

District Plan Team
Kaipara District Council
Private Bag 1001
Dargaville 0340

27 June 2025

Attention: Kaipara District Council PDP planning team

By email: districtplanreview@kaipara.govt.nz

Kaipara District Council Proposed District Plan – Submission by New Zealand Heavy Haulage Association Inc

1. This submission is made on the Kaipara Proposed District Plan (**PDP**) in relation to provisions relating to relocated buildings.

Background & reasons

2. 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.
3. The Association provided feedback on the Draft Kaipara Plan by letter dated 16 September 2022. It appears that the points made by the Association in the feedback about ensuring that relocated buildings are expressly provided have been partially implemented in respect of the General Residential Zone, but not other zones.
4. It is not self-evident from the PDP for zones except for the General Residential Zone whether the PDP intends for second hand relocated buildings to be permitted activities, or whether the PDP intends relocated buildings (that are not new transportable buildings) to be discretionary activities requiring resource consent. The Association seeks that the PDP have an express rule for all zones that provides for relocated (second hand) buildings as permitted activities on a same or similar basis as other buildings.
5. 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.
6. The submitter seeks the same or similar outcome as the decision of the Environment Court in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (C45/2004, Thompson EJ presiding). The Central Otago decision was determined by Environment Court after notification of the operative district plan.
7. In the *Central Otago* case the Environment Court:
 - rejected discretionary activity status for relocated dwellings.

Kaipara District Council Proposed District Plan – Submission by New Zealand Heavy Haulage Association Inc

- upheld permitted activity status, subject to standards approved by the court. The standards were drafted to integrate Building Act and RMA processes.
- Approved the control of relocated dwellings being comparable to the control of new and existing dwellings, saying (at paragraph 22):

"if in situ built housing is a permitted activity [i.e. existing and new dwellings], then so should be relocatable housing".

8. Since the decision in *Central Otago* most local authorities in New Zealand have either adopted permitted activity classification for relocated buildings (with no performance standards) or provided for permitted activity status, with prescribed performance standards. In the event of non-compliance with performance standards, then typically relocation is provided for as a restricted discretionary activity.
9. The status of relocatable buildings in the Central Otago District Plan was recently retained in PC19 – a recent Plan Change that included the review and ultimate confirmation of the planning status for relocated building in the Council area.
10. Providing for relocated buildings as a permitted activity subject to appropriate performance standards is generally in accordance with a proper section 32 evaluation in terms of costs and benefits.

Provisions in the Proposed District Plan – Relocated Buildings

11. Although relocated buildings are permitted in the General Residential Zone (GRZ-R5). In other zones, relocated buildings are not provided for and therefore default to a discretionary activity. As a consequence, it is not clear whether the PDP intends to regulate relocated buildings as a discretionary activity or whether the intent is to provide for relocated buildings as a permitted activity.
12. There is a definition of “relocated building” in the Definitions chapter:

means the removal, relocation or re-siting of an existing building from any site to another site, excluding the movement of a building within the same title or a new building built off-site that has not been used and is for the express purpose of being located to the subject site.
13. “Building” is defined as:

means a temporary or permanent movable or immovable physical construction that is:

 - a. partially or fully roofed, and*
 - b. fixed or located on or in land;*
 - c. but excludes any motorised vehicle or other mode of transport that could be moved under its own power.*
14. Relocation of buildings is a permitted activity in the General Residential Zone (GRZ-R5):

Kaipara District Council Proposed District Plan – Submission by New Zealand Heavy Haulage Association Inc

GRZ-R5	Relocation of buildings
<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The building complies with standards GRZ-S1 to GRZ-S11 inclusive; b. Any relocated dwelling must be previously designed built and used as a dwelling; c. A building inspection report shall accompany the Building Consent application, identifying reinstatement work required to the building's exterior; and d. All work required to reinstate the exterior of the building, including the siting on permanent foundations, shall be completed within 12 months of the building being delivered to the site. 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Reinstatement work needed, timetable for reinstatement and placement on permanent foundations, and bond to secure this work; b. Management of reinstatement work, including site maintenance and screening of the building during reinstatement; c. The matters of discretion of any infringed standard GRZ-S1 to GRZ-S10 inclusive; and d. The matters of discretion in GRZ-MAT1.

15. However, relocated buildings are not provided for with a rule in any of the other zones. In most zones, activities not provided for default to discretionary activity status.
16. Relocated buildings are a suitable cost-effective alternative in all zones to constructing a new building in-situ, and property owners should have the alternative to use a relocated building to meet their rural, industrial or commercial requirements for their land. Applying the same permitted activity status and performance controls across all zones would allow a efficient option to the provision of buildings for all types of uses.
17. It is not self-evident, including in terms of s 32 RMA, why relocated buildings should be classified as discretionary for all zones except for the General Residential Zone.
18. The specific provisions of the PDP that this submission relates to are:
 - a) The Definitions chapter;
 - b) All PDP zone chapters.

Relief Sought – Submission of the Association

19. The Association seeks the following decision from the local authority, and **supports**:
 - a) The insertion of rules with express provision for relocated buildings as a permitted activity in **all** zones (where buildings are permitted activities), with performance standards and criteria, as set out in **Schedule 1** to this submission.
 - b) The retention of GRZ-R5, with the insertion of permitted activity standards in **Schedule 1** clauses (c) and (e);

Kaipara District Council Proposed District Plan – Submission by New Zealand Heavy Haulage Association Inc

- c) The retention of the definition of relocated building.
 - d) Council retaining a degree of control over relocated buildings through the use of performance/permitted activity standards, including through the use of a building pre-inspection report, a recommended template for a pre-inspection report is attached as **Schedule 2**.
 - e) The introduction of a performance control to require that within 2 months that a relocated building is installed onto its new foundations, as this is a key part of the process to complete the full reinstatement of the building within 12 months.
 - f) Restricted discretionary activity status for relocated buildings that do not meet the permitted activity status standards.
20. The Association cannot obtain any trade competition advantage through this submission.
21. The Association **does wish** to be heard in support of this submission.
22. If others make a submission, the Association will consider presenting a joint case with them at a hearing.

Yours faithfully



Stuart Ryan
Barrister

Address for Service:

Stuart Ryan barrister
By email: stuart@stuartryan.co.nz
Phone (021) 286 0230

Cc: Jonathan Bhana-Thomson
Chief Executive of New Zealand Heavy Haulage Association Inc
Email: jonathan@hha.org.nz

Kaipara District Council Proposed District Plan – Submission by New Zealand Heavy Haulage Association Inc

SCHEDULE 1 - suggested drafting by House Movers in accordance with the *Central Otago* case

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

- a. *Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.*
- b. *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.*
- c. *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.*
- d. *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.*
- e. *The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 12-month period.*

insert a pre-inspection report in schedule 2 (which may either be a non-statutory form, or prescribed in the plan, or to same or similar effect).

Schedule 2 - proposed form of pre-inspection report



Building Pre-Inspection Report for Relocation

*New Location Address
Region*

For: *Council Name*

Date of report

TABLE OF CONTENTS

	Page
1.0 GENERAL INFORMATION	3
1.1 Introduction	3
1.2 Applicants Contact Details	3
1.3 Building details	
1.4 Reporting Conditions	5
1.5 Exclusions	5
1.6 Definitions	5
1.7 Areas Accessed	6
2.0 REINSTATEMENT CONDITIONS	7
3.0 BUILDING ACT REQUIREMENTS	9
4.0 SAFE AND SANITARY	9
5.0 ESTIMATED COST OF WORKS	11
6.0 LICENSED BUILDING PRACTITIONER SIGNATURE	11
7.0 OWNER CERTIFICATE AND DECLARATION	11

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><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.

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

Signed:

Peer Reviewer

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



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>

Additional Comments and Notes