously used buildings for any purpose, other than for use as a dwelling (excluding previously used accessory buildings or garages), is a discretionary (restricted) activity.

... (continue as per current rule 10.3.3(iii))

