

Technical Memo

LOT 3, 119 & 117A FIRST VIEW AVE, BEACHLANDS

Report for Auckland Council

Regional Team

TO: malina.saini@aucklandcouncil.govt.nz
lorraine.romano-poasa@aucklandcouncil.govt.nz

FROM: Rochelle Ade

NB PROJECT NO : 1012

DATE: 16 February 2017

1.0 BACKGROUND

A Resource Consent (number 51129) has been granted for this project to subdivide 2 existing lots into 3 lots. Two of the new lots have existing dwellings on them and existing service connections to sanitary sewer, phone and power. Beachlands, where the project is located, has no public potable water connection available and all drinking water is supplied via the use of private rainwater tanks.

The new dwelling that is proposed to be built on the new Lot 3 is seeking to achieve the challengingly high international sustainability benchmark called the Living Building Challenge (LBC) for the new dwelling.

One of the core concepts within Living Building Challenge is the requirement for the dwelling to be Net Positive Water. Therefore to achieve LBC certification all building water requirements must be satisfied by captured rainwater or recycled greywater/blackwater and all stormwater, water discharge (grey and black) must be treated onsite and discharged through reuse or infiltration. The new dwelling will therefore not be connecting to any council provided services for stormwater or sanitary sewer and is in the process of seeking a discharge consent for this design.

2.0 DEVELOPMENT CONTRIBUTIONS

We have researched the proposed development contributions from the Auckland Council web calculator and can see that approximately \$4,164 of development contributions is allocated to Stormwater for new developments. Given that the Living House has spent a lot of time and effort, as well as money, designing and getting a system approved that will enable it to achieve Living Building Challenge certification which requires no connection to sanitary sewer or council provided stormwater we would therefore like to apply for a review of our development contributions to reflect the highly sustainable nature of the project and its lack of impact of infrastructure.

Existing use

For the residential vacant allotments: 2 allotment(s).

Activity	Funding area	Existing units	Rate per unit	Maximum existing credit (\$ excl GST)
Reserve Acquisitions	Rural South East	2.00000	2,614.00	5,228.00
Reserve Development	Rural South East	2.00000	2,338.00	4,676.00
Stormwater	Tamaki East	2.00000	4,164.00	8,328.00
Transport	South	2.00000	4,975.00	9,950.00
Community Infrastructure	Rural South East	2.00000	809.00	1,618.00
TOTAL				\$29,800.00

Proposed development

For the residential vacant allotments: 3 allotment(s), 2 allotment(s) with buildings.

Activity	Funding area	Proposed units	Rate per unit	DC estimate (\$ excl GST)
Reserve Acquisitions	Rural South East	3.00000	2,614.00	7,842.00
Reserve Development	Rural South East	3.00000	2,338.00	7,014.00
Stormwater	Tamaki East	3.00000	4,164.00	12,492.00
Transport	South	3.00000	4,975.00	14,925.00
Community Infrastructure	Rural South East	3.00000	809.00	2,427.00
TOTAL				\$44,700.00

Development contributions estimate

Activity	Funding Area	Proposed HUEs	Existing HUEs	Chargeable HUEs	Rate per HUE	DC Charge (\$ excl GST)
Reserve Acquisitions	Rural South East	3.00000	2.00000	1.00000	2,614.00	2,614.00
Reserve Development	Rural South East	3.00000	2.00000	1.00000	2,338.00	2,338.00
Stormwater	Tamaki East	3.00000	2.00000	1.00000	4,164.00	4,164.00
Transport	South	3.00000	2.00000	1.00000	4,975.00	4,975.00
Community Infrastructure	Rural South East	3.00000	2.00000	1.00000	809.00	809.00
TOTAL						\$14,900.00

Rochelle

From: Rochelle <rochelle@bxg.co.nz>
Sent: Monday, 13 March 2017 1:50 PM
To: 'phil.goff@aucklandcouncil.govt.nz'
Subject: NZ's Most Sustainable House – The Living House

Good Morning,

My name is Rochelle and my husband Joel (Payne) and I wanted to offer you the opportunity to support us in our endeavour to construct New Zealand's most sustainable home in Auckland City.

Background

We are building ourselves a new family home in Beachlands, Auckland and for our new home we are attempting the trifecta of sustainability; 10 Homestar, Passive House certification and the hardest of all, Living Building Challenge certification.

Unlike other sustainable building projects, which often tend to be niche or specialist buildings, such as the recent Sustainable Coastline Buildings in Auckland, my husband and I are just a regular couple trying to build a new home for our family, much like many thousands of other New Zealanders. Our difference is that we are trying to do this in the most sustainable manner possible in an effort to show other ordinary New Zealanders that everyone can build a more sustainable home.

As part of this education strategy we have set up a website and Facebook page to document our project and show how it can be done and who you can contact to help you achieve sustainability. These are available at www.livinghouse.org.nz and <https://www.facebook.com/TheLivingHouseNZ/>

Ground breaking

We will be breaking ground on the construction of the main dwelling within the next couple of months and we were hoping that you might be interested in showing Auckland Council's support for sustainable development (and the Living House) by participating in the ground breaking ceremony – either wielding a shovel or potentially drive the digger for the first scoop of soil excavated!

We would like to have television and print press cover this event, to help spread the word about what the Living House is trying to achieve, and would welcome any help that you could provide with arranging this coverage.

We have no date set for the ground breaking as we are still awaiting the approval of our Discharge Consent and Building Consent. Therefore we could easily set a date to suit your schedule.

Development Contributions

I have also previously approached Auckland Council staff about Auckland Council coming on board and supporting our project through the elimination or at least reduction of the development contributions that would normally be associated with building in recognition of the highly sustainable nature of the project and its lack of impact of infrastructure. However to date I have not experienced much success in eliciting a response to this suggestion.

I have also been seeking to engage with Auckland Council to discuss Auckland Council 'supporting' the Living House by recognising and incentivising the reduced impact of the Living House on local infrastructure (especially stormwater, waste water and general waste) through a reduction or even elimination of the development contributions and even building consent fees for the Living House.

There are many overseas, and some local, examples of where governments and local councils incentivise and provide support for truly sustainable buildings through reduced consenting fees. For example Wellington City Council gives a 50% discount on development contributions for commercial projects that undertake a Green Star rating. I would be happy to provide a list of the international and local examples of incentives if this is helpful at all.

Kind regards

Chelle and Joel Payne

Ps – Joel is an ex Air NZ EPMU Union senior delegate who I believe has met you a few times in the past in that capacity and your niece Liz Devine currently sails on our yacht each Thursday night – so she may be able to provide a character reference for us!

Rochelle Ade

P [09 536 4223](tel:095364223)

M [022 324 8500](tel:0223248500)

E chelleade@yahoo.com



The Mayor
Auckland Council
Phil Goff (Phil.goff@aucklandcouncil.govt.nz)

Cc:
Penny Hulse: Penny.Hulse@aucklandcouncil.govt.nz
Felipe Panteli: Felipe.Panteli@aucklandcouncil.govt.nz
Kim Gilfillan: Kim.Gilfillan@aucklandcouncil.govt.nz
John Mauro: John.Mauro@aucklandcouncil.govt.nz

17 May 2017

Reduced Development Contributions for Exemplary Sustainable Houses

Dear Phil,

My name is Rochelle and my husband and I are in the process of building a new house in Beachlands, Auckland and our house is going to be a bit special. We are building our home out of rammed earth and are hoping to become the first residential Living Building Challenge Certified building in NZ and will be featuring on Grand Design NZ (season 4 – if season 4 goes ahead). We have recently received a 10 Homestar Design Rating from the New Zealand Green Building Council and will also be targeting Passive House certification.

We have also enlisted the services of an award winning sustainability architect (Phil Smith of Collingridge and Smith Architects) so we are planning on targeting a number of architectural awards for the house. We are therefore planning on generating a lot of interest and exposure for the house to try and show that these types of sustainable builds can be done on our <http://www.livinghouse.org.nz> website and Facebook Page <https://www.facebook.com/TheLivingHouseNZ/>.

One of the core concepts within Living Building Challenge is the requirement for the dwelling to be Net Positive Water. Therefore to achieve LBC certification all building water requirements must be satisfied by captured rainwater or recycled greywater/blackwater and all stormwater, water discharge (grey and black) must be treated onsite and discharged through reuse or infiltration. The Living House will therefore not be connecting to any council provided services for stormwater or sanitary sewer and is in the process of seeking a discharge consent for this design.

A house of our size could reasonable be expected to produce 800L/day of waste water or 242,000L of waste water per year. Given that in Auckland sewage goes into the harbour an estimated 52 times per year we are greatly

119 First View Ave
Beachlands, Auckland, 2018
5364223
022 324 8500
chelleade@yahoo.com



contributing to the betterment of this situation. The area we are building our house in (Beachlands) is also being heavily developed at the moment and the existing sewage infrastructure also appears to be over-subscribed with it failing and distributing raw sewage all over the local playing fields during heavy rain events such as the recent weather bombs and cyclones.

Precedent

Worldwide enormous precedence has been set by local council and government bodies where by sustainable building is encouraged through waived/reduced planning or consenting fees.

In New Zealand the Far North District Council reduced the development contributions for the Green Star rated Ngati Hine Childcare Centre in Kawakawa and in Wellington the City Council on 1 July 2015 became the first major city in New Zealand to reward green building through reduced development contributions. They have implemented a standard remission equating to 50% of the development contributions for commercial or mixed developments of greater than 10 equivalent household units that receive 5 Star Green Star Certified Rating or equivalent or higher is available. We also understand that the Hutt City Council is also looking to implement something similar.

We would like to encourage Auckland Council to build on this excellent example set by these Councils and to also encourage the construction of exemplary sustainable buildings through waived or reduced development contributions and consenting fees.

Development Contributions

We have researched the proposed development contributions from the Auckland Council web calculator and can see that the below is estimated as applicable to our development. Given that the Living House has spent a lot of time and effort, as well as money, designing and getting a system approved that will enable it to achieve Living Building Challenge certification, which requires no connection to sanitary sewer or council provided stormwater, we would therefore like to apply for a review of our consenting costs and development contributions to reflect the highly sustainable nature of the project and its lack of impact of infrastructure.

119 First View Ave
Beachlands, Auckland, 2018
5364223
022 324 8500
chelleade@yahoo.com

Existing use				
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Transport	South	3.00000	2.00000	1.00000	4,975.00	4,975.00
Community Infrastructure	Rural South East	3.00000	2.00000	1.00000	809.00	809.00
TOTAL						\$14,900.00

Living House Consenting Costs

As of the date of this memo the Living House has expended the following on consenting with Auckland Council.

	Council Fees	Consultant Fees	Consent Status
Resource Consent 51129	\$7,936.45	\$15,000	Complete
Discharge Consent 52051	\$4,000.00	\$5,000	In progress
Building Consent 2017-1189	No fees charged yet		Just starting

We have been lucky in that I am skilled enough that I have been able to do the majority of the consultant work myself, saving us in the order of \$100,000. However when applying for our discharge consent (required to implement the sustainable on site water treatment aspects of our house) I was advised by the planner that our type of project would cost a lot more to consent and that I needed to be ready to spend additional thousands if I wanted to proceed with this. THIS SHOULD NOT BE THE CASE. Council's should be encouraging and promoting sustainable building, especially if the exemplary sustainable houses are proposing to reduce their contribution to the overloaded Auckland Infrastructure. Instead it appears that Auckland Council is trying to make it harder and more expensive for home owners to follow this type of path.



We would therefore love to see Auckland Council embracing sustainability and encouraging the adoption of sustainable design through financial incentives as other local authorities and councils worldwide have done and encourage you to use the Living House as the pilot project for **waived or at least reduced development contributions and consenting fees** for exemplary sustainable buildings.

Thank you and Kind Regards

A handwritten signature in black ink, appearing to read "Rochelle Ade", with a long horizontal flourish underneath.

Rochelle Ade

119 First View Ave
Beachlands, Auckland, 2018
5364223
022 324 8500
chelleade@yahoo.com

Rochelle

From: Alison Grant <alison.grant@aucklandcouncil.govt.nz> on behalf of Mayor Phil Goff <Phil.Goff@aucklandcouncil.govt.nz>
Sent: Thursday, 25 May 2017 12:12 PM
To: Rochelle
Subject: RE: Reduced Development Contributions for Exemplary Sustainable Houses

Dear Ms Ade,

On behalf of the Mayor, I would like to update you on the progress of your concerns below. I have been advised that Council is looking into this and will respond to you directly.

Kind regards,
Alison

Alison Grant | Correspondence Manager
Office of the Mayor of Auckland
Level 27, 135 Albert Street
Victoria Street West, Private Bag 92300 Auckland 1142,
Visit our website: www.aucklandcouncil.govt.nz



From: Rochelle [<mailto:chelleade@yahoo.com>]
Sent: Wednesday, 17 May 2017 7:53 a.m.
To: Mayor Phil Goff
Cc: Councillor Penny Hulse; Felipe Pantelij; Kim Gilfillan; John Mauro; Andrew Benson; 'Andrew Eagles'; Adrian Feasey; 'Sam Archer'
Subject: Reduced Development Contributions for Exemplary Sustainable Houses

Dear Phil,

My name is Rochelle and I am trying to advocate for incentives to encourage the development of exemplary sustainable houses. I am currently constructing a 10 Homestar Design Rated house in Beachlands that is also targeting Passive House as well as Living Building Challenge Certification and the process of consenting the design for my new house has been challenging (to put it politely).

Given the worldwide focus and attention on sustainable building this should not be the case. Many local authorities around the world attempt to encourage sustainable building through the provision of expedited permitting/consents, reduced planning/consent fees and even sometimes with entire departments allocated to the permitting of sustainable buildings. However my personal experience with Auckland Council thus far has been that it is, through onerous permitting and high costs, trying to discourage sustainable development where ever possible. Each person I encounter is personally supportive of what we are trying to achieve, however the regulations and red tape that they have to follow seems designed to get homeowners to give up at the first or second hurdle. And if that didn't put them off, the consultant cost and Auckland Council fees would certainly put them off and lead them to just design a standard, building code home.

I would therefore like to encourage Auckland Council to embrace sustainability and promote the adoption of sustainable design through financial incentives, as other local authorities and councils worldwide have done. We would therefore like to advocate that you use the Living House as the pilot project for **waived or at least reduced development contributions and consenting fees** for exemplary sustainable buildings in the Auckland Region.

I hope to hear back from you (or a member of your staff) soon.

Kind regards

Chelle



Rochelle Ade
Director

P [09 536 4223](tel:095364223)

M [022 324 8500](tel:0223248500)

E chelleade@yahoo.com

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Private Bag 92300
Auckland 1142
Phone: (09) 263 7100

Tax Invoice

GST Reg. No. 104-736-998
Page 1 of 1

Auckland Council
To Kōwhiri o Tamaki Makaurau

Nico Bells Ltd
119 First View Ave
Beachlands
Auckland 2018

Account No: 0570091

Invoice No: RC058608

Invoice Date: 26/05/2017

Charge Ref: RC51129

For enquiries on this account please e-mail
billingandcreditqueries@aucklandcouncil.govt.nz
or phone (09) 262 8900 ext. 8188

Description	Quantity	Unit Price	Amount
PRC51129 117A FIRST VIEW AVE BEACHLANDS			
DC RSA AW Reserves Acquisition Auckland Wide	1.60 Unit	2,639.00	\$4,222.40
DC STW Tamaki Est Stormwater Tamaki East	1.20 Unit	38.00	\$45.60
DC STW Urban Auckland Stormwater Urban Auckland	1.20 Unit	3,206.00	\$3,847.20
DC Transport AW Transport Auckland Wide	1.60 Unit	3,787.00	\$6,059.20
DC CI AW Community Infrastructure Auckland Wide	1.60 Unit	515.00	\$824.00
DC CI Rural AC Community Infrastructure Rural	1.60 Unit	280.00	\$448.00
DC RDV AW Reserve Development Auckland Wide	1.60 Unit	2,014.00	\$3,222.40
DC Transport South AC Transport South	1.60 Unit	2,107.00	\$3,371.20

Sub-Total \$22,040.00

GST \$3,306.00

MCC Any query on this charge must be lodged with Council within 14 days of receipt of this invoice

DUE DATE 20/06/2017

AMOUNT DUE

\$25,346.00



How to Pay

Direct Debit / Automatic Payment

Mail

In Person

Internet Banking / Direct Credit

For details and assistance, please call Auckland Council.

Please make cheque payable to Auckland Council and attach the Remittance Advice and post to:
Auckland Council, Private Bag 92300, Auckland 1142

Payment can be by Cash, Cheque or Eftpos at Manukau Service Centre,
4 Osterley Way, Manukau, Auckland.

When making payment by these methods through your bank, the details below must be completed
Auckland Council - Manukau City General, 02 0191 0190002 06
BNZ Account Number

Account Number: 0570091

Charge Ref: RC51129

Particulars (Account No.)

0 5 7 0 0 9 1

Code (Name)

N i c o B e l l s L

Reference (Invoice/Account No.)

R C 0 5 8 6 0 8

(If paying multiple invoices, please quote your account number in the Reference Field)

MCC

DUE DATE: 20/06/2017

AMOUNT DUE: \$25,346.00

AMOUNT PAID:

Rochelle

From: Rochelle <rochelle@bxg.co.nz>
Sent: Wednesday, 12 July 2017 3:58 PM
To: 'penny.pirrit@aucklandcouncil.govt.nz'; 'ian.smallburn@aucklandcouncil.govt.nz'
Subject: Waiving of Development Contribution Fees for the Living House
Attachments: CCT90060525 (MC_51129 SP12507) | 117A FIRST VIEW AVE BEACHLANDS | Resource Compliance Subdivision Documentation Release; RE: Reduced Development Contributions for Exemplary Sustainable Houses; Development Contribution Letter to Auckland Council.pdf

Good afternoon,

Apologies in advance for the 'cold email'. My name is Rochelle and my husband and I are in the process of building a new house in Beachlands, Auckland. The reason for this email is because we have just completed the sub-division works and received notification that our 224c application is ready for release upon payment of our development contributions.

Our project is an exemplary sustainability project and I have thus written the attached letter to the Mayor requesting that all of our consent fees and development contributions be waived as evidence of the support of Auckland Council for sustainable development to the level that we are trying to achieve. I have received confirmation back from the Mayor that our matter is being looked into (please refer to the attached email). However in the meantime I need to progress with having the S224 released so we can obtain title and release payment to the vendor of the subdivision section.

I was therefore wondering if it would therefore be possible to have our S224 certificate issued on the understanding that the development contributions discussions are ongoing with the Mayor and Auckland Council and that if any payments do in fact need to be made that these will be made upon the resolution of that discussion. We are in contract with the section vendor and our settlement date for that contract (30 March 2017) has already passed so we really need to finalise the S224 and have COT issued as soon as possible in order to satisfy our legal obligations there.

Any help that you could provide in this matter would be most gratefully received.

Kind regards

Chelle



Rochelle Ade
Director

P [09 536 4223](tel:095364223)

M [022 324 8500](tel:0223248500)

E chelleade@yahoo.com

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<https://www.facebook.com/TheLivingHouseNZ/>

Rochelle

From: Andrew Benson <Andrew.Benson@aucklandcouncil.govt.nz>
Sent: Tuesday, 18 July 2017 4:08 PM
To: Rochelle
Cc: Ian Dobson; Penny Pirrit
Subject: RE: Request for waiver or reduction of development contributions and consent processing fees - Exemplary Sustainable House, Beachlands

Hi Rochelle

Thanks for your email. I have provided those attachments to our Development Contributions team.

In regards to your consent application processing costs I will clarify total costs. Our 'standard' or starting point is to charge the actual and reasonable costs of processing applications. In saying that I also acknowledge your request and assure you we will consider that and reply.

Kind regards

Andrew

From: Rochelle [mailto:chelleade@yahoo.com]
Sent: Tuesday, 18 July 2017 2:10 p.m.
To: Andrew Benson
Cc: Ian Dobson; Penny Pirrit
Subject: RE: Request for waiver or reduction of development contributions and consent processing fees - Exemplary Sustainable House, Beachlands

Hi Andrew,

Thank you for your call. Further to our conversation please find attached the original email that I sent to the Mayor in May. It contains quite a nice summary of why we are asking Auckland Council to show leadership in this area. As I mentioned during our conversation I (like Auckland Council) like to think of Auckland as a world leading city, especially in terms of sustainability. Therefore it is rather disappointing to see that we are so far behind the pack (both in NZ as well as worldwide) when it comes to supporting sustainable development, in particular in terms of financial support for exemplar sustainable houses.

I would therefore like to strongly encourage Auckland Council to show true leadership in this area and step to the forefront of the pack by **waiving** the development contributions and consenting fees for **exemplary** sustainable houses (which I would define as a Living Building Challenge certified houses). I would also like to encourage Auckland Council to set a standard of reduced development contributions and consenting fees for high performing sustainable houses (which I would define as 10 Homestar).

As I mentioned on the phone it is not just I who is advocating for this and I have started an online petition with the aim of showing Auckland Council that many others would also like Auckland Council to show leadership in this space. I will forward the signatures on this petition in due course.

In terms of some of the particulars of our project, we have had to apply for 3 different consents for our project.

Those being:

- 1) Resource Consent
- 2) Discharge Consent for grey water discharge (originally part of the resource consent but turned into a separate consent)
- 3) Building Consent.

Please find below a summary of the invoices I have received to date in relation to these consents, with more to come.

Resource Consent

Resource Consent Application -Pre App meeting	\$ 28000	RC052351
Resource Consent Application - Auckland Council	\$ 4,000.00	RC053591
Resource Consent Application - Vehicle Crossing	\$ 32300	BCO099567
Resource Consent - Final processing payment	\$ 2,833.45	RC057242
Resource Consent s224C - Deposit	\$ 1,000.00	RC058272
Development Contributions	\$ 25,000.00	RC058608

Discharge Consent

Discharge Consent - Deposit	\$ 3,500.00	
still more to come	?????	

Building Consent

Auckland Council Stage 1 Building Consent	\$ 4,345.01	INV 250100047725
Stage 2 to come	??????	

Total \$ 41,281.46

I am not 100% confident that that is all the consenting invoices that we have received as there have been so many. As I mentioned on the phone I was planning on writing another, updated letter (including the petition results) to the Mayor once all the invoices had arrived. However it is encouraging that it looks like we may be able to progress and resolve this request (hopefully with a resounding YES) before then.

Kind regards
Chelle

From: Andrew Benson [<mailto:Andrew.Benson@aucklandcouncil.govt.nz>]
Sent: Tuesday, 18 July 2017 1:27 PM
To: Rochelle
Cc: Ian Dobson; Penny Pirrit
Subject: Request for waiver or reduction of development contributions and consent processing fees - Exemplary Sustainable House, Beachlands

Hi Rochelle

Thanks for taking the time to talk with me this afternoon. As mentioned, on behalf of Penny Pirrit (Director Regulatory Services) and Ian Smallburn (General Manager Resource Consents) I am following up on your request for a waiver or reduction of development contributions and consent processing fees. I am giving priority to the development contribution matter as I am aware that the issuance of a certificate hinges on that matter. Our aim is to respond to you on that by the end of this week.

Kind regards

Andrew

Andrew Benson | Team Manager Consents and Compliance Water
Natural Resources and Specialist Input Unit
Ph 09 301 0101 | Extn (40) 5646 | DDI 3522 646 | Mobile 027 230 8262
Auckland Council, Level 2, 35 Graham Street, Private Bag 92 300, Auckland 1142
Visit our website: www.aucklandcouncil.govt.nz



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Rochelle

From: Rochelle <chelleade@yahoo.com>
Sent: Tuesday, 18 July 2017 2:10 PM
To: 'Andrew Benson'
Cc: 'Ian Dobson'; 'Penny Pirrit'
Subject: RE: Request for waiver or reduction of development contributions and consent processing fees - Exemplary Sustainable House, Beachlands
Attachments: Reduced Development Contributions for Exemplary Sustainable Houses

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Resource Consent Application - Vehicle Crossing	\$ 323.00	BCO099567
Resource Consent - Final processing payment	\$ 2,833.45	RC057242
Resource Consent s224C - Deposit	\$ 1,000.00	RC058272
Development Contributions	\$ 25,000.00	RC058608

Discharge Consent

Discharge Consent - Deposit	\$ 3,500.00	
still more to come	?????	

Building Consent

Auckland Council Stage 1 Building Consent	\$ 4,345.01	INV 250100047725
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Total

\$ 41,281.46

I am not 100% confident that that is all the consenting invoices that we have received as there have been so many. As I mentioned on the phone I was planning on writing another, updated letter (including the petition results) to the Mayor once all the invoices had arrived. However it is encouraging that it looks like we may be able to progress and resolve this request (hopefully with a resounding YES) before then.

Kind regards
Chelle

From: Andrew Benson [mailto:Andrew.Benson@aucklandcouncil.govt.nz]
Sent: Tuesday, 18 July 2017 1:27 PM
To: Rochelle
Cc: Ian Dobson; Penny Pirrit
Subject: Request for waiver or reduction of development contributions and consent processing fees - Exemplary Sustainable House, Beachlands

Hi Rochelle

Thanks for taking the time to talk with me this afternoon. As mentioned, on behalf of Penny Pirrit (Director Regulatory Services) and Ian Smallburn (General Manager Resource Consents) I am following up on your request for a waiver or reduction of development contributions and consent processing fees. I am giving priority to the development contribution matter as I am aware that the issuance of a certificate hinges on that matter. Our aim is to respond to you on that by the end of this week.

Kind regards

Andrew

Andrew Benson | Team Manager Consents and Compliance Water
Natural Resources and Specialist Input Unit
Ph 09 301 0101 | Extn (40) 5646 | DDI 3522 646 | Mobile 027 230 8262
Auckland Council, Level 2, 35 Graham Street, Private Bag 92 300, Auckland 1142
Visit our website: www.aucklandcouncil.govt.nz



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Rochelle

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Rochelle

From: Rochelle <chelleade@yahoo.com>
Sent: Wednesday, 26 July 2017 8:57 AM
To: 'matthew.blaikie@aucklandcouncil.govt.nz'
Cc: 'Andrew Benson'
Subject: The Living House
Attachments: Development Contribution Letter to Auckland Council.pdf

Hi Matt,

It was great to see you yesterday. As I briefly mentioned yesterday I'm building a new house and it is going to be a bit special. We are building our home out of rammed earth and are hoping to become the first residential Living Building Challenge Certified building in NZ (arguably the hardest green building rating in the world). We already have a 10 Homestar Design Rating and are also targeting Passive House certification.

www.livinghouse.org.nz

<https://www.facebook.com/TheLivingHouseNZ/> <https://www.youtube.com/channel/Uck66dK8bHYfc5u38raY1qjQ>

Due to the extremely sustainable nature of our house and the fact that we are not connecting to any council provided services for the last 6 months we have been trying to get Auckland Council to waive our development contributions and consent fees. I wrote to the Mayor about this issue in May and have been advised that our request is being looked into. Given that over the last 6 months we haven't received a resounding 'yes' yet, indications are that we are probably going to get a 'no'. If the answer is a "no" I will not be leaving it at that and I have a full media campaign planned (I like to be prepared) that include publishing an open letter to the mayor (draft attached) in the NZ Herald and trying to get print and TV media coverage of this issue. HOWEVER, I would really rather not have to do this as that would take a lot of time. I am sure it would have the desired effect and would get Auckland Council to agree to financially incentivise exemplary sustainable homes BUT it would be really great if we could get to that point now, side stepping all the hassle, time and effort that a major and public campaign of change will require from all of us (and the potential embarrassment it may cause Auckland Council).

A much stronger and more positive message would be that Auckland Council recognise this opportunity and have decided to proactively financially support exemplary sustainable homes (defined as Living Building Challenge certified) rather than them deciding to only support it after what would likely be a slightly negative campaign that seeks to point out weaknesses in Auckland Council policy and how they talk the talk but don't walk the walk etc.

As a practical matter I don't think Auckland Council is going to get hundreds of houses targeting Living Building Challenge certification. I think you would be lucky to get one a year. Therefore the financial impact of supporting this is likely to be small. However it would be a major thing that you could market and shows that Auckland Council is willing to walk the walk and that you put your money where your mouth is. I would also really strongly encourage Auckland Council to support high performing sustainable homes through 50% development contribution and consenting fee reductions for 9 and 10 Homestar rated dwellings. Again given that there are only 6 of these houses in the entire country I don't think Auckland Council will be overwhelmed with these applications and therefore the financial load will not be high. But again the positive image that you would receive from this policy would likely be LARGE and shows that Auckland Council is truly committed to sustainability and reducing infrastructure loads and reducing the built environments impact on climate change.

I am aware that there are many different departments in Auckland Council and that sometimes support needs to come from different areas to get something over the line. I was therefore wondering if perhaps Sustainability Office would be interested in providing the likely limited budget that would be needed to provide this incentive that would then enable the development contributions team to waive the contributions and the consent teams to waive the consent fees.

From the Homestar v4 launch yesterday I picked up some most interesting information that I have included in the attached draft open letter to the Mayor (it is only a first draft so apologies if the tone and content aren't quite right yet).

The Local Government Act 2002 Amendment Act 2014 (the Amendment Act) introduced a purpose statement that explains that the purpose of development contributions is to: "enable territorial authorities to recover from those persons undertaking development a fair, equitable and proportionate portion of the costs of capital expenditure necessary to service growth". A set of seven principles were introduced to accompany the new purpose statement. The first of these principles states "development contributions can only be required when the effect of development is to require territorial authorities to have provided, or to provide, new or additional assets or assets of increased capacity".

One of the core concepts within Living Building Challenge is the requirement for the dwelling to be Net Positive Water. Therefore to achieve LBC certification all building water requirements must be satisfied by captured rainwater or recycled greywater/blackwater and all stormwater, water discharge (grey and black) must be treated onsite and discharged through reuse or infiltration. Our new house is targeting Living Building Challenge Certification and will therefore not be connecting to any council provided services for stormwater or sanitary sewer therefore not requiring any new or additional assets or assets of increased capacity to be provided. Another requirement of the Living Building Challenge is that you do not develop previously undeveloped land. The Living House is being built on an infill site that was created by subdividing two sections into three. Therefore again no any new or additional assets or assets of increased capacity need to be provided in terms of roading, reserves or transport. It is therefore quite clear that the Living House, as a Living Building Challenge project, is not requiring Auckland Council to provide any new or additional assets or assets of increased capacity and therefore that the development contributions could be waived in accordance with the stated principles.

In addition to obtain the required consents to be allowed place no additional load on Auckland's infrastructure has cost us \$25,000. We therefore find it shocking, given the above stated guidance on development contributions, that in addition to these costs that Auckland Council is seeking to charge us \$25,346 in development contributions since we are not requiring Auckland Council to have provided, or to provide, new or additional assets or assets of increased capacity.

Therefore the purpose of this email is to try and get Auckland Council to reconsider before a "No" letter is issued and to consider the above information around the Local Government Act and the likely financial impact of supporting this financial incentive and to:

- Waive consent fees and development contributions for Living Building Challenge certified houses
- 50% reduction in consent fees and development contributions for 9 and 10 Homestar rated houses

I've cc'd Andrew Benson into this email as he has advised me that he has been tasked with coordinating the response to our request.

Kind regards
Chelle



Rochelle Ade
Director

P [09 536 4223](tel:095364223)

M [022 324 8500](tel:0223248500)

E chelleade@yahoo.com

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31 July 2017

By email

Rochelle Ade
117 First View Avenue
Beachlands

Development contribution for RC51129 – 119 First View Ave, Beachlands

Without Prejudice

Ms Ade,

Thank you for your correspondence to Auckland Council in regards to your development at the above address.

- I have read through all your correspondence, the consent and viewed the plans to ascertain exactly what is being built and what development contributions charges have been assessed to you. I note you have been charged for a new dwelling and an additional minor unit.
- In reviewing your letter we acknowledge that your development is indeed looking to create a sustainable development. However, Auckland Council contributions are calculated on the demand placed on infrastructure (as required by the Local Government Act 2002), the actual demand the development creates is what the assessment is based on.
- You have referenced the principles of the LGA, however section 197 of the LGA clearly defines what constitutes a development, and along with section 199(1), what activities council can charge for.
- The development you are undertaking as part of your consent aligns with the definitions under the LGA, and the increase in lots from two to three is classified as a development under the Act. As such the development contributions have been assessed on this.
- The development contributions contribute to the infrastructure needed for a development such as yours. And it is only under the consent that we are able to recover the cost associated to increase infrastructure demand.
- I have however reviewed the activities assessed under the consent and note that there is currently a zero charge for reserve acquisitions and development at a local area. With the only assessment made for Auckland Wide reserves.
- Additionally on further evaluation of the consent and the supporting information you have provided, I consider that the stormwater charge should be removed. Your development is not connecting into Council network, and as such under the LGA should not be assessed.
- In regards to the development of a 'sustainable house'. The Contributions Policy is designed to assess all developments equally. There is no scope within the Contributions Policy to reduce the assessment based on conditions that do not affect the actual demand created.

- There are no remissions in the policy as it would be unfair on other developments and organisations to cover the cost of those who receive a remission although their demand under the LGA is the same.
- Further any reduction made for this purpose would mean that the remission would fall on other developers (who may have the same demand characteristics) or ratepayers as a whole to cover.
- There is no scope for further reduction of the development contributions assessed on this development.
- I note you have already paid your development contributions in order to gain your 224c. On confirmation from you I will arrange for the stormwater component of the assessment to be removed and a refund made.

Yours faithfully

Felipe Panteli
Senior Policy Advisor
Financial Planning and Strategy

felipe.panteli@aucklandcouncil.govt.nz

7 August 2017

Dear Mr Mayor,

We wrote to you in May this year advocating that you and Auckland Council to show leadership in the area of sustainable development. Specifically we were advocating for Auckland Council to 'walk the talk' and financially support the development of exemplary sustainable homes through:

- (i) the waiving of consent fees and development contributions for exemplary sustainable homes (which we suggested should be defined as a Living Building Challenge certified dwelling) and
- (ii) a 50% reduction in consent fees and development contributions for high performing sustainable homes (which we suggested should be defined as a 9 or 10 Homestar Built rated dwelling).
- (iii) a 25% reduction in consent fees and development contributions for sustainable homes (defined as a 7 or 8 Homestar Built rated dwelling).

We suggested that you could use the Living House project as a pilot case for this policy. We were therefore most disappointed this week to receive a reply from an Auckland Council representative saying that while you would be willing to remove the stormwater component of The Living House project's development contributions you are not interested in financially supporting the development of exemplary sustainable homes.

Our extreme disappointment stems from the fact that Auckland Council appears to talk a good talk but does not appear to then walk the walk. The NZ Herald has recently run a series called interest the 'French Connection' on the case for more green buildings in Auckland. In one of these articles Auckland Council's own chief sustainability officer John Mauro said "In the community, there's increasing demand for more sustainable construction - so while there aren't really any current legislative or regulatory drivers, leadership and demand will drive us forward until we have the former." We were hoping that Auckland Council would be willing to step up, and provide that leadership. However it appears to be another case of talking the talk, but balking at walking the walk.

As residents and ratepayers of Auckland Council we find it incredibly embarrassing that other councils in New Zealand are showing this leadership while Auckland Council lags behind.

In New Zealand the Far North District Council reduced the development contributions for the Green Star rated Ngati Hine Childcare Centre in Kawakawa and in Wellington the City Council on 1 July 2015 became the first major city in New Zealand to reward green building through reduced development contributions. They have implemented a standard remission equating to 50% of the development contributions for commercial or mixed developments of greater than 10 equivalent household units that receive 5 Star Green Star Certified Rating or equivalent or higher is available. We also understand that the Hutt City Council is also looking to implement something similar.

These are visionary councils promoting sustainable development in New Zealand and we want Auckland Council to step up and go straight to the front of the pack, showing nationwide leadership, by waiving the consent fees and development contributions for exemplary sustainable homes (Living Building Challenge certified dwellings), reducing by 50% the consent fees and development

contributions for high performing sustainable homes (9 or 10 Homestar Built rated dwellings) and a 25% reduction in consent fees and development contributions for sustainable homes (7 or 8 Homestar Built rated dwellings).

Worldwide governments and local bodies tend to encourage sustainable development in markets via two mechanisms (i) regulation or (ii) financial incentives. When the draft unitary plan was released it looked as though Auckland Council was taking a nationwide leadership role by including regulatory requirements that would have required all new city residential and commercial buildings to be Green Star and Homestar certified. However these requirements were subsequently removed during the Auckland Unitary Plan hearings and at the time of this letter Auckland Council has no regulations or incentives to encourage any sustainable building within the city. Since Auckland needs to build up to 400,000 new dwellings by 2040, this is appalling. The development of such a large quantity of dwellings is going to put an extremely heavy load on existing infrastructure (power supply, water supply, sewage and stormwater) and Auckland Council should therefore be doing everything possible to try and reduce this load. High performance homes are designed to use less power and water and to produce less waste (stormwater, sewer and rubbish) thereby reducing loads on infrastructure. Incentivising the development of these types of houses could potentially end up saving Auckland Council money in the end through reduced new infrastructure requirements.

The Local Government Act 2002 Amendment Act 2014 (the Amendment Act) introduced a purpose statement that explains that the purpose of development contributions is to: *“enable territorial authorities to recover from those persons undertaking development a fair, equitable and proportionate portion of the costs of capital expenditure necessary to service growth”*. A set of seven principles were introduced to accompany the new purpose statement. The first of these principles states ***“development contributions can only be required when the effect of development is to require territorial authorities to have provided, or to provide, new or additional assets or assets of increased capacity”***.

As stated in previous correspondence one of the core concepts within Living Building Challenge is the requirement for the dwelling to be Net Positive Water. Therefore to achieve LBC certification all building water requirements must be satisfied by captured rainwater or recycled greywater/blackwater and all stormwater, water discharge (grey and black) must be treated onsite and discharged through reuse or infiltration. Another requirement of the Living Building Challenge is that you do not develop previously undeveloped land. Therefore all Living Building Challenge certified developments must be located on land that has been previously developed. Therefore again no any new or additional assets or assets of increased capacity need to be provided in terms of roading, reserves or transport.

Therefore as you can see for Living Building Challenge projects we are not talking about new subdivisions of land. For new subdivisions it is appropriate for development contributions to be charged, and as 9 or 10 Homestar rated dwellings can be developed in these locations, we are only advocating for a 50% reduction in consent fees and development contributions to reflect this. However we feel that there is a very strong case to be made that Living Building Challenge certified dwellings are placing **NO** additional infrastructure load on a city and therefore it is feasible to waive all of their associated consent fees and development contributions both as an incentive and in recognition of this fact.

When the Living House was applying for a Discharge Consent (to enable us to deal with our water waste onsite) we were advised by an Auckland Council planner that our type of project would cost a lot more to consent and that we needed to be ready to spend additional thousands if we wanted to proceed with this. THIS SHOULD NOT BE THE CASE. Auckland Council should be encouraging and promoting sustainable building, especially if the exemplary sustainable houses are proposing to reduce their contribution to the overloaded Auckland Infrastructure. Instead it appears that Auckland Council is trying to make it harder and more expensive for home owners to follow this type of path.

As New Zealand Green Building Council chief executive Andrew Eagles says "We are so far behind it hurts" .

So please Auckland Council, start walking the talk and financially support the development of exemplary and high performance sustainable homes by:

- (i) waiving of consent fees and development contributions for exemplary sustainable homes (which we suggested should be defined as a Living Building Challenge certified dwelling) and
- (ii) a 50% reduction in consent fees and development contributions for high performing sustainable homes (which we suggested should be defined as a 9 or 10 Homestar Built rated dwelling).
- (iii) a 25% reduction in consent fees and development contributions for sustainable homes (defined as a 7 or 8 Homestar Built rated dwelling).

Rochelle and Joel Payne

Owners and developers of the Living House

www.livinghouse.org.nz

<https://www.facebook.com/TheLivingHouseNZ/>