

STUART  
RYAN



Policy Planning Team  
Hutt City Council  
30 Laings Road  
Lower Hutt

2 May 2025

Attention: Hutt City Council PDP planning team

By email: [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz)

**Hutt City Council Proposed District Plan – Submission by New Zealand Heavy Haulage Association Inc**

1. This submission is made on the Hutt City 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 Hutt City Draft Plan by letter dated 15 December 2023. It appears that the points that made by the Association about ensuring that relocated buildings are provided for, were not taken into account when drafting the Proposed Plan. The Association considers it crucial that the Hutt City District Plan have clear and identifiable rules for new and recycled buildings that are relocated onto a new site in the Council area.
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.
5. The submitted approach is supported on the basis of 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.
6. In the *Central Otago* case the Environment Court:
  - rejected discretionary activity status for relocated dwellings.
  - 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):

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

7. 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.
8. In the Association's experience since the 2004 case, it is unusual for a District Plan to be silent about the planning status for relocated buildings (aside from heritage buildings provisions) and the Association urges the Council to provide for clear direction for property owners in the Hutt City area that wish to relocate a building to their site. This is a way for the Council to encourage cost effective housing options, and sustainable re-use of existing housing stock.
9. 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**

10. There is a definition of "relocation" in the Definitions chapter:

*means to physically shift the location of a building within a site or to remove it from the site. Relocation may include raising or lowering a building or structure.*

11. "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,*

*but excludes any motorised vehicle or other mode of transport that could be moved under its own power.*

12. There is a relocated building rule for historic heritage buildings in rule HH-R4. The Association takes no issue with heritage provisions for scheduled or identified historic heritage buildings.
13. The definition of "building" does not include second hand relocated buildings which are not heritage items.
14. There is no rule in all zones for relocated buildings which are not heritage items. As a consequence, it is not clear whether the PDP intends to regulate relocated buildings as a discretionary activity (in most zones, an activity which is not provided for is discretionary), or whether the intent is to provide for relocated buildings as a permitted activity (apart from heritage buildings).
15. It is not self-evident, including in terms of s 32 RMA, why relocated buildings should be classified as restricted discretionary for all zones.

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16. The specific provisions of the PDP that this submission relates to are:

- a) The definition of building.
- b) The PDP definitions chapter.
- c) All PDP zone chapters.

**Relief Sought – Submission of the Association**

17. The Association seeks the following decision from the local authority, and **supports**:

- a) Modification of the definition of “building” to specifically include second hand relocated buildings.
- b) The insertion of the following definition of “relocated building” into the definitions chapter: *relocated building: means the relocation of an existing building to another site, but excludes the movement of a building within the same title or buildings that are new and have not been used.*
- c) The insertion of rules with express provision for relocated buildings as a permitted activity in all zones, with performance standards and criteria, as set out in **Schedule 1** to this submission.
- 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) Restricted discretionary activity status for relocated buildings that do not meet the permitted activity status standards.

18. The Association cannot obtain any trade competition advantage through this submission.

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

20. If others make a submission, the Association will consider presenting a joint case with them at a hearing.

Yours faithfully



**Stuart Ryan**  
Barrister

STUART  
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**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).



## Building Pre-Inspection Report for Relocation

*New Location Address*  
*Region*

For: *Council Name*

*Date of report*

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## 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....*

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>	

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



Elevation description i.e. Front Elevation

Elevation description i.e. Rear Elevation

Elevation description

Elevation description

Elevation description

Elevation description

Elevation description	Elevation description	Elevation description
Elevation description	Elevation description	Elevation description

## Additional Comments and Notes