

Andrew Riddell

By email only to: fyi-request-10030-532c59ce@requests.fyi.org.nz

Dear Mr Riddell

Official information request: 3949349

I refer to your information request received 29 April 2019, which has been referred to Legal Services for consideration in accordance with the provisions of the Local Government Official Information and Meetings Act 1987 (“the LGOIMA”).

The Far North District Council (the “Council”) has extended the time frame until today, given the nature of your request. You are seeking potentially a sizeable amount of information that is relatively historical – covering a period of approximately 9 ½ years. Information has proved difficult to locate. Key people with an understanding of the matter and where to find the information, no longer work for the Council, or have been away. Additionally, over the requested time frame, Council has had a number of building moves, as well as having updated and used different databases and documentation systems. These naturally have further affected Council’s search for relevant information.

As you will be aware, Council is still in the process of handing over the ownership of the Russell Wharf to Far North Holdings Limited (‘FNHL’). This has also complicated endeavouring to respond to your query. It appears that some of the information you are seeking may currently be in ‘hand-over’ mode to FNHL.

Information request

You requested:

“copies of all communications, inquiries, and/or requests (including applications) the District Council has received for a waterwater [sic] connection on the Russell Wharf since 2010, including any recommendations and decisions on any requests or applications that have been received.

This includes any communications, inquiries and/or requests (including applications) from Far North Holdings Limited for a wastewater connection for a boat pump out facility and/or for a cafe, and any recommendations and decisions on such requests or applications.

Note that communications includes emails, letter, reports, decisions, dates and records of meetings and/or phone calls, file notes, and personal recollection by any person involved.”

Council response

Council has decided to provide you with the information that it has been able to source and collate; although even this has taken effort and time, with searches of different departments and staff within Council who might hold relevant material; including enquiries made of Far North Holdings Limited.

Pursuant to section 7(2)(a) of the LGOIMA we have redacted any reference to personal information from the information provided. This legislation states:

Section 7(1) *“Where this section applies, good reason for withholding official information exists [...]*

Section 7(2)[...] if, and only if, the withholding of the information is necessary to-

(a) protect the privacy of natural persons...; and, including that of deceased natural persons [...].”

This decision is subject to a ‘public interest test’. Council confirms that there is no public interest in releasing these personal details that outweighs the need to withhold this information. Please refer to the attached for the information relevant to your request and held by Council.

Further, another issue with your LGOIMA request is, as you are probably aware, that any resource applications/ consents etc. over areas of water are primarily dealt with by the Northland Regional Council (the ‘NRC’). As your request relates to **wastewater connection on the Russell Wharf**, it may be worthwhile following up directly with the NRC.

This LGOIMA request is a significant exercise and so for Council to be satisfied that it has reasonably provided you with the information you seek; and to finalise your request; we have considered whether charging for the supply of information pursuant to section 13(1A) of the LGOIMA would be reasonable and appropriate in this case.

With any proposed charge, regard may be had to the cost of labour and materials involved in making the information available (i.e. the staff time required to prepare information for release, photocopying charges and other fixed costs incurred in preparing the information for release). Council’s Fees and Charges Schedule (which is in keeping with the Ministry of Justice guidelines), imposes a charge for the supply of Official Information at \$38.00 per half hour (incl. GST) with the first hour being free. Photocopying charges are applicable if photocopying is required. I refer you to our Fees and Charges Schedule: <http://www.fndc.govt.nz/services/fees-and-charges-index>

An estimate of 5 hours of staff time will be required to process the remainder of your request. In accordance with our fees and charges this equates to an estimated charge of \$304.00 (5 hours at \$76.00 per hour, first hour free). In deciding this, the Council has considered whether any reduction or waiver of the proposed charge may be warranted having regard to both your circumstances and the public interest in release of the information. It has concluded that it is not. We would endeavour to provide you with the

information by email however if photocopying is required, this will be provided at 20 cents per page plus postage.

In line with Ombudsman guidance you are invited to refine the scope of your request and thereby reduce the charge to be imposed. Should you wish to do so please let me know.

However, if you are happy to pay the charge, in accordance with section 13(4) of the LGOIMA, we will require payment before provision of information; so please advise as such.

Once we receive a reply from you, we will respond as soon as reasonably practicable.

You have the right to seek a 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.

Thank you for your enquiry.

Yours faithfully



Erica Cooney
Legal Services Officer

