

12 December 2019

Harry Lock  
Radio New Zealand House  
155 The Terrace  
Wellington

Via email: [harry.lock@rnz.co.nz](mailto:harry.lock@rnz.co.nz)

Dear Harry

**Response to official information request for details on the 24 townhouses at 26 View Road, Titahi Bay.**

I refer to your request for official information received 27 November 2019 relating to the 24 townhouses at 26 View Road, Titahi Bay. We have processed your request under the Local Government Official Information and Meetings Act (LGOIMA) 1987.

The questions you specified have been included as numbered headings in bold below, with our response following each heading.

**1. Can you please provide the details as to the decision making behind how the building development was granted consent, after the buildings had failed a few days earlier?**

- The various applications for building consent were lodged with the Council and approved between 2005 and 2006. Code of Compliance Certificates were applied for in May 2007 and final inspections were completed in June and July 2007, with Code of Compliance Certificates issued in July 2007.

The building consents were approved because the Council was satisfied, on reasonable grounds, that the provisions of the Building Code would be met if the building works were completed in accordance with the plans and specifications that accompanied the application. Several inspections were failed during the course of construction.

The Code of Compliance Certificate was later issued because the Council was provided with documentation and statements that provided it with reasonable grounds to believe at the time the building works complied with the building consents.

Leaky homes are not particular to Porirua City. They are a national and international phenomenon occurring largely as a result of liberalisation of legislation and regulation – in New Zealand's case the Building Act and associated regulations. This allowed products and building practices which lead Council to today's problems. These have largely been rectified now but we are left with the legacy of these more liberal times.

We regularly examine our processes to establish whether we could have been better regulators and we are, of course now subject to regular accreditation by the Ministry of Building Innovation and Employment (MBIE) to ensure our building consent processes are robust.

**2. How much did Porirua City Council pay for each of the properties? How much money was contributed by the builder who built leaky properties?**

- Between May and June this year the Council signed individual sale and purchase agreements with 24 of the unit owners. The terms of the agreements, and the arrangements that led to the signing of those agreements, are subject to obligations of confidence between the parties.

Because of the obligation of confidence, the Council has entered into and the ongoing commercial nature of this matter, the Council is withholding this information (sections 7(2)(c)(ii), 7(2)(f), 7(2)(h) and 7(2)(i) of the LGOIMA provide grounds for doing so).

You should be able to access information related to the information you are requesting for the first part of your question from the likes of Quotable Value New Zealand. The Dominion Post has previously published that the sale prices paid by Council for the 24 units ranged between \$356,000 and \$418,000.

**3. *Can you please provide the details of negotiations with the property owners? How were they notified of the fact that their properties are leaky?***

- The Body Corporate made an application for a Weathertight Homes Resolution Service (WHRS) assessors report in February 2016. The claim was determined to be eligible for the WHRS process. The Body Corporate, together with the owners of 24 of the 25 units opted to file proceedings in the High Court and did so in June 2017.

The respective parties engaged legal advisors and building and valuation experts. Mediation followed and in May 2019 a negotiated settlement was reached.

It was the Body Corporate that notified the Council alleging the development suffered defects and damage due to weather tightness failure.

**4. *Can you please provide the details of the future of these properties? What does Council intend to do with the properties?***

- We need to examine the condition of the units in detail before we make any decisions about their future. There are clearly a range of options in theory but until the Council has undertaken a robust assessment of their current state we are not in a position to develop costed options that enable us to access the best way forward.

The negotiated settlement with the 24 unit owners allowed for roughly half of the owners or their tenants to remain onsite renting their properties back off the Council after settlement in May and June 2019. The seeing out of fixed term tenancies and the limited periods of rental for owners was to provide the occupants with time to find alternative accommodation. The last of the owners and tenants only vacated their units in late November 2019.

The Council is now undertaking invasive testing on some of the units in order to determine how best to fix the weather tightness failures. It is expected Council will receive a report on options for the units in early 2020, with a decision on the way forward to follow.

**5. *Can you please provide the details of the name of the builder who constructed the properties?***

- The building contractor was Hinds Builders Limited.

**6. *Can you please provide a list of other developments/properties consented by Council that have been constructed by the same builder – even if under a different company name?***

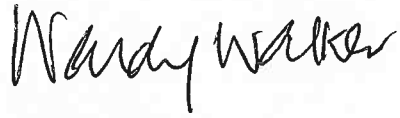
- A search of the Council's files doesn't reveal any other developments/properties constructed by the builder in Porirua City. They have undertaken one renovation project in Plimmerton. The address is withheld on privacy grounds. Section 7(2)(a) of the LGOIMA refers.

We decline to make your request for emails, reports, minutes and the likes available. Sections 7(2)(c)(ii), 7(2)(f), 7(2)(h) and 7(2)(i) of the LGOIMA provide grounds for doing so.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602. The address for the Office of the Ombudsman is PO Box 10152, Wellington 6143.

If you wish to discuss this decision with us, please feel free to contact Andrew Dalziel,  
Andrew.dalziel@porirucity.govt.nz.

Ngā mihi



Wendy Walker  
**Chief Executive**  
**Kaiwhakahaere Matua**

