



## Land Information Memorandum

This L.I.M. has been prepared for:

|                   |                                                   |
|-------------------|---------------------------------------------------|
| Applicant         | <b>Harcourts Advantage Realty Limited</b>         |
| Postal Address    | <b>PO Box 885<br/>Seventh Avenue<br/>Tauranga</b> |
| Attention         | <b>A Cresswell</b>                                |
| Property Address  | <b>39 Seymour Place</b>                           |
| Legal Description | <b>Lot 11 DPS 12693</b>                           |
| Application Date  | <b>5 November 2018</b>                            |

This Land Information Memorandum has been prepared for the purposes of Section 44A of the Local Government Official Information and Meetings Act 1987 and, in addition to the information provided for under section 44A(2), may contain such other information concerning the land that Council considers, at its discretion, to be relevant. It is based on a search of Council records only. There may be other information relating to the land which is unknown to Council. The Council has not undertaken any inspection of the land or any building on it for the purpose of preparing this Land Information Memorandum. The applicant is solely responsible for ensuring that the land is suitable for a particular purpose.

It is recommended that the Certificate of Title, which is not held by Council, be searched by the purchaser.

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Services Information

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Building Information

- Consents and Permits
- Requisitions

Land Development

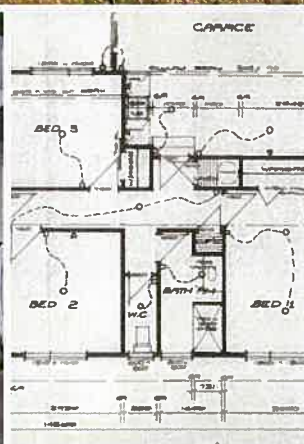
- City Plan
- Resource Consents
- Land Features
- Hazardous Contaminants

Other Information

- Licences

# LIM

## Land Information Memorandum



Tauranga City

## Services Information

Land information which is likely to be relevant includes information on private and public stormwater, water and sewer details. Please refer to the appropriate authorities for further information about network utility services.

### Service Record

|                                                                    |                                 |
|--------------------------------------------------------------------|---------------------------------|
| Copy of Deposited Plan Attached                                    | <b>Yes</b>                      |
| Service Print Attached                                             | <b>Yes</b>                      |
| Method of Sewer Disposal                                           | <b>To Public Sewer</b>          |
| Existing Method of Stormwater Disposal                             | <b>Not Recorded</b>             |
| Drinking Water Supplied to the Land                                | <b>Yes</b>                      |
| Drinking Water Supplier Is:                                        |                                 |
| (i) Owner of the Land; or                                          | <b>No Information Available</b> |
| (ii) Tauranga City Council [Water Supply Authority Unit (WSA)]; or | <b>Yes</b>                      |
| (iii) Another Networked Supplier                                   | <b>No Information Available</b> |
| Any Information Notified Under Section 69ZH Health Act 1956        | <b>No Information Available</b> |

### Note:

1. Cross Lease situations differ to Freehold Titles in that any building additions to the property in question may need to have the cross lease plan updated. Any unregistered changes could be regarded as not legally part of the lease. For information regarding the updating of a cross lease plan please contact a Surveyor or your Solicitor.
2. Please note that the existence of a watermain along a property frontage does not necessarily mean that a connection is available. This may need to be provided at the applicant's expense.
3. If the land is supplied with drinking water by Tauranga City Council as a Water Supply Authority, any conditions (generally set out in Tauranga City Council's "Supply of Water Bylaw 2007" – copy attached) applicable to that supply are included in this Land Information Memorandum.
4. If the land is supplied with drinking water by a networked supplier other than the WSA, any conditions that are applicable to that supply are included in this Land Information Memorandum.
5. If the land is supplied with drinking water by the owner of the land, any information Council has about the supply is included in this Land Information Memorandum.
6. Any information notified to the territorial authority by a drinking-water supplier under section 69ZH of the Health Act 1956 is included in this Land Information Memorandum.

## Rating and Valuation Details

Tauranga City Council rates are billed twice a year. Unpaid rates for each instalment have a 10% additional charge added. A further 10% charge is imposed on any amount outstanding as at 30 June each year. Government Valuation details are based on a revision date of 1 July 2015.

### Valuation Details

|                       |              |
|-----------------------|--------------|
| Valuation Reference   | 06631 301 00 |
| Land Value            | \$270,000    |
| Value Of Improvements | \$166,000    |
| Capital Value         | \$436,000    |

### Rating Details

|                      |                  |
|----------------------|------------------|
| Current Annual Rates | \$2,622.24       |
| Paid Until           | 31 December 2018 |
| Arrears Owing        | \$Nil            |
| Balance Owing        | \$Nil            |

A separate account is issued for water metered properties. Residential meters are read every three months. Commercial / Industrial meters vary depending on use.

### Note:

Please arrange for a final water meter reading prior to date of possession.

### Water Meter Details

|                         |                |
|-------------------------|----------------|
| Water Meter On Property | Yes            |
| Date Read               | 29 August 2018 |
| Number                  | 15MC195345     |
| Last Reading            | 00984          |
| Individual Meter        | Yes            |
| Shared Meter            | No             |
| Water Rates Owing       | \$73.68        |

## Building Information

This information is sourced from Council records and may not reflect the situation on site if work has been undertaken without consent.

**Building Permits:** For Building Permits issued prior to 1993 a copy of the inspection records, if these are held by Council, are attached.

**Building Consents:** For Building Consents issued after 1 January 1993 a Code Compliance Certificate (CCC) will be issued where the building work for which the building consent relates has been completed in accordance with the NZ Building Code.

**Swimming / Spa Pools:** If the property contains a swimming pool or spa pool that is filled or partly filled with water then the pool must have a physical barrier restricting access to the pool that meets the requirements of the Building Act 2004. For more information, go to [www.tauranga.govt.nz/council-a-z/swimming-pool-fencing.aspx](http://www.tauranga.govt.nz/council-a-z/swimming-pool-fencing.aspx).

**Solid Fuel Heaters:** It is important that any solid fuel heater has been legally installed, either as part of the original dwelling or by way of a separate permit/consent.

## Permits and Consents

### Building Permits

| Date Issued | Description of Work       |
|-------------|---------------------------|
| 24/01/1973  | Erect dwelling            |
| 08/05/1974  | Add toilet                |
| 17/03/1975  | Install swimming pool*    |
| 31/10/1977  | Connect to sewer          |
| 23/06/1981  | Install solid fuel heater |

#### Additional Comments:

\*See attached letter by Tauranga City Council dated 13 July 2017 regarding passed swimming pool and fence inspection.

#### Compliance Schedule

N/A

## Requisitions

#### Any Outstanding Requisitions

Yes

This relates to Notice to Fix dated 10 July 2017 as attached.

# City Planning

## The Operative Tauranga City Plan

The Operative Tauranga City Plan (City Plan) is a document that regulates all subdivision, use and development across the City. It also covers how and where the City grows, how infrastructure is located and how natural and physical resources are managed. It is the blueprint by which any development in Tauranga is managed.

There are specific rules within the City Plan that cover, amongst other matters, building height, earthworks, tree protection, bulk and scale of buildings, setbacks from coastal and harbour margins, and specific residential, commercial and industrial uses depending on location within the City.

Specific rules for each suburb and property can vary depending on the underlying zone of the area and the location of a specific property within that zone.

The majority of the City Plan became 'operative in part' on 9 August 2013. The remaining parts of the City Plan subsequently became operative on 5 July 2014.

It is advised that prospective purchasers of property review and consider all relevant planning rules for the specific property this Land Information Memorandum applies to prior to purchase.

Copies of the planning maps for the Operative Tauranga City Plan are included in this LIM.

To view the Operative Tauranga City Plan please visit the Tauranga City Council website [www.tauranga.govt.nz](http://www.tauranga.govt.nz).

If you have any specific queries on any rules or any existing or proposed use of a property please contact the Tauranga City Council's Duty Planner (07 577 700) for further information.

## Development Contributions

Council operates a development contributions policy under the Local Government Act 2002, and also has financial contributions provisions in its City Plan. The broad purpose of these policies is to fund infrastructure costs that relate to the city's growth from those parties that undertake subdivision, building or development. These contributions are required on building consents, resource consents, service connection authorisations and certificates of acceptance. Contributions may remain payable on any property in circumstances where subdivision, building and development projects have not been completed, and in rare occasions where the Council has agreed to defer payment. In addition, further subdivision, building or development of a property may trigger the requirement to pay further development and/or financial contributions.

Council's development contributions team can advise further on these matters in relation to the application of development and financial contributions to the property in question.

## Integrated Transportation Strategy and Reserve Management Plans

As part of Tauranga City Council's Integrated Transportation Strategy and Reserves Management Plans, properties neighbouring Council-owned or administered land may be subject to walkway and cycleways development.

## Special Housing Areas

Special Housing Areas are sites in the city that are suitable for new housing and able to be developed fast to increase housing supply. Development of these sites can be fast-tracked under the Housing Accord and Special Housing Areas Act 201, through an accelerated resource consenting process.

Special Housing Areas are proposed by landowners / developers, considered by Council and if supported by Council, submitted to the Minister of Building and Construction for a final decision. Under the current Housing Accord, Council and the Government will be able to consider applications for new Special Housing Areas up until September 2019.

Special Housing Areas will only be established in areas where there is a clear demand for housing, and where there is already suitable infrastructure in place (e.g. roads, wastewater systems, water supply pipes), or plans for it to be built.

For more information on Special Housing Areas including detail on any Proposed and Active sites with the Tauranga area <https://www.tauranga.govt.nz/our-future/enabling-growth/housing-accord-and-special-housing-areas>

## Relevant Planning Information

|                                                                                     |                                           |
|-------------------------------------------------------------------------------------|-------------------------------------------|
| Zone: Operative Tauranga City Plan                                                  | <b>Suburban Residential Plan Attached</b> |
| Identified Plan Areas                                                               | <b>None Known</b>                         |
| Designations                                                                        | <b>None</b>                               |
| Protected Heritage/Notable or Groups of Trees, or Protected Buildings               | <b>None Known</b>                         |
| Archaeological or Heritage Sites                                                    | <b>None Known</b>                         |
| <b>Council Consents, Certificates, Notices, Orders or Bonds Affecting The Land:</b> | <b>No</b>                                 |

## Land Features

This information relates only to details held on Council files and may not reflect the on site situation.

The Tauranga City Council does not act as agent for network utility operators.

The land form and geology within Tauranga City have some features which demand particular attention. These features, which may or may not be relevant to the property in question, are outlined in "General Description of Land Form within Tauranga District" as attached.

### Microzoning for Earthquake Hazards

This property is within the Study Area of a Study Report 'Microzoning for Earthquake Hazards for the Western Bay of Plenty', January 2003, which assesses the magnitude of earthquake hazards in the Tauranga District and elsewhere including, ground shaking hazards, liquefaction hazards, subsidence hazards, and earthquake slope hazards using the information available at the time of the report. The Study Report also includes a number of maps, including Ground Shaking Hazard Maps. There are also Liquefaction Ground Damage Hazard Maps which divide the Study Area into various liquefaction ground damage zones.

Please note the limitations of the mapping identified in the Study Report, particularly those noted on Figures 6-15 (inclusive) under "Important Notes".

These notes outline that the zone boundaries are approximate only and have been determined with the aid of a national seismic hazard model, regional geological maps and available borehole data. Accuracy can vary from tens of metres to hundreds of metres. The classification of the liquefaction hazards in the Report is indicative only, and the level of damage to any facility will depend on a variety of factors such as the potential for liquefaction, the thickness and depth of liquefying layers and their relationship to other layers, and the topography and the nature of the facility itself. Localised areas of enhanced hazard may be present within areas identified as having low hazard, and also the hazard may be lower in some sections identified as having a high hazard. Further limitations are given in the Study Report.

Site specific assessment of the hazard (such as ground shaking or liquefaction) based on site-specific investigations and risk should be considered for assessing the performance and design of a specific facility.

The presence of earthquake hazards on a property may have implications for the use and development of that property including, but not limited to, the requirements for and assessments of building consent applications under the Building Act 2004 (refer to the design standard outlined in *Chapter 10.10.6 Liquefaction* of Tauranga City Council's Infrastructure Development Code).

[http://idc.tauranga.govt.nz/design-standards/ds-10-natural-hazards-earthworks/ds-10\\_10-design.aspx](http://idc.tauranga.govt.nz/design-standards/ds-10-natural-hazards-earthworks/ds-10_10-design.aspx)

A copy of the Study Report can also be accessed from the link below.

<https://www.smartgrowthbop.org.nz/media/1313/f-2002-29-western-bay-of-plenty-lifelines-earthquake-microzoning.pdf>

Note: The referenced Study Report is dated 2003. There has been a significant volume of land development and subdivision in Tauranga since 2003, for which a more recent Geotechnical Report may exist, and this will be attached if applicable to this property.

## Special Land Features Relevant to the Subject Property

Yes

Comments:

This site is subject to 3:1 slope criteria where any further development may need to be supported by a report from an appropriately qualified Chartered Professional Engineer. Please see Slopes Criteria Plan attached.

## Additional Information

### Licences

Licences Affecting the Land or Buildings

No

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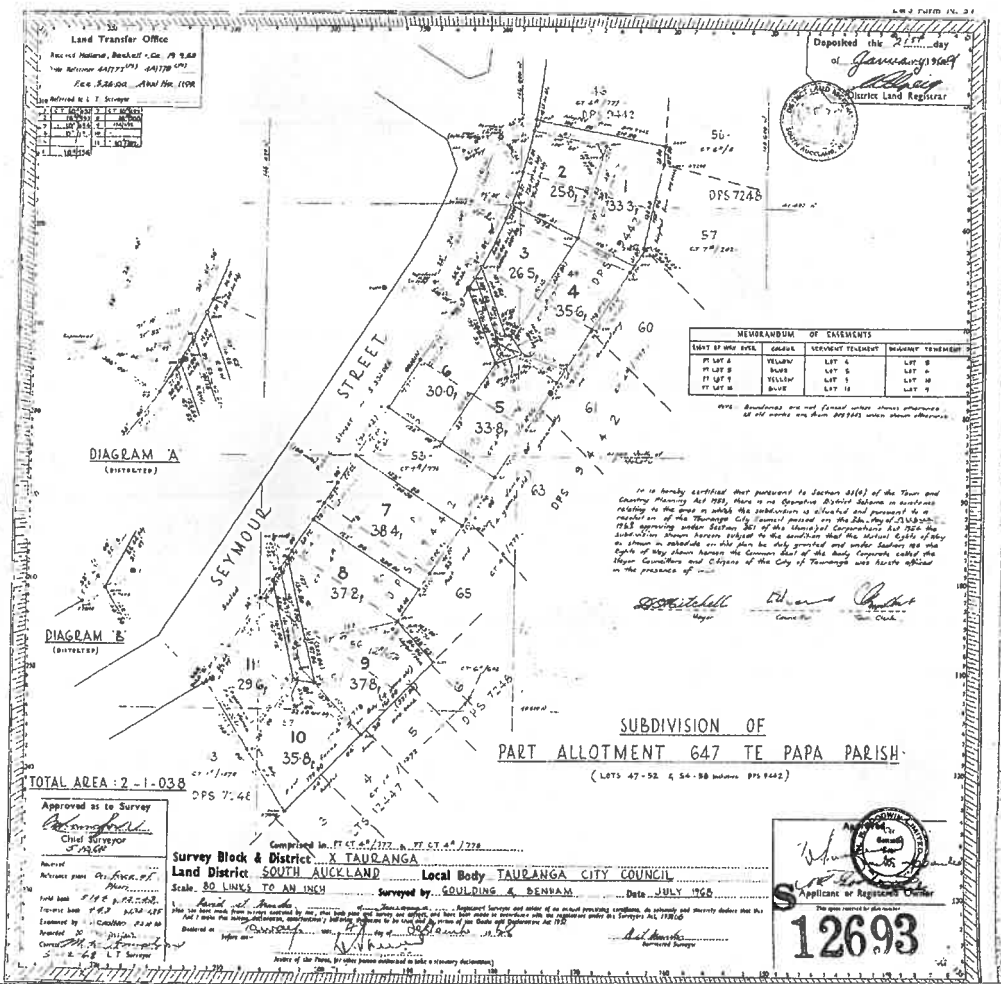
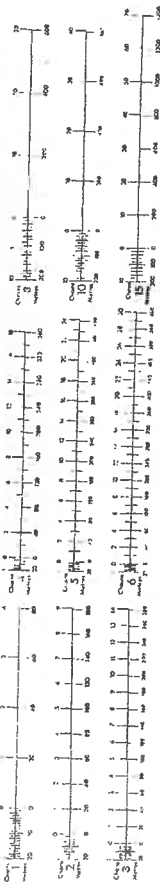
Signed for and on behalf of the Council:



Position held: LIM Officer / Technical Advisor

Date: 16 November 2018





Land Transfer Office  
Received Notice, Deed, etc. No. 1234  
Deposited the 21st day of January 1965  
DPS 7248

Deposited the 21st day of January 1965  
DPS 7248

| MEMORANDUM OF EASEMENTS |        |                  |                   |
|-------------------------|--------|------------------|-------------------|
| RIGHT OF WAY EASE       | GRANT  | NEAREST TENEMENT | BOUNDARY TENEMENT |
| PT LOT 1                | YELLOW | LOT 4            | LOT 8             |
| PT LOT 2                | BLACK  | LOT 5            | LOT 9             |
| PT LOT 3                | YELLOW | LOT 6            | LOT 10            |
| PT LOT 4                | BLACK  | LOT 7            | LOT 11            |

It is hereby certified that pursuant to Section 21(1) of the Town and Country Planning Act 1952, there is no objection to the subdivision of the land shown in the plan in which the subdivisions are shown and that the subdivisions are shown in accordance with the provisions of the said Act.

*[Signature]* Mayor  
*[Signature]* Council Clerk

SUBDIVISION OF  
PART ALLOTMENT 647 TE PAPA PARISH  
(LOTS 47-52 & 54-58 inclusive DPS 7442)

Approved as to Survey  
Chief Surveyor  
DPS 7442

Survey Block & District: X TAURANGA  
Land District: SOUTH AUCKLAND  
Local Body: TAURANGA CITY COUNCIL

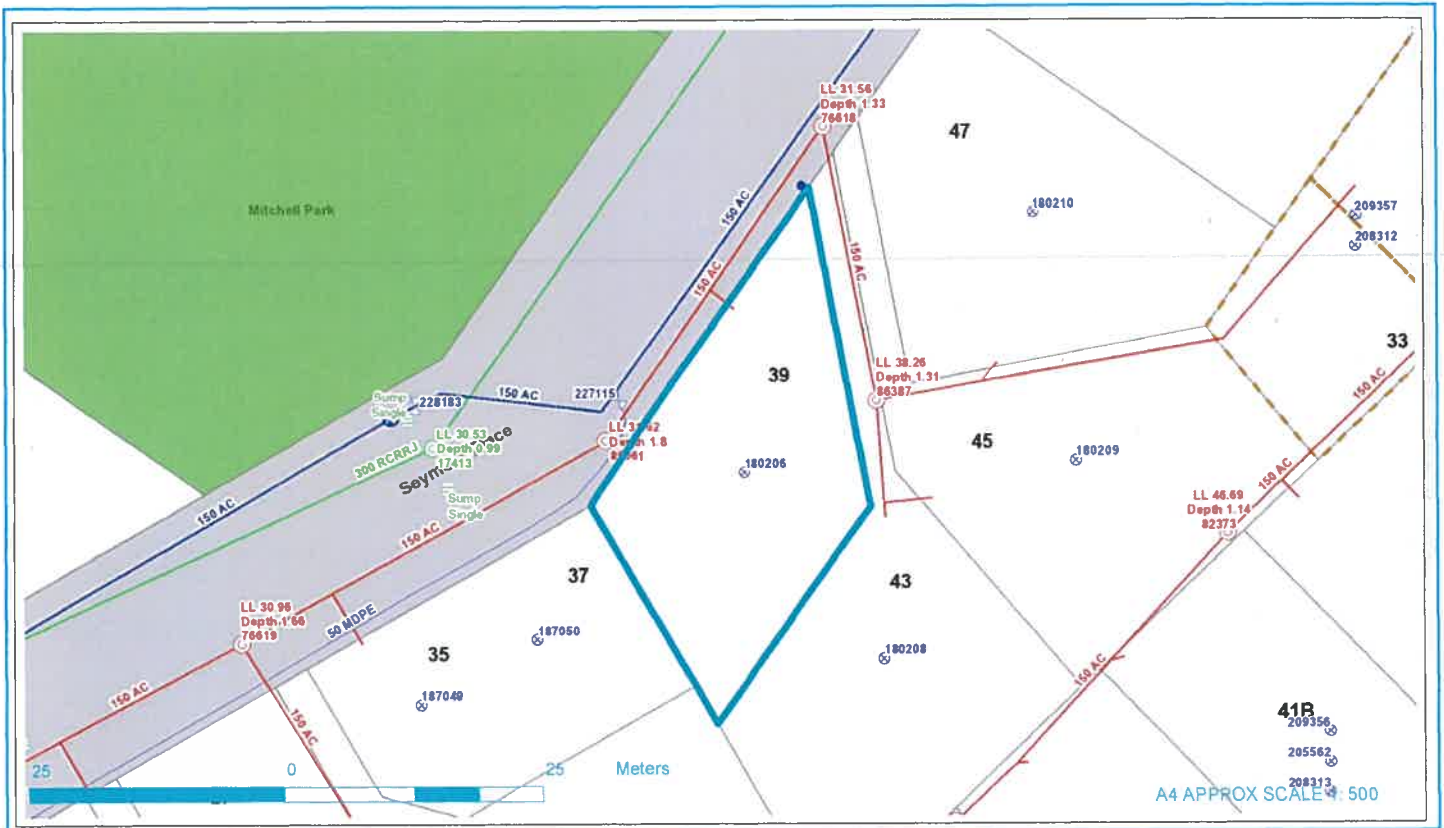
Scale: 80 LINKS TO AN INCH  
Surveyed by: GOULDING & BENHAM  
Date: JULY 1965

12693



## Services Plan

SmartZoom A4 Print - 16-November-2018



Information shown on this plan is indicative only. Tauranga City Council accepts no liability for its accuracy and it is your responsibility to ensure that the data contained herein is appropriate and applicable to the end use intended. Cadastral information is sourced from the LINZ Data Service <http://data.linz.govt.nz/layer/772-nz-primary-parcels/>. Crown Copyright Reserved.





## Rates Information

**Location** 39 SEYMOUR PLACE  
**Valuation Ref** 06631 301 00  
**Legal Description** LOT 11 DPS 12693  
**Area** 0.0749  
**Land Value** 270,000  
**Capital Value** 436,000

### Total rates assessed this year



| Tauranga Council                                | Units   | Rate         | Annual Amount   | Regional Council     | Units   | Rate         | Annual Amount    |
|-------------------------------------------------|---------|--------------|-----------------|----------------------|---------|--------------|------------------|
| Uniform Annual General                          | 1       | 626.08695652 | 626.09          | Regional General     | 270,000 | 0.00034180   | 92.29            |
| General                                         | 436,000 | 0.00205468   | 895.84          | Regional UAGC        | 1       | 108.40000000 | 108.40           |
| Resilience Targeted Rate                        | 436,000 | 0.00003021   | 13.17           | Passenger Transport  | 1       | 119.24000000 | 119.24           |
| Wastewater Connected                            | 1       | 384.81739130 | 384.82          | Rate                 | 1       | 17.75000000  | 17.75            |
| Glass Recycling                                 | 1       | 22.60869565  | 22.61           | Civil Defence (CDEM) |         |              | 337.68           |
| <b>Total</b>                                    |         |              | <b>1,942.53</b> | <b>Total</b>         |         |              |                  |
| Includes GST of                                 |         |              |                 |                      |         |              | <b>\$342.03</b>  |
| <b>Total Rates (01 JUL 2018 to 30 JUN 2019)</b> |         |              |                 |                      |         |              | <b>\$2622.24</b> |

### Water Rates

Metered A/C # 7      Route # M      Class #      Rate: 0      /m3      Supply Area: METERED WATER

### What are rates?

The amount you pay in rates doesn't directly relate to the amount of things Council does for you personally. Rates are not a 'charge for services', they are a tax on the value of your property. It is not a perfect system but it is one of the very few ways the Government allows Councils to collect revenue. Rates provide 55% of the Council's income.

### Rates Information

The rating year starts on 1 July each year to 30 June the following year.

- Rates and charges are inclusive of GST.
- Annual Rates are set in July each year.
- Rates are payable in two instalments and are paid in advance.

Each year an assessment is sent out to property owners on 1 August together with the first instalment invoice. Payments are due on the last working day in August. The second instalment invoice is sent out to property owners on 1 February each year and is due on the last working day of February.

### What are the charges for rates and how are they calculated?

Rates are a tax on the value of your property. The value of your property is set by an independent agency and is driven by national legislation. Revaluations are done every three years.

### What do General Rates pay for?

Rates are used to pay for a wide range of services and capital projects such as new roads, storm water, libraries, reserves and so on. Councils ten year plan is a good place to find out more about how Council plans to spend rates income. Tauranga City collects rates on behalf of the regional council also.

## Tauranga City Rates Schedule 2018/2019

| Description             | Inclusive of GST | Charge                                                    |
|-------------------------|------------------|-----------------------------------------------------------|
| Uniform Annual General  | \$720.00         | Per occupancy                                             |
| Glass Recycling         | \$26.00          | Per occupancy                                             |
| Wastewater              | \$442.54         | Per residential property or per connection for commercial |
| Wastewater Availability | \$221.27         | Per property                                              |
| General Residential     | \$0.00236288     | Capital value                                             |
| General Commercial      | \$0.00252119     | Capital value                                             |
| City Mainstreet         | \$0.00067549     | Capital value                                             |
| Greerton Mainstreet     | \$0.00197672     | Capital value                                             |
| Papamoa Mainstreet      | \$0.00045746     | Capital value                                             |
| Mount Mainstreet        | \$0.00099438     | Capital value                                             |
| Resilience              | \$0.00003474     | Capital Value                                             |
| Economic Development    | \$0.00067405     | Per commercial property                                   |
| The Lakes               | \$78.91          | Per property in the subdivision                           |
| Papamoa Coast           | \$34.44          | Per property in the subdivision                           |
| Excelsa                 | \$48.20          | Per property in the subdivision                           |

### Uniform Annual General Rates (UAGC)

This is a fixed charge per rateable property and is irrespective of the value of a property. For residential properties it is a charge per occupancy.

Each occupancy is defined by physically having a separate living area, bedroom, bathroom facilities, entrance (including shared foyers) and cooking facilities. E.g. a property with a self contained flat on the ground floor would be rated for two UAGC's and two wastewater connections.

(Note: This rate is not based on ability to earn revenue or rent, frequency of use or the relationship of person/s using or able to use the separate area. This does not relieve the owner or occupier of any duty or responsibility under the Building Act 2004 or the Resource Management Act 1991 or the Tauranga City Plan) For commercial properties this is a charge on the number of separate businesses or leases.

### General Rate

This variable rate is charged on the capital value of a property. Capital value is land value plus improvements value.

### Wastewater Rates

Residential properties connected to Council wastewater pay a uniform annual charge for one toilet per occupancy. Commercial properties connected to Council wastewater pay a uniform annual charge for each toilet or urinal.

Those properties with wastewater available (i.e. they are within 100m of wastewater lines) but not connected will pay an availability charge.

### The Lakes, Papamoa Coast and Excelsa Targeted Rate

This rate is charged on the capital value of a property. Capital value is land value plus improvements value. The Lakes Development at Tauriko/Pyes Pa and Papamoa Coast and Excelsa developments at Papamoa have significantly increased level of service costs as a result of wider roads, more gardens, reserves and streetlights etc. All properties in these subdivisions are charged this targeted rate.

### Economic Development Rate

This rate is charged on the capital value of a property.

It is charged to commercial properties only and funds economic development through Priority One and Tourism Bay of Plenty.

### Mainstreet Rates

This rate is charged on the capital value of a property. It is charged to commercial properties only and funds the Tauranga, Mount and Greerton Village Mainstreet organisations.

## Tauranga City Council



## Tauranga City Council

# Supply of Water Bylaw 2007

This Bylaw is made under the Local Government Act 2002 and the Health Act 1956.

This bylaw should be read in conjunction with other statutory acts and regulations (or their subsequent amendments) relating to the supply of water including, but not limited to:

- Building Act 2004
- Fire Service Act 1975
- Local Government (Rating) Act 2002
- Resource Management Act 1991
- Water Supply Protection Regulations 1961

## 1. Scope and Purpose

The purpose of this bylaw is to cover the terms and conditions for the sale and supply of water to its customers by the Water Supply Authority (WSA).

Tauranga City Council's catchments are not subject to this bylaw and are protected by the Regional Water and Land Plan.

## 2. Interpretation

In this bylaw:

**Approved** means approved in writing, either by resolution of the Council or by any authorised officer of the WSA.

**Backflow** means a flow of water or other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow.

**Backflow Device** is a device that prevents backflow.

**Connection** means the service pipe from the Council's watermain to the point of supply that is owned and maintained by the WSA and includes any pipes, valves, manifolds, water meters, backflow device, water meter box and box or protection structure for the backflow device. Where two or more premises share supply pipe infrastructure, "connection" will include any additional connection elements on the supply pipe that the WSA requires for the purpose of the water metering used by each individual premises, but does not include the supply pipe itself.

**Code of Practice for Development** is the minimum requirements for the development of infrastructure within Tauranga City.

**Council** means the Tauranga City Council

**Customer** means the owner of any property who has obtained the right to use or direct the manner of use of, water supplied by the WSA to any premises.

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**Extraordinary Supply** is all other purposes for which water is supplied other than "ordinary supply". Such end uses shall include supply to:

- i) domestic –spa or swimming pool, fixed garden irrigation systems
- ii) commercial or business
- iii) industrial
- iv) fire protection systems
- v) out of District supply and
- vi) temporary supply

**Fire Installation** means a water installation which conveys water solely for the purpose of fire fighting.

**Level of Service** means the measurable performance standards on which the WSA undertakes to supply water to its customers.

**Long Term Council Community Plan (LTCCP)** has the same meaning as defined in the Local Government Act 2002.

**Offence** includes any act or omission in relation to this Bylaw or any part thereof for which any person is liable to prosecution.

**Ordinary Supply** is the supply of water to a customer which is used solely for domestic purposes. Such end uses include the use of a hose for:

- i) washing down a car, boat etc
- ii) garden watering by hand; and
- iii) garden watering by a portable sprinkler.

**Owner** of any property, or as applied to any land, building, or premises, means any person for the time being entitled to receive the rent of such property, land, building, or premises, and where any such person is absent from New Zealand, shall include his/her attorney or agent, or any other person acting for him/her or on his/her behalf with his/her authority.

**Point of Supply** means the point where a supply pipe meets the connection and it marks the boundary of responsibility between the customer and the WSA, irrespective of property boundaries. Except as by agreement between the relevant owner/s and the WSA, where premises share supply pipe infrastructure, the point of supply remains at the supply pipe's meeting with the connection regardless of whether or not the WSA requires the installation of additional connection elements to the supply pipe for the purpose of metering the water usage of each individual premises. Where shared supply pipe arrangements existed prior to 1994, the point of supply is that which existed at that time, or any point which has been agreed to between the owners and the WSA.

**Premises** means:

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has been or may be issued; or
- (b) A building that has been defined as an individual unit by cross-lease, unit title or company lease and for which a certificate of title is available; or Land held in public ownership (e.g. reserve) for a particular purpose.

**Roading Authority** means either a Territorial Authority or Transit New Zealand.

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**Road, Private Road, Footpath, Accessway, Service Lane and Private Way** have the respective meanings given to them by the Land Transport (Road User) Rule 2004.

**Service Pipe** means that section of water pipe between a water main and the point of supply that is owned and maintained by the WSA.

**Supply Pipe** means that section of pipe between the point of supply and the customer's premises that is installed, owned and maintained by the customer.

**Water Meter** is an instrument intended to continuously measure the quantity of water passing through it.

**Water Supply Authority (WSA)** is the operational unit of the Council responsible for the supply of water, including its authorised agents.

**Writing, Written or any term of like import** means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, and where anything is required to be written it may be partly in writing and partly in printing.

### **3. Supply of Water**

3.1. Any person wishing to become a customer shall apply in writing on the standard WSA form.

3.2. The WSA shall approve:

- the type of water supply to be provided to any premises
- the size of the connection to be provided to any premises
- the design of the connection to be provided to any premises
- any additional elements of the connection, including individual water meters, necessary for premises that share supply pipe infrastructure.

3.3. The applicant must be the owner or have the authority to act on behalf of the owner of the premises for which the supply is sought, and shall produce written evidence of this if required.

3.4. No person shall act on a written authorisation to supply water that is more than 6 months old unless an extension of time is authorised in writing by the WSA.

3.5. No person shall be supplied water unless the supply is authorised in writing by the WSA.

3.6. No person other than a contractor licensed by the Council shall undertake works to connect to or install any service pipe.

3.7. No person shall change the level of service of water supply received, or the end use of water supplied, or change the supply between ordinary and extraordinary unless the change is authorised in writing by the WSA.

3.8. The WSA shall be under no obligation to provide an ordinary or extraordinary supply of water.

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## **4. Point of Supply**

- 4.1. A customer shall be responsible for the supply pipe that will join a connection that has been located in accordance with the Council's Code of Practice for Development, or as close as possible to that location where fences, walls or other permanent structures make it difficult to locate it at the required position. A customer shall not locate a connection at any other position unless the position is authorised in writing by the WSA.
- 4.2. A customer shall not have more than one point of supply, unless otherwise authorised in writing by the WSA.
- 4.3. The WSA reserves the right to charge for maintenance of or damage to the connection.

## **5. Access to Point of Supply**

- 5.1. The WSA shall be entitled, on the following terms, to enter premises that have a water supply on any day between 7.30am and 6pm to have access to, on and about the point of supply:
- without notice in order to read the water meter; or
  - with notice being given whenever possible to check, test or undertake maintenance work.
- 5.2. At all other times the WSA shall give notice prior to entering premises except in emergency situations when authorised officers of the WSA shall be entitled to enter premises that have a water supply at any hour without notice.
- 5.3. The customer shall ensure that the area in and around the point of supply is maintained free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access by authorised officers of the WSA.

## **6. Fire Connections**

- 6.1. A customer shall design, maintain and repair any fire sprinkler system on his premises to prevent water being drawn from the system for any other purpose and shall construct, install and maintain that system in good order, and for its intended purpose.
- 6.2. No person shall install a new connection for fire protection unless authorised in writing by the WSA to do so. Any such connection must be installed by Council's licensed contractors at the applicant's expense and shall be subject to any terms and conditions specified by the WSA.
- 6.3. The WSA shall be under no obligation to provide a fire protection supply at any particular flow or pressure.
- 6.4. Where a fire connection has been installed in a manner or at a location so that it is likely or possible that water will be drawn from it or from any part of it for purposes other than fire fighting, the customer shall at his or her own expense, install a connection approved by the WSA.
- 6.5. Where the supply of water to any premises is metered, the customer shall connect any fire hose reels on those premises to the metered supply and not to a dedicated fire protection connection.
-

## **7. Water Meters**

- 7.1. Unless otherwise agreed with the WSA, the point of water metering to an individual customer is the water meter that records the amount of water used by their particular premises.
- 7.2. Where the point of supply is different from the point of water metering, the customer shall:
- i. Provide an approved site within the premises for the water meter;
  - ii. Take sufficient precaution to protect the water meter from damage at all times;
  - iii. Ensure the water meter is readily accessible for reading; and
  - iv. Ensure that no other devices are installed in the water meter box

## **8. Level of Service**

- 8.1. The WSA shall use its best endeavours to provide water in accordance with the Level of Service contained in the LTCCP of the Council.
- 6.2 A customer with a particular requirement for an uninterrupted level of service (flow, pressure or quality), shall be responsible for providing any necessary storage, back up facilities, or equipment to satisfy that requirement.

## **9. Continuity of Supply**

- 9.1. The WSA does not guarantee an uninterrupted or constant supply of water, or any maximum or minimum pressure, but shall do its best to meet the continuity of supply levels.
- 9.2. The WSA will consult with any potentially affected persons where works of a permanent or temporary nature are planned that will substantially affect an existing supply.
- 9.3. Wherever practical the WSA will make every reasonable attempt to notify the potentially affected persons of a scheduled maintenance shut down of the supply before the work commences. Where immediate action is required and this is not practical, the WSA may shut down the supply without notification.

## **10. Demand Management**

- 10.1. No person shall contravene any restrictions approved by the WSA to manage high seasonal or other demands which are publicly notified.

## **11. Estimating Consumption**

---

- 11.1. Should any water meter be out of repair or cease to register, or be removed, the WSA shall estimate the consumption for the period since the previous reading of such water meter, (based on the average of the previous four billing periods charged to the customer) and the customer shall pay according to such an estimate. Provided that when by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the consumption the WSA may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the customer shall pay according to such an estimate.
- 11.2. If water metering indicates a significant increase in consumption to a premises, which is established as being caused by a previously unknown leak, the WSA may either estimate consumption as provided above, providing that the customer repairs the leak with due diligence, or the customer shall be liable for the cost of water which passes through the water meter regardless of whether this is used or is the result of the leakage.
- 11.3. Where the seal or dial of a water meter is broken, the WSA may declare the reading void, estimate as provided above and the customer shall be liable for that cost.
- 11.4. Where a situation occurs, other than as provided for in clauses 11.1, 11.2 and 11.3 of this Bylaw, and the recorded consumption does not accurately represent the actual consumption on a property then the customer shall be liable to pay the cost which shall be adjusted using the best information available to the WSA. Such errors include, but are not limited to, misreading of the water meter, errors in data processing, water meters assigned to the wrong account, and unauthorised supplies.
- 11.5. Provided that where an adjustment is required, in favour of the WSA or the customer, this shall not be backdated more than 5 years from the date the error was detected.

## **12. Customer Responsibilities**

- 12.1. New Connections shall be installed, and any associated testing undertaken, by one of the Council's licensed contractors at the applicant's expense. All new connections shall be vested with Council.
  - 12.2. A customer who has altered the ground levels in the vicinity of the connection shall alter the existing service pipe and locate the cover to the service pipe to ensure it complies with Council's Code of Practice for Development. Such work shall be carried out by one of Council's licensed contractors at the owner's expense.
  - 12.3. A customer shall not use water or water pressure directly from the supply for driving lifts, machinery, generators, condensers or any other similar device; unless specifically authorised by the WSA in writing.
  - 12.4. The customer shall ascertain and monitor whether the fire protection supply available is adequate for the intended purpose.
  - 12.5. The customer shall be liable to pay for any related water supply services in accordance with the WSA current schedule of fees and charges.
  - 12.6. The customer shall not transfer to any other party the rights and responsibilities provided for under these Terms and Conditions.
-

12.7. In the event of a premises changing ownership the outgoing customer shall give the WSA seven calendar days notice to arrange a final water meter reading.

12.8. The customer shall give seven calendar days notice in writing to the WSA of his/her request to terminate the supply.

## **13. General Conditions**

13.1. No person other than the authorised agents of the WSA, shall without express approval, make any connection to or otherwise interfere with any part of the water supply system.

13.2. No person shall have access to, and draw water from, fire hydrants unless he or she is:

- An authorised officer of the WSA;
- Fire service personnel – for the purposes of testing or firefighting purposes only;
- Fire hydrant licence holders during the period for which the licence has been issued.

13.3. Any person proposing to carry out excavation work shall view the as-built information to establish whether or not WSA services are located in the vicinity.

13.4. At least two working days notice in writing shall be given to the WSA of an intention to excavate in the vicinity of its services. Where appropriate the WSA will mark out to within  $\pm 0.5\text{m}$  on the ground the location of its services, and may nominate in writing any restrictions on the work it considers necessary to protect its services. The WSA may charge for this service.

13.5. Any person excavating and working around buried services shall take due care to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate WSA specification. Excavation within roadways is also subject to the permit process of the appropriate roading authority.

13.6. A person causing damage to a WSA service shall report that damage to the WSA immediately. Repairs shall be arranged by the WSA and repair costs may be charged.

## **14. Offences and Breaches**

14.1. Every person breaches this Bylaw and commits an offence who:

1. Does, or allows anything to be done, which is contrary to this Bylaw or any part of it; or
  2. Fails to do, or allows anything to remain undone, which ought to be done by him or her within the time and in the manner required by this Bylaw or any part of it; or
  3. Does anything which this Bylaw prohibits; or
  4. Fails to comply with any notice given to him or her under this Bylaw or any part of it or any condition of a licence granted by the Council; or
-

5. Obstructs or hinders any Council officer or other Council appointed person in performing any duty or in exercising any power under this Bylaw.

## **15. Licences**

- 15.1. The form of any application for and grant of any permission, licence or approval required under this Bylaw will be determined by the Council.
- 15.2. The Council may attach to any permission, approval or licence any terms or conditions as it thinks fit.
- 15.3. No application for a licence from the Council, and no payment of or receipt for any fee paid in connection with such application or licence shall confer any right, authority or immunity on the person making such application or payment.
- 15.4. Suspending or Revoking Licences
  - (a) The Council may revoke or suspend a licence granted under this Bylaw if it reasonably believes the licence holder:
    - i. has acted or is acting in breach of the licence; or
    - ii. is unfit in any way to hold such a licence.
  - (b) The Council may require the licence holder to attend a hearing to explain why the licence should not be revoked or suspended. The Council may revoke or suspend the licence at its discretion. if either;
    - i. the licence holder does not attend the hearing; or
    - ii. if after the hearing the Council is satisfied the licence holder has been in breach of the licence or is unfit to hold the licence.
  - (c) The Council may suspend any licence granted under this Bylaw for a period not exceeding 72 hours during the staging of any special event, by giving the licence holder 10 days notice in writing. The Council may suspend any such licence for the purposes of protecting the public from nuisance or for protecting, promoting or maintaining public health and safety.

## **16. Fees**

- 16.1. The Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges payable for any certificate, licence, approval, permit or consent form or inspection made by the Council under this Bylaw.

## **17. Notices**

- 17.1. The Council may give notice to any person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time.
-

## **18. Penalties**

- 18.1. Subject to anything to the contrary, every person who commits an offence against this Bylaw shall be subject to the penalties set out in section 242(4) of the Local Government Act 2002.
- 18.2. Under section 163 of the Local Government Act 2002 the Council or an authorised agent appointed by it, may remove or alter any work or thing that is or has been constructed in breach of this Bylaw.
- 18.3. The Council may recover the costs of removing or altering the work or thing that is in breach of this Bylaw from the person who committed the breach. This does not relieve that person of liability for the breach.
- 18.4. Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.
- 18.5. The Council may seize and impound property materially involved in the commission of an offence, under and in accordance with sections 164 and 165 of the Local Government Act 2002.
- 18.6. The Council will return and may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.

## **19. Dispensing Powers**

- 19.1. The Council may waive full compliance with any provision of this Bylaw in a case where the Council is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community. The Council may in its discretion impose conditions of any such waiver.

## **20. Serving of Notices and Documents**

- 20.1. Except as otherwise expressly provided for in any Act, where any notice, order, or other document is required to be served on any person for the purposes of Bylaw, the Council may serve notice by:
    - delivering it personally;
    - sending it by messenger;
    - sending it by registered post to the person's last known place of residence or business
  - 20.2. If that person is absent from New Zealand, the notice may be sent to his or her agent instead of to that person.
  - 20.3. If that person has no known name or address or is absent from New Zealand and has no known agent, and the notice relates to any land or building, the notice may be served on the occupier, or if there is no occupier the notice may be put on some
-

conspicuous part of the land or building without the notice naming the owner or occupier.

- 20.4. If that person has died, the notice may be served on his or her personal or legal representative or executor.
- 20.5. Where a notice is sent by registered post it will be sent to arrive in the normal course no later than when the notice is required to be served and will be deemed to have been served at the time when the registered letter would be delivered in the ordinary course of post.

## **21. Commencement**

This bylaw comes into force on 1 January 2008.

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(BUILDING INSPECTOR'S COPY)

TAURANGA CITY COUNCIL

**BUILDING PERMIT**

Permit No 11606

File 9207

To Mr Cooper &amp; Judd

Application No. 15320

Address 49 Meadowland St.

Date 24-1-73

In pursuance of your Application for Permit to erect dwelling. permission is hereby granted you to carry out the work, as proposed in your application, and in accordance with the plans, particulars and other documents submitted to me, such work to be subject at any time during progress to my inspection, and to be carried out in strict conformity with all requirements of the Building By-laws of the Tauranga City Council, and all other By-laws of the City for the time being in force and of all Acts of Parliament and regulations respectively affecting such work.

Estimated Value of Building \$ 11 010

Fee \$40.00 Rec. No. 5293

Estimated Value of Sanitary Plumbing and Drainage \$ 980

Valuation Roll No. 666/479/10 Pt.

Total Value \$ 11990.00

Lot No. 11 D.P. No. 12693

House No. 39 Seymour St. Road Avenue Street

Area ac. rd. 29.6 p.

Occupancy or Use Dwelling

Floor Area 1003 Sq. Ft.

Owner M.C. WILKINSON

M. J. Adams for City Engineer.

**CERTIFICATE OF COMPLETION OF WORK**

I here certify that I have carried out the following inspections of the building work covered by this permit and that the work has now been satisfactorily completed.

| No. of Units    | W.C.'s                  | Urinals | Baths | Refuse |         |
|-----------------|-------------------------|---------|-------|--------|---------|
| INSPECTION DATE | STAGE REACHED WITH WORK |         |       |        | REMARKS |
| 24.1.73         | Basement footing & Slab |         |       |        |         |
| 20.3.73         | Framed & Covered in.    |         |       |        |         |
| 10.5.73         | Finishing               |         |       |        |         |
|                 | Completed               |         |       |        |         |

Building Inspector M. J. Adams

Date 30/6/73

D. Kale Print - 12012



9207

## BUILDING INSPECTORS RECORD

Street Seymour Place  
House No. 39 Plan No. 9207  
Lot No. 11 D.P. 12693  
Val. No. 666/479/61 Permit No. 57105  
Type of Building New W.C.  
Bayprint—86126

Owner M.C. Wilson  
,, Address 39 Seymour Pl 'Phone 66-379  
Builder as above  
,, Address \_\_\_\_\_ 'Phone \_\_\_\_\_

Progress

Date

COMMENTS

B/B.

21-8-74

1<sup>st</sup> Inspection

Progress

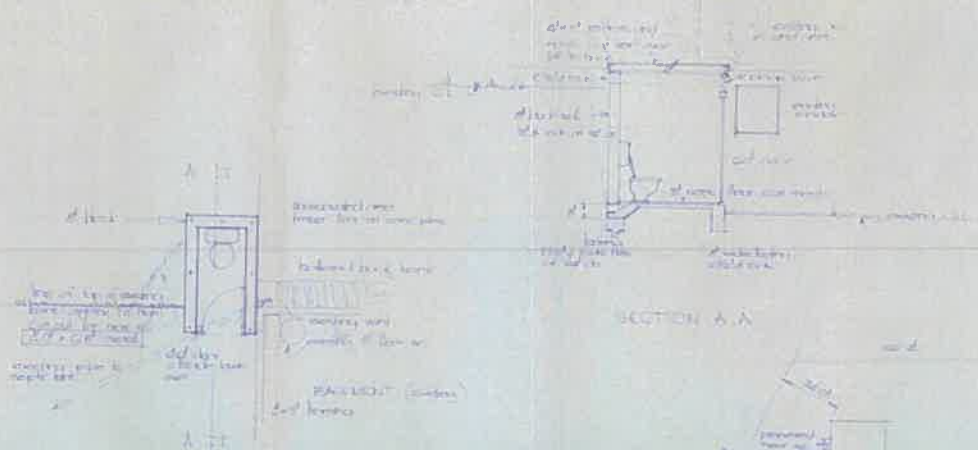
Date

BUILDING INSPECTOR

*A. K. Adams*

DATE CERTIFIED AS COMPLETE

*28.2.75*



Proposed Exterior WC for Mr. & Mrs. M. WILSON  
277 Seymour Place, Toronto

Reasonable Notice MUST BE GIVEN to the  
Inspector's Office BEFORE POURING  
CONCRETE FOUNDATIONS - BOND BEAMS  
SUSPENDED TERRACE SLABS - CONCRETE FL.

The provisions of the Toronto  
City By-Laws now in force apply  
to all work done in this  
jurisdiction and must be  
complied with.

PLAN No. 9207

# BUILDING INSPECTORS RECORD

Street Seymour Place Owner M. Wilson  
 House No. 39 Val. No. 12693 Address 39 Seymour Pl  
 Lot No. 11 D.P. 17-3-75 Phone 66379  
 Permit No. 41919 Builder As Above  
 Type of Building Swim pool Address As Above  
 D. Kale Print - 19070 \$2685 Phone

Progress

Date

COMMENTS

Footings 17-3-75 ok 10 am

B/B 9 surround 29-5-75

Completed.

Progress

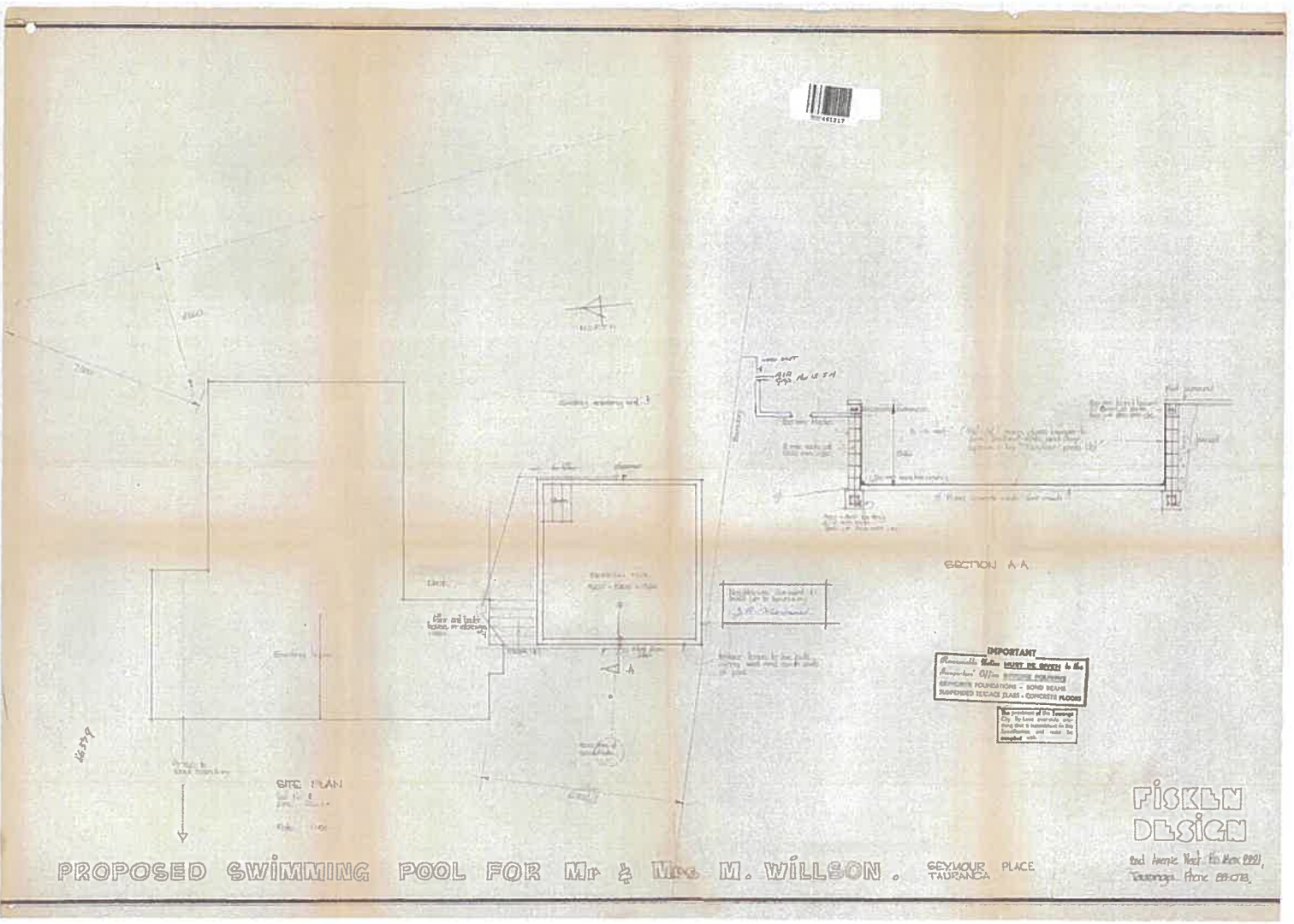
Date

BUILDING INSPECTOR

*M. L. Adams*

DATE CERTIFIED AS COMPLETE

*31. 8. 75*



**REPORT**  
Responsible Engineer: **DAVID H. BROWN** & Co.  
Responsible Office: **STRUCTURAL ENGINEERING**  
REINFORCED CONCRETE FOUNDATIONS - BOND BEAMS  
SUSPENDED GLASS & CONCRETE FLOORS  
  
The provisions of the Building Code of New Zealand, 1991, have been observed in the design and construction of this structure.

**FISKEN DESIGN**  
2nd Floor, 100-110, The Arcade, Tauranga, New Zealand

PROPOSED SWIMMING POOL FOR Mr & Mrs M. WILLSON. GEXHOUR PLACE TAURANGA

To the SEWERAGE OVERSEER:

Please connect applicant as set out.

CITY ENGINEER

# APPLICATION FOR SEWER SERVICE

No 3355



Date connected 26/10/77

Foreman's Signature O. Thompson

A/c opened No. \_\_\_\_\_

To the TAURANGA CITY COUNCIL

|                   |                 |
|-------------------|-----------------|
| Fee Payable Conn. | \$ <u>47.50</u> |
| Receipt No.       | <u>3310</u>     |
| Date of Receipt   | <u>14-10-77</u> |

(Owner of Land) I, M. J. Wilson  
hereby apply for a sewer service to be laid on from the City system to the premises (as indicated on the sketch plan below) situated at (suburb) Belleveue

House No. 39 Seymour St Avenue Street Road Tauranga

which is described as Lot No. " D.P.S. 12673  
(Name of subdivider to be given where subdivision is new)

Valuation No. 667/186

The total area of the property above referred to is \_\_\_\_\_ acres \_\_\_\_\_ roods \_\_\_\_\_ perches  
and this connection is to apply to the undermentioned:

Dwelling (State if dwelling, boarding-house, factory, office, flats, motels etc.)  
1  
2 Houses on property.

P.W.C.'s & Urinals (state No. of each)

M F. B. McCreagh Is the Licensed Drainlayer who will be employed by me.

Signed M. Drake Person to be charged for service to be supplied or his authorised Agent.

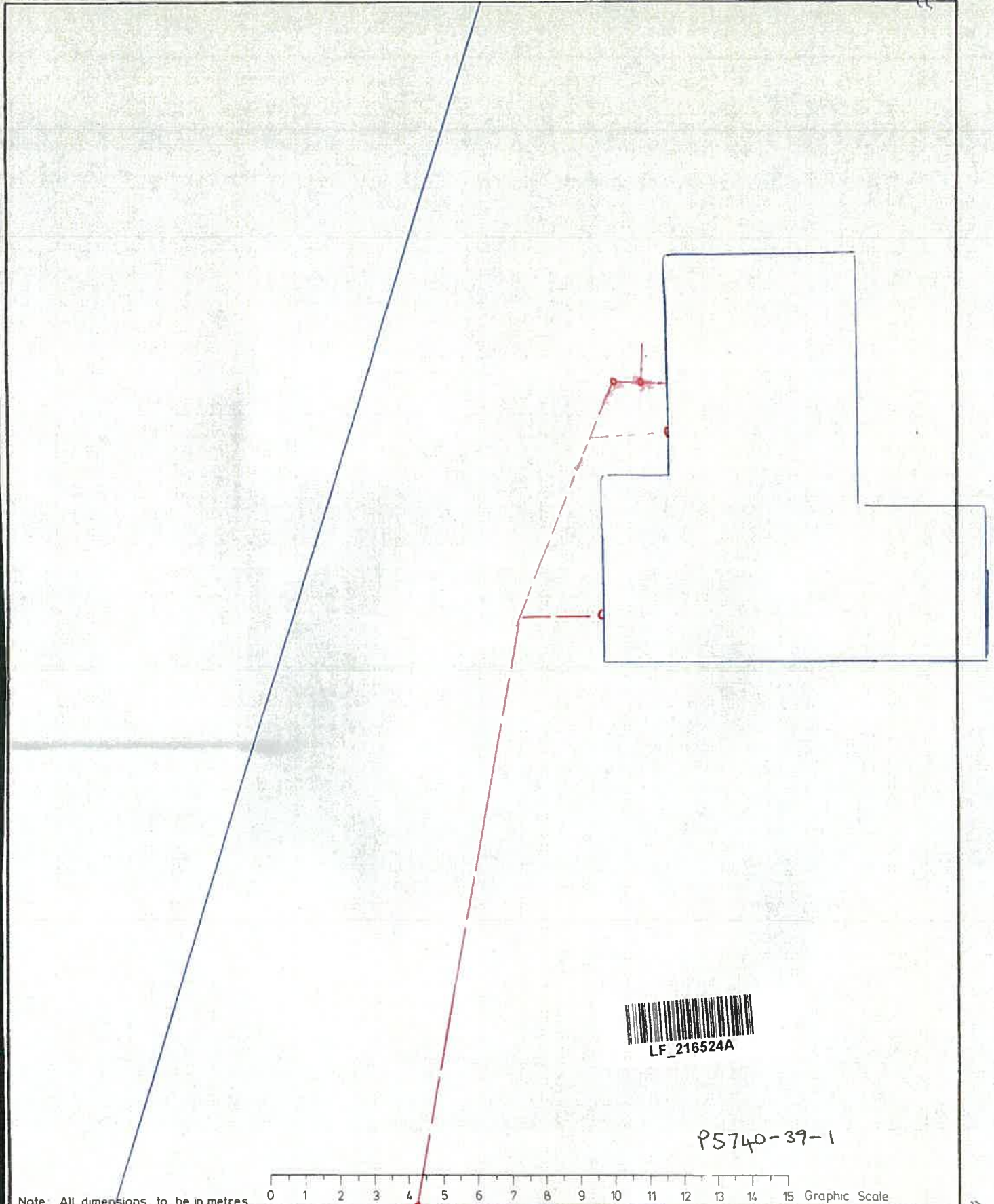
Connection Approved J. Stevens for City Engineer

Date of Application 14-10-77

SKETCH PLAN — Within the City

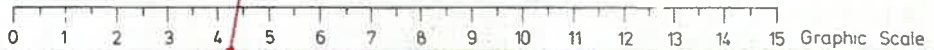
P5740-39-1

11



P5740-39-1

Note: All dimensions to be in metres



|                                                                                            |                                                                                    |                       |                                            |
|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-----------------------|--------------------------------------------|
| Symbols                                                                                    | CITY OF TAURANGA                                                                   |                       | Scale 1:100                                |
| Stormwater: [Show green]                                                                   | DRAINAGE BLOCK PLAN OF:                                                            |                       | Building Plan Number                       |
| San Sewer: [Show red]                                                                      | House No: <u>39</u> Street: <u>SEYMOUR PL</u> Lot No: <u>11</u> DP[S] <u>12693</u> |                       | <u>9207</u>                                |
| Water:  | Sewer Inspected: <u>DT</u>                                                         | Date: <u>26/11/17</u> | Plotted: _____ Date: _____ Sheet No: _____ |

11

PLAN No.

# BUILDING INSPECTORS RECORD

Street Seymour Owner M. W. W. W.  
House No. 39 Val. No. 6690/186 Address   
Lot No. 117 D.P. 12693 Phone 66379  
Permit No. 14514 22/6/51 Builder Murrayville Inc.  
Type of Building Log Cabin \$825 Address  Phone 83991  
D. Kale Print—33520

Date \_\_\_\_\_

COMMENTS

22-12-82

Installation OK,

Progress

Date

BUILDING INSPECTOR

*D. J. Martin*

DATE CERTIFIED AS COMPLETE

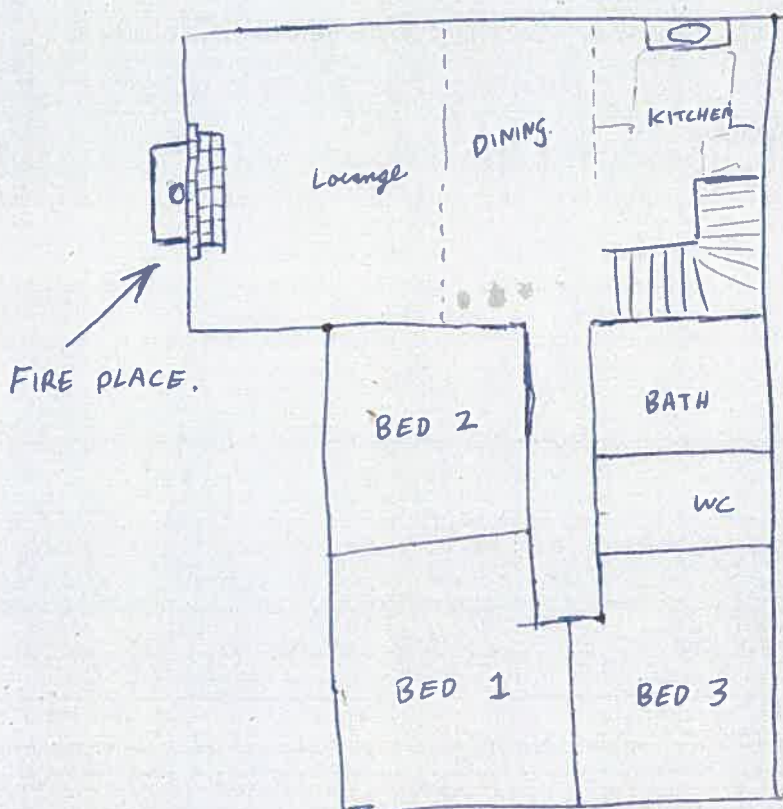
*22-12-82*

N.B. In any dispute the City engineer has absolute determination of the values concerning any permit.

| Estimated Value of Work |                            |          | Fees<br>\$ c | Estimated Value of Work                                                           |                             |           | \$ c<br>Fees |
|-------------------------|----------------------------|----------|--------------|-----------------------------------------------------------------------------------|-----------------------------|-----------|--------------|
|                         | Not exceeding              | \$500    | 3.30         | Over                                                                              | \$30,000 and not exceeding  | \$40,000  | 99.00        |
| Over                    | \$500 and not exceeding    | \$1,000  | 5.50         | Over                                                                              | \$40,000 and not exceeding  | \$60,000  | 132.00       |
| Over                    | \$1,000 and not exceeding  | \$2,000  | 11.00        | Over                                                                              | \$60,000 and not exceeding  | \$80,000  | 165.00       |
| Over                    | \$2,000 and not exceeding  | \$4,000  | 22.00        | Over                                                                              | \$80,000 and not exceeding  | \$100,000 | 192.50       |
| Over                    | \$4,000 and not exceeding  | \$6,000  | 33.00        | Over                                                                              | \$100,000 and not exceeding | \$150,000 | 220.00       |
| Over                    | \$6,000 and not exceeding  | \$8,000  | 38.50        | Over                                                                              | \$150,000 and not exceeding | \$200,000 | 275.00       |
| Over                    | \$8,000 and not exceeding  | \$10,000 | 44.00        | Over                                                                              | \$200,000 and not exceeding | \$250,000 | 330.00       |
| Over                    | \$10,000 and not exceeding | \$20,000 | 66.00        | For every \$50,000 or part thereof in excess<br>of \$250,000 an additional fee of |                             |           | 55.00        |
| Over                    | \$20,000 and not exceeding | \$30,000 | 82.50        |                                                                                   |                             |           |              |

#### Nature of Duty

|                                                                                                                                            |       |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------|
| For inspection required in the case of proposed structural alterations before plans are submitted for approval                             | 5.50  |
| For inspecting every detached stove, furnace, oven, closed fire or forge erected subsequently to the building                              | 2.20  |
| For inspecting old timber before reusing the same in a new building                                                                        | 11.00 |
| For any inspection that may be deemed necessary in connection with any building or work in respect of which no fee has otherwise been paid | 2.20  |



13 July 2017

OOSTHUIZEN, BAREND DANIEL  
PINE, STEPHEN KEITH  
324 LAKES BOULEVARD  
PYES PA  
TAURANGA 3112

Dear Sir/Madam

**Pool Safety Barrier Inspection - 39 SEYMOUR PLACE 06631 301 00**

Further to a recent pool safety barrier inspection undertaken at the above property, we are pleased to confirm that at the time of inspection, your pool safety barrier was deemed to be fully compliant with the requirements of the Building Act 2004 (Code F9).

In line with Councils pool safety barrier inspection programme, and national legislative requirements, your property will be scheduled for a further inspection 3 years from now and you will be notified of this in due course.

In the meantime, please take the time to periodically check your pool safety barrier and immediate pool area, to ensure that it meets the requirements of the Act and remains compliant and safe.

You can find more information on general pool safety and compliant pool safety barriers online at: [www.tauranga.govt.nz/poolsafety](http://www.tauranga.govt.nz/poolsafety)

Thank you for your cooperation in this matter.

Yours sincerely



Neil Page  
**Pool Safety & Compliance Officer**  
**Environmental Services**

## NOTICE TO FIX

Sections 164 and 165, Building Act 2004

|                                                      |                                                                       |
|------------------------------------------------------|-----------------------------------------------------------------------|
| TO:                                                  | Barend Oosthuizen & Stephen Pine - 324 Lakes Boulevard, Tauranga 3112 |
| AND TO:                                              | Keith Nicholson (Builder)                                             |
| <b>THE BUILDING</b>                                  |                                                                       |
| STREET ADDRESS OF BUILDING:                          | 39 Seymour Place, Tauranga ("the Property")                           |
| LEGAL DESCRIPTION OF LAND WHERE BUILDING IS LOCATED: | Lot 11 DPS 12693                                                      |
| BUILDING NAME:                                       | N/A                                                                   |
| LOCATION OF BUILDING WITHIN SITE/BLOCK NUMBER:       | N/A                                                                   |
| LEVEL/UNIT NUMBER                                    | N/A                                                                   |

### PARTICULARS OF CONTRAVENTION OR NON-COMPLIANCE

On 3 July 2017, a Council compliance officer visited the site and noted that an upstairs deck had been constructed at the front of the house with a stairway leading up to the deck. The deck was cantilevered from the main dwelling and the two joists supporting the deck were undersized and were rotating and sagging. The exterior ribbon joist, which was supporting the intermediate joists, was undersized and over span. There was inadequate framing and fixing support for the deck and stairway as required in Clause B1 of the Building Act.

The handrail and posts supporting the handrail did not have sufficient fixings. The handrail on the stairway did not have a compliant grab rail and the railings around the deck had been constructed horizontally, which is inadequate safety from falling as required in Clause F4 of the Building Code.

The owner claimed he was replacing the deck on a like for like basis however, it has been established that the deck and stairway had originally been constructed without a building consent. This was not work exempt from the requirement to obtain a building consent under Schedule 1 of the Building Act 2004 ("the Act").

Pursuant to s 40 of the Act, a person must not carry out any building work except in accordance with a building consent. Accordingly, the Council has reasonable grounds to consider that the building work was constructed in breach of s 40(1) of the Act.

Pursuant to s17 of the Act, all building work must comply with the Building Code.

In consideration of the above comments regarding Clause B1 and Clause F4 of the Building Code, the Council has reasonable grounds to consider the building work was constructed in breach of s17 of the Act.

#### To remedy the contravention or non-compliance you must:

1. Make an application under section 97 of the Building Act to the Building Consent Authority for the issue of a Certificate of Acceptance pursuant to sections 96 and 99 for the unconsented building work to ensure that the work that has been carried out is compliant with the New Zealand Building Code.
2. Obtain a building consent under section 40 of the Act for any additional building work that is required to be carried out and which requires a building consent to bring it up to the current New Zealand Building Code.
3. Alternatively, you may wish to remove the current building work that has been carried out without consent and reconstruct the work once you have obtained the appropriate building consent.

**This notice must be complied with by: 18<sup>th</sup> January 2018**

## FURTHER PARTICULARS

All building work must cease immediately until the authority that issued this notice is satisfied that you are able and willing to resume operations in compliance with the Building Act 2004 and regulations under that Act.

You must contact Tauranga City Council on completion of any building work required by this notice.

If you do not comply with this notice, you commit an offence under section 168 of the Building Act 2004 and may be liable to a fine of up to \$200,000 and a further fine of up to \$20,000 for each day or part of a day that you fail to comply with this notice.

Signature:

  
Michael O'Connor

Position:

Environmental Compliance Officer – Building and Planning

On behalf of: Tauranga City Council

Date: 10 July 2017



## City Plan

Planning Map

L20



0 50 100 200 300

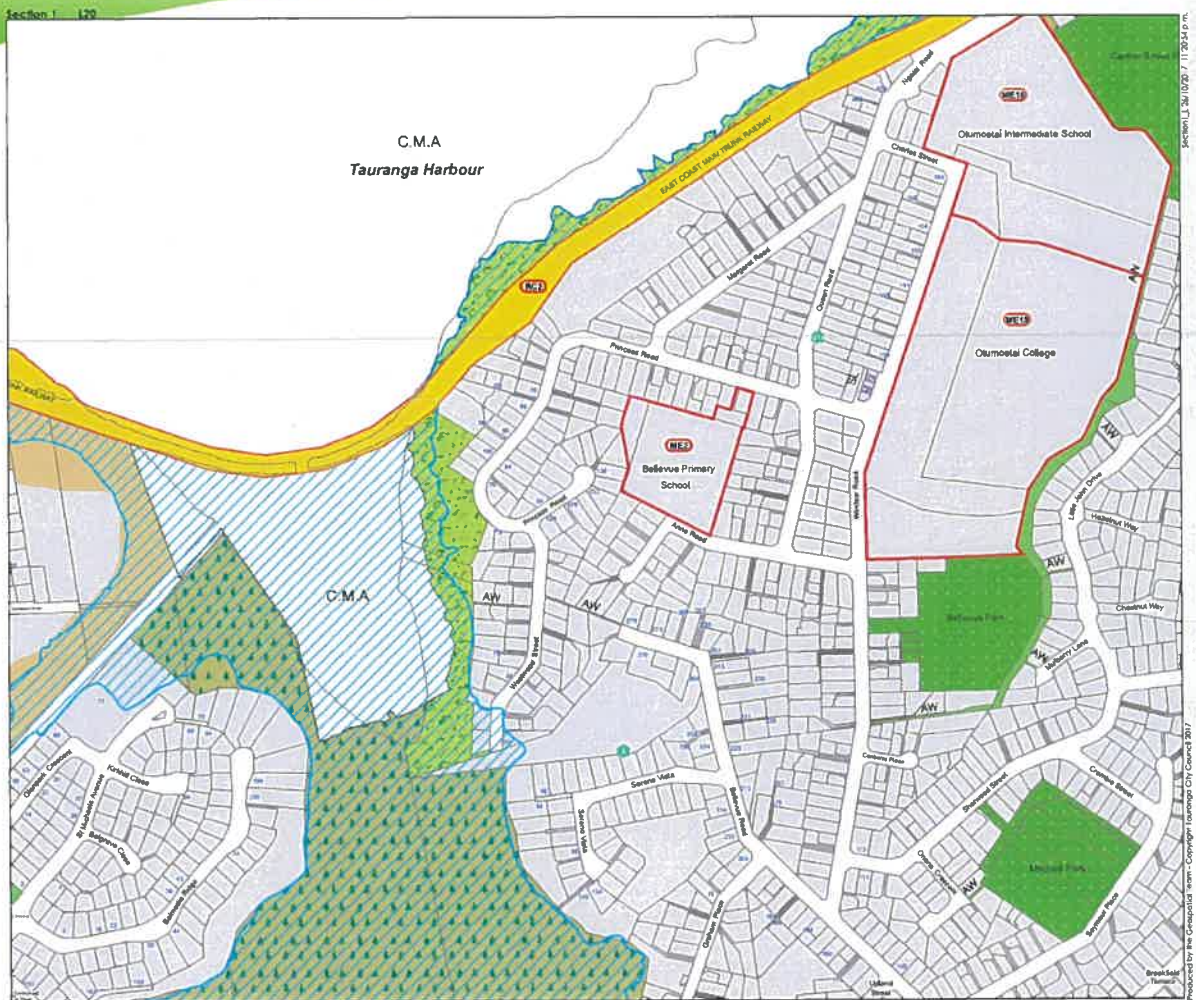
Metres

Scale = 1:5,000

Cadastral information sourced from  
Land Information New Zealand  
CROWN COPYRIGHT RESERVED



TaurangaCity



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Section 1 R20

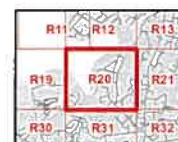
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City Plan

Planning Map

**R20**



0 50 100 200 300

Metres

Scale = 1:5,000

Cadastral information sourced from  
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**Tauranga**City



## Tauranga City Plan Planning Maps Key (1 of 2)

### Jurisdiction

- 1) The rules of this City Plan only apply landward of Mean High Water Springs.
- 2) The Bay of Plenty Regional Council is the consent authority for activities seaward of Mean High Water Springs and for activities on the surface of waterbodies.
- 3) The line of the coast shown on this map represents the position of Mean High Water Springs based on aerial mapping (2007). It does not necessarily represent the current position of Mean High Water Springs.
- 4) The Bay of Plenty Regional Council should be consulted before undertaking any activity in the vicinity of Mean High Water to establish the actual line of Mean High Water Springs.

### Planning Zones

|  |                                                        |
|--|--------------------------------------------------------|
|  | City Centre Zone                                       |
|  | City Centre Waterfront Subzones                        |
|  | Commercial                                             |
|  | City Living - Mixed Use (CLMU)                         |
|  | City Living - Mixed Use (CLMR)<br>19 metre max. height |
|  | City Living - Residential (CLR)<br>9 metre max. height |
|  | City Living - Residential (CLR)                        |
|  | Suburban Residential                                   |
|  | Residential Large Lot                                  |
|  | High Density Residential                               |

### Planning Zones (continue)

|  |                           |
|--|---------------------------|
|  | Port Industry             |
|  | Tauniko Industry          |
|  | Tauniko Commercial        |
|  | Industry                  |
|  | Rural Residential         |
|  | Rural                     |
|  | Education Centre          |
|  | Passive Open Space        |
|  | Active Open Space         |
|  | Active Open Space (Major) |
|  | Conservation              |
|  | Greenbelt                 |

### Planning Zones (continue)

|  |                                                                                                                                                                                                                                                                                           |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Te Tumu Future Urban                                                                                                                                                                                                                                                                      |
|  | Rural Marae Community                                                                                                                                                                                                                                                                     |
|  | Urban Marae Community                                                                                                                                                                                                                                                                     |
|  | Ngāhi Kahu Papakainga                                                                                                                                                                                                                                                                     |
|  | Special Use Baypark                                                                                                                                                                                                                                                                       |
|  | Wairakei Town Centre (Core)                                                                                                                                                                                                                                                               |
|  | Wairakei Town Centre (Fringe)                                                                                                                                                                                                                                                             |
|  | Neighbourhood Centre (Wairakei)                                                                                                                                                                                                                                                           |
|  | Papamoa East Employment                                                                                                                                                                                                                                                                   |
|  | Wairakei Residential                                                                                                                                                                                                                                                                      |
|  | Rail<br><small>1. The rail designation has the underlying zoning of the adjoining zone measured from the centreline of the designation.<br/>2. Where the rail designation crosses a public road the underlying zoning is Road. The rail designation does not cross a public road.</small> |
|  | Road<br><small>All Public Roads and Service Lanes are Road Zone</small>                                                                                                                                                                                                                   |

### Plan Areas

|  |                                                       |
|--|-------------------------------------------------------|
|  | Current Erosion Risk Zone (CERZ)                      |
|  | 50 year (2060) Erosion Risk Zone (50 year ERZ)        |
|  | 100 year (2010) Erosion Risk Zone (100 year ERZ)      |
|  | Scheduled Site                                        |
|  | Commercial Plan Area                                  |
|  | High Rise Plan Area                                   |
|  | Medium Rise Plan Area                                 |
|  | Flood Hazard Plan Area                                |
|  | Special Ecological Area (Category 1)                  |
|  | Special Ecological Area (Category 2)                  |
|  | Outstanding Natural Features and Landscapes Plan Area |
|  | Important Amenity Landscapes Plan Area                |
|  | Kwi Rail Reverse Sensitivity Plan Area                |
|  | NZTA Reverse Sensitivity Plan Area                    |





## Tauranga City Plan Planning Maps Key (2 of 2)

1) The rules of this City Plan only apply landward of Mean High Water Springs.  
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4) The Bay of Plenty Regional Council should be consulted before undertaking any activity in the vicinity of Mean High Water to establish the actual line of Mean High Water Springs.

### Utilities

**Note:** While only transmission and key electric lines are identified on the Planning Maps, works in close proximity to all electric lines can be dangerous. Compliance with the New Zealand Electrical Code of Practice (34:2001) is mandatory for buildings, earthworks and mobile plants within close proximity to all electric lines. Compliance with the Electricity (Hazardous Work) Regulations 2003 is also mandatory for tree felling and planting to discuss works including tree planting, near electrical lines especially within 20m of those lines contact the line operator

- High Voltage Transmission Plan Area-Support Structure
- High Voltage Transmission Plan Area-Electric Line
- High Voltage Transmission Plan Area
- Powerco Structure
- Powerco Overhead Electric Line
- Powerco Underground Cable
- Trustpower Structure
- Trustpower Electric Line
- Gas Transmission Pipeline

### Other Symbols

- Legal Parcel Boundary as of Date Printed on Map
- Mean High Water Springs
- Sub Zone Boundary
- Pedestrian Environment Street Frontage
- Pedestrian Link Requirement
- Coastal Protection Area
- Special Noise Rule Applies (Courtney Road, Bethlehem Town Centre)
- Territorial Authority Boundary

### Heritage

- Built Heritage Site Number  
(Refer Heritage Register, Chapter 7)  
NOTE: tree canopy and number within it indicates tree(s) on this legal parcel, but not necessarily at the marked location within the parcel
- Notable Tree  
(Refer Notable Tree Register, Chapter 4)  
NOTE: tree canopy and number within it indicates tree(s) on this legal parcel, but not necessarily at the marked location within the parcel
- Heritage Tree  
(Refer Heritage Tree Register, Chapter 7)  
NOTE: tree canopy and number within it indicates tree(s) on this legal parcel, but not necessarily at the marked location within the parcel
- Significant Groups of Trees  
(Refer Significant Groups of Trees Register, Chapter 4) NOTE: Tree canopies should be sighted on site to determine actual extent
- Significant Maori Areas  
(Refer Chapter 7, Appendix 7B: Register of Significant Maori Areas)
- Significant Archaeological Areas  
(Refer Chapter 7, Appendix 7D: Register of Significant Archaeological Areas)
- Te Tumu Archaeological Management Areas  
(Refer Chapter 7, Appendix 7E: Te Tumu Archaeological Management Areas)

### Designations

- Designated Site Boundary (other than Road Designation)
- Designated Road or Road Widening
- Designated Site Number  
(Refer Appendix 10C: Designations)

- Limited Access Road
- Proposed Designated Site Boundary (other than Road Designation)
- Proposed Designated Road or Proposed Road Widening
- Proposed Designated Site Number  
(Refer Appendix 10C: Designations)

### Requiring Authority Abbreviations

- C Tauranga City Council
- MJ Ministry for Courts
- DR Department of Corrections
- MD Ministry of Defence
- ME Ministry of Education
- MH Ministry of Health
- MS Meteorological Service of New Zealand
- NP New Zealand Police
- NZTA New Zealand Transport Agency
- PC PowerCo Limited
- RC New Zealand Railways Corporation
- TNZ Telecom New Zealand Ltd and Telecom Mobile Communications Ltd
- TW Transpower New Zealand Limited
- WB Western Bay of Plenty District Council
- CH Chorus Limited

### Other Abbreviations

- AW Accessway - Zoned Passive Open Space
- SL Service Lane
- C.M.A Coastal Marine Area covered by Regional Coastal Environment Plan

## **General Description of Land Form within Tauranga District**

The land form and geology within Tauranga District have some features which demand particular attention.

### **(a) Minimum Building Platform Levels**

Significant areas of Tauranga District are at risk of flooding through sea level rise, tidal surges within the harbour, storm-wave runup on the ocean coastline and the flooding of streams, sewer drains, ponding areas and overland flow paths in extreme climatic conditions. Council has some "broadbrush" information on many possibly flood prone areas. More detailed investigations by appropriately qualified people may be required to be submitted in support of Resource and Building consents. Building Platforms should be constructed with adequate freeboard above flood levels. Council has adopted a minimum floor level policy. This level is available from Council on request from Council's Development Engineer. However due to the dynamic nature of the environment and the ongoing investigative work these levels may be reviewed at any time. For the purposes of this clause, a "building platform" is defined as the area of ground within a line 1.0m outside the perimeter of the building proper.

### **(b) Low-lying Land**

There are many areas of low-lying land (often adjacent to the harbour) which comprise soft or very soft foundation conditions. These conditions are characterised by normally consolidated fine grained alluvial sediments (silts and clays) which have been deposited in marine or estuarine environments. In many areas they have been subject to random and non-engineered fillings. The materials are prone to settlement caused by consolidation under even minor loadings. These areas require particular care and appropriate geotechnical investigation and advice prior to development concepts being prepared. Whilst most of the Mount Maunganui/Papamoa area has an underlying sand formation, pockets of peat and "black sand" occur which exhibit poor foundation support qualities. These should be removed from building platforms and roading subgrades.

### **(c) Sloping Ground**

The foundation conditions of the low-lying areas in the District have been described in (b) above. The near surface geology of the higher ground within the District comprises a series of weathered fine grained rhyothic ashes known locally as the Older Ashes. The Older Ashes consist of the Pahoia Tuffs overlain by the Hamilton Ash (the top of which is known locally as the "chocolate" layer).

Overlying the Older Ashes is a series of coarse friable silts, sands and pumice lapilli which tends to mantle the topography formed within the Older Ashes and are known locally as the Younger Ashes.

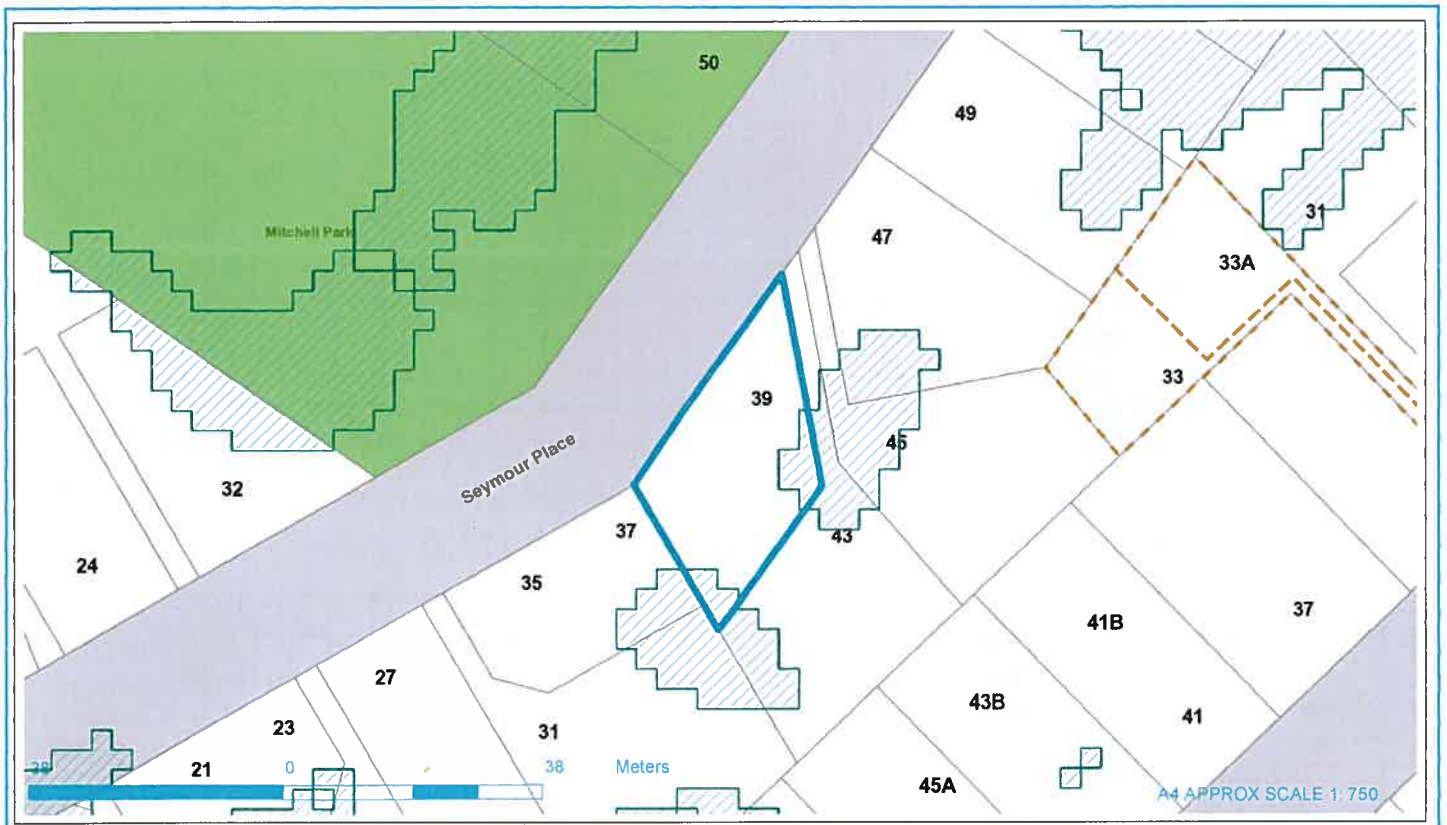
On some sloping ground, particularly the present and relic slips adjacent to the harbour, the ashes often have marginal stability and there are numerous examples of past and recent instability. Deep seated failures are generally confined to the steep banks which are or have in their history been subjected to active toe erosion. Development must be set back from the top of such steep banks, with the set back distance being determined by appropriate geotechnical investigations carried out by a Person who has pre-qualified with Council as a Specialist Geotechnical Advisor.

The majority of other failures on modest to steeply sloping ground are shallow failures (involving the top 1m to 3m of soil), but are nonetheless of serious consequence to any building development. Such failures are usually initiated by extreme climatic conditions. Any sloping ground greater than 15 degree gradient should be subject to appropriate geotechnical investigations to determine whether the ground is adequately stable for development.



## Land Features - 3:1 Slopes Criteria Plan

SmartZoom A4 Print - 16 November 2018



Information shown on this plan is indicative only. Tauranga City Council accepts no liability for its accuracy and it is your responsibility to ensure that the data contained herein is appropriate and applicable to the end use intended. Cadastral information is sourced from the LINZ Data Service <http://data.linz.govt.nz/layer/772-nz-primary-parcels/>. Crown Copyright Reserved.