

Job Ref: J525/WJD
1 March 2006

Mr John Palmer
23 Laingfield Terrace
Laingholm
AUCKLAND

STATEMENT OF PASSING OVER INFORMATION:

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Dear John,

**Re: Section 121-123 'Safe & Sanitary' Report on Unauthorised Additions to Upper Floor of the Existing Dwelling at 23 Laingfield Terrace, Laingholm.
Legal Description: Lot 24 DP 90998.
Land Area: 2304m².
Current Owner/s: John William Palmer & Corrine Mary Palmer.**

Further to instructions received our representative recently visited your property to inspect the alterations & additions which had been undertaken to the upper floor of the existing dwelling together with associated ancillary works all of which have been undertaken without the benefit of a Building Permit and our report is as follows;



General view of property looking South West.

1.0 Brief

1.1 This report was written at the request of Mr John Palmer one of the current owners of the property.

- 1.2 Following discussions between Council Officers and the current owner we understand that the Building Consent Authority (Waitakere City Council) have no record of any Building Permit/Consent having been issued in relation to the alterations and additions undertaken to this property.
- 1.3 We were therefore asked to carry out an inspection of the works in question and ascertain whether this work could be considered safe and sanitary under the terms of Sections 121-123 of The Building Act 2004 (as amended) and to provide a copy of our report to Waitakere City Council in order that it will become part of the property records held by the Council.
- 1.4 The works are illustrated in the photographs which form part of this Report and the accompanying 'As-Built' drawings.



View of upper floor looking South West.

2.0 Unauthorised Works

- 2.1 The unauthorised works included in this Report are all confined to the upper floor area of the building and comprise;
- The construction of a bay window/window seat to the existing dormer window located in the front roof plane to the building,
 - The raising (by 1.8m at the eaves) and reconstruction of the rear roof plane to created increased headroom and thus usable accommodation to the en-suite, study and enlarged bedroom 4,
 - The 'pushing out' of the existing right-hand side wall to bedroom 4 (to a location over the existing lower side wall to bedroom 3) to allow enlargement of this room,
 - The creation of a study between the enlarged bedroom 4 and en-suite,
 - The reconfiguration and enlargement of the existing en-suite bathroom,

- The removal, construction & reconfiguration of internal & external timber framed walls to allow the creation of the new upper floor layout, and
- Miscellaneous plumbing/drainage installation work carried out in connection with the above works.

2.2 It should be noted that while the works undertaken involved the raising of the rear roof plane by 1.8m this was at a point above the original eaves and the overall height at the ridge remains as original constructed and is unchanged by the unauthorised works.



View of left-hand side elevation looking North East.

3.0 Inspection

3.1 Visual inspections were undertaken in the presence of Mrs Palmer and included the interior, exterior and subfloor of the building. Due to the skillion form of construction of the upper floor roof there was generally no roof space area to inspect.

3.2 Throughout this report the terms front & rear and right & left are based on an observer standing on the existing driveway looking directly at the main Eastern elevation of the property (containing the kitchen window).

4.0 Use of Works

4.1 It is important to note that this report has been prepared on the basis that the additions and alterations are, and will continue to be, used solely as additional habitable space ancillary to the authorised use/enjoyment of the property as a single family dwelling and do not in themselves represent the creation of any form of separate or independently occupiable unit of residential accommodation.



View of right-hand side elevation looking South East.

5.0 The Building Act 1991

- 5.1 The Building Act 2004 (as amended) replaced the old 1991 Building Act system on the 31 March 2005 and this version of the Act makes no provision for the issue of retrospective Building Consents nor for the use of the Section 121 - 123 provisions (the replacement for the old Section 64 Safe & Sanitary provisions of the original Act) for unauthorised work which was completed after 1 January, 1993. The Building Act 2004 (as amended) introduced a new system for dealing with unauthorised works undertaken after that date which is known as a Certificate of Acceptance (CoA). However, as the works in question date from circa 1989/90 the new Section 121-123 provisions can be applied in this case.
- 5.2 Therefore, other than restore the dwelling to its original configuration the only option available to address the current status of this work is to have Dainty Alderton - Consulting Engineers Ltd confirm to Waitakere City Council that the unauthorised works in question can be considered safe and sanitary under the terms of Section 121-123 of the Building Act 2004 (as amended) and generally meet the requirements of the NZ Building documents applicable at the time of construction. While this will address the current status of the works with the Council and prospective purchasers it does not 'legalise' these works which will continue to be classed as unauthorised.



View of rear elevation looking South East.

6.0 History

6.1 The works in question were undertaken by the current owners circa 1989/90 and thus can properly be assessed under the Section 121-123 'Safe & Sanitary' procedures contained in The Building Act 2004 (as amended).

7.0 Construction of Bay Window

7.1 As stated previously, a bay window/window seat has been constructed to the existing dormer window located in the front roof plane to the building.



Internal view of bay window.

- 7.2 The bay window addition to the dwelling is mainly comprised of glazed aluminium joinery with some lower timber framing. The exterior area which is not glazed is clad with weatherboards to match the existing exterior cladding to the original dwelling. The junctions of the bay window with the original dormer window are acceptable flashed/sealed and there was no evidence of external water penetration at these points.
- 7.3 The outer face of the bay window is set in line with existing external wall to the kitchen and dining room located below bedroom 1. The existing 150x50mm roof rafters have been trimmed to a suitable timber lintel located at the head of the new opening created for the bay window.
- 7.4 All exposed timber would appear to have been treated to the correct Hazard Class and all members appear free from any signs of serious insect or fungal attack and all metal connectors in place are free from any signs of serious corrosion or deterioration.



Views of Bay Window.

- 7.5 We are satisfied on reasonable grounds that the bay window and means of support to its framing is sound and is of sufficient structural strength to cope with the relatively small loads imposed on the structure.
- 7.6 The original external envelope of the dwelling remains basically unchanged by the construction of the bay window addition which has not compromised the weathertightness of the exterior envelope as a whole.
- 7.7 The bay window addition appears to have been carried out in an acceptable manner with no visible signs of weakness, with no adverse impact on the structural integrity of the original dwelling, and the exterior envelope remain acceptable weathertight. Therefore, we can confirm that in our professional opinion the works as a whole can be considered sound from a construction and/or structural point of view.

8.0 Raising of Rear Roof Plane

- 8.1 The rear roof plane has been raised by 1.8m at the eaves and reconstructed to create increased headroom and usable accommodation to the en-suite, study and enlarged bedroom 4 located at the rear of the dwelling.



Internal views of rear roof plane framing.

- 8.2 The framing to the raised roof plane is essentially unchanged from the original form of raftered construction. The inner ends of the rafters are supported on the original ridge beam and are acceptably secured. The outer ends are supported on a new area of external wall framing which is located directly above the lower exterior load bearing wall.
- 8.3 The exterior area of the new area of wall is clad with weatherboards to match the existing exterior cladding to the original dwelling while internally it is clad with plasterboard. All necessary insulation has been installed to the exterior envelope of the structure.
- 8.4 We are satisfied on reasonable grounds that the framing of the raised roof plane and means of support to this framing is sound and is of sufficient structural strength to cope with the relatively small loads imposed on the structure.
- 8.5 The raising of the rear roof plane appears to have been carried out in an acceptable manner with no visible signs of weakness, with no adverse impact on the structural integrity of the original dwelling, and the exterior envelope remain acceptable weathertight. Therefore, we can confirm that in our professional opinion the works as a whole can be considered sound from a construction and/or structural point of view.

9.0 Relocation of Side Wall to Bedroom 4

- 9.1 The existing right-hand side wall to bedroom 4 has been 'pushed out' to a new position over the existing lower side wall to bedroom 3 to allow enlargement of this bedroom.

- 9.2 The framing to the relocated side wall is essentially unchanged from the original form of construction and is 100x50mm timber studs at 600mm centres with 100x50mm top and bottom plates. A window located in the new area of wall has a suitable lintel in place at its head. The new wall is located directly over the original external wall to bedroom 3 below and thus loads are transferred directly to this load bearing framing and then the subfloor structure below.



View of 'pushed-out' side wall to bedroom 4.

- 9.3 The exterior area of the new wall is clad with weatherboards to match the existing exterior cladding to the original dwelling while internally it is clad with plasterboard.
- 9.4 We are satisfied on reasonable grounds that the new wall framing and means of support to this framing is sound and is of sufficient structural strength to cope with the relatively small loads imposed on the structure.
- 9.5 The relocation of the side wall to bedroom 4 appears to have been carried out in an acceptable manner with no visible signs of weakness, with no adverse impact on the structural integrity of the original dwelling, and the exterior envelope remain acceptable weathertight. Therefore, we can confirm that in our professional opinion the works as a whole can be considered sound from a construction and/or structural point of view.
- 10.0 Creation of New Study**
- 10.1 A new room, used as a study, has been created between the enlarged bedroom 4 and en-suite. This area was previously part of the original en-suite.
- 10.2 This room has been created within the area of the raised roof plane by the use of reconfigured internal partition walls. The right-hand wall was existing and contained a doorway opening which has been in-filled with timber framing and clad with plasterboard.
- 10.3 The rear external wall is part of the new 1.8m high timber framed wall which now supports the raised roof plane and contains a small window with a suitable lintel in place at its head.

- 10.4 The internal side walls to the study are located above corresponding original internal walls which form part of the bathroom/WC spaces located below at the rear of the dwelling. The study also contains the Hot Water Cylinder within an enclosed cupboard space created in the rear left-hand corner of the room.



Views of new study area.

- 10.5 We are satisfied on reasonable grounds that the new wall framing to the study and means of support to this framing is sound and is of sufficient structural strength to cope with the relatively small loads imposed on the structure.
- 10.6 The creation of the new study appears to have been carried out in an acceptable manner with no visible signs of weakness, with no adverse impact on the structural integrity of the original dwelling, and the exterior envelope remain acceptable weathertight. Therefore, we can confirm that in our professional opinion the works as a whole can be considered sound from a construction and/or structural point of view.

11.0 Enlargement and Reconfiguration of En-suite Bathroom

- 11.1 The existing en-suite bathroom has been reconfiguration and enlarged within the area of the raised roof plane by the use of reconfigured internal partition walls.
- 11.2 The external wall contains two windows, a small opening window close to the WC to provide necessary ventilation and a larger non-opening window located within the tiled/glazed shower stall. The windows are glazed with toughened safety glass and the window within the shower stall has a crash rail installed at mid height as an additional safety precaution.
- 11.3 The reconfigured en-suite contains a tiled/glazed shower stall with stainless steel shower tray, WC and vanity basin. These are original fittings which have simply been relocated within the enlarged space. As stated previously, the Hot Water Cylinder is located within the adjacent study space.

- 11.4 The installation of the bathroom fixtures and fittings has had no adverse impact on the structural integrity of the original building envelope and all plumbing fittings and pipework appears to be free from leaks and working acceptably. The wastes from the bathroom fittings have been routed to discharge into the existing gully trap located at the rear of the dwelling or have direct connections to the foulwater system as appropriate.
- 11.5 All plumbing and electrical installation work would appear to have been carried out in a competent manner and appears sound. While the bathroom joinery installation work appears to have been carried out in an acceptable manner, in accordance with prevailing methods and trade practices applicable to the period in which the work was carried out, with no obvious/serious defects or signs of weakness.



Views of en-suite including window in shower stall.

- 11.6 We are satisfied on reasonable grounds that the new wall framing to the reconfigured en-suite and means of support to this framing is sound and is of sufficient structural strength to cope with the relatively small loads imposed on the structure.
- 11.7 The creation of the reconfigured en-suite appears to have been carried out in an acceptable manner with no visible signs of weakness, with no adverse impact on the structural integrity of the original dwelling, and the exterior envelope remain acceptable weathertight. Therefore, we can confirm that in our professional opinion the works as a whole can be considered sound from a construction and/or structural point of view.

12.0 Reconfiguration of Internal and External Walls

- 12.1 The works undertaken have involved the removal, construction & reconfiguration of internal & external timber framed walls to allow the creation of the new upper floor layout.

12.2 Suitable lintels have been installed above all new openings and the new walls are all located above adequate support provided by lower load bearing walls. Internally the walls are clad with plasterboard which has been nailed at 150mm centres to the perimeters. In our view this arrangement ensure adequate bracing to the altered and extended upper floor area.

12.3 We are satisfied on reasonable grounds that all new/relocated wall framing and means of support to this framing is sound and is of sufficient structural strength to cope with the relatively small loads imposed on the structure. In addition, adequate bracing is in place to resist earthquake and wind loadings.

13.0 Condition of Plumbing & Drainage Work

13.1 All plumbing & drainage work carried out in connection with the works appears sound and is working acceptably. There is no evidence of water leaks and the plumbing & drainage arrangements are satisfactory.



Views of plumbing and drainage to upper floor.

13.2 The downpipes which serve the guttering to the outer edge of the raised rear roof plane has been connected to the existing stormwater drainage pipework located within the subfloor area of the dwelling.

13.3 The wastes from the bathroom fittings have been routed to discharge into the existing gully trap located at the rear of the dwelling or have direct connections to the foulwater system as appropriate.

14.0 Section 121-123 'Safe & Sanitary' Assessment

14.1 The works referred to in this report appear to have been completed in an acceptable manner with no visible signs of serious weakness and with no adverse impact on the structural integrity of the original structure to which they are attached. Given the period of time the additions and alterations has been in use any undue movement in the structure should be readily apparent by deterioration of the integrity of the wall linings and deflection of the roof, wall or floor structure. However, there are no signs of any

such deflection nor any deterioration, or evidence of repair of past deterioration due to structural movement, in the roof, wall or floor structure of the building.

14.2 A building is deemed to be dangerous if, in the ordinary course of events (excluding earthquakes), it is likely to cause injury or death to anyone in it or anyone on any other property, or to damage any other property.

14.3 In addition any building which, because of fire hazard and occupancy, is likely to give rise to loss of life in a fire can also be deemed to be dangerous.

14.4 A building is deemed to be insanitary if:

- It is located or constructed in such a way, or is in such disrepair that it is offensive or likely to be injurious to health,
- It has a roof or walls that leak or other insufficient provision against moisture penetration causing dampness in the building or an adjoining building,
- It does not have an adequate supply of potable water or,
- It has inadequate sanitary facilities.

14.5 In our view the works in question cannot be deemed either 'dangerous' nor 'insanitary' in terms of the above criteria and therefore would confirm that in our professional opinion they can be considered 'safe and sanitary' in terms of Sections 121-123 of The Building Act 2004 (as amended) and we are also satisfied on reasonable ground that the works are in general accordance NZ Building documents applicable at the time of construction.

15.0 Resource Management Act and The Waitakere District Plan

15.1 No detailed assessment of the works has been carried out under the applicable Planning Controls in force at the time of construction. However, all works occurred to the upper floor of the existing building with no changes taking place to the original building footprint nor existing overall height.

15.2 The dwelling is located roughly centrally within the site with a distance of some 10m being maintained to the Northern boundary and some 11m being maintained to the Southern boundary. While the land falls away from the front (Eastern) elevation of the building a distance of some 16m is maintained to that boundary. Conversely, the land rises sharply from the rear (Western) elevation of the building with a distance of some 36m maintained to that boundary.

15.3 Given the topography of the site and the distances to the common boundaries set out above it is considered highly unlikely that the additions and alterations the subject of this Report would have required any form of Planning approval at the time of construction.

16.0 Conclusion

16.1 In our opinion the works, being ancillary to the authorised use of the building as a single family dwelling, can be classed as 'safe and sanitary' in terms of the requirements of Section s 121-123 of The Building Act 2004 (as amended) and in general accordance with the requirements of the NZ Building documents applicable at the time of construction.

17.0 Use of this Report

17.1 In accordance with Mr Palmer's instructions a copy of this report, together with the supporting drawing/s, has been submitted to Waitakere City Council in order that it will become part of the Council held records for the property. However, this report was written at the request of Mr Palmer for the specific purpose stated and no responsibility is accepted in the event of this report being used by a third party/s for any other purposes.

We trust that the above is satisfactory for your requirements. However, should you have any queries or require any further information please contact the undersigned.

prepared by;



John Dobbie

ONC, HND, BA (Hon)

Building & Resource Management Consultant

Important Information

This report was prepared solely on the basis of a visual inspection of those parts of the building to which reasonable access was available at the time of inspection, research of the appropriate statutory public records (where specifically requested by the client/s) and any other information supplied by the owners/clients.

If visual inspection is prevented or limited by any obstacles including, but not limited to;

- cladding or lining materials
- surface coverings or decoration
- fixtures and fittings
- appliances or furniture
- soil or landscaping
- adverse weather conditions
- safe access limitations (such as, but not limited to, height above ground)

the inspection will be carried out without removing such obstacles. No responsibility nor liability will be accepted for any defect/s which are concealed or located within inaccessible areas of the building and therefore not readily visible to the naked eye at the time of inspection.

In addition Pro-Rata Consultants would advise that the following items are outside the scope of this report;

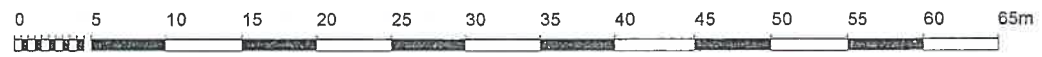
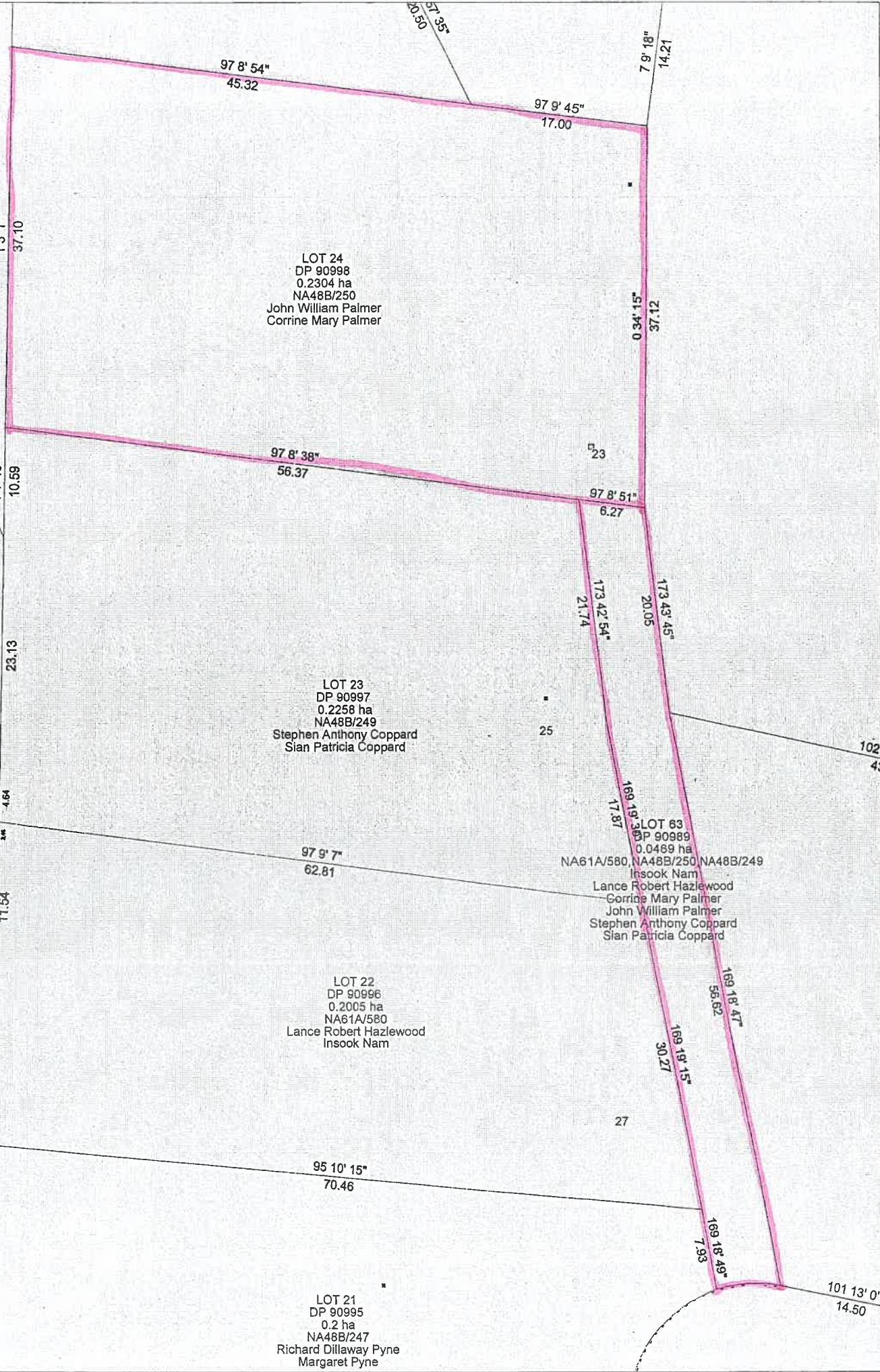
- Potential defects within the building and/or fixtures which may arise after the completion of the inspection from any cause whatsoever,
- Defects which are present in concealed or inaccessible areas of the building, such as underground or inside walls and which are not reasonably discoverable upon visual inspection,
- Hidden structural defects in the building or attached fittings and fixtures,
- Any detached accessory buildings (unless inclusion is specifically requested by the client/s),
- Drainage and/or soil conditions,
- Building or site measurement and valuation,
- The extent of any fungal or insect attack, although the presence of evidence of any such attack, if visible, may be noted and further inspection by a Registered Eradicator recommended,
- Water leaks from either pipe work or through any part of the external envelope of the building, except where a leak is visibly active at the time of inspection or there is some other readily visible and clear evidence which would suggest the presence of such a leak or leaks,
- Electrical installations, although suspect work, if visible, may be noted and further inspection by a Registered Electrician recommended,
- Any electrical or gas appliances,
- Any swimming pool, sauna, spa, water features and related equipment (unless inclusion is specifically requested by the client/s),
- The effects of stormwater runoff on the building/site and any adjacent buildings/sites unless such runoff, or clear evidence of such runoff, is visible at the time of inspection
- The obtaining of a Land Information Memorandum (LIM) unless specifically requested by the client/s,
- Assessment of the building/site for compliance with the applicable statutory Building and/or Planning Controls for the area (unless inclusion is specifically requested by the client/s), and
- Research of the applicable statutory public records for the property (unless specifically requested by the client/s)

While every effort and care is taken to ensure the accuracy and completeness of the information contained within this report no warranty of accuracy nor reliability is given and responsibility will not be accepted for errors or omissions which are the result of concealed defects or errors and/or omissions in information supplied/obtained from third parties.

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LOT 479
DP 20309
0.1090 ha
NA615/190
by Richard Reilly

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Quoid



Any person wishing to rely on the information shown on this map must independently verify the information
Scale 1:500 Topographical and Cadastral map derived from LINZ data.



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir
Registrar-General
of Land

Search Copy

Identifier NA48B/250
Land Registration District North Auckland
Date Issued 01 October 1980

Prior References

NA12B/888

Estate Fee Simple
Area 2304 square metres more or less
Legal Description Lot 24 Deposited Plan 90998

Proprietors

John William Palmer and Corrine Mary Palmer

Estate Fee Simple - 1/3 share
Area 469 square metres more or less
Legal Description Lot 63 Deposited Plan 90989

Proprietors

John William Palmer and Corrine Mary Palmer

Interests

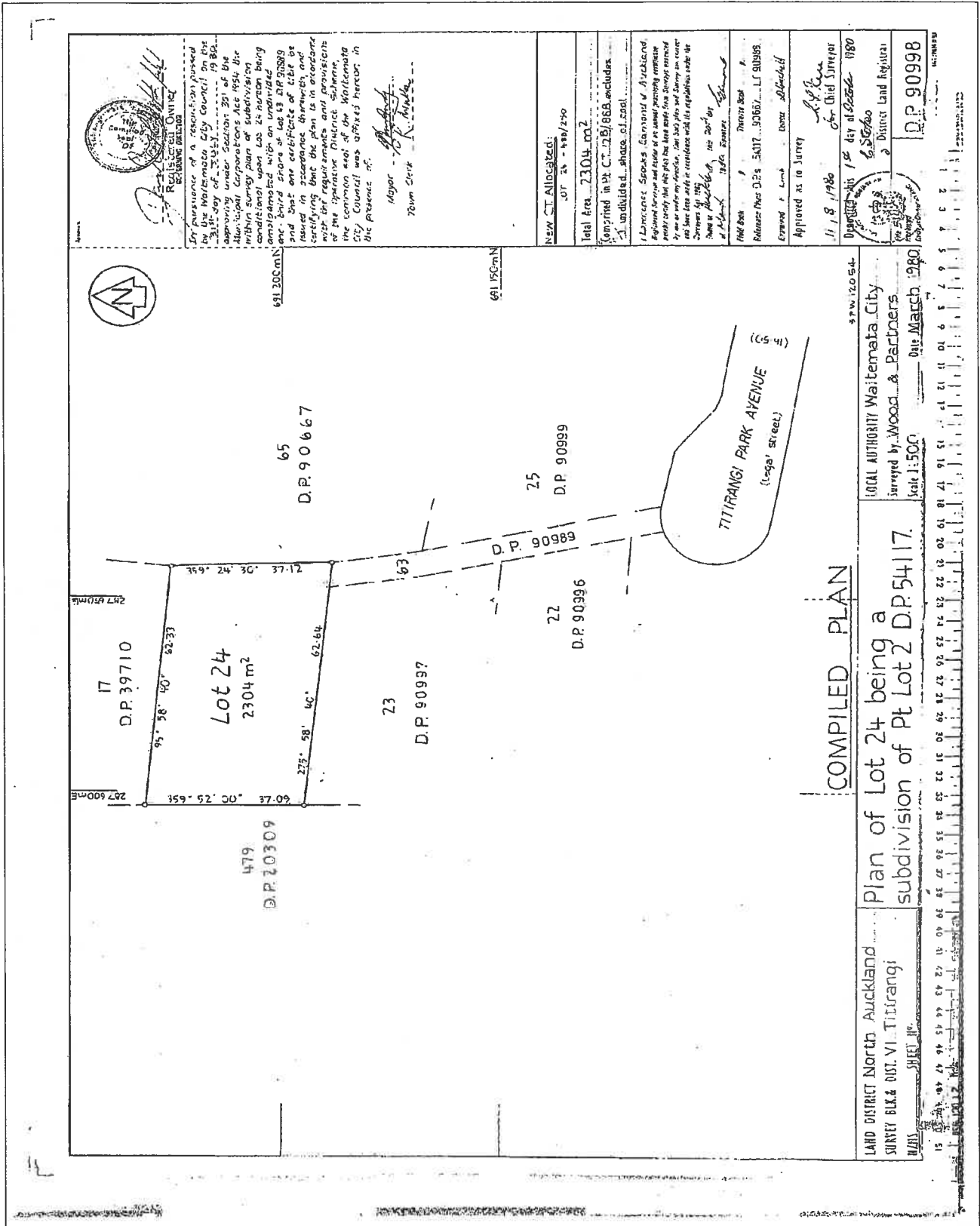
Exempting from the part Allotment 34 an undivided one-third share in all coal upon or under the said part Allotment 34 as conveyed by Deed 88511 (R13/378)

Subject to Section 351D (3) Municipal Corporations Act 1954

C400622.3 Mortgage to ASB Bank Limited - 3.8.1992 at 2.47 pm

Identifier

NA48B/250



In pursuance of a resolution passed by the Waitemata City Council on the 23rd day of March 1980, the following provisions are hereby made:

1. Within survey plan of subdivision conditional upon Lot 24 herein being amalgamated with an undivided one third share of Lot 23 D.P. 90999 and that one certificate of title be issued in accordance therewith, and certifying that the plan is in accordance with the requirements and provisions of the provisions of the Waitemata City Council was approved hereon in the presence of:

Mayor: *[Signature]*
Town Clerk: *[Signature]*

NEW CT Allocated:
LOT 24 - 488/250

Total Area 2304.002
(Computed in Pt CT 78/86A excludes
undivided shares of 2001.

1. Licence: Streets, Components & Auckland Regional Council and other of an annual description operative from 1st July 1980. The plan has been made from survey returned by me or under my direction. The plan has been made from survey returned by me or under my direction. The plan has been made from survey returned by me or under my direction. The plan has been made from survey returned by me or under my direction.

2. Date of Plan: 18th March 1980
3. Name of Surveyor: *[Signature]*
4. Title: Chief Surveyor
5. District: District Land Registrar
6. Date: 18th March 1980
7. D.P. 90998

APPROVED AS TO JURETY

11.8.1980
District Land Registrar

18th March 1980
D.P. 90998

COMPILED PLAN

LAND DISTRICT North Auckland
SURVEY BLK & DIST. VI. Titirangi
SHEET 117

LOCAL AUTHORITY Waitemata City
Surveyed by Wood & Partners
Scale 1:500 Date March 1980

Plan of Lot 24 being a
subdivision of Pt Lot 2 D.P. 5417.

Identifier

NA48B/250

