

2 May 2024

File Ref: IRC-6109

Naomi Steenkamp  
[fyi-request-25987-abddd657@requests.fyi.org.nz](mailto:fyi-request-25987-abddd657@requests.fyi.org.nz)

Tēnā koe Ms Steenkamp

Thank you for your email of 4 March 2024 to Wellington City Council | Te Kaunihera o Pōneke (the Council) requesting information regarding construction plans and documents for Hawkins Hill Road Right of Way works. Your request has been considered under the Local Government Official Information and Meetings Act 1987 (LGOIMA). Please find my response below.

1. *Please provide a copy of the Construction Plans (document or documents) that were to have been supplied to the Council's Vehicle Access Engineer for approval prior to the commencement of works on the site as per Condition B of SR254721 (and its subsequent certification under SR286407).*

*This condition was suggested by Patricia Wood in file reference 1795294 Vehicle Access Assessment inside dated 9/05/2016 inside of SR254721.*

The Council has conducted a thorough search of our records, including our archives, and are unable to locate the construction plans requested. Therefore, I must refuse this portion of your request pursuant to section 17(e) of the LGOIMA, as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

2. *The 223/224 certification (SR286407) was peer reviewed by Jonathan Anderson who "cleared" condition (b) Vehicle Access dated 9/07/2013 Clearance Memo (document 2339622) - please provide the documentation / information / photo that was supplied to deem the condition (b) satisfied please (including the actual Construction Plans approved, prior to any construction of those rights of way).*

The Council has conducted a thorough search of our records, including our archives, and are unable to locate the construction plans requested. Therefore, I must refuse this portion of your request pursuant to section 17(e) of the LGOIMA, as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found. The only document that is held is a timesheet, that records the work carried out by the Vehicle Access Engineer. This document has been attached, as **Appendix 01** to my response. Some of the information has been withheld pursuant to section 7(2)(a) of the LGOIMA, to protect the privacy of natural persons.

As per section 7(1) of the LGOIMA, I do not consider that in the circumstances of this response, the withholding of this information is outweighed by the other considerations which render it desirable to in the public interest to make the information available.

3. *Please also supply the document "2050638" referenced in the Clearance Memo (2339622) inside of SR286407.*

Please find attached, as **Appendix 02** to my response, a copy of document 2050638. The document is a copy of the Subdivision Officer Delegations as they applied at the time of certification of the relevant subdivision, in August 2013. It has been expanded with an additional section that details the relevant sections of the legal statutes administered by the Subdivision Compliance Officers. The first part of the document parallels a formally signed delegation document signed by the Chief Executive Officer. Some of the information has been withheld pursuant to section 7(2)(a) of the LGOIMA, to

protect the privacy of natural persons.

4. *Please supply the Council Compliance Officer's notes or photos taken during their on-site visit (visits) to check compliance specifically with Condition (b) of SR254721 in 2013. If no documentation exists please provide an explanation as to why this Condition was considered to be complied with, without the necessary evidence?*

The Council has conducted a thorough search of our records, including our archives, and are unable to locate any notes or photos taken by the Council Compliance Officer. Therefore, I must refuse this portion of your request pursuant to section 17(e) of the LGOIMA, as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found. The Council is confident that the condition was complied with as the timesheet (Appendix 01) records that the Vehicle Access Engineer prepared for a site visit, inspected the site with the Land Use Monitoring Officer and prepared a report for the section 224c certification of condition (b).

5. *Please also provide an explanation why Document "2050638" shows vehicle access was cleared under SR411987 consent and its certification under SR424915 in early 2019 - meaning Council were happy with access provisions for the allotments created under that subdivision consent, and yet by April of 2021 suddenly that very same Vehicle Access Engineer (who completed all assessments for the 2013, 2018 and 2021 consents) suddenly decided under s92 Further Information to "fix" access for a neighbour inside of a separate resource consent whereby a) none of the proposed new allotments required that easement for access, b) no earthworks were proposed, c) no new easements were required or being created, and d) nothing was changing in relation to the existing access arrangements for others certified under previous consents.*

The Council has interpreted your statement "...Document "2050638" shows vehicle access was cleared under SR411987 ..." to be that you have concluded that the road was constructed and certified under the original subdivision (SR 254721) cleared the way for the subsequent advice from the Vehicle Access Engineer to the planner assessing the application for the subdivision of the neighbouring property (SR 419987). Please be advised, that the aforementioned document is a delegation document.

The Council believes that this question has already been answered in correspondence to you on 31 March 2021 from Subdivision Compliance Officer – Jonathan Anderson, in which it was explained that Council was unaware at the time it certified the original subdivision that the boundaries of the Right of Way (RoW) over your property didn't fully align with the formed vehicle track. Likewise, in an email of 20 July 2021, to yourself from Manager Compliance and Advice – Matthew Borich, provided a detailed response on the reasons for the request for further information on the RoW.

You have the right, by way of complaint under section 28(1) of the LGOIMA, to request an investigation and review of the Council's decision to withhold information by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you require further information, please contact [assurance@wcc.govt.nz](mailto:assurance@wcc.govt.nz).

Nāku noa, nā



Danika Morris-Brown  
Senior Advisor Official information  
Complaints & Information Assurance  
Wellington City Council