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13 August 2026

[redacted]

Dear [redacted]

Local Government Official Information Request – SR.111654 – Precious Family Reserve Toilet – Building Consent Exemption

I refer to your official information request received by the Western Bay of Plenty District Council (Council) on 15 July 2026 where you have requested information pertaining to the building consent exemption dated 17 February 2025 (Reference 98888.EXM) for the relocated public toilet at Precious Family Reserve, Ōmokoroa.

The answers to your questions are provided, below:

1. Basis of Assessment

Confirmation of whether the exemption determination dated 17 February 2025 was assessed by reference to the toilet as it actually existed at the point of relocation—namely an approximately 17-year-old Exeloo "Jupiter" single-unit public toilet with Gold fit-out, including automated closing sliding doors and an electronically controlled locking system—or whether the assessment proceeded on some other basis. If some other basis was used, please provide details.

The decision to grant a discretionary exemption was made on the basis of the application and additional documents provided to Council for assessment in relation to project 98888.EXM – Install of singular toilet at Precious Family Reserve, toilet to be connected to mains.

The exemption letter dated 17 February 2025 records that the application had been assessed on that project description and was put through the discretionary exemption process outlined in the New Zealand Building Act 2004. As the building was already constructed the scope of the exemption was for the foundations and services to connect the unit.

2. Information relied upon in granting the exemption

Please provide all information that records or evidences the matters considered by the Building Control Officer when determining that the building work qualified for a discretionary building consent exemption.

This includes, but is not limited to, any reports, assessments, file notes, checklists, correspondence, emails, photographs, inspection records, application material, or other documents that were available to, considered by, or relied upon in reaching the exemption decision.

Council has identified the following information as relevant to the exemption decision and/or the matters considered in relation to it:

a) exemption letter dated 17 February 2025 for 98888.EXM;
b) email dated 17 February 2025, advising that documents were being provided for assessment purposes; and the attachments referred to in that email, being:
    i. Precious Reserve Toilet – BC Drawings 31-1-25.
    ii. Precious Reserve Toilet Block – Supervision and Specifications.
    iii. Exeloo III p1 RH Floor Plan & Elevations.
    iv. Exeloo III p2 RH Foundation.
    v. Exeloo III p3 RH Services.
    vi. 1998-12-23 – Certificate of Title Lot 2 DPS 81284.
    vii. 2024-05-23 – RC14303L

Please find copies of the documents referred to above, by clicking this ShareFile link: https://wbopdc.sharefile.com/d-s71997dd9ea8b4469996e2f91c21cdba8

3. Clause 2 assessment / CPENG sign off

Please provide any engineering assessments, certifications, inspections, technical advice, or other information obtained or relied upon concerning the condition, refurbishment, suitability for continued public use, or Building Code compliance of the relocated public toilet prior to the exemption being granted. Including all information held by Council supporting the statement in Mr Singh's email of 4 March to 2026 to me that the discretionary exemption was granted because the toilet was "prefabricated and meeting building standards".

This includes any information demonstrating how Council satisfied itself that the conditions stated in the exemption determination, including the requirement that quality assurance plans and processes be implemented and monitored or supervised by an engineer or CPEng, were addressed.

The exemption letter dated 17 February 2025 includes standard conditions to suggest that:

a) It is the responsibility of owner and owner's agents to carry out building works in compliance with the building code. All building works must comply with the building code as required under Section 17 of the Building Act 2004.
b) All QA plans and processes for the project are to be implemented and monitored/supervised by the engineer/CPENG.
c) Construction work shall be performed in a manner that avoids the likelihood of causing danger or hazards to people or property on or off site.
d) If the proposed building work is different from that stated in your current application, you may subsequently need to apply for a building consent.

These conditions confirm the owners' requirements as they apply to a discretionary exemption. Engineer/CPEng monitoring or supervision of QA plans and processes; and additional technical documents were supplied for assessment prior to the exemption being issued. These records (if applicable) are to be retained by the relevant parties. They are not provided back to the Territorial Authority.

A copy of the following information can be obtained by clicking the Sharefile link below:
https://wbopdc.sharefile.com/public/share/web-se40d77ccdb9b4f128945bbb4ec8fdfc3

a) 2_Precious Reserve Toilet Block - Supervision and Specifications
b) Exemption 98888 - Precious Reserve Toilet Block Site Inspection No1 and 2 - Subgrade works
c) Exemption 98888 - Precious Reserve Toilet Block Site Inspection No 3 – Foundation works
d) Exemption 98888 - Precious Reserve Toilet Block Site Inspection No 4 – Drainage and power works
e) Photo of WPH engineering degree confirming BE[Civil] awarded 1992, therefore 34 years of design, supervision and civil/structural inspections by 2026.
f) Electrical Certificate for installation - Electrician tested site after making toilet facility wiring safe for use and power connection, including replacement of toilet solenoid and lubricating door mechanism and similar mechanical/electrical checks as part of building works.
g) Scala (soil testing) results prior to exemption application
h) Aerial photo confirming construction site setout and safety fencing
i) Pre Installation Deep Clean Service Report

4. Consideration of Specified Systems and Compliance Schedule obligations

Please provide any information recording whether Council considered whether the electronically controlled access door system constituted a Specified System under the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005, or whether Compliance Schedule or Building Warrant of Fitness obligations arose in relation to the relocated toilet.

This includes any assessments, reports, file notes, emails, correspondence, advice, checklists, or other records created either before or after the exemption determination.

The information provided for the exemption application did not detail the proposed door locking mechanism. The exemption was for the foundations and services only.

Councils subsequent review of the exemption process prompted by public interest, has identified improvements that could be applied to future exemption applications to ensure a Compliance Schedule and Building Warrant of Fitness is triggered when a specified system has been installed within an existing relocated building. Council will carefully consider the future use of discretionary exemptions for prefabricated toilet buildings.

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 or freephone 0800 802 602.

Yours Sincerely



Brad Singh
General Manager Infrastructure Services