

20 January 2009

Bob Johnston  
2 Kingsley Rd,  
Wellington Central  
Wellington 6011

Service Request No: SR299991  
File Reference: 0600 001 002 003

### **Re Land Information Memorandum (LIM)**

Please refer to the attached LIM for **1 Princeton Avenue**, as requested by you.

Included in this Memorandum is:

- Check sheet for quick reference
- LIM Report
- Supporting Attachments
- Appendices

If you have any concerns or questions with respect to any issues arising from this report please feel free to speak to the officers concerned. Names and contact numbers are included under each section.

Yours sincerely

**Mark Richards**  
Building Consents & Licensing Services  
Wellington City Council  
Telephone:

### Check Sheet for Land Information Memorandum

*This is a brief summary of the special features for (address) and of what is included in your LIM*

<b>Special features of the land</b>	<b>Information Included</b>	<b>No Information Found</b>
<b><u>Erosion</u></b>		✓
<b>Avulsion</b> <i>(the sudden removal of land by the change in a river's course, or by flooding to another persons land)</i>		✓
<b><u>Falling debris</u></b>		✓
<b><u>Subsidence</u></b>		✓
<b><u>Slippage</u></b>		✓
<b>Alluvion</b> <i>(the deposit of earth, sand, etc, left during a flood)</i>		✓
<b><u>Inundation</u></b>		✓

<b>Included in your LIM Report</b>	<b>Information Included</b>	<b>No Information Found</b>
<b><u>District Plan</u></b> Zoning: Outer Residential – Open Space A & B	✓	
<b><u>Town Planning</u></b>		✓
<b><u>Resource Consents</u></b>	✓	
<b>Classifications</b> <i>Usage or conditions imposed including encroachments</i>	✓	
<b><u>Rates</u></b>	✓	
<b><u>Water Rates</u></b>		✓
<b><u>Trade Wastes</u></b>		✓
<b><u>Hazardous Substances</u></b>		✓
<b><u>Building Permits</u></b>	✓	
<b><u>Building Consents</u></b>	✓	
<b><u>Private Drainage</u></b>	✓	
<b><u>Public Drainage</u></b>	✓	
<b><u>Wind Zone</u></b> Zone: Specific Design	✓	

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### **LAND INFORMATION MEMORANDUM**

- **Address:** 1 Princeton Avenue
- **Legal Description:** Lot 1 DP 11111
- **Certificate of Title:** 199992

**Note:** The land which is the subject of this application is part of a recent subdivision. Hence Council property records consulted may still relate to the previous unsubdivided property and information provided may extend beyond the subject land.

## **Matters Affecting The Land**

### **District Plan**

- (a) **Activity Area:** Outer Residential – Open Space A & B
- (b) **Designations:** E21: Princeton Ave School
- (c) **District Plan Map:** Extract Attached  
“Ground Shaking Area”
- (d) **Heritage:** 299: Cabbage Tree – Refer Attachment

Notes:

- (i) *The Proposed District Plan was notified on 27 July 1994. The District Plan became operative on 27 July 2000.*
- (ii) *The District Plan should be consulted to determine the classification of any existing or proposed activity on the subject property. Resource consents may be necessary for activities that are not permitted activities. The District Plan is available to the public at the Building Consents & Licensing Services, Service Request Counter, First Floor, Council Offices, 101 Wakefield Street, Wellington, from Wellington Libraries and may be accessed on <http://www.wellington.govt.nz/plans/district/districtplan.html>*
- (iii) *District Plan Changes*

*From time to time the Council makes amendments to the contents of the District Plan by publicly notifying District Plan changes. These changes come into effect on the date they are publicly notified. When they are first released the changes are referred to as 'proposed Plan Changes'. Once the plan change process is completed they become 'operative plan changes'.*

*The District Plan papers attached to this LIM contain the details of all operative District Plan changes, but not details of proposed plan changes that are still under consideration. For details of any proposed plan changes that may affect this property, please visit the Wellington City Council website (see link below):*

<http://www.wellington.govt.nz/plans/district/planchanges/index.html>

*For more details regarding any proposed District Plan changes please call the Council's planning help desk on 801-3590.*

***Please note there is a Land Use Resource Consent on SR299990 for 1 Princeton Rd that encroaches on the Sunlight Access Plane of 1 Princeton Ave. Please refer to a Planning Technician for details.***

**For queries or any further explanation of these documents please contact the Service Request Team, Building Consents and Licensing Services, Telephone:**

## **Resource Consents**

### **Land Use and Subdivision**

**16 July 2007 – SR299993**

**Attachments:**

Letter to Princeton Avenue Developments Ltd stating that Resource Consent was granted under Section 104B of The Resource Management Act 1991, subject to conditions, for a 5 lot fee simple subdivision with land use and earthworks dated 1 December 2006.

Notice of Decision dated 1 December 2006.

Decision Report dated 1 December 2006.

Allocation of Proposed Addresses.

Submitted Plans.

Approved Plans.

Sealed Consent Notice pursuant to Section 221 of The Resource Management Act 1991 dated 10 July 2008.

Territorial Authority Approvals pursuant to Section 224(c) of The Resource Management Act 1991 dated 10 July 2008.

Territorial Authority Approvals pursuant to Section 223 of The Resource Management Act 1991 dated 3 June 2008.

Digital Title Plan LT499994.

**Compliance Monitoring:** The Compliance Monitoring Officers Report is attached.

Note: If a consent has not been given effect to, then it may have lapsed having regard to the legislation under which it was authorised.

**Any queries relating to land use, subdivisions, and encroachment licences should be made, in the first instance, to the Service Request Team, Building Consents & Licensing Services, Telephone: 801-3542.**

## **Legal**

Easement in Gross for stormwater and sewage.

## **Rates**

- (a) Refer to attached computer printout for rates.
- (b) For valuation information please contact Quotable Valuation.

**Any queries relating to rates should be made, in the first instance, to Revenue Billing and for water rates to Metered Water Billing, Financial Transactions. Telephone:**

## **Water**

- (a) The property is fed by a 20 mm water service.
- (b) Approval to build any structure over a water main would be subject to the standard conditions that are applicable.

**Any queries relating to water reticulation matters should be made, in the first instance, to Samir Hermiz of the Water Supply Team, Telephone:**

## **Encroachment**

An encroachment for a garage exists for this property.

**Please note that Encroachment Licences are NOT transferable and application must be made for an encroachment licence on change of ownership to: The Encroachment Administrator, Property and Standards, Wellington City Council, P O Box 2199, Wellington.**

## **Land Structure/Access**

- (a) The maintenance of the Right-of-Way is the responsibility of the owners.
- (b) A Geotechnical Report by Wright Bros dated June 2005 is attached.
- (c) The owner is responsible for maintaining the vehicle accessway out to and including the kerb crossing.
- (d) A search of our records shows there are no other requirements.

**If you have any concerns regarding Access please contact Research/Vehicle Crossings Officer, Urban Development & Transport, Telephone: ..... or on Land Structure, Claire Stevens Telephone:**

# **Building, Plumbing and Private Drainage**

## **1. Permits**

Building, plumbing and drainage permits issued under the bylaws made pursuant to the Local Government Act 1974 have now expired and are superseded by the Building Act 2004. (The Building Act 1991 was repealed on 31 March 2005 and all consents issued under that Act are treated as having been issued under the 2004 Act).

**Thus unauthorised or incomplete building, plumbing and drainage permitted work done prior to the implementation of the Building Act 1991 in January 1993, now has the status of “an existing situation” and unless the building is either dangerous or insanitary, as defined under Sections 121 and 123 of the Building Act 2004, Council is precluded from taking any further action to require the owner to complete the work in accordance with the original building permit.**

For your information a record of permit applications processed under the Wellington City Council Bylaws which relate to the property, are attached.

It is not practicable to copy the information relating to these permits. However, if you wish to sight these permits please contact the Wellington City Archive at 28 Barker Street, Wellington by ringing (04) 801 2096 first, to ensure they hold the information you require.

*Please refer to Appendix II - **Section 121 & 123 of the Building Act 2004** which defines a “**Dangerous**” or “**Insanitary**” building.*

## **2. Permits issued During Transition**

- (a) Building permits issued during the period of the statutory transition, after the Building Act 1991 came into force (1 July 1992 until 31 December 1992) are deemed to be lawful authorisations in terms of section 93 of the Building Act 1991. However section 93(3) provides that if reasonable progress of construction, alteration, demolition or removal has not been made to the satisfaction of the territorial authority for a period of four calendar months, then the authorisation made under section 93 (the building permit) shall cease to apply and a building consent issued under the Building Act 1991 shall be required in respect of any further construction, alteration, demolition or removal.
- (b) If a building permit is not signed off, then the work has the status on Council's records as “existing”.

## **3. Building Consents**

- (a) *“Building consents” have replaced “building permits” as a result of the implementation of the Building Act 1991, and subsequently the Building Act 2004.*
- (b) *There is one outstanding building consent relating to the subject property.*

Building work that was not exempt from the need to obtain a Building Consent and has been carried out since January 1993 without consent is illegal. The Council may require the property owner to effect:

- (i) Demolish or remove the work
- (ii) Upgrade to building code requirements
- (iii) Apply for Certificate of Acceptance

The Council may prosecute persons who contravened or failed to comply with the Act or Notice issued under the Act.

- (c) Under Section 52 of the Building Act 2004, a building consent shall lapse and be of no effect if the building work has not been commenced within 12 calendar months of the date of issue or any further period that the building consent authority may allow.
- (d) *Please refer to attached copies of computer details for all building consents.*

An owner must apply on the prescribed form for a Code Compliance Certificate when all building work covered by the Building consent is complete. A Code Compliance Certificate will be issued once the Council is satisfied that the building work complies with the Building Code.

- (e) The following consents are either outstanding or have no Code Compliance Certificate:
  - (i) **SR299995:** New deck and internal alterations.  
**Current Status:** Inspection. Final building and plumbing inspections and PS4 statement are required.  
***Refer to Section (f) on the next page.***

Notes:

(i) *Computer Status Definitions*

**“Approvals being sought”** means the application has been lodged and is being assessed for compliance with the Building Act.

**“Consent issued”/“Passed to CME”** means a consent has been issued and the Building Inspection Team are waiting to hear from the applicant when work commences.

**“Inspection”** means inspections have commenced.

**“Certifier to inspect”** means that a private Building Certifier outside Wellington City Council has been engaged to do the inspections.

**“Completed”** means a Code Compliance Certificate has been issued.

**“See CCC Backlog Item”** means an outstanding Building Consent.

**“Unable to issue CCC”** means a CCC cannot be issued until outstanding issues are resolved.

- (f) **Building Consent Fees.** Building Consent fees paid at the time of application include a portion for inspections. Depending on when the application was lodged, the inspection fee would have been based either on the value of the project or on an assessment of the number of inspections required.

If the inspection fee paid is not enough to cover the inspections actually carried out, additional inspection fees will be charged at the rate applicable at the time of the inspection.

Additional inspection fees and any other outstanding building consent fees must be paid prior to the Code Compliance Certificate being issued.

**After 31 March 2005 Building Consents issued under the 1991 Building Act will be deemed to be issued under the 2004 Act.**

#### **4. Certificate of Acceptance**

Section 96 of the Building Act 2004 provides for the Territorial authority to issue a Certificate of Acceptance in certain circumstances. Liability for the issue of a Certificate of Acceptance is limited to the extent to which the Territorial Authority was able to inspect the building work in question.

Application for a Certificate of Acceptance may be made in the following circumstances:

- (a) work carried out without a building consent, where a building consent was required but not obtained;
- (b) work carried out under urgency;
- (c) a private building certifier refuses or is unable to issue a Code Compliance Certificate and another building consent authority is unable or refuses to issue a Code Compliance Certificate.

#### **5. Heritage buildings including sites, trees and objects**

In respect of the tree situated at 1 Princeton Ave., and known as '299', we advise that the tree is included in the District Plan as a heritage item.

It will be necessary to consult the district Plan for the restrictions arising from this heritage listing.

**Further information may be obtained from Theresa Cooper, Heritage Advisor, Urban Strategy. Telephone:**

#### **6. Wind Zones for Wellington City**

- (a) The Wind Zone for the subject property has been determined by the CLC Consulting Group Limited, Auckland to be "SD".

(b) *Notes:*

- (i) *"L" means Low Wind area.  
"M" means Medium Wind area  
"H" means High Wind area  
"VH" means Very High Wind area  
"SD" is the area defined as requiring specific design and is outside the scope of NZS 3604:1990  
UNKNOWN – refer to Claire Stevens, Team Leader, 801 3790.*
- (ii) *Determination of the correct wind zone can only be achieved by accurate knowledge of ground topography, ground roughness, site exposure and "expected conditions five years hence".*
- (iii) *While the wind zone determinations have been made by CLC Consulting Group Limited, Auckland they note that a final interpretation of the wind zone remains the prerogative of Council.*

## 7. Swimming Pools

- (a) The Fencing of Swimming Pools Act 1987 requires the property owner to ensure that any swimming pool or spa pool is enclosed by a fence of at least 1.2 metres high that would prevent access to any child of less than six (6) years of age.

Definitions of what constitutes a pool and details of the safety requirements are set out in this Act.

- (b) The outdoor swimming pool on the subject property has been inspected for compliance with the Fencing of Swimming Pools Act 1987.

**Any queries relating to swimming pool should be made, in the first instance, to Chris Scott. Telephone:**

## **Drainage**

- (a) Refer to the attached Private Drainage Plan
- (b) Refer to the attached copy of City Mapping plan.
- (c) Refer to the attached copies of the drainage complaint and action sheets.
- (d) Refer to the attached copies of drainage correspondence.
- (e) *Notes:*
  - (i) Details of levels relating to public drains can be obtained from Public Drainage, Building Consents and Licensing Services.
  - (ii) Approval to build any structure over public drains is subject to the standard conditions that are applicable.

**Any queries relating drainage matters should be made, in the first instance, to John Boot of Building Consents & Licensing Services, Telephone:**

## **Explanation Notes**

- (a) *A Land Information Memorandum is provided pursuant to section 44A of the Local Government Official Information and Meetings Act 1987 (Refer to Appendix I).*
- (b) *The address provided with this Land Information Memorandum is Council's address relating to the Certificate of Title supplied. Council does not use addresses consisting of a range e.g. 11-14.*
- (c) *The information contained in this Land Information Memorandum has been compiled from a variety of records. The applicant should be aware that some of this information is based on records supplied by developers and tradespeople that the accuracy cannot be guaranteed.*
- (d) *The reproduction of plan copies is dependent on the quality of the originals, hence some reproductions may be of poor quality. If clarification is required the original should be sighted.*
- (e) *Property boundaries shown on attached copies of computer generated plans are based on the Digital Cadastral Data Base (DCDB). Topographical information shown (for example, buildings etc.) is captured by photogrammetric methods. The accuracy of the two methods of data capture is different and the relationship of buildings to boundaries cannot be relied on.*
- (f) *Copies of plans included in this Land Information Memorandum should not be used as the basis for any proposed development.*
- (g) *Council does not hold official property boundary information. Relevant certificates of title should be obtained from the Land Titles Office (Land Information New Zealand) and relevant boundary dimension information should be obtained from Land Information New Zealand, located in the Mayfair Building, 54 The Terrace, Wellington, Telephone: 0800 665 463.*
- (h) *Depending on the history of the subject property (for example, subdivision etc), some information contained on computer printouts may not actually relate to the subject property. The information is also dependent on the accuracy of the original data capture.*
- (i) *Other authorities may hold information relevant to the property. Council only has knowledge of these requirements as recorded in the District Plan.*
- (j) *For information concerning flooding and erosion of streams through or adjacent to the subject property you should contact the Rivers Department of Greater Wellington.*

Mark Richards  
Building Consents & Licensing Services  
Wellington City Council  
Telephone: 555 4444

## **Appendix I**

### **Section 44A. Local Government Official Information and Meeting Act 1987**

Land information memorandum—

- (1) A person may apply to a territorial authority for the issue, within 10 working days, of a land information memorandum in relation to matters affecting any land in the district of the authority.
- (2) The matters which shall be included in that memorandum are—
  - (a) Information identifying each (if any) special feature or characteristic of the land concerned, including but not limited to potential erosion, avulsion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants, being a feature or characteristic that—
    - (i) Is known to the territorial authority; but
    - (ii) Is not apparent from the district scheme under the Town and Country Planning Act 1977 or a district plan under the Resource Management Act 1991:
  - (b) Information on private and public stormwater and sewerage drains as shown in the territorial authority's records:
  - (c) Information relating to any rates owing in relation to the land:
  - (d) Information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by the territorial authority (whether under the Building Act 1991 or any other Act):
  - (e) Information concerning any certificate issued by a building certifier pursuant to the Building Act 1991:
  - (f) Information relating to the use to which that land may be put and conditions attached to that use:
  - (g) Information which, in terms of any other Act, has been notified to the territorial authority by any statutory organisation having the power to classify land or buildings for any purpose:
  - (h) Any information which has been notified to the territorial authority by any network utility operator pursuant to the Building Act 1991.
- (3) In addition to the information provided for under subsection (2) of this section, a territorial authority may provide in the memorandum such other information concerning the land as the authority considers, at its discretion, to be relevant.
- (4) An application for a land information memorandum shall be in writing and shall be accompanied by any charge fixed by the territorial authority in relation thereto.
- (5) In the absence of proof to the contrary, a land information memorandum shall be sufficient evidence of the correctness, as at the date of its issue, of any information included in it pursuant to subsection (2) of this section.
- (6) Notwithstanding anything to the contrary in this Act, there shall be no grounds for the territorial authority to withhold information specified in terms of subsection (2) of this section or to refuse to provide a land information memorandum where this has been requested.]

History

Section 44A and heading were inserted, as from 1 December 1992, by s 2 Local Government Official Information and Meetings Amendment Act (No 2) 1991 (1991 No 151).

## **Appendix II**

### **Sections 121, 122 & 123 The Building Act 2004.**

Buildings which are deemed to be dangerous, earthquake prone and insanitary—

#### **121 Meaning of dangerous building**

- (1) A building is **dangerous** for the purposes of this Act if, -
- (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause-
    - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
    - (ii) in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazardous the occupancy of the building.
  - (2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority -
    - (a) may seek advice from members of the New Zealand fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and
    - (b) if the advice is sought must have due regard to the advice.

Compare: 1991 No 150 s 64(1).(2),(30)

#### **122 Meaning of earthquake-prone building**

- (1) A building is **earthquake prone** for the purposes of this Act if, having regard to its conditions and to the ground on which it is building, and because of its construction, the building-
- (a) will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and
  - (b) would be likely to collapse causing -
    - (i) injury or death to persons in the building or to persons on any other property; or
    - (ii) damage to any other property.
- (2) Subsection (1) does not apply to a building that is used wholly or mainly for residential purposes unless the building -
- (a) comprises 2 or more storeys; and
  - (b) contains 3 or more household units.

Compare: 1991 No 150 s 66

#### **123 Meaning of insanitary building**

**A building is insanitary for the purposes of this Act if the building -**

- (a) is offensive or likely to be injurious to health because-
  - (i) of how it is situated or constructed; or
  - (ii) it is in a state of disrepair; or
- (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
- (c) does not have a supply of potable water that is adequate for its intended use; or
- (d) does not have sanitary facilities that are adequate for its intended use.

Compare: 1991 No 150 s 64(4)