

DEVELOPMENT CONTRIBUTIONS SUBCOMMITTEE

10 OCTOBER 2013



REPORT 1
(1215/52/05/IM)

DEVELOPMENT CONTRIBUTIONS REMISSION CONSIDERATION – 22 LYNDHURST ROAD – TAWA, REQUEST FOR A REMISSION FROM ELMA AND DAVID PATCHETT

1. Purpose of report

This paper provides advice on a request from Elma and David Patchett for a remission of the development contribution payable for a residential development at 22 Lyndhurst Road, Tawa.

2. Executive summary

Mr and Mrs Patchett recently converted a two storey single residential dwelling into two residential dwellings by removing the internal stairs. A new bathroom, kitchen, living area and laundry facilities were installed.

In accordance with the Development Contributions Policy the Patchett's were provided with an assessment of development contributions payable of \$6,624.00 (GST inclusive).

Mr and Mrs Patchett are seeking a remission of contributions as they argue that:

- they were not aware of the requirement to pay development contributions and these fees were not included in an assessment of fees sent by the Council on 5 March 2013
- no additional demand on the Council's infrastructure has been created by the development as the number of bedrooms/occupancy of the building has not increased
- the main objective of the development was to resolve the cold and damp nature of the building. Objectives that are consistent with local government's aims to ensure homes are warm and dry.

Officers have some sympathy for the Patchett's argument that they were unaware of the requirement to pay development contributions, as they were acting on the advice of their draughtsperson. In addition, when the Patchett's draughtspersons requested details of the fees for the project the level of service provided, in terms of the information supplied, could have been improved by highlighting the requirement to pay development contributions explicitly.

This Subcommittee acting under delegated authority has the power to approve a remission at its complete discretion based on the merits of the application.

In this case the issue the Subcommittee needs to consider is whether the Council made it easy, in line with our philosophy of being open for business, for the Patchett's to make an informed decision on whether to proceed with their development or whether the level of service provided was insufficient.

If the Subcommittee considers the level of service provided was insufficient a remission could be granted on the basis that the Patchett's incurred costs they did not anticipate.

Officers, based on policy, recommend that the request for a remission be declined because:

- the fee assessment sent to the Patchett's draughtsperson clearly states that the fees outlined were for consent lodgement only
- information about development contributions was provided with the Consent documentation and is freely available on the Council's website
- the conversion of the single dwelling into two dwellings with an additional kitchen, bathroom and laundry facilities will increase the demand on the Council's infrastructure
- no precedent exists under current policy for the reduction of contributions to take into consideration improvements to provide warm and dry housing.

However, if the Subcommittee chooses to remit the Patchett's development contributions officers recommend that a remission be approved only on the basis that the Council did not provide the appropriate level of service around information provision. Officers consider granting a remission on the basis of lower demand would be inequitable as other developers have been required to pay full contributions for similar developments.

Further, officers recommend that if a remission is approved that the entire charge be remitted as there is no clear methodology for determining a part charge.

It should be noted that if the Subcommittee remits the development contributions payable the infrastructure costs associated with the Patchett's development will fall to the ratepayer.

It should also be noted that to ensure that this situation does not arise again the Council is amending the estimate of building consents fees form to note that development contribution fees are not included and will be billed separately.

3. Recommendations

Officers recommend that the Development Contributions Subcommittee:

1. *Receive the information.*
2. *Note the Elma and David Patchett have been provided with a development contributions assessment of \$6, 624.00 (GST Inclusive) for the conversion of a single dwelling into two dwellings at 22 Lyndhurst Road, Tawa.*
3. *Note that the Patchett's have requested a remission of development contributions as they were unaware of the requirement to pay these fees, believe the fees are excessive, and argue that the development will not increase demand on the Council's infrastructure.*

4. *Note that officers reviewed the Patchett's request and are sympathetic to their situation, however, information on development contributions was provided to their draughtsperson and is available on the Council's website.*
5. *Note that charges have been calculated in accordance with Policy.*
6. *Agree that Elma and David Patchett's request for a remission be declined on the basis that their development will create demand on Council infrastructure and in accordance with the Council's Policy that states that developers are required to pay 100 percent of growth related capital expenditure incurred by the Council as a result of a development.*

4. Background

On 5 March 2013, the Council provided to Archidraft Ltd, who was acting on behalf of Mr and Mrs Patchett, an estimate of building consent fees for the development at 22 Lyndhurst Road, Tawa. The March estimate relates to the fees for processing the consent and inspections for the consent only. The estimate provided states:

“IMPORTANT PLEASE TAKE NOTE: This is an estimate for the purpose of consent lodgement only and is applicable at the date above...”

On 17 April 2013, the Council issued building consent to Archidraft Ltd, acting on behalf of Mr and Mrs Patchett, for the development at 22 Lyndhurst Road, Tawa. The Consent approved the conversion of a two storey single residential dwelling into two residential dwellings by removing the internal stairs. A new bathroom, kitchen, living area and laundry facilities were installed. The Consent documentation provided outlines that development contributions may be payable on the development and provides contact information for enquiries¹.

On 14 May 2013, an assessment of \$6,624.00 for development contributions was sent to both Mr and Mrs Patchett and Archidraft Ltd.

On 23 May 2013, the Patchett's wrote to the Council and advised that they were surprised to receive the development contributions assessment and to advise that they consider the amount excessive. On 31 May, the Council responded to the Patchett's to acknowledge their disappointment that their draughtsperson did not alert them to the requirement to pay development contributions. Officers also advised the Patchett's that they would be required to pay the contributions given that their development will result in additional pressure on the Council's infrastructure.

Since May discussions with the Patchett's about the requirement to pay development contributions have been ongoing. In September the Patchett's spoke to their Councillor, Councillor Lester, and the matter was referred to Policy.

¹ Service Request No. 279013, Addendum to the Consent, page 11.

On 5 September 2013, officers met with Mr and Mrs Patchett and explained that the assessment of the development contributions for 22 Lyndhurst Road, Tawa is correct and has been calculated in accordance with Policy. Officers also advised that the delegation to remit development contributions is vested in the Development Contributions Subcommittee.

On 11 September 2013, Mr and Mrs Patchett wrote to the Council requesting that their development contributions be reassessed.

Copies of the correspondence between the Council and the Patchett's are attached in Appendix A.

Development contributions policy and delegations

Development contributions are charged to fund infrastructure required as a result of a development. The Council's Development Contributions Policy states that: "*Development contributions will fund 100 percent of growth related capital expenditure*".

Developers have the right to challenge the Council's assessment of contributions due. Remissions may only be granted by the resolution of the Council (or a Committee or Subcommittee acting under delegated authority). When assessing whether to give a remission the Council can consider an application on its merits and may take into account any factors it deems appropriate. Any remission granted by the Council will not be regarded as creating a precedent or expectation.

5. Discussion

The Patchett's view

Mr and Mrs Patchett advise that the main objective of the development was to fix the cold, damp nature of their 1950's rental property. The Patchett's attempted to fix the cold and damp nature of the building by insulating the property under the Government's Warm up New Zealand Scheme and by adding a DVS system. However, tenants still complained of the cold and damp. To resolve the cold and damp issues the Patchett's decided to:

- totally cover the ground with a moisture barrier
- insulate the wall spaces with the very best and expensive woollen insulation
- dual glazed windows on the bottom level
- added insulation between floors
- removed the cold garage under the house and replaced this with a fully insulated living and kitchen area
- removed the internal stair, which acted as a funnel for cold air
- added a heat pump to the bottom level.

Mr and Mrs Patchett advise that prior to starting the consent process their draughtsman Archidraft Ltd, contacted the Council and requested information on the full costs that would be charged for the development. They argue that they were not notified of the costs relating to development contributions.

They also consider the amount assessed to be excessive given the size of the development and that these charges are contrary to the focus of local government to encourage the provision of warm rental housing.

Further, they argue that as no further bedrooms have been added to the property the development will not impose any further burden on the Council's infrastructure.

Officers assessment

The assessment of development contributions is consistent with current policy. While officers have some sympathy for Mr and Mrs Patchett and commend their efforts to provide a warm rental property the current Development contributions policy does not provide a discount for such improvements. Nor is there any precedent for the remission of contributions for similar types of development.

Further, although the development of the property has not resulted in additional bedrooms, officers consider that the conversion of this single dwelling into two dwellings with the addition of a bathroom, kitchen and laundry facilities will place some new pressure on the Council's infrastructure.

With regard to the Patchett's lack of information about the requirement to pay development contributions, again officers have some sympathy for Mr and Mrs Patchett. Officers agree that the provision of information to customers on development contributions payable, prior to consent being issued can and is now being improved.

However, the initial fees estimate documentation provided to their draughtsperson Archidraft Ltd outlined that the estimate was for consent lodgement only. Further, information on development contributions was sent to Archidraft Ltd with the Consent documentation. Information about fees (including Development Contributions) is also available on the Council's website.

Officers therefore recommend that the request for a remission be declined.

5.1 Consultation and Engagement

The following business groups were consulted on this paper and have no issues: Financial Strategy and Planning, Building Compliance and Consents, and Urban Development.

5.2 Financial considerations

The development at 22 Lyndhurst Road, Tawa has been assessed as liable for development contributions of \$6,624.00 (GST inclusive).

5.3 *Climate change impacts and considerations*

No climate change impacts or considerations are associated with this paper.

5.4 *Long-term plan considerations*

No long-term plan considerations are associated with this paper.

6. Conclusion

Officers recommend that the request for a remission of development contributions be declined.

Contact Officer: Andrew Stitt, Manager Policy.

APPENDIX A

Correspondence between the Council and the Patchetts.

Building consent fee estimate provided to Elma and David Patchett.

Project Details		Building Consent Fees (GST Inclusive)	
Building Category:	2		
Building Complexity:	2		
Project Value:	\$50,000		
Priority:	Normal		
Wellington City Council			
Fee Calculations for Building Consent			
Created by: Linda Widdis Date: 05/03/2013 09:10 AM			
IMPORTANT PLEASE TAKE NOTE:			
This is an estimate of fees for the purpose of <u>consent lodgement only</u> and is applicable at the date above			
Please be aware that items such as inspections can vary at the conclusion of the consent process			
and there could be other variables unforeseen at the time this estimate was undertaken.			
Please discuss with your Building Officer when you lodge your consent			
Project Details		Building Consent Fees (GST Inclusive)	
Building Category:	2		
Building Complexity:	2		
Project Value:	\$50,000		
Priority:	Normal		
Project Details			
Building Consent Fees (GST Inclusive)			
PIM Required?	No PIM	Lodging Fee:	97.50 97.50
		PIM Processing Fee:	0.00 0.00
		Document Check Fee:	847.00 847.00
Inspection Required?	Yes	Inspection Base Fee	770.00 770.00
No. of Proposed Inspections?	4		
No. of Final Inspection?	2	Code Compliance Certificate:	97.50 97.50
In-built Fireplace?	No	DBH Levy:	97.66 97.66
Free Standing Fireplace?	No	DBH Commission:	3.02 3.02
Small Plumbing/Drainage Work?	No	BRANZ Levy:	48.50 48.50
		BRANZ Commission:	1.50 1.50
District Plan Check Required?	Yes	District Plan Check Fee:	150.00 150.00
Licensed Building Practitioner Fee?	Yes	Licensed Bdg Pract. Fee:	48.75 48.75
Structural Check Required?	No	Structural Check Fee:	0.00 0.00
Structural Producer Statement C.P.Eng?	No		
Vehicle Access Processing?	No	Vehicle Access Processing:	0.00 0.00
Vehicle Crossing?	No	Vehicle Crossing:	0.00 0.00
Certificate of Public Use?	No	Cert. Public Use Lodging Fee:	0.00 0.00
No. of Certificate of Public Use:	1	Certificate of Public Use Base Fee:	0.00 0.00
Fire Service?	No	Fire Service Base Fee:	0.00 0.00
		Fire Service Administration:	0.00 0.00
Courier Charges?	No	Courier Charges:	0.00 0.00
New Compliance Schedule?	No	New Compliance Schedule:	0.00 0.00
Compliance Schedule Amendment?	No	Compliance Schedule Amendment:	0.00 0.00
Sec 77 Multi Allotment Assessment?	No	Sec 77 Multi-Allotment Certificate:	0.00 0.00
Trade Waste Assessment?	No	Trade Waste Fee:	0.00 0.00
Health Assessment?	No	Health Assessment:	0.00 0.00
		Total Fee Payable:	2,161.43 2,161.43
<p>Note: Inspection Fees \$154 per hour</p> <p>Charges set under the Local Government Act 2002 (Building Act 2004, Section 240)</p> <p>Wellington City Council</p> <p>101 Wakefield St, P.O. Box 2199, Wellington, Telephone 801 4311</p>			

See revised fees.

Building Consent approval



17 April 2013

Archidraft Ltd
Unit 2
49 Ranui Terrace
Tawa
Wellington 5028

Service Request No. 279013
Property ID: 1034078

Attention: Andrew Dobbs

Dear Sir

Approval of Building Consent

Service Request Type: Building Consent
Site Address: 22 LYNDHURST ROAD TAWA, Tawa
Legal Description: LOT 3 DP 25775
Project Description: **2.2 Residential - Change of Use from single residential to multi-unit residential. Convert lower of two storey dwelling to single house hold unit by removing internal stairs, installing new bathroom and kitchen/living areas. Install exterior joinery into existing openings. Upgrade as required by section 115.**

I am pleased to inform you that the above building consent application has been approved.

Before starting any work please read these documents carefully and in full.

Please note that this building consent includes restricted building work, the details of this are included in the "Addendum to the Consent".

The building consent attached to this letter is consent under the Building Act 2004 to undertake building work in accordance with the plans and specifications that accompanied your application. Under section 49 of that Act, Council is satisfied that the provisions of the building code would be met if the proposed building work were completed in accordance with those plans and specifications. This consent does not affect any duty or responsibility under any other Act or permit any breach of any other Act.

Attached to this letter are:

- The Building Consent
- Addendum to the Consent
- Guidance to the Consent
- Form WCC 131 Advice of licensed building practitioners

**WELLINGTON
CITY
COUNCIL**

101 Wakefield Street,
PO Box 2199,
Wellington 6140, New Zealand

P +64 4 499 4444
F +64 4 801 3138
Wellington.govt.nz



Building Consent

Section 51, Building Act 2004

Service Request No. **279013**

The Building

Street address of building:	22 LYNDHURST ROAD TAWA, Tawa		
Building name:	Dwelling		
Level/unit number:		Location of building within site/block number:	-
Legal description of land where building is located:	LOT 3 DP 25775		

The Owner

Name of owner:	Move It Forward NZ Ltd	Phone numbers:	
Contact person:		Landline:	473 0296
Street address /registered office:	-	Mobile:	0-21-472 439
Mailing address:	21 McLellan St Tawa Wellington 5028	Daytime:	473 0296
		After hours:	473 0296
Email address:	d.epatchett@xtra.co.nz	Facsimile number:	-
Website address:	-		

First point of contact for communications with the Wellington City Council:

Name:	Archidraft Ltd	Phone numbers:	
Mailing address:	Unit 2 49 Ranui Terrace Tawa Wellington 5028	Landline:	232 9790
		Mobile:	0-21-160 3498
Email address:	andrew@archidraft.co.nz	Daytime:	-
Website address:	-	After hours:	-
		Facsimile number:	-

Building Work

The following building work is authorised by this building consent:

2.2 Residential - Change of Use from single residential to multi-unit residential. Convert lower of two storey dwelling to single house hold unit by removing internal stairs, installing new bathroom and kitchen/living areas. Install exterior joinery into existing openings. Upgrade as required by section 115.

This building consent is issued under section 51 of the Building Act 2004. This building consent does not relieve the owner of the building (or proposed building) of any duty or responsibility under any other Act relating to or affecting the building (or proposed building).

This building consent also does not permit the construction, alteration, demolition, or removal of the building (or proposed building) if that construction, alteration, demolition, or removal would be in breach of any other Act.

This building consent is subject to the following conditions:

- a) Under section 90 of the Building Act 2004 agents authorised by the Council (acting as a Building Consent Authority) are entitled, at all times during normal working hours or while building work is being done, to inspect–
 - ii) land on which building work is being or is proposed to be carried out; and
 - iii) building work that has been or is being carried out on or off that building site; and
 - iiii) any building

Note: Your attention is drawn to the notes contained in the 'Addendum to the Consent' and 'Guidance to the Consent'.

Compliance Schedule

A compliance schedule is not required for the building.

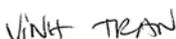
Attachments

Copies of the following documents are attached to this building consent:

- Addendum to the Building Consent



Signature



Signing Officer

On behalf of Wellington City Council
Building Compliance and Consents
Wellington City Council
PO Box 2199
Wellington

Addendum to the Consent

1. This building consent does not give or imply any rights to transgress beyond your legal boundaries. Any work that is required beyond your legal boundaries can only be undertaken with the permission of the affected owner/s.
2. The official stamped copy of the plans and specifications as approved for consent purposes are to be held on the site at all times during the period of the work.
3. The following inspections are required:

Building inspections

- Sub Floor; before covering any sub-floor framing
- Pre-Wrap; prior to fitting building wrap to framing with mechanical fixings installed
- Pre-Clad; upon completion of the building wrap with cavity battens, flashings/tapes installed before fitting any external cladding and joinery
- Pre-Line; before fitting internal linings or installing wet area membranes, airseals complete with backing foam fitted internally around joinery, bracing connections complete, insulation installed
- Post-Line; bracing; post line bracing while fixings are still visible
- Post-Line; fire; where fire-rated walls are included, certification from the fire design engineer (PS4) or sufficient inspections to verify correct installation of specified linings and protection of penetrations
- Final; final inspection on completion of all building work following a formal application for a Code Compliance Certificate (form supplied with approved consent documentation)

Plumbing inspections

- Drainage; testing any drainage work prior to back filling and before covering any field drains
- Pre-Slab; plumbing in/under the floor slab
- Pre-Line; plumbing systems before fitting any linings
- Final; final inspection on completion of work

Third party inspections (carried out by parties external to the Council)

- Fire engineering monitoring to ensure all conditions of Fire report have been achieved

Please Note:

- You are responsible for the safety of visitors to the work site including those undertaking building inspections. You must provide safe access to parts of the construction necessary for inspection. Ladder access must be securely founded and tied. Scaffold access and roof edge protection is generally required.
- If required inspections are not undertaken you may experience difficulty in obtaining a Code Compliance Certificate for the project. We suggest that at the time of the first inspection you discuss the inspection requirements with the inspecting officer.

APPENDIX A

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- Producer Statement (expert opinion)
The Building Act 2004 does not specifically name Producer Statements, but it does require that a suitably qualified person verify the design or construction complies with the Building Code.

A producer statement (expert opinion) for design (PS 1) has been accepted in the processing of this building consent which clearly identifies the intent of the design and construction details required for completion

Identified also are additional inspections required by the suitably qualified independent design professional that are to be carried out along with and including BCA inspection requirements (refer to “Guidance to the Consent” below)

4. The following building work associated with this building consent is restricted building work [Section 7 and 402(1)(n) of the Building Act 2004 and Building (Definition of Restricted Building Work) Order 2011]:

Description of restricted building work including design work that is restricted building work
Primary structure
Foundations and subfloor framing
Walls
Roof
Columns and beams
Bracing
External moisture management systems
Damp proofing
Roof cladding or roof cladding system
Ventilation system (for example subfloor or cavity)
Wall cladding or wall cladding system
Waterproofing
Fire safety systems
Emergency warning systems, smoke alarms

Please note that the design work and restricted building work must be supervised or carried out by a licensed building practitioner who is licensed to carry out or supervise that kind of building work. If a different licensed building practitioner(s) to those noted above actually carries out or supervises the restricted building work you or your agent will need to provide their details to the Council in writing prior to commencement of the building work. If after the restricted building work commences the named licensed building practitioner(s) ceases to be engaged to carry out or supervise the restricted building work under the building consent, this must also be advised in writing as must also the details of any other licensed building practitioner(s) subsequently engaged to carry out or supervise the restricted building work (Section 87 of the Building Act 2004). A form “Advice of licensed building practitioner(s)” is enclosed for you to use to advise the Council of licensed building practitioner details.

APPENDIX A

Please also note that it is an offence to engage another person to carry out or supervise restricted building work who is not a licensed building practitioner (Section 86 of the Building Act 2004).

5. Before a Code Compliance Certificate is issued, the following documents will be required:

- a copy of the energy work certificates
- an “as-built” drainage plan
- a Construction Review (PS4) statement for
 - Fire engineering
- Record of building work’ from licensed building practitioners who carried out or supervised restricted building work
- application for code compliance certificate

Please Note:

A Construction review PS4 (statement of expert opinion) will be required to be issued by the agreed suitably qualified independent design professional where requested above prior to issuing a Code Compliance Certificate. It must state that the building was constructed as per the building consent documents and be accompanied by copies of all inspection reports and site notes for the project made during construction of the building works.

Guidance to the Consent

Property/project information:

Public stormwater and sewer mains cross the site.

Ensure all loose materials that are capable of being carried by the wind are either secured or removed from the site. All activities must be carried out in a manner that keeps to a minimum the dust nuisance to adjacent properties.

Full protection to pedestrians and property is required at all times. The footpath is to be kept clear and safe for public use at all times during the period of the contract. The storage of rubble, material or plant on the footpath is prohibited.

The road and footpath must be kept clean and tidy at all times, the tracking of mud and rubble from the site over the road and footpath will NOT be permitted at all times.

Features of the land:

Potential erosion:
Unknown

Potential Avulsion:
Unknown

Potential Subsidence:
Unknown

Potential Alluvion
Unknown

Potential Slippage:
Unknown

Potential Inundation:
Unknown

Presence of hazardous contaminants: **Unknown**

Wind Zone: High

From 1 February 2012 wind zones in terms of NZS3604: 1999 are not longer cited as a means to comply with the NZ Building Code. Wind zones in NZS3604: 2011 will be replacing these. Methodology for working out these zones is available in NZS3604: 2011. Wellington City Council is currently working to assess wind zone information for Wellington properties. Wind zones in terms of NZS3604: 2011 may differ from wind zones in terms of NZS3604: 1999.

Exposure Zone: C

Sites are classified as being in an exposure zone. These zones are defined in (NZ3604: 2011) the NZ Standard for light framed buildings. For Wellington City, most sites are either in exposure zone D, which includes the area within 500 metres of the sea, or exposure zone C in terms of NZS3604: 2011.

Earthquake Zone: 3 (NZS 3604: 2011)

Climatic Zone: 2 (NZS 4218)

Building:

Prior to the commencement of any work, it is the responsibility of the owner/principal contractor to establish that the validity of the site boundaries and levels are in accordance with the regulatory requirements (Building Act 2004 and Resource Management Act 1991). Please note that existing fence lines can not be relied on and that either legitimate/identifiable boundary pegs are to be sighted or a report confirming construction set out within legal boundaries from a registered Surveyor, is to be submitted for Council's review prior to the commencement of any work on site.

Construction work on buildings shall be performed in a manner that avoids the likelihood of causing danger or hazards to people or property on or off site & comply with the Code requirements of F5 (Construction & Demolition Hazards). Areas of construction must be adequately fenced off to prevent the access of unauthorised persons and to safeguard the public.

This consent has been assessed and approved with the following products/systems:-

a) Stainless steel fixings to be used as per specifications and/or drawings

- Please note:
1. All proprietary systems to be installed as per manufacturer's specification/details and the appropriate BRANZ appraisal. The approved installer is to certify installation meets these requirements and the manufacturer is to issue a warranty guaranteeing compliance with B2 and E2 of NZBC for a minimum of 15 years for items that can be easily replaced/recoated and 50 years for tanking and items that must last the life of the building.
 2. Any changes to these systems/products will require additional approval in the form of an 'amended plan' prior to commencement of work.

Notes

- Ensure requirements of fire report are satisfied, Fire Engineer to provide PS4 on completion.
- Fire Linings / Insulation to be finished / stopped in accordance with GIB spec sheets and approved documentation
- Smoke alarms to be in place to F7/As1

Jeff Lummis

Building approvals

Phone: 8013473.

Plumbing:

Water Supplies to **G12/AS** using **polybutylene and copper tube**

Foulwater to **G13/AS**

Stormwater to **E1/AS1**

Notes

APPENDIX A

The plumbing and drainage services are approved as drawn and specified.

As documented:

1. Approved overflow protection to **E3/AS1**

Approved overflow protection to comply with E3/AS1 shall be provided to the first floor dwelling kitchen, laundry, and bathroom to protect the new ground floor dwelling from any free water damage that may be caused in the event of an accidental flood. An option to consider is a floor waste system to the external wall terminating with a hinged flap. Overflow protection: Free water from accidental overflow from sanitary fixtures or sanitary appliances must be disposed of in a way that avoids loss of amenity or damage to house hold units or other property. Refer. E3.3.2

2. Foulwater to **AS/NZS 3500.2:2003**.

The Overflow Relief Gully (ORG) is to be installed in compliance with AS/NZS3500.2 Clause 4.6.6.6 and 4.6.6.7. A minimum height of 150mm shall be maintained between the top of the overflow gully riser and the lowest fixture connected to the drain, and the minimum height between the top of the overflow gully riser, or the invert of the overflow pipe, and the surrounding ground surface level shall be 75mm, except where the gully riser is located in a path or paved area.

3. Water Supplies to **G12/AS1**

All new hot water pipework to the kitchen sink shall be thermally insulated to comply with the requirements of Energy Efficiency H1/AS1 Clause 5.0 Hot Water Systems.

The delivered hot water temperature at any sanitary fixture used for personal hygiene shall not exceed 55°C.

4. Stormwater to **E1/As1**

5. For a new sewer or storm water connection you will need to contact City Operations at W.C.C. Property owners do not have permission to touch council mains or land. You will need to fill out an application form and pay an additional fee. If you are planning work on or near a road in Wellington, you must get prior approval from the Road Controller.

Jeff Lummis

Building approvals

Phone: 8013473.

Ventilation:

Notes

The ventilation to **G4/AS1** is approved as proposed.

As documented:

1. The specified mechanical ventilation to the bathrooms to provide a minimum air change of 25 litres per second and should be wired to a switch or the light switch incorporating a run-on system for a minimum of 5 minutes after the switch is turned off.
2. Any dryer installed shall be vented separately directly to the outside as shown.
3. All external grilles or vents and flashings shall be installed to meet the requirements of the NZBC clauses B2 Durability and E2 External Moisture and NZS 3604.

Jeff Lummis

Building approvals

Phone: 8013473.

Other Approvals

The following items need to be addressed to comply with the following legislation: Local Government Act, Resource Management Act, Health Act, Hazardous Substances and Poisons Act, and Wellington City Council Consolidated Bylaw/s:

Resource Management:

The subject site is located within the Outer Residential Area in the District Plan. The site is not subject to any designations or special character area rules.

For all plans submitted it is the applicants responsibility to correctly show the legal boundaries and the relationships to them of any existing and proposed buildings, ground shapes, features and earthworks. It is also the responsibility of the applicant to comply with any restrictions of encumbrances which are shown on the certificate of title for the property.

Incorrect showing or overlooking of the above information and encumbrances could seriously disadvantage the applicant. Accordingly Council will not accept any liability for matters arising therefrom.

It is the applicant's responsibility to ensure that all aspects of non-compliance are identified and appropriately assessed in a resource consent application.

APPENDIX A

If the proposal does not comply with all the relevant District Plan rules, an application for resource consent will need to be made. No work shall commence until such time as the necessary consents are granted or the proposal modified to comply with these rules.

Bruce James

Development Planning Team Phone: 801 3901.

Item – Development Contributions:

This development may be assessed for development contributions under the Council's Development Contributions Policy. If a development contribution is required it will be imposed under section 198 LGA 2002. If you want to obtain an indication of the amount of the development contribution payable you can:

- access the development contributions policy and calculator online at www.Wellington.govt.nz, or
- contact Council's Development Contributions Officer.

If a development contribution payable is not paid, the Council may under section 208(d) of the Local Government Act 2002:

- withhold the Code Compliance Certificate that would be issued under section 95 of the Building Act 2004,
- register the development contribution under the Statutory Land Charges Registration Act 1928 and a charge on the title of the land in respect of which the development contribution was required.

Jane Tam

Planning and Urban Design

Phone: 801 3282

Issued by, for and on behalf of the Wellington City Council



Building Officer
Building Compliance and Consents
Wellington City Council

General Notes

1. The owner is responsible for ensuring that the Consent documents are drafted in full accordance with the Resource Management Act (District Plan) and the Local Government Act (Bylaws) requirements, and obtaining the relevant approvals. Note: If the Building requires an evacuation scheme, contact the New Zealand Fire Service to check if a warning device is required.

2. **Obstruction or occupation of any road land** requires prior approval from the following parts of Council:

To occupy part of any footpath, or road – Contact the WCC Street Activities Officer ph 8018049

To use any Restricted Roadside Parking area – Contact the WCC Parking Services team ph 8013585.

To carry out any excavation work refer to 'Excavation in Road Land' below.

Further related Council fees may apply.

3. **Any excavation in road land** must be carried out in accordance with the WCC Code of Practice for Working on the Road.
This may require Prior Approval to be obtained from the Road Protection team at least 3 weeks before and, this will require a Road Work Notice to be taken out at least one day before that excavation work starts.
Road Work Notice fees will apply. Penalty rates will also apply if the work is not carried out in accordance with the Code.

Please call the WCC Road Protection Team ph 8013880 if you have any queries.

4. **Road Damage – Wellington Consolidated Bylaw provisions.** The Developer must photograph any apparent damage to carriageway, footpath, surrounding features and private property before work starts.

The Wellington Consolidated Bylaw prohibits the movement of any vehicle along a footpath, or across any footpath, gutter, or berm except at a properly constructed vehicle crossing.

Any damage that occurs must be maintained and repaired in accordance with the WCC Code of Practice for Working on the Road. This **will** require a Road Work Notice to be taken out within 24 hours of the damage occurring. Road Work Notice fees will apply. Penalty rates will also apply if the work is not carried out in accordance with the Code. Any damage to the footpath will normally require the full width to be resurfaced.

Please call the WCC Road Protection Team ph 8013880 if you have any queries.

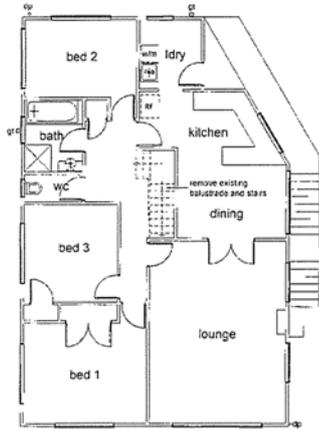
5. **There must be no alteration of existing WCC assets** including traffic signals, street lighting, poles, signs, planters, footpaths etc without the written permission of the relevant WCC asset manager.

APPENDIX A

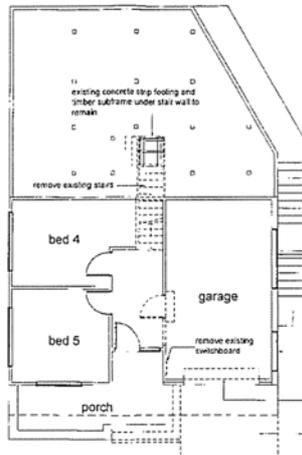
6. Any new Structures such as verandahs must not obscure any traffic signals, traffic signs etc or affect a WCC asset (e.g. verandah pole in a footpath etc) without first the written permission of the relevant WCC asset manager being obtained.
7. In accordance with the construction noise standard NZS 6803 P in the District Plan – except in the case of emergencies – **no work with noisy equipment is to be carried out before 7.30 a.m. or after 6 p.m. Monday to Saturday.** During the week workers may be on site from 6.30 a.m. quietly preparing for work. **Work with noisy equipment is also not permitted on Sundays and Public Holidays.**

APPENDIX A

Existing and New Floor Plan



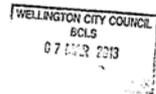
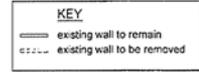
EXISTING FIRST FLOOR PLAN & DEMOLITION PLAN
Scale 1:100



EXISTING GROUND FLOOR PLAN & DEMOLITION PLAN
Scale 1:100

EXISTING DWELLING:

- 2 storey timber framed house with weatherboard cladding
- Timber floor on piles
- concrete tiled roofing



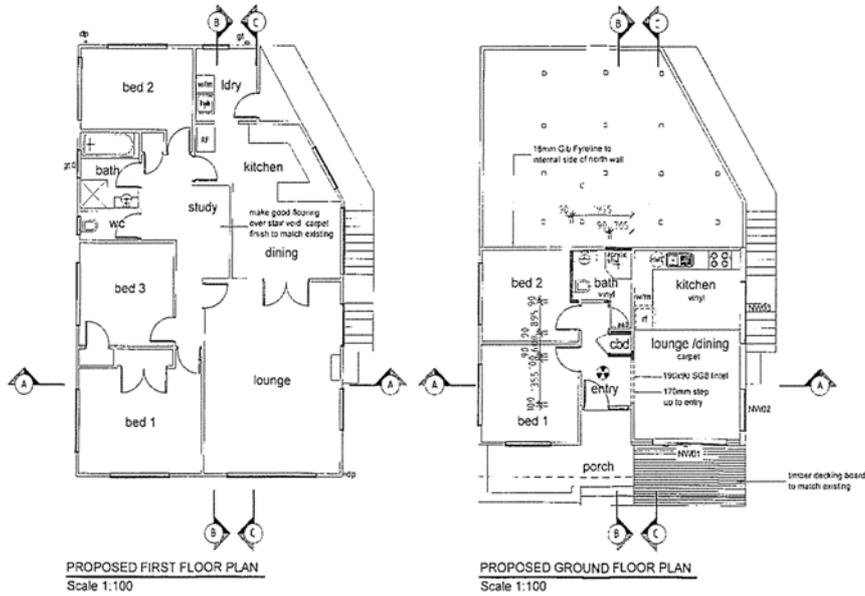
Patchett Residence
Proposed Alteration
22 Lyndhurst Rd - Tawa, Wellington

SHEET TITLE:
EXISTING FLOOR & DEMOLITION PLANS
DESIGN: AD DRAWN: AD LBP Number: Des2 LBP - 117249

REVISION #
1 - consent
ISSUED: 25/02/2013
PROJECT # AD 00591

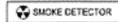
ALL DIMENSIONS TO BE CONFIRMED ONSITE | DO NOT SCALE OFF DRAWINGS
archidraft Lt
architectural design | draughting
SCALE: 1:100
249 Rankie Terrace - Wellington Ph: 04 232 971
Email: andrew@archidraft.co.nz Cell: 021 160 1

APPENDIX A



NOTES

- Provide terrace/deck to all external doors with 150mm min step (maximum 150mm down from fly. Slip resistance to comply with '01/1as1 2.1 table 2' (brush finish concrete) or (timber decking groove side up)
- Wet area room flooring (bath, lnd, kitchen etc) slip resistance to comply with '01/1as1 2.1 table 2'. Walls to be painted with 1x oil based enamel undercoat and 2x oil based enamel top coats.



SMOKE DETECTORS TO BE HUSH TYPE TO COMPLY WITH NZS 4512 & NZBC

KEY

- existing wall to remain
- new 50x45 H1.2 SGS studs at 600c/s, dwangs @ 600c/s



ALL DIMENSIONS TO BE CONFIRMED ONSITE | DO NOT SCALE OFF DRAWINGS

Patchett Residence
Proposed Alteration
22 Lyndhurst Rd - Tawa, Wellington

SHEET TITLE:
PROPOSED FLOOR PLANS

DESIGN: AN DRAWN: AN LBP Number: 113240

REVISION #:
1 - consent
ISSUED: 25/02/2013

SHEET: 104 SCALE: 1:100
archidraft Ltd
architectural design draughting
2149 Roma Tce Tawa - Wellington Ph: 04 232 9700
Email: andrew@archidraft.co.nz Cell: 021 160 3490

Assessment of development contributions payable



Date: 14 May, 2013

To Owner: Move It Forward NZ Ltd
21 McLellan St
Tawa
Wellington 5028

Service Request No.279013
Property ID: 1034078

Applicant: Archidraft Ltd
Unit 2
49 Ranui Terrace
Tawa
Wellington 5028

Attention: Andrew Dobbs

Dear Sir/Madam

Development contributions on building consent SR 279013

Site Address: 22 Lyndhurst Road Tawa
Legal Description: LOT 3 DP 25775

This letter relates to the application for Building Consent SR279013 for the above property. The Council has assessed your development under the Council's Development Contribution Policy and a development contribution is required under section 198 of the LGA 2002. It is set out in the attached Development Contributions Summary dated 14 May 2013 showing the contribution payable is \$6,624.00.

If the proposal is amended, then under the Development Contributions Policy the Council can reassess the development contribution payable.

If the development contribution payable is not paid, the Council may under section 208(d) of the Local Government Act 2002:

- withhold the Code Compliance Certificate that would be issued under section 95 of the Building Act 2004
- register the development contribution under the Statutory Land Charges Registration Act 1928 as a charge on the title of the land in respect of which the development contribution was required.

If you require further information you can visit the Council's website www.Wellington.govt.nz to view the Development Contributions Policy.

**WELLINGTON
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101 Wakefield Street,
PO Box 2199,
Wellington 6140, New Zealand

P +64 4 499 4444
F +64 4 801 3138
Wellington.govt.nz

WCC Document #: 1007766v3

1 of 2



APPENDIX A

Please call me on the number below if you would like to discuss the contribution fees further.

Yours sincerely,



Jane Tam
Development Contributions Officer
Property, Housing, Consents & Licensing
Wellington City Council
Telephone 801 3282

Letter from the Patchetts querying the requirement to pay development contributions

Date: 23rd May 2013

To; Property, Housing, consents & Licensing
Wellington City Council

Service Request No. 279013
Property ID: 1034078
Site Address: 22 Lyndhurst Rd

Copy to: Andrew Dobbs, Archidraft Ltd
Unit 2
49 Ranui Terrace
Tawa
Wellington 5028



Subject: Developmental contributions on Building consent SR 279013

Dear Sir/Madam,

This letter is in response to letter received requesting we pay a \$6,624.00 Development contribution on building consent number SR279013.

We have been more than surprised to receive this letter and request to pay this contribution.

Prior to starting the consent process our applicant; Andrew Dobbs of Archidraft Ltd clearly requested your office to detail all costs payable to Wellington City Council in relation to our plans and did not get any notice of these costs. Andrew then proceeded to notify us of all expected costs that we had to Wellington City Council and we then added these to our budget. After a close review of this already costly development we decided to go ahead and went down the consenting process.

The main objective of this development has been to fix the cold, Damp nature of our rental property. This house was poorly constructed in the 1950's. On the bottom level a garage, stairs and 2 very cold and damp bedrooms existed. We had made all practical attempts to address the cold and dampness, by insulating under the governments warm up NZ scheme and adding a DVS system. However these efforts did not make a difference to our tenants, with a steady stream of them coming and going over the past years, all tenants complaining of the cold and damp. It proved impossible to heat and correctly deal with the damp nature of this property.

We decided the best way to deal with this was to;

1. We have blocked out damp moisture by totally covering the ground with a moisture barrier. The bank along the bottom level was not accessible until we dismantled the walls.
2. We have insulated within walls, here we have used the very best however expensive woolen insulation.
3. Dual Glazed windows on the bottom level.

APPENDIX A

4. We have removed ceiling lining on bottom level and added insulation between floors.
5. Remove the cold garage under house and replace with fully insulated living and kitchen area.
6. Remove the internal stair, this stair acted as a funnel for cold air to travel from the first to second level.
7. We have added a Heat pump to the bottom level.

We have not added any further bedrooms or occupancy to this property, So we have not added any extra demands to be placed on reserves, roads, water supply, wastewater or Wellington City Infra Structure in any form.

The future Wellington tenants of this property will live in a warm house and as I understand it this is working with the focus of local government.

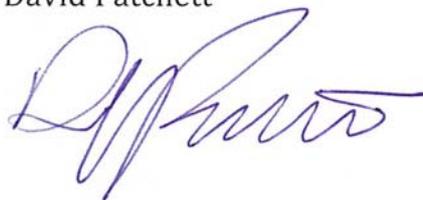
In summary, the costs to fix the fundamental issues with this property and to make these changes exceeding the current building code have proved excessive and certainly not a profitable situation. To add a further \$6624.00 to the over all cost of this project is not a real and practical expectation.

Please closely review the above. Should it be required I can be contacted on 021 472 439 to discuss this further.

Warm regards

Yours sincerely

David Patchett



The Council's response to the Patchett's letter of 23 May 2013



31 May, 2013

Service Request No.279013

Mr D Patchett
21 McLellan St
Tawa
Wellington 5028

Dear Mr Patchett,

Re: Development Contributions on Building Consent SR 279013

Thank you for your letter received 28th of May regarding Development Contributions payable for your renovation to the existing dwelling at 22 Lyndhurst Road.

Firstly, I would like to acknowledge that it is disappointing to hear that your draughtsman was not alerted to this additional (and now surprising) cost to your project. I can understand that this has come as a shock. I have recently been tasked with overseeing consents that require Development Contributions and will be looking into how we can make sure that this information is more readily available to avoid another situation like yours.

Whilst I applaud you for addressing the cold and damp issue at this home, unfortunately because you are creating a self-contained unit on the lower floor, a Development Contribution is payable under the Development Contribution Policy. This is because although you are not creating any additional bedrooms, the lower unit, because it's self-contained, is deemed to result in additional pressure on the infrastructure.

I have enclosed a Development Contributions pamphlet for your information and please feel free to contact me if you have any other questions.

Yours sincerely

Halley Wiseman
Resource Consents Manager
Urban Development
Telephone 803 8332
Email: halley.wiseman@wcc.govt.nz

CC. Andrew Dobbs, Archidraft Ltd

**WELLINGTON
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101 Wakefield Street,
PO Box 2199,
Wellington 6140, New Zealand

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Wellington.govt.nz



The Council's cover letter for the Patchett's Development Contributions Invoice



Date: 1 August, 2013

To Owner: Move It Forward NZ Ltd
21 McLellan St
Tawa
Wellington 5028

Service Request No.279013
Property ID: 1034078

Applicant: Move It Forward NZ Ltd
21 McLellan St
Tawa
Wellington 5028

Dear Sir/Madam

Invoiced development contributions on building consent 279013

Site Address: 22 Lyndhurst Road
Legal Description: LOT 3 DP 25775

The Council has assessed your development under the Council's Development Contribution Policy and a development contribution is required under section 198 of the LGA 2002. The attached invoice dated 1 August 2013 shows the contribution payable is \$6,624.00. This will need to be paid prior to the Code Compliance Certificate being issued.

If the development contribution payable is not paid, the Council may under section 208(d) of the Local Government Act 2002 withhold the Code Compliance Certificate that would be issued under section 95 of the Building Act 2004.

The Council may also, under section 208(d) of the Local Government Act 2002, register the development contribution under the Statutory Land Charges Registration Act 1928 as a charge on the title of the land in respect of which the development contribution was required.

If you require further information you can visit the Council's website www.Wellington.govt.nz to view the Development Contributions Policy.

Please call me on the number below if you would like to discuss the contribution fees further.

Yours sincerely,

Jane Tam
Development Contributions Officer
Property, Housing, Consents & Licensing
Wellington City Council
Telephone 801 3282

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F +64 4 801 3138
Wellington.govt.nz



Tax Invoice for Development Contributions payable



Wellington City Council, 101 Wakefield Street, PO Box 2199, Wellington, Phone 499 4444



Tax Invoice

GST Number 53-204-635

Attention: David and Elma Patchett
 Move It Forward NZ Ltd
 21 McLellan St
 Tawa
 Wellington 5028

Date: 1-Aug-13
 Reference: TW 279013 - 2
 Building Consent

Property Address
 22 Lyndhurst Road, Tawa

Owners

1. Move It Forward NZ Ltd
 21 McLellan St Tawa Wellington 5028

Fees Payable

Description	Reference	Fee	GST	Total
ZoneO Dev Contr City - Reserves	2009-2010	\$581.00	\$87.15	\$668.15
ZoneO Dev Contr City - Roading	2009-2010	\$852.00	\$127.80	\$979.80
ZoneO Dev Contr City - StormWater	2009-2010	\$0.00	\$0.00	\$0.00
ZoneO Dev Contr City - WasteWater	2009-2010	\$219.00	\$32.85	\$251.85
ZoneO Dev Contr City - WaterSupply	2009-2010	\$319.00	\$47.85	\$366.85
ZoneO Dev Contr - WasteWater	2009-2010	\$722.00	\$108.30	\$830.30
ZoneO Dev Contr - WaterSupply	2009-2010	\$1,126.00	\$168.90	\$1,294.90
ZoneO Dev Contr City - Com_Infra_Str	2009-2010	\$1,533.00	\$229.95	\$1,762.95
ZoneO Dev Contr City - Com_OpenSpac	2009-2010	\$408.00	\$61.20	\$469.20
Total		\$5,760.00	\$864.00	\$6,624.00

The Council's Terms and Conditions for Supply of Goods and Services require that you pay all invoices by the 20th day of the month following the date it is issued. If payment is not made by that time, you will be liable for:

- interest calculated daily at a rate of 15% pa on the overdue Invoice amount,
- an administrative fee of either 10% of the overdue Invoice amount or \$300 (whichever is less), and
- all costs and expenses incurred by the Council in seeking to recover the overdue Invoice amount.

Payment Advice

Please return this section with your payment
 Attention: David and Elma Patchett
 Move It Forward NZ Ltd
 21 McLellan St
 Tawa
 Wellington 5028

WELLINGTON CITY COUNCIL
 PO BOX 2199 WELLINGTON

1-Aug-13

Reference:	TW 279013 - 2
Amount Due:	\$6,624.00
AMOUNT PAID:	PLEASE COMPLETE

Payment can be made by:

- Cheque to WCC with TW reference number noted
- Direct Credit to a/c 060582 01 06111 00 with ref. no. noted
- EFTPOS, Credit Cards or Cash at Council Offices.

APPENDIX A

Letter requesting a Development Contributions Subcommittee Hearing

September 11, 2013

Andrew Stitt
Manager Policy
Planning Group
Wellington City Council
101 Wakefield Street
PO Box 2199
Wellington 6041
New Zealand

REFERENCE: Request for Development Contribution Subcommittee to review Development Contributions on Building Consent SR279013

Dear Andrew,

First of all thank you very much for your time hearing out our concerns regarding the Development Contribution that we've been asked to pay in relation to the Building Consent SR 2799013.

We feel that the invoiced amount is excessive taking into consideration the size of the development we've undertaken and the said development wouldn't impose any further burden to the Wellington Council's current infrastructure.

We would like to request the Development Contribution Subcommittee to review the circumstances surrounding our case and would appreciate their efforts in reconsidering the amount due.

Attached is a letter we submitted to the Wellington Council detailing the reasons why we feel the Development Contributions should be reassessed.

Best regards,

David & Elma Patchett