

**BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER      of the Resource Management Act 1991  
AND                      of an appeal under clause 14 of the First  
                                    Schedule of the Act  
BETWEEN              HOUSE MOVERS SECTION OF THE NEW  
                                    ZEALAND HEAVY HAULAGE  
                                    ASSOCIATION  
                                    (ENV-2018-CHC-87)  
                                    Appellant  
AND                      QUEENSTOWN LAKES DISTRICT  
                                    COUNCIL  
                                    Respondent

Environment Judge J J M Hassan – sitting alone pursuant to s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 17 June 2020

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**CONSENT ORDER**

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A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Queenstown Lakes District Council is directed to amend Chapter 35 of the Proposed Queenstown Lakes District Plan, as set out in Appendix A, attached to and forming part of this order;
- (2) the appeal is otherwise dismissed.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.



## REASONS

### **Introduction**

[1] This proceeding concerns an appeal by the House Movers Section of the New Zealand Heavy Haulage Association against parts of a decision of the Queenstown Lakes District Council on Chapter 35 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 10 Subtopic 1 (Temporary Activities & Relocated Buildings – Relocated Buildings).

[2] The parties requested that the issuance of a consent order be timed so as to coincide with the determination of Subtopic 2, also on Ch 35. Regrettably, however, this matter has taken longer than parties may have anticipated due to competing commitments, including in relation to the Plan. Nevertheless, the court has now read and considered the consent memorandum of the parties dated 13 June 2019, which proposes to resolve this appeal.

### **Other relevant matters**

[3] Queenstown Airport Corporation has given notice of its intention to become a party to the parts of the appeals in Topic 10 Subtopic 1 under s274 of the Resource Management Act 1991 ('the RMA') and has signed the memorandum setting out the relief sought.

### **Orders**

[4] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.

  
**J J M Hassan**  
Environment Judge



**APPENDIX A**

(amendments shown in underline and ~~strikethrough~~ text)



## 35 Temporary Activities and Relocated Buildings

### 35.4 Rules - Activities

	Temporary Activities and Relocated Buildings	Activity Status
35.4.13	<p>Relocated Building</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. <del>the reinstatement works required to the exterior of the building and the timeframe to execute such works;</del></li> <li>b. <del>the timeframe for placing the building on permanent foundations and the closing in of those foundations;</del></li> <li>c. <del>the nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area.</del></li> </ul> <p>This rule does not apply to buildings for Temporary Construction-Related Activities, as addressed in Rules below.</p>	C P
35.4.14	<p>Any temporary activity <del>or relocated building</del> not otherwise listed as a permitted <del>or controlled</del> activity in this table.</p>	D



## 35.5 Rules – Standards

	Standards for Activities	Non-compliance Status
<b>35.5.4</b>	<p><u>Relocated Buildings</u></p> <p><u>Any relocated building must comply with the following standards:</u></p> <p>a. <u>Building Pre-inspection Report:</u></p> <p>i. <u>A Building Pre-inspection Report must be provided to Council and accompany the application for a building consent for the destination site;</u></p> <p>ii. <u>The Building Pre-inspection Report must be prepared by a Licenced Building Practitioner or other appropriately qualified person;</u></p> <p>iii. <u>The Building Pre-inspection Report must be in Council’s standard template and must identify all reinstatement works that are to be completed to the exterior of the building;</u></p> <p>b. <u>The building must be located on permanent foundations, within two months of the building being delivered to the site;</u></p> <p>c. <u>All other reinstatement works identified by the Building Pre-inspection Report and the building consent to reinstate the exterior of any relocated building, including connections to services and closing in and ventilation of foundations, must be completed within nine months of the building being delivered to the site; and</u></p> <p>d. <u>The land owner of the site on which the relocated building is to be placed must certify to the Council that all reinstatement works identified in the Building Pre-inspection Report will be completed within nine months of the</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>the reinstatement works required to the exterior of the building, including those identified by any Building Pre-inspection Report, and the timeframe to carry out such works;</u></p> <p>b. <u>the timeframe for placing the building on permanent foundations and the closing in of those foundations;</u></p> <p>c. <u>external appearance and amenity values;</u></p> <p>d. <u>any bond or other condition required to ensure completion of any restoration work.</u></p>



	Standards for Activities	Non-compliance Status
	<u>building being placed on permanent foundations.</u>	

## 35.6 Rules – Non-Notification of Applications

35.6.2 The following activity will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

35.6.2.1 Rule 35.4.13 Relocated Building

