



<b>RFS Number:</b>	3870400	<b>RFS type:</b>	CEO Correspondence
<b>Received date:</b>	8-February-2018 @ 08:20:49	<b>Date due:</b>	22-February-2018
<b>Received by:</b>	Huia Harris	<b>Actioning Officer:</b>	Margaret Thomas
<b>Contact type:</b>	Ask-us Email	<b>Priority:</b>	1 (1=Urgent, 3=Normal)
<b>LOCATION</b>		<b>CUSTOMER</b>	
<b>Location details:</b>		<b>Customer details:</b>	Gary John Whitehead 500 Pupuke Mangapa Road RD 2 Kaeo 0479
<b>Property details:</b>	500 Pupuke Mangapa Road Kaeo 0479	<b>Casual customer:</b>	RABIDMR2@GMAIL.COM
<b>Street / area:</b>	Pupuke Mangapa Road, Kaeo	<b>Home Phone:</b>	
		<b>Business Phone:</b>	
<b>After Hours Code:</b>	REF RFS 3870400	<b>Mobile Phone:</b>	

**REQUEST DETAILS:**  
Error! Not a valid filename.

**Miscellaneous notes:**

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**Date Completed:**                    /                    /                    **Officer:** \_\_\_\_\_



**Date/Time:** 10-May-2018 14:11:36  
Officer: Darren Edwards  
"From: Nicole Wooster  
Sent: Wednesday, May 9, 2018 4:07 PM  
To: Darren Edwards  
Cc: Maggie Thomas; Liz Davidson  
Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Darren

Thank you for your suggestion and offer. Greatly accepted.

Regards

Nicole Wooster  
Executive Assistant to the Chief Executive Officer  
Chief Executive Office, Far North District Council | 24-hour Contact Centre  
0800 920 029  
ddi +6494015211 | m 021458611 | Nicole.Wooster@fndc.govt.nz  
Website | Facebook | LinkedIn | Careers

From: Darren Edwards  
Sent: Tuesday, May 08, 2018 2:49 PM  
To: Nicole Wooster  
Cc: Maggie Thomas  
Subject: FW: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nicole

I've noted that RFS3877505 – (Gray Whitehead) which also seems to be the same as RFS3870400 (referred to below in Dean's email dated April 2) is still open and escalating.

As Dean is now dealing directly with the Deputy Mayor on the Whitehead matter can I suggest we close RFS3877505 (or link it to RFS3870400) as RFS 3870400 hold all of the correspondence to date between Council and Mr Whitehead.

I'm happy to update the RFS and close it out if that helps.

Regards

Darren Edwards  
Manager - Compliance & Resource Consents  
District Services, Far North District Council | 24-hour Contact Centre 0800  
920 029  
ddi +6494070414 | m 0274034434 | Darren.Edwards@fndc.govt.nz

From: Darren Edwards  
Sent: Friday, April 20, 2018 11:57 AM  
To: Nicole Wooster  
Cc: Maggie Thomas  
Subject: FW: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nicole

I've just been working on RFS3877505 – (Gray Whitehead) which also seems to be the same as RFS3870400 (referred to below in Dean's email dated April 2)

As Dean is now dealing directly with the Deputy Mayor on the Whitehead matter can I suggest we close RFS3877505 (or link it to RFS3870400) as RFS 3870400 hold all of the correspondence to date between Council and Mr Whitehead.

Regards

Darren Edwards  
Manager - Compliance  
District Services, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi +6494070414 | m 0274034434 | [Darren.Edwards@fndc.govt.nz](mailto:Darren.Edwards@fndc.govt.nz)  
[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)

From: Dr Dean Myburgh  
Sent: Monday, April 2, 2018 10:28 AM  
To: Nicole Wooster  
Cc: Maggie Thomas; Beverly Mitchell; Karryn Williams  
Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nicole:

This is an update regarding the above RFS, Maggie has just replied to Mr Whitehead and resent emailed correspondence / attachments regarding these issues raised (refer attached). It should be noted that this issue has been around for over ten years and has also been the subject of legal advice from our in-house legal team. The latest advice to Mr Whitehead has been that he should approach MBIE if he wishes to obtain an independent decision as to whether Council has acted appropriately in lifting the Insanitary Building Notice. It would appear that Mr Whitehead and his lawyer did not conduct appropriate due diligence prior to purchasing this property and that Council has acted appropriately in lifting the Notice (best that this view is confirmed by MBIE).

Should Mr Whitehead proceed to apply for a Determination (MBIE), Council will provide any information requested to assist MBIE in reaching its decision on this matter.

I am following up on an email received from Shaun dated 28/03 regarding a query from the Deputy Mayor regarding Mr Whitehead's situation. In that email he has asked me to 'work direct with Tania and keep the CE Office informed'. When I have that information, I will email Tania McInnes and cc all addressees in this email.

Regards,

Dean

Dr Dean Myburgh

General Manager - District Services  
District Services, Far North District Council | 24-hour Contact Centre 0800  
920 029  
ddi +6494070406 | m 0278012268 | Dean.Myburgh@fndc.govt.nz

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)

From: Nicole Wooster

Sent: Thursday, March 29, 2018 3:42 PM

To: Gary Whitehead; Dr Dean Myburgh

Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Good afternoon Mr Whitehead

I do apologise that your promised response date was not achieved. I am aware that the Deputy Mayor is also investigating this matter for you.

I have copied in Dean and asked that he provide you with a response or a refreshed date by which he can achieve a response to your information request.

Regards

Nicole Wooster

Executive Assistant to the Chief Executive Officer  
Corporate Services, Far North District Council | 24-hour Contact Centre 0800  
920 029  
ddi +6494015211 | m 021458611 | Nicole.Wooster@fndc.govt.nz

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)

From: Gary Whitehead [mailto:rabidmr2@gmail.com]  
Sent: Thursday, March 29, 2018 12:04 PM  
To: Nicole Wooster  
Subject: Re: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nichole, the tenth of march has been and gone and I am still waiting on a reply.

Regards  
Gary Whitehead

On Tue, Feb 20, 2018 at 6:33 PM, Gary Whitehead <rabidmr2@gmail.com> wrote:  
Thank You Nicole,  
If Dean needs any information from me my number is 09 4051924

Regards  
Gary

On Tue, Feb 20, 2018 at 1:53 PM, Nicole Wooster <Nicole.Wooster@fndc.govt.nz> wrote:  
Tā "ānā" koe Mr Whitehead

On behalf of the Chief Executive Office I acknowledge receipt of your request for service, reference 3870400 and note your request for an independent test against the above property.

I have referred your correspondence to Dean Myburgh, General Manager – District Services for his attention and consideration. Dean manages the building portfolio on behalf of the Chief Executive Officer. An initial update to your request will be provided by close of business, Friday 10 March 2018.

Thank you for bringin your concerns to our offices attention. I have asked Dean to keep our office fully informed.

Ngā mihi  
**Date/Time:**  
Officer:

**Date/Time:**  
Officer:

**Date/Time:**  
Officer:

**Date/Time:**  
Officer: Far North District Council

**Date/Time:**  
Officer:

**Date/Time:**  
Officer:

Officer:

**Date/Time:**

Officer:

**Date/Time:** 10-Apr-2018 10:45:11

Officer: Margaret Thomas

From: Tania McInnes

Sent: Monday, 9 April 2018 3:17 p.m.

To: Dr Dean Myburgh

Cc: Shaun Clarke; Nicole Wooster; Maggie Thomas; Beverly Mitchell; Simon Grimme; George Swanepoel

Subject: Re: Follow up from my meeting with Gary Whitehead and partner Kim

Thank you Dean. I support your advice that we await MBIE decision and am glad it is been handled independently.

I acknowledge you calling him and although it did not end well, it was the right thing to do.

Thank you.

Tania McInnes

Deputy Mayor

Far North District Council

.....  
**Date/Time:** 10-Apr-2018 10:43:59

Officer: Margaret Thomas

From: Dr Dean Myburgh

Sent: Monday, 9 April 2018 3:14 p.m.

To: Tania McInnes

Cc: Shaun Clarke; Nicole Wooster; Maggie Thomas; Beverly Mitchell; Simon Grimme; George Swanepoel

Subject: RE: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Tania:

Following a protracted process that involved advice from Simon Grimme (Senior Building Specialist) and George Swanepoel (in-house Legal Counsel), the attached letter was sent to Mr Whitehead in a sincere attempt to facilitate his obtaining an independent decision on this matter from MBIE. Council is confident that it acted appropriately and that, despite the absence of documentation on our files, we would be able to answer any queries raised by MBIE and demonstrate that Council acted appropriately in dealing with this issue.

Today Council received a copy of documentation related to the application by Mr Whitehead for a Determination by MBIE. In response, we will provide as much information as may be required to support MBIE's enquiry / final Determination.

In the interim, I have also called Mr Whitehead (at Shaun's suggestion) to confirm that the allegation that a staff member (Peter Martin) had visited the property pretending to be a contractor has been investigated and has proven to be unfounded. There is no substance to the allegation and any visits to the property would have involved staff following normal procedures (i.e. where staff members introduce themselves, display their Council issued warrant, and to state the purpose of their visit). While receiving the feedback over the telephone, Mr Whitehead proceeded to verbally abuse me using foul language and hung up on me while I was trying to communicate with him.

My advice is that we await MBIE's decision on this matter and take no further action until that decision has been communicated.

Regards,  
Dr Dean Myburgh  
General Manager - District Services

.....  
**Date/Time:** 04-Apr-2018 15:44:24  
**Officer:** Margaret Thomas  
**From:** Dr Dean Myburgh  
**Sent:** Wednesday, 4 April 2018 3:21 p.m.  
**To:** Tania McInnes  
**Cc:** Shaun Clarke; Nicole Wooster; Maggie Thomas  
**Subject:** RE: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Tania:

In response to your questions below, I have checked with Simon Grimme (Senior Building Specialist) and George Swanepoel (in-house Legal Counsel). Shaun has requested that I provide you with an update directly rather than passing back via his office.

The Building Act Notice was not removed without carrying out an inspection first. It has been confirmed that a Building Officer would have satisfied themselves at the time that the affected buildings had been made sanitary. This was typically achieved by removing the affected plasterboard wall linings, disinfecting the wall cavity and replacing the wall linings for minor flooding. Hence, neither a Code Compliance Certificate nor a CoA (as explained below) would have been required:

Code Compliance Certificate – This is only relevant where a Building Consent was obtained to remediate the building, typically this was for retaining work or raising a building above a known flood level to prevent re-occurrence.

Certificates of Acceptance – Where time was of the essence perhaps to stabilise an active slip to prevent further damage the owner was allowed to carry out the works under urgency and then apply for this after repairs were made.

Shaun: I have had the allegation that a staff member (Peter Martin) has visited the property pretending to be a contractor investigated. Following the investigation, I am able to confirm that Peter Martin has not at any stage visited the property pretending to be a contractor. Peter visited the property in a Council marked vehicle wearing a Council uniform. He followed the normal procedure for Council field staff visiting properties which is for the staff member to introduce themselves, display their Council issued warrant, and to state the purpose of their visit.

Regards,  
Dr Dean Myburgh  
General Manager - District Services

.....  
**Date/Time:** 03-Apr-2018 16:00:23  
**Officer:** Margaret Thomas  
**From:** Dr Dean Myburgh  
**Sent:** Monday, 2 April 2018 10:28 a.m.  
**To:** Nicole Wooster



Cc: Maggie Thomas; Beverly Mitchell; Karryn Williams  
Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nicole:

This is an update regarding the above RFS, Maggie has just replied to Mr Whitehead and resent emailed correspondence / attachments regarding these issues raised (refer attached). It should be noted that this issue has been around for over ten years and has also been the subject of legal advice from our in-house legal team. The latest advice to Mr Whitehead has been that he should approach MBIE if he wishes to obtain an independent decision as to whether Council has acted appropriately in lifting the Insanitary Building Notice. It would appear that Mr Whitehead and his lawyer did not conduct appropriate due diligence prior to purchasing this property and that Council has acted appropriately in lifting the Notice (best that this view is confirmed by MBIE).

Should Mr Whitehead proceed to apply for a Determination (MBIE), Council will provide any information requested to assist MBIE in reaching its decision on this matter.

I am following up on an email received from Shaun dated 28/03 regarding a query from the Deputy Mayor regarding Mr Whitehead's situation. In that email he has asked me to 'work direct with Tania and keep the CE Office informed'. When I have that information, I will email Tania McInnes and cc all addressees in this email.

Regards,

Dr Dean Myburgh

see paperclip for the attachments.

.....  
**Date/Time:** 03-Apr-2018 15:59:20

Officer: Margaret Thomas

From: Dr Dean Myburgh

Sent: Monday, 2 April 2018 10:27 a.m.

To: Simon Grimme

Cc: Katie Waiti-Dennis; Trent Blakeman; Maggie Thomas; George Swanepoel

Subject: FW: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Simon: Would you please address the questions raised by Dep. Mayor in her email addressed to the CEO (refer below). I would like to confidently state (based on my current understanding) that an inspection was done prior to lifting the Notice and that a code of compliance (or Certificate of Acceptance) was completed. This will be the basis of my initial update to the CEO / Dep. Mayor.

Katie / Trent: regarding the allegation that a staff member (Peter Martin) has visited the property pretending to be a contractor, would you please investigate and confirm whether there is any logical explanation as to what happened and whether there is any basis for Mr Whitehead's allegation. This will allow me to update the CEO / Dep. Mayor on this part of the queries raised.

Regards,

Dr Dean Myburgh

.....  
**Date/Time:** 03-Apr-2018 15:58:13

Officer: Margaret Thomas

From: Gary Whitehead [mailto:rabidmr2@gmail.com]

Sent: Thursday, 29 March 2018 6:29 p.m.

To: Maggie Thomas

Subject: Re: Correspondence

Thank you for your reply Maggie.

I have received the previous email about trespass, but no mailed letter. That still does not explain why a council worker entered my property and refused to identify himself. This is harassment.

I guess the reply from Dean means you are refusing to investigate the risk of injury and death from known flood levels. I have enough media releases from council explaining why houses had to be lifted after the 2007 floods to know that I am being treated with no concern for my life and safety. That is a basic human right.

I have provided enough photographic evidence of the danger, yet you still refuse to investigate, despite it being council policy and building code regulations to investigate dangerous property.

You are discriminating against me because I have rightly complained about your inept handling of a potentially very dangerous situation that you failed to address in 2007 and still refuse to address now.

Gary Whitehead

.....  
**Date/Time:** 29-Mar-2018 16:08:43  
**Officer:** Margaret Thomas  
**From:** Maggie Thomas  
**Sent:** Thursday, 29 March 2018 4:08 p.m.  
**To:** rabidmr2@gmail.com  
**Subject:** Correspondence

Good afternoon Mr Whitehead

Further to your email of 29 March 2018 to Simon Grimme and his response to you of the same date I attach the letter dated 19 February 2018 which was sent to you by post on 23 February 2018 and letter dated 8 March 2018 that was emailed to you on 8 March 2018 at 11.22a.m.

Kind regards  
Maggie Thomas  
Executive Assistant to General Manager

.....  
**Date/Time:** 29-Mar-2018 15:42:34  
**Officer:** Nicole Wooster  
**From:** Nicole Wooster  
**Sent:** Thursday, March 29, 2018 3:42 PM  
**To:** 'Gary Whitehead'; Dr Dean Myburgh  
**Subject:** RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Good afternoon Mr Whitehead

I do apologise that your promised response date was not achieved. I am aware that the Deputy Mayor is also investigating this matter for you.

I have copied in Dean and asked that he provide you with a response or a refreshed date by which he can achieve a response to your information request.

Regards

Nicole Wooster  
Executive Assistant to the Chief Executive Officer  
Corporate Services, Far North District Council | 24-hour Contact Centre  
0800 920 029  
ddi +6494015211 | m 021458611 | Nicole.Wooster@fndc.govt.nz  
Website | Facebook | LinkedIn | Careers

From: Gary Whitehead [mailto:rabidmr2@gmail.com]  
Sent: Thursday, March 29, 2018 12:04 PM  
To: Nicole Wooster  
Subject: Re: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nichole, the tenth of march has been and gone and I am still waiting on a reply.

Regards  
Gary Whitehead

**Date/Time:** 09-Mar-2018 16:55:19  
Officer: Huia Harris

**Date/Time:** 26-Feb-2018 12:16:44  
Officer: Nicole Wooster  
Hi Maggie

As Dean has sent a letter on this matter I think it would be best to keep under your name pending a possible response. Maybe give Mr Whitehead a month from the date the letter was sent. If no response close and we can always open a new RFS and link.

Regards  
Nicole

.....  
**Date/Time:** 26-Feb-2018 12:16:07  
Officer: Nicole Wooster  
From: Maggie Thomas  
Sent: Friday, 23 February 2018 9:36 a.m.  
To: Nicole Wooster  
Subject: RFS 3870400 Priority 3: CEO Correspondence has been escalated.

Morning Nicole  
Dean has responded to Mr Whitehead. We actually posted the letter because I could not find his email address.  
I have not closed the RFS as it is a CEO correspondence one, and I am sure we will probably get a response regarding his opinion to the letter.

If you think it should be closed then just let me know and I can do this for you.  
Maggie Thomas  
Executive Assistant to General Manager

.....  
**Date/Time:** 20-Feb-2018 13:53:34  
Officer: Nicole Wooster

"Maggie,  
Mr Whitehead apparently emails our Contact Centre on a regular basis. I am aware of a current RFS that I am investigating re trespass notice against Council. Below is

a copy of my acknowledgement of receipt in respect of this particular topic. I suspect the various issues might all be linked somehow.

.....  
From: Nicole Wooster  
Sent: Tuesday, 20 February 2018 1:53 p.m.  
To: 'rabidmr2@gmail.com'  
Cc: Dr Dean Myburgh  
Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Tāwhiri "ānā" koe Mr Whitehead

On behalf of the Chief Executive Office I acknowledge receipt of your request for service, reference 3870400 and note your request for an independent test against the above property.

I have referred your correspondence to Dean Myburgh, General Manager – District Services for his attention and consideration. Dean manages the building portfolio on behalf of the Chief Executive Officer. An initial update to your request will be provided by close of business, Friday 10 March 2018.

Thank you for bringing your concerns to our offices attention. I have asked Dean to keep our office fully informed.

Ngā mihi  
**Date/Time:**  
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## Carla Ditchfield-Hunia

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**From:** Simon Grimme  
**Sent:** Thursday, 8 February 2018 1:08 p.m.  
**To:** Compliance Admin  
**Subject:** FW: 500 Pupuke Mangapa - RFS 3870400

**Importance:** High

Admin,

Please can you attach this to the RFS and close it off.

Many thanks



**Simon Grimme**

Senior Building Specialist

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494070409 | m 021 745-406 | Simon.Grimme@fndc.govt.nz

Website | Facebook | LinkedIn | Careers

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**From:** Simon Grimme  
**Sent:** Thursday, 8 February 2018 1:07 p.m.  
**To:** 'rabidmr2@gmail.com'  
**Subject:** 500 Pupuke Mangapa - RFS 3870400  
**Importance:** High

Mr Whitehead,

I have received a complaint from you with regards to the Councils decision to remove the historic s124 Notice.

A Request For Service (RFS) has been received from .

The following request has been submitted:

Request details

◆ Location of issue\*: 500 Pupuke Mangapa rd RD2

◆ Issue type\*: Other

◆ How can we help?\*: I would like to make an official complaint regarding the removal of a 2007 insanitary notice on the above property. After several official information requests, the Council building team have not given a reason why this notice should have been removed. Council have neither followed the Building code or Councils policy regarding insanitary homes and flood damage I also believe that under Council policy this house should have been required to be raised above the flooding level. What I would like to happen is that Council pay for an independent invasive test to either prove or disprove that the appropriate work was indeed undertaken and any remedial work that should have been completed, be at the cost to Council.

◆ Attach a file or photo: No file uploaded

◆ Attach a file or photo: No file uploaded

We are aware that your complaint is on-going and has previously been responded to on numerous occasions however I will do my best to assist you where I can. I am aware that one of Councils representatives has already recently responded to another similar query under the request for service number 3863307.

It is Councils understanding that the previous owners provided the inspecting officer with information regarding the cleaning/sanitising of the affected parts of the building and that this led to their satisfaction that the building was no longer Insanitary.

As we have already stated, it has not been possible to locate the information that was provided to the officer and for that I apologise on the Councils behalf.

The Council will not engage a contractor to survey your building as it has no reason to believe that it failed in its duty of care when removing the Insanitary Notice some ten years ago.

If you believe that the Council has failed to act appropriately then you may apply for a formal Determination from the Ministry of Building, Innovation and Employment stating what breach of the Building Code has occurred.

Further, I also refer you to the E-Mail below to you from George Swanepoel dated 23/5/16

Hi Gary

My understanding of the facts of this matter are:

1. You purchased the property in January 2013, yet did not obtain a LIM prior to the sale or transfer. That being the time you suffered your loss.

*This is important as it means that there is no contractual relationship between you and FNDC as you did not rely on the LIM when you purchased the property being the time when you suffered your loss.. Further it is problematic to any claim in negligence against FNDC for the reasons set out in In the Sunset Terraces Case the Supreme Court suggested that a purchaser is "likely" to be found to have been negligent for failing to obtain a LIM which would probably have given notice of actual or potential problems. As contributory negligence, the failure to obtain a LIM could reduce the level of damages otherwise recoverable for the problems from the Council or other parties. In the worst case the failure to obtain a LIM might even amount to an intervening negligent circumstance sufficient to defeat all recovery from the Council or other parties.*

2. You advise that you were not aware of any issues with this property on purchase. You claim that you were informed of the damage from the 2007 floods and guaranteed by the vendor that there were no outstanding council issues with this property relating to this event.

*When you purchased the property in 2013 there were no requisitions outstanding. The 2007 was removed in 2010. Had you obtained a LIM that would have stated the same but you did not get a LIM. Compliance with the notice was confirmed by A council Building inspector, who was part clean up operations after the flood with the local services group and they had local fire brigade come and wash out the house and remove all mud etc., cleaned the exterior and interior, As building was native timber it was opened up and aired naturally to dry , there was no damage to septic system , it just need to dry out, there was no concern made to council of any electrical concern. The building was therefore no longer unsafe or insanitary nor was it destroyed. There was no misrepresentation Notice wasn't removed till 2010 , The building inspector clearly remembers the matter but notes were mislaid , but notice has always been on file and had Lim been carried out it would been made clear that property was in flood zone. No Claim arises against FNDC as any representations made were by the vendor.*

3. You claim that after the 2014 flood/storm you were advised to make a claim under the mayoral fund for repairs to the roof of the property.

*Peter Martin has advised that "Follow up of 2014 storm (not Flooding ) , there was a case of the cart before horse, administration had basically approved mayoral relief before inspection of property, I was requested to arrange inspection after this. When I rang customer to arrange Mr white head would not answer the Phone, his partner was conversing and was very upset and was not completely understanding why inspection was required, at which time Mr Whitehead took over conversation, I believe he misunderstood context of the conversation and concentrated on the possible ramifications if an insanitary notice was to be issued , and refused access to property for officer to inspect ,matter was escalating and I ended with referral to management. Inspection not carried by me ."*

On Site Meeting

· A meeting was organised by the Mayor and held at your property on Monday 23 February 2015. Joining the Mayor on site was the landowners and their social worker, Council representatives Jacqui Robson, Craig Ambler, Doug Foster of NRC and Peter Martin.

· The purpose of the meeting was to listen to your concerns, but also, to identify opportunities for site improvements to allow for safe storage of sensitive goods / material on his site. This was identified at the on site meeting to could include potential incremental deposition of fill, obtained by Council contractors on to the site. Further consideration from Council's Resource Consents and Infrastructure and Asset Management Teams is required to consider this issue and identify the most viable and least cost options available to reach a workable outcome.

As acknowledged Council has on a without prejudice basis set about trying to raise your property as per my previous letter. This does not give rise to a claim and I can see no breach of nay regulation that may give rise to one..

I am unaware of what you are referring to regarding Simon and the Breach of Privacy. Council is however under a Statutory obligation to supply information from its records and in doing so does not generally breach privacy. I would need more specific information on this point before I can comment further.

I hope the above is helpful in addressing your queries, but would strongly advise you to get independent legal advice.

*Regards*  
*George*

**I trust that this response answers your query.**

**Kind Regards**



**Simon Grimme**  
**Senior Building Specialist**

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi +6494070409 | m 021 745-406 | [Simon.Grimme@fndc.govt.nz](mailto:Simon.Grimme@fndc.govt.nz)  
Website | Facebook | LinkedIn | Careers





## Carla Ditchfield-Hunia

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**From:** Simon Grimme  
**Sent:** Friday, 9 February 2018 9:17 a.m.  
**To:** Morgan Armstrong  
**Subject:** FW: 500 Pupuke Mangapa - RFS 3870400

**Importance:** High

Morgan,

Please re-open the RFS and allocate to Dean/Katie as requested by Mr Whitehead, please include my latest response below.

Thanks



**Simon Grimme**

Senior Building Specialist

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi +6494070409 | m 021 745-406 | [Simon.Grimme@fndc.govt.nz](mailto:Simon.Grimme@fndc.govt.nz)  
Website | Facebook | LinkedIn | Careers

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**From:** Simon Grimme  
**Sent:** Friday, 9 February 2018 9:12 a.m.  
**To:** 'Gary Whitehead'  
**Subject:** RE: 500 Pupuke Mangapa - RFS 3870400  
**Importance:** High

Mr Whitehead,

I will elevate your complaint to the Departments General Manager in the first instance.

May I ask how the removal of the s124 Notice is affecting your health? Do you believe that the building is currently insanitary and if so, why?

Kind Regards



**Simon Grimme**

Senior Building Specialist

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi +6494070409 | m 021 745-406 | [Simon.Grimme@fndc.govt.nz](mailto:Simon.Grimme@fndc.govt.nz)  
Website | Facebook | LinkedIn | Careers

**From:** Gary Whitehead [<mailto:rabidmr2@gmail.com>]  
**Sent:** Thursday, 8 February 2018 9:10 p.m.  
**To:** Simon Grimme  
**Subject:** Re: 500 Pupuke Mangapa - RFS 3870400

Thank you for your reply Simon.

There is no reason for any of these records to not be on file or available as required by law. This breach of law is the responsibility of council and the only excuse is incompetence or corruption. I have no doubt that no work was done on this property as required in the section 124 notice and it would never have passed an inspection.

I find councils actions to be both incompetent, illegal and dangerous to mine and my partners health.  
As you are part of the team that fails to keep records and relies on unofficial inspections and word of mouth,  
rather than legal process,  
I request this complaint of incompetency should not be addressed by one of the people responsible and  
Demand this is escalated to the cChief Executive.

Thank you for forwarding Georges email. " *This is important as it means that there is no contractual relationship between you and FNDC as you did not rely on the LIM when you purchased the property being the time when you suffered your loss.* I will take your "important" legal advice and request all rates paid on this property be returned as your legal opinion is that I have no contract with the council.

Regards  
Gary Whitehead.

On Thu, Feb 8, 2018 at 1:06 PM, Simon Grimme <[Simon.Grimme@fndc.govt.nz](mailto:Simon.Grimme@fndc.govt.nz)> wrote:

Mr Whitehead,

**I have received a complaint from you with regards to the Councils decision to remove the historic s124 Notice.**

A Request For Service (RFS) has been received from .

The following request has been submitted:

Request details

◆ Location of issue\*: 500 Pupuke Mangapa rd RD2

◆ Issue type\*: Other

◆ How can we help?\*: **I would like to make an official complaint regarding the removal of a 2007 insanitary notice on the above property. After several official information requests, the Council building team have not given a reason why this notice should have been removed. Council have neither followed the Building code or Councils policy regarding Insanitary homes and filod damage I also believe that under Council policy this house should have been required to be raised above the flooding level. What I would like to happen is that Council pay for an independent invasive test to either prove or disprove that the appropriate work was indeed undertaken and any remedial work that should have been completed, be at the cost to Council.**

◆ Attach a file or photo: No file uploaded

◆ Attach a file or photo: No file uploaded

We are aware that your complaint is on-going and has previously been responded to on numerous occasions however I will do my best to assist you where I can. I am aware that one of Councils representatives has already recently responded to another similar query under the request for service number 3863307.

It is Councils understanding that the previous owners provided the inspecting officer with information regarding the cleaning/sanitising of the affected parts of the building and that this led to their satisfaction that the building was no longer Insanitary.

As we have already stated, it has not been possible to locate the information that was provided to the officer and for that I apologise on the Councils behalf.

The Council will not engage a contractor to survey your building as it has no reason to believe that it failed in its duty of care when removing the Insanitary Notice some ten years ago.

If you believe that the Council has failed to act appropriately then you may apply for a formal Determination from the Ministry of Building, Innovation and Employment stating what breach of the Building Code has occurred.

Further, I also refer you to the E-Mail below to you from George Swanepoel dated 23/5/16

*Hi Gary*

*My understanding of the facts of this matter are:*

*1. You purchased the property in January 2013, yet did not obtain a LIM prior to the sale or transfer. That being the time you suffered your loss.*

*This is important as it means that there is no contractual relationship between you and FNDC as you did not rely on the LIM when you purchased the property being the time when you suffered your loss.. Further it is problematic to any claim in negligence against FNDC for the reasons set out in In the Sunset Terraces Case the Supreme Court suggested that a purchaser is "likely" to be found to have been negligent for failing to obtain a LIM which would probably have given notice of actual or potential problems. As contributory negligence, the failure to obtain a LIM could reduce the level of damages otherwise recoverable for the problems from the Council or other parties. In the worst case the failure to obtain a LIM might even amount to an intervening negligent circumstance sufficient to defeat all recovery from the Council or other parties.*

*2. You advise that you were not aware of any issues with this property on purchase. You claim that you were informed of the damage from the 2007 floods and guaranteed by the vendor that there were no outstanding council issues with this property relating to this event.*

*When you purchased the property in 2013 there were no requisitions outstanding. The 2007 was removed in 2010. Had you obtained a LIM that would have stated the same but you did not get a LIM. Compliance with the notice was confirmed by A council Building inspector, who was part clean up operations after the flood with the local services group and they had local fire brigade come and wash out the house and remove all mud etc., cleaned the exterior and*

interior, As building was native timber it was opened up and aired naturally to dry , there was no damage to septic system , it just need to dry out, there was no concern made to council of any electrical concern. The building was therefore no longer unsafe or insanitary nor was it destroyed. There was no misrepresentation Notice wasn't removed till 2010 , The building inspector clearly remembers the matter but notes were mislaid , but notice has always been on file and had Lim been carried out it would be made clear that property was in flood zone. No Claim arises against FNDC as any representations made were by the vendor.

3. You claim that after the 2014 flood/storm you were advised to make a claim under the mayoral fund for repairs to the roof of the property.

Peter Martin has advised that "Follow up of 2014 storm (not Flooding ), there was a case of the cart before horse, administration had basically approved mayoral relief before inspection of property, I was requested to arrange inspection after this. When I rang customer to arrange Mr white head would not answer the Phone, his partner was conversing and was very upset and was not completely understanding why inspection was required, at which time Mr Whitehead took over conversation, I believe he misunderstood context of the conversation and concentrated on the possible ramifications if an insanitary notice was to be issued , and refused access to property for officer to inspect ,matter was escalating and I ended with referral to management. Inspection not carried by me ."

#### On Site Meeting

· A meeting was organised by the Mayor and held at your property on Monday 23 February 2015. Joining the Mayor on site was the landowners and their social worker, Council representatives Jacqui Robson, Craig Ambler, Doug Foster of NRC and Peter Martin.

· The purpose of the meeting was to listen to your concerns, but also, to identify opportunities for site improvements to allow for safe storage of sensitive goods / material on his site. This was identified at the on site meeting to could include potential incremental deposition of fill, obtained by Council contractors on to the site. Further consideration from Council's Resource Consents and Infrastructure and Asset Management Teams is required to consider this issue and identify the most viable and least cost options available to reach a workable outcome.

As acknowledged Council has on a without prejudice basis set about trying to raise your property as per my previous letter. This does not give rise to a claim and I can see no breach of nay regulation that may give rise to one..

I am unaware of what you are referring to regarding Simon and the Breach of Privacy. Council is however under a Statutory obligation to supply information from its records and in doing so does not generally breach privacy. I would need more specific information on this point before I can comment further.

I hope the above is helpful in addressing your queries, but would strongly advise you to get independent legal advice.

Regards

George

I trust that this response answers your query.

Kind Regards



**Simon Grimme**  
Senior Building Specialist

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi [+6494070409](tel:+6494070409) | m 021 745-406 | [Simon.Grimme@fndc.govt.nz](mailto:Simon.Grimme@fndc.govt.nz)  
Website | Facebook | LinkedIn | Careers

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Get it done online at your convenience, visit our website - [www.fndc.govt.nz](http://www.fndc.govt.nz)

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Address. Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

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<b>RFS Number:</b>	3877505	<b>RFS type:</b>	CEO Correspondence
<b>Received date:</b>	15-March-2018 @ 10:32:16	<b>Date due:</b>	29-March-2018
<b>Received by:</b>	Nicole Wooster	<b>Actioning Officer:</b>	Darren Edwards
<b>Contact type:</b>	Direct Email	<b>Priority:</b>	1 (1=Urgent, 3=Normal)
<b>LOCATION</b>		<b>CUSTOMER</b>	
<b>Location details:</b>		<b>Customer details:</b>	Tania McInnes Private Bag 752 Kaikohe 0440
<b>Property details:</b>	500 Pupuke Mangapa Road Kaeo 0479	<b>Casual customer:</b>	NICOLE.WOOSTER@FNDC.GOVT.N Z
<b>Street / area:</b>	Pupuke Mangapa Road, Kaeo	<b>Home Phone:</b>	
		<b>Business Phone:</b>	
<b>After Hours Code:</b>		<b>Mobile Phone:</b>	

**REQUEST DETAILS:**

**Date/Time:** DARRENE", "Darren Edwards", "16-May-2018 15:52:53", "G", "General Note", "General", "Hi Nicole

I've just been working on RFS3877505 – (Gray Whitehead) which also seems to be the same as RFS3870400 (referred to below in Dean's email dated April 2)

As Dean is now dealing directly with the Deputy Mayor on the Whitehead matter can I suggest we close RFS3877505 (or link it to RFS3870400) as RFS 3870400 hold all of the correspondence to date between Council and Mr Whitehead.

**Officer:** DARRENE", "Darren Edwards", "16-May-2018 15:52:53", "G", "General Note", "General", "Hi Nicole

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**Date/Time:** DARRENE", "Darren Edwards", "16-May-2018 15:52:38", "G", "General Note", "General", "Hi Nicole

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As Dean is now dealing directly with the Deputy Mayor on the Whitehead matter can I suggest we close RFS3877505 (or link it to RFS3870400) as RFS 3870400 hold all of the correspondence to date between Council and Mr Whitehead.

**Date/Time:** "DARRENE", "Darren Edwards", "10-May-2018 14:16:54", "G", "General Note", "General", "From: Nicole Wooster  
**Sent:** Wednesday, May 9, 2018 4:07 PM  
**To:** Darren Edwards  
**Cc:** Maggie Thomas; Liz Davidson  
**Subject:** RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Darren

Thank you for your suggestion and offer. Greatly accepted.

Regards

Nicole Wooster

Executive Assistant to the Chief Executive Officer  
Chief Executive Office, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi +6494015211 | m 021458611 | Nicole.Wooster@fndc.govt.nz  
Website | Facebook | LinkedIn | Careers

**From:** Darren Edwards  
**Sent:** Tuesday, May 08, 2018 2:49 PM  
**To:** Nicole Wooster  
**Cc:** Maggie Thomas  
**Subject:** FW: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nicole

I've noted that RFS3877505 – (Gray Whitehead) which also seems to be the same as RFS3870400 (referred to below in Dean's email dated April 2) is still open and escalating.

As Dean is now dealing directly with the Deputy Mayor on the Whitehead matter can I suggest we close RFS3877505 (or link it to RFS3870400) as RFS 3870400 hold all of the correspondence to date between Council and Mr Whitehead.

I'm happy to update the RFS and close it out if that helps.

Regards

Darren Edwards

Manager - Compliance & Resource Consents  
District Services, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi +6494070414 | m 0274034434 | Darren.Edwards@fndc.govt.nz  
Website | Facebook | LinkedIn | Careers

**From:** Darren Edwards  
**Sent:** Friday, April 20, 2018 11:57 AM  
**To:** Nicole Wooster  
**Cc:** Maggie Thomas



Subject: FW: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nicole

I've just been working on RFS3877505 – (Gray Whitehead) which also seems to be the same as RFS3870400 (referred to below in Dean's email dated April 2)

As Dean is now dealing directly with the Deputy Mayor on the Whitehead matter can I suggest we close RFS3877505 (or link it to RFS3870400) as RFS 3870400 hold all of the correspondence to date between Council and Mr Whitehead.

Regards

Darren Edwards

Manager - Compliance

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494070414 | m 0274034434 | Darren.Edwards@fndc.govt.nz

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From: Dr Dean Myburgh

Sent: Monday, April 2, 2018 10:28 AM

To: Nicole Wooster

Cc: Maggie Thomas; Beverly Mitchell

Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nicole:

This is an update regarding the above RFS, Maggie has just replied to Mr Whitehead and resent emailed correspondence / attachments regarding these issues raised (refer attached). It should be noted that this issue has been around for over ten years and has also been the subject of legal advice from our in-house legal team. The latest advice to Mr Whitehead has been that he should approach MBIE if he wishes to obtain an independent decision as to whether Council has acted appropriately in lifting the Insanitary Building Notice. It would appear that Mr Whitehead and his lawyer did not conduct appropriate due diligence prior to purchasing this property and that Council has acted appropriately in lifting the Notice (best that this view is confirmed by MBIE).

Should Mr Whitehead proceed to apply for a Determination (MBIE), Council will provide any information requested to assist MBIE in reaching its decision on this matter.

I am following up on an email received from Shaun dated 28/03 regarding a query from the Deputy Mayor regarding Mr Whitehead's situation. In that email he has asked me to 'work direct with Tania and keep the CE Office informed'. When I have that information, I will email Tania McInnes and cc all addressees in this email.

Regards,

Dean

Dr Dean Myburgh

General Manager - District Services

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494070406 | m 0278012268 | Dean.Myburgh@fndc.govt.nz

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From: Nicole Wooster

Sent: Thursday, March 29, 2018 3:42 PM

To: Gary Whitehead; Dr Dean Myburgh

Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Good afternoon Mr Whitehead

I do apologise that your promised response date was not achieved. I am aware that the Deputy Mayor is also investigating this matter for you.

I have copied in Dean and asked that he provide you with a response or a refreshed date by which he can achieve a response to your information request.

Regards

Nicole Wooster

Executive Assistant to the Chief Executive Officer  
Corporate Services, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi +6494015211 | m 021458611 | Nicole.Wooster@fndc.govt.nz

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From: Gary Whitehead [mailto:rabidmr2@gmail.com]  
Sent: Thursday, March 29, 2018 12:04 PM  
To: Nicole Wooster  
Subject: Re: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nichole, the tenth of march has been and gone and I am still waiting on a reply.

Regards  
Gary Whitehead

On Tue, Feb 20, 2018 at 6:33 PM, Gary Whitehead <rabidmr2@gmail.com> wrote:  
Thank You Nicole,  
If Dean needs any information from me my number is 09 4051924

Regards  
Gary

On Tue, Feb 20, 2018 at 1:53 PM, Nicole Wooster <Nicole.Wooster@fndc.govt.nz> wrote:  
Tā "ānā" koe Mr Whitehead

On behalf of the Chief Executive Office I acknowledge receipt of your request for service, reference 3870400 and note your request for an independent test against the above property.

I have referred your correspondence to Dean Myburgh, General Manager – District Services for his attention and consideration. Dean manages the building portfolio on behalf of the Chief Executive Officer. An initial update to your request will be provided by close of business, Friday 10 March 2018.

Thank you for brining your concerns to our offices attention. I have asked Dean to keep our office fully informed.

Ngā mihi,  
Officer: "DARRENE", "Darren Edwards", "10-May-2018 14:16:54", "G", "General Note", "General", "From: Nicole Wooster  
Sent: Wednesday, May 9, 2018 4:07 PM  
To: Darren Edwards  
Cc: Maggie Thomas; Liz Davidson  
Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Darren

Thank you for your suggestion and offer. Greatly accepted.

Regards

Nicole Wooster

Executive Assistant to the Chief Executive Officer  
Chief Executive Office, Far North District Council | 24-hour Contact Centre 0800 920 029

Nicole Wooster  
Executive Assistant to the Chief Executive Officer  
Corporate Services, Far North District Council  
+6494015211 | Nicole.Wooster@fndc.govt.nz  
www.fndc.govt.nz

-----Original Message-----

08-Feb-2018 21:44:14 - Huia Harris

From: Ask Us Team

Sent: Thursday, 8 February 2018 9:44 p.m.

To: Gary Whitehead

Subject: Re: REF RFS 3870400: Website RFS - issue type: Gary - from Gary Whitehead

Kia ora Gary,

Your complaint has been forwarded to the Chief Executives Office for further investigation and response.

Naku noa

Huia Harris

Ask Us Team

District Services

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi | ask.us@fndc.govt.nz Website | Facebook | LinkedIn | Careers

-----Original Message-----

From: Gary Whitehead [mailto:rabidmr2@gmail.com]

Sent: Thursday, 8 February 2018 9:24:09 p.m.

To: Ask Us Team

Subject: Re: REF RFS 3870400: Website RFS - issue type: Gary - from Gary Whitehead

Hello Huia,

I had a response from Simon Grimme, which I find inappropriate, as he has a conflict of interest and is one of the parties responsible for my complaint.

Therefore I request this complaint be escalated to the Chief Executive and investigated without prejudice.

Regards

Gary Whitehead.

08-Feb-2018 15:10:28 - Morgan Armstrong

08/02/18 Please see attached email sent from Simon Grimme directly to the customer. MA

08-Feb-2018 08:31:09 - Huia Harris

From: Ask Us Team

Sent: Thursday, 8 February 2018 8:31 a.m.

To: rabidmr2@gmail.com

Subject: REF RFS 3870400: Website RFS - issue type: Gary - from Gary Whitehead

T'ān'ā koe Gary,

Thank you for contacting the Far North District Council.

Your complaint has been forwarded to our Compliance Department to investigate and respond.

Reference number is RFS-3870400.

N'āku noa, n'ā

Huia Harris

Ask Us Team

District Services

District Services, Far North District Council|24-hour Contact Centre 0800 920 029

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-----Original Message-----

From: donotreply@fndc.govt.nz [mailto:donotreply@fndc.govt.nz]

Sent: Friday, 2 February 2018 4:17:41 p.m.

To: Ask Us Team

Subject: Website RFS - issue type: Gary - from Gary Whitehead

A Request For Service (RFS) has been received from .

The following request has been submitted:

Request details

- Location of issue\*: 500 Pupuke Mangapa rd RD2

- Issue type\*: Other

- How can we help?\*: I would like to make an official complaint regarding the removal of a 2007 insanitary notice on the above property. After several official information requests, the Council building team have not given a reason why this notice should have been removed. Council have neither followed the Building code or Councils policy regarding Insanitary homes and flod damage I also believe that under Council policy this house should have been required to be raised above the flooding level. What I would like to happen is that Council pay for an independent invasive test to either prove or disprove that the appropriate work was indeed undertaken and any remedial work that should have been completed, be at the cost to Council.

- Attach a file or photo: No file uploaded

- Attach a file or photo: No file uploaded"

Ngā mihi,  
Nicole

Nicole Wooster  
Executive Assistant to the Chief Executive Officer  
Corporate Services, Far North District Council  
+6494015211 | Nicole.Wooster@fndc.govt.nz  
www.fndc.govt.nz

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To: Gary Whitehead

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Naku noa

Huia Harris

Ask Us Team

District Services

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi | ask.us@fndc.govt.nz Website | Facebook | LinkedIn | Careers

-----Original Message-----

From: Gary Whitehead [mailto:ravidmr2@gmail.com]

Sent: Thursday, 8 February 2018 9:24:09 p.m.

To: Ask Us Team

Subject: Re: REF RFS 3870400: Website RFS - issue type: Gary - from Gary Whitehead

Hello Huia,

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Therefore I request this complaint be escalated to the Chief Executive and investigated without prejudice.

Regards

Gary Whitehead.

08-Feb-2018 15:10:28 - Morgan Armstrong

08/02/18 Please see attached email sent from Simon Grimme directly to the customer. MA

08-Feb-2018 08:31:09 - Huia Harris

From: Ask Us Team

Sent: Thursday, 8 February 2018 8:31 a.m.

To: ravidmr2@gmail.com

Subject: REF RFS 3870400: Website RFS - issue type: Gary - from Gary Whitehead

T'ān'ā koe Gary,

Thank you for contacting the Far North District Council.

Your complaint has been forwarded to our Compliance Department to investigate and respond.

Reference number is RFS-3870400.

N'āku noa, n'ā

Huia Harris

Ask Us Team

District Services

District Services, Far North District Council|24-hour Contact Centre 0800 920 029

ddi | ask.us@fndc.govt.nz Website| Facebook|LinkedIn | Careers

-----Original Message-----

From: donotreply@fndc.govt.nz [mailto:donotreply@fndc.govt.nz]

Sent: Friday, 2 February 2018 4:17:41 p.m.

To: Ask Us Team

Subject: Website RFS - issue type: Gary - from Gary Whitehead

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The following request has been submitted:

Request details

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• Issue type\*: Other

• How can we help?\*: I would like to make an official complaint regarding the removal of a 2007 insanitary notice on the above property. After several official information requests, the Council building team have not given a reason why this notice should have been removed. Council have neither followed the Building code or Councils policy regarding Insanitary homes and flood damage I also believe that under Council policy this house should have been required to be raised above the flooding level. What I would like to happen is that Council pay for an independent invasive test to either prove or disprove that the appropriate work was indeed undertaken and any remedial work that should have been completed, be at the cost to Council.

- Attach a file or photo: No file uploaded
- Attach a file or photo: No file uploaded"

**Date/Time:** DARRENE", "Darren Edwards", "20-Apr-2018 11:31:09", "G", "General Note", "General", "From: Simon Grimme  
**Sent:** Tuesday, April 3, 2018 1:38 PM  
**To:** Dr Dean Myburgh  
**Cc:** Katie Waiti-Dennis; Trent Blakeman; Maggie Thomas; George Swanepoel  
**Subject:** RE: Follow up from my meeting with Gary Whitehead and partner Kim

Dean,

We did and do not typically remove any kind of Building Act Notice without carrying out an inspection first, this being said we have not found on file or in any other records from the 2007 Event the important evidence that supports the decision to remove the Insanitary Notice.

I know that during this event some of the Building Staff were located on the top floor of the Procter Library and that records may not have been relocated to the JBC in 2008-09. There is a possibility that Flood records relating to this property were lost at this time.

Although all of the Insanitary Building Notices issued following the 2007 weather event stated that Consents were required to rectify water damaged buildings, I believe this was considered too onerous for the building owners adding to an already very stressful situation and was not enforced. It would have largely relied upon the Building Officer at the time to be satisfied on reasonable grounds that affected buildings had been made sanitary. This was typically achieved by removing the affected plasterboard wall linings, disinfecting the wall cavity and replacing the wall linings for minor flooding.

Tania has referenced Code Compliance and CoA so I should explain the differences.

Code Compliance Certificate – This is only relevant where a Building Consent was obtained to remediate the building, typically this was for retaining work or raising a building above a known flood level to prevent re-occurrence.

Certificates of Acceptance – Where time was of the essence perhaps to stabilise an active slip to prevent further damage the owner was allowed to carry out the works under urgency and then apply for this after repairs were made.

I hope this helps you with your response.

Regards

Simon Grimme

Senior Building Specialist  
District Services, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi +6494070409 | m 021 745-406 | Simon.Grimme@fndc.govt.nz  
Website | Facebook | LinkedIn | Careers

**From:** Dr Dean Myburgh  
**Sent:** Monday, 2 April 2018 10:27 a.m.  
**To:** Simon Grimme  
**Cc:** Katie Waiti-Dennis; Trent Blakeman; Maggie Thomas; George Swanepoel  
**Subject:** FW: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Simon:

Would you please address the questions raised by Dep. Mayor in her email addressed to the CEO (refer below). I would like to confidently state (based on my current understanding) that an inspection was done prior to lifting the Notice and that a code of compliance (or Certificate of Acceptance) was completed. This will be the basis of my initial update to the CEO / Dep. Mayor.

Katie / Trent: regarding the allegation that a staff member (Peter Martin) has visited the property pretending to be a contractor, would you please investigate and confirm whether there is any logical explanation as to what happened and whether there is any basis for Mr Whitehead's allegation. This will allow me to update the CEO / Dep. Mayor on this part of the queries raised.

Regards,

Dean

Dr Dean Myburgh

General Manager - District Services

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494070406 | m 0278012268 | Dean.Myburgh@fndc.govt.nz

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From: Shaun Clarke

Sent: Wednesday, March 28, 2018 4:44 PM

To: Dr Dean Myburgh

Cc: ...

Subject: FW: Follow up from my meeting with Gary Whitehead and partner Kim

Good afternoon Dean

A follow up has been requested by Tania in regards to Gary Whitehead.

Her question is:

Was an inspection done? If we did not do proper sign-off when we lifted the 'insanitary notice', we could have culpability. That is, on what evidence did we lift the notice? If none, this problem is in part ours, I believe. If we had reason to lift the notice then the problem is theirs. The argument is then with the party that bought the house off them. Your advice please and would you work direct with Tania and keep the CE Office informed.

As an aside it is alleged that a staff member (Peter Martin) has visited the property pretending to be a contractor. If this was true this would not be in keeping with our values around integrity. Your comments please.

Regards

Shaun

Shaun Clarke

Chief Executive Officer

Chief Executive Office, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494015525 | m 0272200088 | Shaun.Clarke@fndc.govt.nz

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)

From: Tania McInnes

Sent: Wednesday, March 14, 2018 12:12 PM

To: Shaun Clarke

Subject: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Shaun

We are set down to meet next week and I am wanting to discuss my meeting yesterday.

Recognising there is a whole lot being going on with this one, which I am not interested in getting into at this time, I am keen to understand one thing.

After the 2007 floods the property had a sanitary notice put on it, with work that needed to be undertaken within the year. I understand that the notice was lifted in May 2010. (Gary bought the property in 2013).

My question is: was there a formal inspection undertaken to lift the notice. ie, a code of compliance completed?

From: Tania McInnes  
Sent: Wednesday, March 14, 2018 12:12 PM  
To: Shaun Clarke  
Subject: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Shaun

We are set down to meet next week and I am wanting to discuss my meeting yesterday.

Recognising there is a whole lot being going on with this one, which I am not interested in getting into at this time, I am keen to understand one thing.

After the 2007 floods the property had a sanitary notice put on it, with work that needed to be undertaken within the year. I understand that the notice was lifted in May 2010. (Gary bought the property in 2013).

My question is: was there a formal inspection undertaken to lift the notice. ie, a code of compliance completed?

Thanks, talk next week.

Tania McInnes

Deputy Mayor  
Far North District Council

027 889 3543  
www.fndc.govt.nz  
taniamcinnnes.kiwi.nz

Our Vision

He Whenua Rangatira - A District of sustainable prosperity and well-being

**Date/Time:** DARRENE", "Darren Edwards", "20-Apr-2018 11:25:02", "G", "General Note", "General", "Copy of email reply to Gary Whitehead from Simon Grimme sent 8 February 2018 - (RFS3870400)

From: Simon Grimme  
Sent: Thursday, 8 February 2018 1:07 p.m.  
To: 'rabidmr2@gmail.com'  
Subject: 500 Pupuke Mangapa - RFS 3870400  
Importance: High

Mr Whitehead,

I have received a complaint from you with regards to the Councils decision to remove the historic s124 Notice.

A Request For Service (RFS) has been received from .

The following request has been submitted:

Request details

Location of issue\*: 500 Pupuke Mangapa rd RD2

Issue type\*: Other

How can we help?\*: I would like to make an official complaint regarding the removal of a 2007 insanitary notice on the above property. After several official information requests, the Council building team have not given a reason why this notice should have been removed. Council have neither followed the Building code or Councils policy regarding Insanitary homes and flood damage I also believe that under Council policy this house should have been required to be raised above the flooding level. What I would like to happen is that Council pay for an independent invasive test to either prove or disprove that the appropriate work was indeed undertaken and any remedial work that should have been completed, be at the cost to Council.

Attach a file or photo: No file uploaded

Attach a file or photo: No file uploaded

We are aware that your complaint is on-going and has previously been responded to on numerous occasions however I will do my best to assist you where I can. I am aware that one of Councils representatives has already recently responded to another similar query under the request for service number 3863307.

It is Councils understanding that the previous owners provided the inspecting officer with information regarding the cleaning/sanitising of the affected parts of the building and that this led to their satisfaction that the building was no longer Insanitary.

As we have already stated, it has not been possible to locate the information that was provided to the officer and for that I apologise on the Councils behalf.

The Council will not engage a contractor to survey your building as it has no reason to believe that it failed in its duty of care when removing the Insanitary Notice some ten years ago.

If you believe that the Council has failed to act appropriately then you may apply for a formal Determination from the Ministry of Building, Innovation and Employment stating what breach of the Building Code has occurred.

Further, I also refer you to the E-Mail below to you from George Swanepoel dated 23/5/16

Hi Gary

My understanding of the facts of this matter are:

1. You purchased the property in January 2013, yet did not obtain a LIM prior to the sale or transfer. That being the time you suffered your loss.

This is important as it means that there is no contractual relationship between you and FNDC as you did not rely on the LIM when you purchased the property being the time when you suffered your loss.. Further it is problematic to any claim in negligence against FNDC for the reasons set out in In the Sunset Terraces Case the Supreme Court suggested that a purchaser is "likely" to be found to have been negligent for failing to obtain a LIM which would probably have given notice of actual or potential problems. As contributory negligence, the failure to obtain a LIM could reduce the level of damages otherwise recoverable for the problems from the Council or other parties. In the worst case the failure to obtain a LIM might even amount to an intervening negligent circumstance sufficient to defeat all recovery from the Council or other parties.

2. You advise that you were not aware of any issues with this property on purchase. You claim that you were informed of the damage from the 2007 floods and guaranteed by the vendor that there were no outstanding council issues with this property relating to this event.

When you purchased the property in 2013 there were no requisitions outstanding. The 2007 was removed in 2010. Had you obtained a LIM that would have stated the same but you did not get a LIM. Compliance with the notice was confirmed by A council Building inspector, who was part clean up operations after the flood with the local services group and they had local fire brigade come and wash out the house and remove all mud etc., cleaned the exterior and interior, As building was native timber it was opened up and aired naturally to dry , there was no damage to septic system , it just need to dry out, there was no concern made to council of any electrical concern. The building was therefore no longer unsafe or insanitary nor was it destroyed. There was no misrepresentation Notice wasn't removed till 2010 , The building inspector clearly remembers the matter but notes were mislaid , but notice has always been on file and had Lim been carried out it would been made clear that property was in flood zone. No Claim arises against FNDC as any representations made were by the vendor.

3. You claim that after the 2014 flood/storm you were advised to make a claim under the mayoral fund for repairs to the roof of the property.

Peter Martin has advised that "Follow up of 2014 storm (not Flooding ) , there was a case of the cart before horse, administration had basically approved mayoral relief before inspection of property, I was requested to arrange inspection after this. When I rang customer to arrange Mr white head would not answer the Phone, his partner was conversing and was very upset and was not completely understanding why inspection was required, at which time Mr Whitehead took over conversation, I believe he misunderstood context of the conversation and concentrated on the possible ramifications if an insanitary notice was to be issued , and refused access to property for officer to inspect ,matter was escalating and I ended with referral to management. Inspection not carried by me ."

On Site Meeting

· A meeting was organised by the Mayor and held at your property on Monday 23 February 2015. Joining the Mayor on site was the landowners and their social worker, Council representatives Jacqui Robson, Craig Ambler, Doug Foster of NRC and Peter Martin.

· The purpose of the meeting was to listen to your concerns, but also, to identify opportunities for site improvements to allow for safe storage of sensitive goods / material on his site. This was identified at the on site meeting to could include potential incremental deposition of fill, obtained by Council contractors on to the site. Further consideration from Council's Resource Consents and Infrastructure and Asset Management Teams is required to consider this issue and identify the most viable and least cost options available to reach a workable outcome.

As acknowledged Council has on a without prejudice basis set about trying to raise your property as per my previous letter. This does not give rise to a claim and I can see no breach of nay regulation that may give rise to one..



I am unaware of what you are referring to regarding Simon and the Breach of Privacy. Council is however under a Statutory obligation to supply information from its records and in doing so does not generally breach privacy. I would need more specific information on this point before I can comment further.  
I hope the above is helpful in addressing your queries, but would strongly advise you to get independent legal advice.

Regards  
George

I trust that this response answers your query.

Kind Regards

Simon Grimme

Senior Building Specialist

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494070409 | m 021 745-406 | Simon.Grimme@fndc.govt.nz

Website | Facebook | LinkedIn | Careers

Officer: DARRENE,"Darren Edwards","20-Apr-2018 11:25:02","G","General Note","General","Copy of email reply to Gary Whitehead from Simon Grimme sent 8 February 2018 - (RFS3870400)

From: Simon Grimme

Sent: Thursday, 8 February 2018 1:07 p.m.

To: 'rabidmr2@gmail.com'

Subject: 500 Pupuke Mangapa - RFS 3870400

Importance: High

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Request details

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Issue type\*: Other

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I hope the above is helpful in addressing your queries, but would strongly advise you to get independent legal advice.

Regards  
George

I trust that this response answers your query.

Kind Regards

Simon Grimme

## Carla Ditchfield-Hunia

---

**From:** Dr Dean Myburgh  
**Sent:** Monday, 2 April 2018 10:28 a.m.  
**To:** Nicole Wooster  
**Cc:** Maggie Thomas; Beverly Mitchell; Karryn Williams  
**Subject:** RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road  
**Attachments:** 2018-02-20 Letter G Whitehead RFS3870400 .pdf; 2018.03.08 Ltr to Mr G Whitehead.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
**Categories:** Attention Attention

Hi Nicole:


This is an update regarding the above RFS, Maggie has just replied to Mr Whitehead and resent emailed correspondence / attachments regarding these issues raised (refer attached). It should be noted that this issue has been around for over ten years and has also been the subject of legal advice from our in-house legal team. The latest advice to Mr Whitehead has been that he should approach MBIE if he wishes to obtain an independent decision as to whether Council has acted appropriately in lifting the Insanitary Building Notice. It would appear that Mr Whitehead and his lawyer did not conduct appropriate due diligence prior to purchasing this property and that Council has acted appropriately in lifting the Notice (best that this view is confirmed by MBIE).

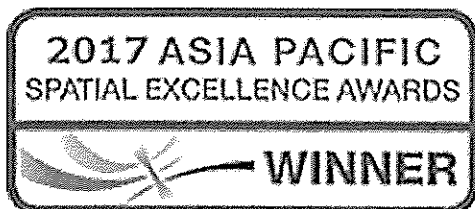
Should Mr Whitehead proceed to apply for a Determination (MBIE), Council will provide any information requested to assist MBIE in reaching its decision on this matter.

I am following up on an email received from Shaun dated 28/03 regarding a query from the Deputy Mayor regarding Mr Whitehead's situation. In that email he has asked me to 'work direct with Tania and keep the CE Office informed'. When I have that information, I will email Tania McInnes and cc all addressees in this email.

Regards,

Dean

 **Dr Dean Myburgh**  
General Manager - District Services  
District Services, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi +6494070406 | m 0278012268 | [Dean.Myburgh@fndc.govt.nz](mailto:Dean.Myburgh@fndc.govt.nz)  
Website | Facebook | LinkedIn | Careers



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**From:** Nicole Wooster  
**Sent:** Thursday, March 29, 2018 3:42 PM  
**To:** Gary Whitehead; Dr Dean Myburgh  
**Subject:** RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Good afternoon Mr Whitehead

I do apologise that your promised response date was not achieved. I am aware that the Deputy Mayor is also investigating this matter for you.

I have copied in Dean and asked that he provide you with a response or a refreshed date by which he can achieve a response to your information request.

Regards



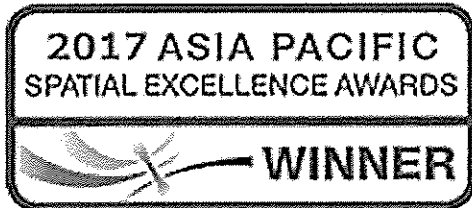
**Nicole Wooster**

Executive Assistant to the Chief Executive Officer

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ddi +6494015211 | m 021458611 | [Nicole.Wooster@fndc.govt.nz](mailto:Nicole.Wooster@fndc.govt.nz)

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**From:** Gary Whitehead [<mailto:rabidmr2@gmail.com>]

**Sent:** Thursday, March 29, 2018 12:04 PM

**To:** Nicole Wooster

**Subject:** Re: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nichole, the tenth of march has been and gone and I am still waiting on a reply.

Regards

Gary Whitehead

On Tue, Feb 20, 2018 at 6:33 PM, Gary Whitehead <[rabidmr2@gmail.com](mailto:rabidmr2@gmail.com)> wrote:

Thank You Nicole,

If Dean needs any information from me my number is 09 4051924

Regards

Gary

On Tue, Feb 20, 2018 at 1:53 PM, Nicole Wooster <[Nicole.Wooster@fndc.govt.nz](mailto:Nicole.Wooster@fndc.govt.nz)> wrote:

Tēnā koe Mr Whitehead

On behalf of the Chief Executive Office I acknowledge receipt of your request for service, reference 3870400 and note your request for an independent test against the above property.

I have referred your correspondence to Dean Myburgh, General Manager – District Services for his attention and consideration. Dean manages the building portfolio on behalf of the Chief Executive Officer. An initial update to your request will be provided by close of business, Friday 10 March 2018.

Thank you for bringing your concerns to our offices attention. I have asked Dean to keep our office fully informed.

Ngā mihi,

Nicole

Nicole Wooster

Executive Assistant to the Chief Executive Officer

Corporate Services, Far North District Council

[+6494015211](tel:+6494015211) | [Nicole.Wooster@fndc.govt.nz](mailto:Nicole.Wooster@fndc.govt.nz)

[www.fndc.govt.nz](http://www.fndc.govt.nz)

-----Original Message-----

08-Feb-2018 21:44:14 - Huia Harris

From: Ask Us Team

Sent: Thursday, 8 February 2018 9:44 p.m.

To: Gary Whitehead

Subject: Re: REF RFS 3870400: Website RFS - issue type: Gary - from Gary Whitehead

Kia ora Gary,

Your complaint has been forwarded to the Chief Executives Office for further investigation and response.

Naku noa

Huia Harris

Ask Us Team

District Services

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

[ddi](http://ddi.fndc.govt.nz) | [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz) Website | [Facebook](#) | [LinkedIn](#) | [Careers](#)

-----Original Message-----

From: Gary Whitehead [<mailto:ravidmr2@gmail.com>]

Sent: Thursday, 8 February 2018 9:24:09 p.m.

To: Ask Us Team

Subject: Re: REF RFS 3870400: Website RFS - issue type: Gary - from Gary Whitehead

Hello Huia,

I had a response from Simon Grimme, which I find inappropriate, as he has a conflict of interest and is one of the parties responsible for my complaint.

Therefore I request this complaint be escalated to the Chief Executive and investigated without prejudice.

Regards

Gary Whitehead.

08-Feb-2018 15:10:28 - Morgan Armstrong

08/02/18 Please see attached email sent from Simon Grimme directly to the customer. MA

08-Feb-2018 08:31:09 - Huia Harris

From: Ask Us Team

Sent: Thursday, 8 February 2018 8:31 a.m.

To: [ravidmr2@gmail.com](mailto:ravidmr2@gmail.com)

Subject: REF RFS 3870400: Website RFS - issue type: Gary - from Gary Whitehead

T"ān"ā koe Gary,

Thank you for contacting the Far North District Council.

Your complaint has been forwarded to our Compliance Department to investigate and respond.

Reference number is RFS-3870400.

N"āku noa, n"ā

Huia Harris

Ask Us Team

District Services

District Services, Far North District Council|24-hour Contact Centre 0800 920 029

ddi | [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz) Website| Facebook|LinkedIn | Careers

-----Original Message-----

From: [donotreply@fndc.govt.nz](mailto:donotreply@fndc.govt.nz) [mailto:[donotreply@fndc.govt.nz](mailto:donotreply@fndc.govt.nz)]

Sent: Friday, 2 February 2018 4:17:41 p.m.

To: Ask Us Team

Subject: Website RFS - issue type: Gary - from Gary Whitehead

A Request For Service (RFS) has been received from .

The following request has been submitted:

Request details

- Location of issue\*: 500 Pupuke Mangapa rd RD2
- Issue type\*: Other
- How can we help?\*: I would like to make an official complaint regarding the removal of a 2007 insanitary notice on the above property. After several official information requests, the Council building team have not given a reason why this notice should have been removed. Council have neither followed the Building code or Councils policy regarding Insanitary homes and flod damage I also believe that under Council policy this house should have been required to be raised above the flooding level. What I would like to happen is that Council pay for an independent invasive test to either prove or disprove that the appropriate work was indeed undertaken and any remedial work that should have been completed, be at the cost to Council.
- Attach a file or photo: No file uploaded
- Attach a file or photo: No file uploaded

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Get it done online at your convenience, visit our website - [www.fndc.govt.nz](http://www.fndc.govt.nz)

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Far North District Council | Te Kaunihera o Tai Tokerau Ki Te Raki  
Ph. 09 401 5200 | Fax. 09 401 2137 | Email. [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz)  
Address: Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

Please consider the environment before printing this email.





## Carla Ditchfield-Hunia

---

**From:** Dr Dean Myburgh  
**Sent:** Tuesday, 3 April 2018 9:38 a.m.  
**To:** Simon Grimme; George Swanepoel  
**Cc:** Maggie Thomas; Katie Waiti-Dennis  
**Subject:** FW: Correspondence  
**Attachments:** FW: Follow up from my meeting with Gary Whitehead and partner Kim; RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Simon and George:

Please see below the on-going correspondence from Mr Whitehead.

Simon - given that Tania McInnes has met with him and made enquiries on his behalf, would you please let me have your response to the questions raised as per my email (see first attachment). Also note my interim update to the CEO's office - second attachment.

Regards,

Dean



**Dr Dean Myburgh**

General Manager - District Services

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494070406 | m 0278012268 | [Dean.Myburgh@fndc.govt.nz](mailto:Dean.Myburgh@fndc.govt.nz)

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)



---

**From:** Maggie Thomas  
**Sent:** Tuesday, April 3, 2018 8:18 AM  
**To:** Dr Dean Myburgh  
**Subject:** FW: Correspondence

FYI



**Maggie Thomas**

Executive Assistant to General Manager

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +649 401 5336 | m 027 809 4014 | [Margaret.Thomas@fndc.govt.nz](mailto:Margaret.Thomas@fndc.govt.nz)

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)



**From:** Gary Whitehead [<mailto:ravidmr2@gmail.com>]  
**Sent:** Thursday, 29 March 2018 6:29 p.m.  
**To:** Maggie Thomas  
**Subject:** Re: Correspondence

Thank you for your reply Maggie.

I have received the previous email about trespass, but no mailed letter. That still does not explain why a council worker entered my property and refused to identify himself. This is harassment.

I guess the reply from Dean means you are refusing to investigate the risk of injury and death from known flood levels.

I have enough media releases from council explaining why houses had to be lifted after the 2007 floods to know that I am being treated with no concern for my life and safety. That is a basic human right.

I have provided enough photographic evidence of the danger, yet you still refuse to investigate, despite it being council policy and building code regulations to investigate dangerous property.

You are discriminating against me because I have rightly complained about your inept handling of a potentially very dangerous situation that you failed to address in 2007 and still refuse to address now.

Gary Whitehead

On Thu, Mar 29, 2018 at 4:14 PM, Maggie Thomas <[Margaret.Thomas@fndc.govt.nz](mailto:Margaret.Thomas@fndc.govt.nz)> wrote:

Good afternoon Mr Whitehead

Further to your email of 29 March 2018 to Simon Grimme and his response to you of the same date I attach the letter dated 19 February 2018 which was sent to you by post on 23 February 2018 and letter dated 8 March 2018 that was emailed to you on 8 March 2018 at 11.22a.m.

Kind regards

Maggie



**Maggie Thomas**

Executive Assistant to General Manager

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +649 401 5336 | m 027 809 4014 | [Margaret.Thomas@fndc.govt.nz](mailto:Margaret.Thomas@fndc.govt.nz)

Website | Facebook | LinkedIn | Careers

## Carla Ditchfield-Hunia

---

**From:** Dr Dean Myburgh  
**Sent:** Monday, 2 April 2018 10:27 a.m.  
**To:** Simon Grimme  
**Cc:** Katie Waiti-Dennis; Trent Blakeman; Maggie Thomas; George Swanepoel  
**Subject:** FW: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Simon:

Would you please address the questions raised by Dep. Mayor in her email addressed to the CEO (refer below). I would like to confidently state (based on my current understanding) that an inspection was done prior to lifting the Notice and that a code of compliance (or Certificate of Acceptance) was completed. This will be the basis of my initial update to the CEO / Dep. Mayor.

Katie / Trent: regarding the allegation that a staff member (Peter Martin) has visited the property pretending to be a contractor, would you please investigate and confirm whether there is any logical explanation as to what happened and whether there is any basis for Mr Whitehead's allegation. This will allow me to update the CEO / Dep. Mayor on this part of the queries raised.

Regards,

Dean



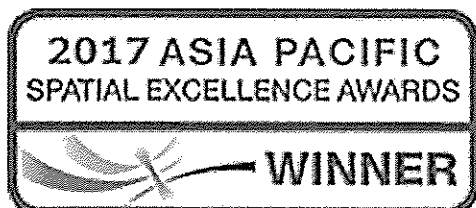
**Dr Dean Myburgh**

General Manager - District Services

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---

**From:** Shaun Clarke  
**Sent:** Wednesday, March 28, 2018 4:44 PM  
**To:** Dr Dean Myburgh  
**Cc:** Karryn Williams  
**Subject:** FW: Follow up from my meeting with Gary Whitehead and partner Kim

Good afternoon Dean

A follow up has been requested by Tania in regards to Gary Whitehead.

Her question is:

Was an inspection done? If we did not do proper sign-off when we lifted the 'insanitary notice', we could have culpability. That is, on what evidence did we lift the notice? If none, this problem is in part ours, I believe. If we had reason to lift the notice then the problem is theirs. The argument is then with the party that bought the house off them. Your advice please and would you work direct with Tania and keep the CE Office informed.

As an aside it is alleged that a staff member (Peter Martin) has visited the property pretending to be a contractor. If this was true this would not be in keeping with our values around integrity. Your comments please.

Regards

Shaun



**Shaun Clarke**

Chief Executive Officer

Chief Executive Office, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494015525 | m 0272200088 | [Shaun.Clarke@fndc.govt.nz](mailto:Shaun.Clarke@fndc.govt.nz)

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)



---

**From:** Tania McInnes

**Sent:** Wednesday, March 14, 2018 12:12 PM

**To:** Shaun Clarke

**Subject:** Follow up from my meeting with Gary Whitehead and partner Kim

Hi Shaun

We are set down to meet next week and I am wanting to discuss my meeting yesterday.

Recognising there is a whole lot being going on with this one, which I am not interested in getting into at this time, I am keen to understand one thing.

After the 2007 floods the property had a sanitary notice put on it, with work that needed to be undertaken within the year. I understand that the notice was lifted in May 2010. (Gary bought the property in 2013).

My question is: was there a formal inspection undertaken to lift the notice. ie, a code of compliance completed?

Thanks, talk next week.

Tania McInnes

Deputy Mayor

Far North District Council

027 889 3543

[www.fndc.govt.nz](http://www.fndc.govt.nz)

[taniamcinnnes.kiwi.nz](mailto:taniamcinnnes.kiwi.nz)

**Our Vision**

He Whenua Rangatira - A District of sustainable prosperity and well-being

## Carla Ditchfield-Hunia

---

**From:** Dr Dean Myburgh  
**Sent:** Monday, 2 April 2018 10:28 a.m.  
**To:** Nicole Wooster  
**Cc:** Maggie Thomas; Beverly Mitchell;  
**Subject:** RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road  
**Attachments:** 2018-02-20 Letter G Whitehead RFS3870400 .pdf; 2018.03.08 Ltr to Mr G Whitehead.pdf

Hi Nicole:

This is an update regarding the above RFS, Maggie has just replied to Mr Whitehead and resent emailed correspondence / attachments regarding these issues raised (refer attached). It should be noted that this issue has been around for over ten years and has also been the subject of legal advice from our in-house legal team. The latest advice to Mr Whitehead has been that he should approach MBIE if he wishes to obtain an independent decision as to whether Council has acted appropriately in lifting the Insanitary Building Notice. It would appear that Mr Whitehead and his lawyer did not conduct appropriate due diligence prior to purchasing this property and that Council has acted appropriately in lifting the Notice (best that this view is confirmed by MBIE).

Should Mr Whitehead proceed to apply for a Determination (MBIE), Council will provide any information requested to assist MBIE in reaching its decision on this matter.

I am following up on an email received from Shaun dated 28/03 regarding a query from the Deputy Mayor regarding Mr Whitehead's situation. In that email he has asked me to 'work direct with Tania and keep the CE Office informed'. When I have that information, I will email Tania McInnes and cc all addressees in this email.

Regards,

Dean



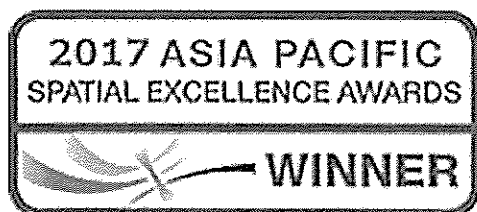
**Dr Dean Myburgh**

General Manager - District Services

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494070406 | m 0278012268 | [Dean.Myburgh@fndc.govt.nz](mailto:Dean.Myburgh@fndc.govt.nz)

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)



---

**From:** Nicole Wooster  
**Sent:** Thursday, March 29, 2018 3:42 PM  
**To:** Gary Whitehead; Dr Dean Myburgh  
**Subject:** RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Good afternoon Mr Whitehead

I do apologise that your promised response date was not achieved. I am aware that the Deputy Mayor is also investigating this matter for you.

I have copied in Dean and asked that he provide you with a response or a refreshed date by which he can achieve a response to your information request.

Regards



**Nicole Wooster**

Executive Assistant to the Chief Executive Officer

Corporate Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494015211 | m 021458611 | [Nicole.Wooster@fndc.govt.nz](mailto:Nicole.Wooster@fndc.govt.nz)

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)



**From:** Gary Whitehead [<mailto:rabidmr2@gmail.com>]

**Sent:** Thursday, March 29, 2018 12:04 PM

**To:** Nicole Wooster

**Subject:** Re: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nichole, the tenth of march has been and gone and I am still waiting on a reply.

Regards

Gary Whitehead

On Tue, Feb 20, 2018 at 6:33 PM, Gary Whitehead <[rabidmr2@gmail.com](mailto:rabidmr2@gmail.com)> wrote:

Thank You Nicole,

If Dean needs any information from me my number is 09 4051924

Regards

Gary

On Tue, Feb 20, 2018 at 1:53 PM, Nicole Wooster <[Nicole.Wooster@fndc.govt.nz](mailto:Nicole.Wooster@fndc.govt.nz)> wrote:

Tēnā koe Mr Whitehead

On behalf of the Chief Executive Office I acknowledge receipt of your request for service, reference 3870400 and note your request for an independent test against the above property.

I have referred your correspondence to Dean Myburgh, General Manager – District Services for his attention and consideration. Dean manages the building portfolio on behalf of the Chief Executive Officer. An initial update to your request will be provided by close of business, Friday 10 March 2018.

Thank you for bringin your concerns to our offices attention. I have asked Dean to keep our office fully informed.

Ngā mihi,

Nicole

Nicole Wooster

Executive Assistant to the Chief Executive Officer

Corporate Services, Far North District Council

[+6494015211](tel:+6494015211) | [Nicole.Wooster@fndc.govt.nz](mailto:Nicole.Wooster@fndc.govt.nz)

[www.fndc.govt.nz](http://www.fndc.govt.nz)

-----Original Message-----

08-Feb-2018 21:44:14 - Huia Harris

From: Ask Us Team

Sent: Thursday, 8 February 2018 9:44 p.m.

To: Gary Whitehead

Subject: Re: REF RFS 3870400: Website RFS - issue type: Gary - from Gary Whitehead

Kia ora Gary,

Your complaint has been forwarded to the Chief Executives Office for further investigation and response.

Naku noa

Huia Harris

Ask Us Team

District Services

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

[ddi](tel:0800920029) | [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz) | [Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)

-----Original Message-----

From: Gary Whitehead [<mailto:ravidmr2@gmail.com>]

Sent: Thursday, 8 February 2018 9:24:09 p.m.

To: Ask Us Team

Subject: Re: REF RFS 3870400: Website RFS - issue type: Gary - from Gary Whitehead

Hello Huia,

I had a response from Simon Grimme, which I find inappropriate, as he has a conflict of interest and is one of the parties responsible for my complaint.

Therefore I request this complaint be escalated to the Chief Executive and investigated without prejudice.

Regards

Gary Whitehead.

08-Feb-2018 15:10:28 - Morgan Armstrong

08/02/18 Please see attached email sent from Simon Grimme directly to the customer. MA

08-Feb-2018 08:31:09 - Huia Harris

From: Ask Us Team

Sent: Thursday, 8 February 2018 8:31 a.m.

To: [rabidmr2@gmail.com](mailto:rabidmr2@gmail.com)

Subject: REF RFS 3870400: Website RFS - issue type: Gary - from Gary Whitehead

T"ān"ā koe Gary,

Thank you for contacting the Far North District Council.

Your complaint has been forwarded to our Compliance Department to investigate and respond.

Reference number is RFS-3870400.

N"āku noa, n"ā

Huia Harris

Ask Us Team

District Services

District Services, Far North District Council|24-hour Contact Centre 0800 920 029

ddi | [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz) Website| [Facebook](#)| [LinkedIn](#) | [Careers](#)

-----Original Message-----

From: [donotreply@fndc.govt.nz](mailto:donotreply@fndc.govt.nz) [mailto:[donotreply@fndc.govt.nz](mailto:donotreply@fndc.govt.nz)]

Sent: Friday, 2 February 2018 4:17:41 p.m.

To: Ask Us Team



Subject: Website RFS - issue type: Gary - from Gary Whitehead

A Request For Service (RFS) has been received from .

The following request has been submitted:

#### Request details

- Location of issue\*: 500 Pupuke Mangapa rd RD2
- Issue type\*: Other
- How can we help?\*: I would like to make an official complaint regarding the removal of a 2007 insanitary notice on the above property. After several official information requests, the Council building team have not given a reason why this notice should have been removed. Council have neither followed the Building code or Councils policy regarding Insanitary homes and flod damage I also believe that under Council policy this house should have been required to be raised above the flooding level. What I would like to happen is that Council pay for an independent invasive test to either prove or disprove that the appropriate work was indeed undertaken and any remedial work that should have been completed, be at the cost to Council.
- Attach a file or photo: No file uploaded
- Attach a file or photo: No file uploaded

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Get it done online at your convenience, visit our website - [www.fndc.govt.nz](http://www.fndc.govt.nz)

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Far North District Council | Te Kaunihera o Tai Tokerau Ki Te Raki  
Ph. 09 401 5200 | Fax. 09 401 2137 | Email. [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz)  
Address. Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

Please consider the environment before printing this email.



## Carla Ditchfield-Hunia

---

**From:** Simon Grimme  
**Sent:** Tuesday, 3 April 2018 1:38 p.m.  
**To:** Dr Dean Myburgh  
**Cc:** Katie Waiti-Dennis; Trent Blakeman; Maggie Thomas; George Swanepoel  
**Subject:** RE: Follow up from my meeting with Gary Whitehead and partner Kim

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dean,

We did and do not typically remove any kind of Building Act Notice without carrying out an inspection first, this being said we have not found on file or in any other records from the 2007 Event the important evidence that supports the decision to remove the Insanitary Notice.

I know that during this event some of the Building Staff were located on the top floor of the Procter Library and that records may not have been relocated to the JBC in 2008-09. There is a possibility that Flood records relating to this property were lost at this time.

Although all of the Insanitary Building Notices issued following the 2007 weather event stated that Consents were required to rectify water damaged buildings, I believe this was considered too onerous for the building owners adding to an already very stressful situation and was not enforced. It would have largely relied upon the Building Officer at the time to be satisfied on reasonable grounds that affected buildings had been made sanitary. This was typically achieved by removing the affected plasterboard wall linings, disinfecting the wall cavity and replacing the wall linings for minor flooding.

Tania has referenced Code Compliance and CoA so I should explain the differences.

Code Compliance Certificate – This is only relevant where a Building Consent was obtained to remediate the building, typically this was for retaining work or raising a building above a known flood level to prevent re-occurrence.

Certificates of Acceptance – Where time was of the essence perhaps to stabilise an active slip to prevent further damage the owner was allowed to carry out the works under urgency and then apply for this after repairs were made.

I hope this helps you with your response.

Regards



**Simon Grimme**  
Senior Building Specialist

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi +6494070409 | m 021 745-406 | [Simon.Grimme@fndc.govt.nz](mailto:Simon.Grimme@fndc.govt.nz)  
[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)



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**From:** Dr Dean Myburgh  
**Sent:** Monday, 2 April 2018 10:27 a.m.  
**To:** Simon Grimme  
**Cc:** Katie Waiti-Dennis; Trent Blakeman; Maggie Thomas; George Swanepoel  
**Subject:** FW: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Simon:

Would you please address the questions raised by Dep. Mayor in her email addressed to the CEO (refer below). I would like to confidently state (based on my current understanding) that an inspection was done prior to lifting the Notice and that a code of compliance (or Certificate of Acceptance) was completed. This will be the basis of my initial update to the CEO / Dep. Mayor.

Katie / Trent: regarding the allegation that a staff member (Peter Martin) has visited the property pretending to be a contractor, would you please investigate and confirm whether there is any logical explanation as to what happened and whether there is any basis for Mr Whitehead's allegation. This will allow me to update the CEO / Dep. Mayor on this part of the queries raised.

Regards,

Dean



**Dr Dean Myburgh**

General Manager - District Services

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494070406 | m 0278012268 | [Dean.Myburgh@fndc.govt.nz](mailto:Dean.Myburgh@fndc.govt.nz)

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)



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**From:** Shaun Clarke  
**Sent:** Wednesday, March 28, 2018 4:44 PM  
**To:** Dr Dean Myburgh  
**Cc:** ;  
**Subject:** FW: Follow up from my meeting with Gary Whitehead and partner Kim

Good afternoon Dean

A follow up has been requested by Tania in regards to Gary Whitehead.

Her question is:

Was an inspection done? If we did not do proper sign-off when we lifted the 'insanitary notice', we could have culpability. That is, on what evidence did we lift the notice? If none, this problem is in part ours, I believe. If we had reason to lift the notice then the problem is theirs. The argument is then with the party that bought the house off them. Your advice please and would you work direct with Tania and keep the CE Office informed.

As an aside it is alleged that a staff member (Peter Martin) has visited the property pretending to be a contractor. If this was true this would not be in keeping with our values around integrity. Your comments please.

Regards  
Shaun



**Shaun Clarke**

Chief Executive Officer

Chief Executive Office, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494015525 | m 0272200088 | [Shaun.Clarke@fndc.govt.nz](mailto:Shaun.Clarke@fndc.govt.nz)

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)



---

**From:** Tania McInnes  
**Sent:** Wednesday, March 14, 2018 12:12 PM  
**To:** Shaun Clarke  
**Subject:** Follow up from my meeting with Gary Whitehead and partner Kim

Hi Shaun

We are set down to meet next week and I am wanting to discuss my meeting yesterday.

Recognising there is a whole lot being going on with this one, which I am not interested in getting into at this time, I am keen to understand one thing.

After the 2007 floods the property had a sanitary notice put on it, with work that needed to be undertaken within the year. I understand that the notice was lifted in May 2010. (Gary bought the property in 2013).

My question is: was there a formal inspection undertaken to lift the notice. ie, a code of compliance completed?

Thanks, talk next week.

Tania McInnes

Deputy Mayor  
Far North District Council

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[taniamcinnnes.kiwi.nz](mailto:taniamcinnnes.kiwi.nz)

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He Whenua Rangatira - A District of sustainable prosperity and well-being



As Dean is now dealing directly with the Deputy Mayor on the Whitehead matter can I suggest we close RFS3877505 (or link it to RFS3870400) as RFS 3870400 hold all of the correspondence to date between Council and Mr Whitehead.

I'm happy to update the RFS and close it out if that helps.

Regards

Darren Edwards

Manager - Compliance & Resource Consents  
District Services, Far North District Council | 24-hour Contact Centre 0800  
920 029  
ddi +6494070414 | m 0274034434 | Darren.Edwards@fndc.govt.nz  
Website | Facebook | LinkedIn | Careers

From: Darren Edwards

Sent: Friday, April 20, 2018 11:57 AM

To: Nicole Wooster

Cc: Maggie Thomas

Subject: FW: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nicole

I've just been working on RFS3877505 – (Gray Whitehead) which also seems to be the same as RFS3870400 (referred to below in Dean's email dated April 2)

As Dean is now dealing directly with the Deputy Mayor on the Whitehead matter can I suggest we close RFS3877505 (or link it to RFS3870400) as RFS 3870400 hold all of the correspondence to date between Council and Mr Whitehead.

Regards

Darren Edwards

Manager - Compliance  
District Services, Far North District Council | 24-hour Contact Centre 0800  
920 029  
ddi +6494070414 | m 0274034434 | Darren.Edwards@fndc.govt.nz  
Website | Facebook | LinkedIn | Careers

From: Dr Dean Myburgh

Sent: Monday, April 2, 2018 10:28 AM

To: Nicole Wooster

Cc: Maggie Thomas; Beverly Mitchell; Karryn Williams  
Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nicole:

This is an update regarding the above RFS, Maggie has just replied to Mr Whitehead and resent emailed correspondence / attachments regarding these issues raised (refer attached). It should be noted that this issue has been around for over ten years and has also been the subject of legal advice from our in-house legal team. The latest advice to Mr Whitehead has been that he should approach MBIE if he wishes to obtain an independent decision as to whether Council has acted appropriately in lifting the Insanitary Building Notice. It would appear that Mr Whitehead and his lawyer did not conduct appropriate due diligence prior to purchasing this property and that Council has acted appropriately in lifting the Notice (best that this view is confirmed by MBIE).

Should Mr Whitehead proceed to apply for a Determination (MBIE), Council will provide any information requested to assist MBIE in reaching its decision on this matter.

I am following up on an email received from Shaun dated 28/03 regarding a query from the Deputy Mayor regarding Mr Whitehead's situation. In that email he has asked me to 'work direct with Tania and keep the CE Office informed'. When I have that information, I will email Tania McInnes and cc all addressees in this email.

Regards,

Dean

Dr Dean Myburgh  
General Manager - District Services  
District Services, Far North District Council | 24-hour Contact Centre 0800  
920 029  
ddi +6494070406 | m 0278012268 | Dean.Myburgh@fndc.govt.nz

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From: Nicole Wooster  
Sent: Thursday, March 29, 2018 3:42 PM  
To: Gary Whitehead; Dr Dean Myburgh  
Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Good afternoon Mr Whitehead

I do apologise that your promised response date was not achieved. I am aware that the Deputy Mayor is also investigating this matter for you.



**Date/Time:** MARGARETT", "Margaret Thomas", "10-Apr-2018 10:45:11", "G", "General Note", "General", "From: Tania McInnes  
**Sent:** Monday, 9 April 2018 3:17 p.m.  
**To:** Dr Dean Myburgh  
**Cc:** ; Shaun Clarke; Nicole Wooster; Maggie Thomas; Beverly Mitchell; Simon Grimme; George Swanepoel  
**Subject:** Re: Follow up from my meeting with Gary Whitehead and partner Kim

Thank you Dean. I support your advice that we await MBIE decision and am glad it is been handled independently.

I acknowledge you calling him and although it did not end well, it was the right thing to do.

Thank you.

Tania McInnes  
Deputy Mayor  
Far North District Council

.....  
**Officer:** MARGARETT", "Margaret Thomas", "10-Apr-2018 10:45:11", "G", "General Note", "General", "From: Tania McInnes  
**Sent:** Monday, 9 April 2018 3:17 p.m.  
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Deputy Mayor  
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**To:** Dr Dean Myburgh  
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Thank you.

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Deputy Mayor  
Far North District Council

.....  
**Date/Time:** MARGARETT", "Margaret Thomas", "10-Apr-2018 10:43:59", "G", "General

Note", "General", "From: Dr Dean Myburgh  
Sent: Monday, 9 April 2018 3:14 p.m.  
To: Tania McInnes  
Cc: Shaun Clarke; Nicole Wooster; Maggie Thomas; Beverly Mitchell; Simon Grimme; George Swanepoel  
Subject: RE: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Tania:

Following a protracted process that involved advice from Simon Grimme (Senior Building Specialist) and George Swanepoel (in-house Legal Counsel), the attached letter was sent to Mr Whitehead in a sincere attempt to facilitate his obtaining an independent decision on this matter from MBIE. Council is confident that it acted appropriately and that, despite the absence of documentation on our files, we would be able to answer any queries raised by MBIE and demonstrate that Council acted appropriately in dealing with this issue.

Today Council received a copy of documentation related to the application by Mr Whitehead for a Determination by MBIE. In response, we will provide as much information as may be required to support MBIE's enquiry / final Determination.

In the interim, I have also called Mr Whitehead (at Shaun's suggestion) to confirm that the allegation that a staff member (Peter Martin) had visited the property pretending to be a contractor has been investigated and has proven to be unfounded. There is no substance to the allegation and any visits to the property would have involved staff following normal procedures (i.e. where staff members introduce themselves, display their Council issued warrant, and to state the purpose of their visit). While receiving the feedback over the telephone, Mr Whitehead proceeded to verbally abuse me using foul language and hung up on me while I was trying to communicate with him.

My advice is that we await MBIE's decision on this matter and take no further action until that decision has been communicated.

Regards,  
Dr Dean Myburgh  
General Manager - District Services

.....  
Officer: MARGARETT", "Margaret Thomas", "10-Apr-2018 10:43:59", "G", "General Note", "General", "From: Dr Dean Myburgh  
Sent: Monday, 9 April 2018 3:14 p.m.  
To: Tania McInnes  
Cc: Shaun Clarke; Nicole Wooster; Maggie Thomas; Beverly Mitchell; Simon Grimme; George Swanepoel  
Subject: RE: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Tania:

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Regards,  
Dr Dean Myburgh  
General Manager - District Services

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MARGARETT", "Margaret Thomas", "10-Apr-2018 10:43:59", "G", "General Note", "General", "From: Dr Dean Myburgh  
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To: Tania McInnes  
Cc: Shaun Clarke; Nicole Wooster; Maggie Thomas; Beverly Mitchell; Simon Grimme; George Swanepoel  
Subject: RE: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Tania:

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My advice is that we await MBIE's decision on this matter and take no further action until that decision has been communicated.

Regards,

Dr Dean Myburgh  
General Manager - District Services

.....  
**Date/Time:** MARGARETT", "Margaret Thomas", "04-Apr-2018 15:44:24", "G", "General Note", "General", "From: Dr Dean Myburgh  
**Sent:** Wednesday, 4 April 2018 3:21 p.m.  
**To:** Tania McInnes  
**Cc:** Shaun Clarke; Nicole Wooster; Maggie Thomas  
**Subject:** RE: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Tania:

In response to your questions below, I have checked with Simon Grimme (Senior Building Specialist) and George Swanepoel (in-house Legal Counsel). Shaun has requested that I provide you with an update directly rather than passing back via his office.

The Building Act Notice was not removed without carrying out an inspection first. It has been confirmed that a Building Officer would have satisfied themselves at the time that the affected buildings had been made sanitary. This was typically achieved by removing the affected plasterboard wall linings, disinfecting the wall cavity and replacing the wall linings for minor flooding. Hence, neither a Code Compliance Certificate nor a CoA (as explained below) would have been required:

Code Compliance Certificate – This is only relevant where a Building Consent was obtained to remediate the building, typically this was for retaining work or raising a building above a known flood level to prevent re-occurrence.

Certificates of Acceptance – Where time was of the essence perhaps to stabilise an active slip to prevent further damage the owner was allowed to carry out the works under urgency and then apply for this after repairs were made.

Shaun: I have had the allegation that a staff member (Peter Martin) has visited the property pretending to be a contractor investigated. Following the investigation, I am able to confirm that Peter Martin has not at any stage visited the property pretending to be a contractor. Peter visited the property in a Council marked vehicle wearing a Council uniform. He followed the normal procedure for Council field staff visiting properties which is for the staff member to introduce themselves, display their Council issued warrant, and to state the purpose of their visit.

Regards,  
Dr Dean Myburgh  
General Manager - District Services

.....  
**Officer:** MARGARETT", "Margaret Thomas", "04-Apr-2018 15:44:24", "G", "General Note", "General", "From: Dr Dean Myburgh  
**Sent:** Wednesday, 4 April 2018 3:21 p.m.  
**To:** Tania McInnes  
**Cc:** Shaun Clarke; Nicole Wooster; Maggie Thomas  
**Subject:** RE: Follow up from my meeting with Gary Whitehead and partner Kim

Hi Tania:

In response to your questions below, I have checked with Simon Grimme (Senior Building Specialist) and George Swanepoel (in-house Legal Counsel). Shaun has requested that I provide you with an update directly rather than passing back via his

visited the property pretending to be a contractor, would you please investigate and confirm whether there is any logical explanation as to what happened and whether there is any basis for Mr Whitehead's allegation. This will allow me to update the CEO / Dep. Mayor on this part of the queries raised.

Regards,  
Dr Dean Myburgh

.....  
**Date/Time:** MARGARETT", "Margaret Thomas", "03-Apr-2018 15:58:13", "G", "General Note", "General", "From: Gary Whitehead [mailto:rabidmr2@gmail.com]  
**Sent:** Thursday, 29 March 2018 6:29 p.m.  
**To:** Maggie Thomas  
**Subject:** Re: Correspondence  
Thank you for your reply Maggie.

I have received the previous email about trespass, but no mailed letter. That still does not explain why a council worker entered my property and refused to identify himself. This is harassment.

I guess the reply from Dean means you are refusing to investigate the risk of injury and death from known flood levels. I have enough media releases from council explaining why houses had to be lifted after the 2007 floods to know that I am being treated with no concern for my life and safety. That is a basic human right.

I have provided enough photographic evidence of the danger, yet you still refuse to investigate, despite it being council policy and building code regulations to investigate dangerous property.

You are discriminating against me because I have rightly complained about your inept handling of a potentially very dangerous situation that you failed to address in 2007 and still refuse to address now.  
Gary Whitehead

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Gary Whitehead

.....  
**Date/Time:** MARGARETT", "Margaret Thomas", "29-Mar-2018 16:08:43", "G", "General Note", "General", "From: Maggie Thomas  
Sent: Thursday, 29 March 2018 4:08 p.m.  
To: rabidmr2@gmail.com  
Subject: Correspondence

Good afternoon Mr Whitehead

Further to your email of 29 March 2018 to Simon Grimme and his response to you of the same date I attach the letter dated 19 February 2018 which was sent to you by post on 23 February 2018 and letter dated 8 March 2018 that was emailed to you on 8 March 2018 at 11.22a.m.

Kind regards  
Maggie Thomas  
Executive Assistant to General Manager

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**Date/Time:** NWOOSTER", "Nicole Wooster", "29-Mar-2018 15:42:34", "G", "General Note", "General", "From: Nicole Wooster  
Sent: Thursday, March 29, 2018 3:42 PM  
To: 'Gary Whitehead'; Dr Dean Myburgh  
Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Good afternoon Mr Whitehead

I do apologise that your promised response date was not achieved. I am aware that the Deputy Mayor is also investigating this matter for you.

I have copied in Dean and asked that he provide you with a response or a refreshed date by which he can achieve a response to your information request.

Regards

Nicole Wooster

Executive Assistant to the Chief Executive Officer  
Corporate Services, Far North District Council | 24-hour Contact Centre  
0800 920 029

ddi +6494015211 | m 021458611 | Nicole.Wooster@fndc.govt.nz  
Website | Facebook | LinkedIn | Careers

From: Gary Whitehead [mailto:rabidmr2@gmail.com]  
Sent: Thursday, March 29, 2018 12:04 PM  
To: Nicole Wooster  
Subject: Re: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Hi Nichole, the tenth of march has been and gone and I am still waiting on a reply.

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**Date/Time:** HHARRIS", "Huia Harris", "09-Mar-2018 16:55:19", "G", "General Note", "General", " Officer: HHARRIS", "Huia Harris", "09-Mar-2018 16:55:19", "G", "General Note", "General", " HHARRIS", "Huia Harris", "09-Mar-2018 16:55:19", "G", "General Note", "General", " **Date/Time:** NWOOSTER", "Nicole Wooster", "26-Feb-2018 12:16:44", "G", "General Note", "General", "Hi Maggie

As Dean has sent a letter on this matter I think it would be best to keep under your name pending a possible response. Maybe give Mr Whitehead a month from the date the letter was sent. If no response close and we can always open a new RFS and link.

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**Date/Time:** NWOOSTER", "Nicole Wooster", "26-Feb-2018 12:16:07", "G", "General Note", "General", "From: Maggie Thomas

Sent: Friday, 23 February 2018 9:36 a.m.  
To: Nicole Wooster  
Subject: RFS 3870400 Priority 3: CEO Correspondence has been escalated.

Morning Nicole  
Dean has responded to Mr Whitehead. We actually posted the letter because I could not find his email address.  
I have not closed the RFS as it is a CEO correspondence one, and I am sure we will probably get a response regarding his opinion to the letter.

If you think it should be closed then just let me know and I can do this for you.  
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Mr Whitehead apparently emails our Contact Centre on a regular basis. I am aware of a current RFS that I am investigating re trespass notice against Council. Below is a copy of my acknowledgement of receipt in respect of this particular topic. I suspect the various issues might all be linked somehow.

.....  
From: Nicole Wooster  
Sent: Tuesday, 20 February 2018 1:53 p.m.

To: 'rabidmr2@gmail.com'  
Cc: Dr Dean Myburgh  
Subject: RE: RFS 3870400 - Removal of an Insanitary Notice against 500 Pupuke Mangapa Road

Tūānōki koe Mr Whitehead

On behalf of the Chief Executive Office I acknowledge receipt of your request for service, reference 3870400 and note your request for an independent test against the above property.

I have referred your correspondence to Dean Myburgh, General Manager – District Services for his attention and consideration. Dean manages the building portfolio on behalf of the Chief Executive Officer. An initial update to your request will be provided by close of business, Friday 10 March 2018.

Thank you for bringing your concerns to our offices attention. I have asked Dean to keep our office fully informed.

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Officer: .....

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**Date/Time:** Sent: Tuesday, 20 February 2018 6:34 p.m.

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**Date/Time:** Regards

Officer: Regards

Regards

**Date/Time:** Gary

Officer: Gary



<b>RFS Number:</b>	3742086	<b>RFS type:</b>	Request for Information (LGOIMA)
<b>Received date:</b>	23-February-2016 @ 15:41:51	<b>Date due:</b>	22-March-2016
<b>Received by:</b>	Julie Oram	<b>Actioning Officer:</b>	George Swanepoel
<b>Contact type:</b>	Ask-us Email	<b>Priority:</b>	1 (1=Urgent, 3=Normal)
<b>LOCATION</b>		<b>CUSTOMER</b>	
<b>Location details:</b>		<b>Customer details:</b>	Gary John Whitehead 500 Pupuke Mangapa Road RD 2 Kaeo 0479
<b>Property details:</b>	500 Pupuke Mangapa Road Kaeo 0479	<b>Casual customer:</b>	RABIDMR2@GMAIL.COM
<b>Street / area:</b>	Pupuke Mangapa Road, Kaeo	<b>Home Phone:</b>	
		<b>Business Phone:</b>	
<b>After Hours Code:</b>	RFS3742086	<b>Mobile Phone:</b>	

**REQUEST DETAILS:**

**Date/Time:** 23-May-2016 10:03:23  
**Officer:** George Swanepoel

**Date/Time:** 23-May-2016 10:02:19  
**Officer:** George Swanepoel  
See attached notes for email responses to customer

**Date/Time:** 23-May-2016 10:00:59  
**Officer:** George Swanepoel  
**From:** George Swanepoel  
**Sent:** Monday, 23 May 2016 9:04 a.m.  
**To:** 'Gary Whitehead'  
**Cc:** Robert Manuel; Simon Grimme; Barry Webb  
**Subject:** RE: RFS3742086 Re Storm Water

Hi Gary

My understanding of the facts of this matter are:

1. You purchased the property in January 2013, yet did not obtain a LIM prior to the sale or transfer. That being the time you suffered your loss.

This is important as it means that there is no contractual relationship between you and FNDC as you did not rely on the LIM when you purchased the property being the time when you suffered your loss.. Further it is problematic to any claim in negligence against FNDC for the reasons set out in In the Sunset Terraces Case the Supreme Court suggested that a purchaser is "likely" to be found to have been negligent for failing to obtain a LIM which would probably have given notice of actual or potential problems. As contributory negligence, the failure to obtain a LIM could reduce the level of damages otherwise recoverable for the problems from the Council or other parties. In the worst case the failure to obtain a LIM might even amount to an intervening negligent circumstance sufficient to defeat all recovery from the Council or other parties.

2. You advise that you were not aware of any issues with this property on purchase. You claim that you were informed of the damage from the 2007 floods and guaranteed by the vendor that there were no outstanding council issues with this property relating to this event.

When you purchased the property in 2013 there were no requisitions outstanding. The 2007 was removed in 2010. Had you obtained a LIM that would have stated the same but you did not get a LIM. Compliance with the notice was confirmed by A council Building inspector, who was part clean up operations after the flood with the local services group and they had local fire brigade come and wash out the house and remove all mud etc., cleaned the exterior and interior,

As building was native timber it was opened up and aired naturally to dry , there was no damage to septic system , it just need to dry out, there was no concern made to council of any electrical concern. The building was therefore no longer unsafe or insanitary nor was it destroyed. There was no misrepresentation  
Notice wasn't removed till 2010 , The building inspector clearly remembers the matter but notes were mislaid , but notice has always been on file and had Lim been carried out it would be made clear that property was in flood zone. No Claim arises against FNDC as any representations made were by the vendor.

3. You claim that after the 2014 flood/storm you were advised to make a claim under the mayoral fund for repairs to the roof of the property.

Peter Martin has advised that "Follow up of 2014 storm (not Flooding ), there was a case of the cart before horse, administration had basically approved mayoral relief before inspection of property, I was requested to arrange inspection after this. When I rang customer to arrange Mr white head would not answer the Phone, his partner was conversing and was very upset and was not completely understanding why inspection was required, at which time Mr Whitehead took over conversation, I believe he misunderstood context of the conversation and concentrated on the possible ramifications if an insanitary notice was to be issued , and refused access to property for officer to inspect ,matter was escalating and I ended with referral to management. Inspection not carried by me ."

#### On Site Meeting

- A meeting was organised by the Mayor and held at your property on Monday 23 February 2015. Joining the Mayor on site was the landowners and their social worker, Council representatives Jacqui Robson, Craig Ambler, Doug Foster of NRC and Peter Martin.
- The purpose of the meeting was to listen to your concerns, but also, to identify opportunities for site improvements to allow for safe storage of sensitive goods / material on his site. This was identified at the on site meeting to could include potential incremental deposition of fill, obtained by Council contractors on to the site. Further consideration from Council's Resource Consents and Infrastructure and Asset Management Teams is required to consider this issue and identify the most viable and least cost options available to reach a workable outcome.

As acknowledged Council has on a without prejudice basis set about trying to raise your property as per my previous letter. This does not give rise to a claim and I can see no breach of nay regulation that may give rise to one..

I am unaware of what you are referring to regarding Simon and the Breach of Privacy. Council is however under a Statutory obligation to supply information from its records and in doing so does not generally breach privacy. I would need more specific information on this point before I can comment further.

I hope the above is helpful in addressing your queries, but would strongly advise you to get independent legal advice.

Regards  
George

George Swanepoel  
In-House Counsel  
Corporate Services, Far North District Council  
09 401 5200 or 0800 920 029 | [George.Swanepoel@fndc.govt.nz](mailto:George.Swanepoel@fndc.govt.nz) Website | Facebook | LinkedIn |  
Careers

From: Gary Whitehead [mailto:[rabidmr2@gmail.com](mailto:rabidmr2@gmail.com)]  
Sent: Saturday, 9 April 2016 1:43 p.m.  
To: George Swanepoel  
Subject: Re: RFS3742086 Re Storm Water

Hi George,

Perhaps I should clarify my complaint and ask that you reply to each complaint rather than just as one.

I was not aware of any issues with this property on purchase. I was informed of the damage from the 2007 floods and guaranteed by the vendor that there were no outstanding council issues with this property relating to this event.

Complaint 1 Failure of duty/ building code.

After the 2014 flood/storm I was advised to make a claim under the mayoral fund for repairs to the roof of the property. A short time after I was contacted by telephone by a council building inspector, Peter Martin who told me that my property was still under a section 124 notice, it had not complied and was still insanitary and that I could not claim on the fund as the house was insanitary.

A check of the council records confirmed that there was an outstanding Section 124 notice which states a building

consent is required and work was required to be completed by 20th September 2007.

#### Complaint 2 Failure of duty/ building code

The section 124 notice was removed after a request by the previous owner in 2010. There is no building consent, code of compliance or even inspection made. The request and acceptance letter were not on the council file and I had to employ a lawyer to investigate whether or not the section 124 was in fact lifted. There is no building consent, code of compliance or even inspection made to warrant the lifting of the section 124 notice. However this was lifted in direct violation of council procedures and the building code and 3 years after the expiry of the time limit.

#### Complaint 3 Failure of duty/danger to life

Failure to place property on the at risk homes list after the 2007 floods.

While your draft letter states council has no duty to assist me and that any assistance by council will be done solely out of goodwill.

I do not believe this to be the case, I refer you to the Kaeo Flood Assistance Programme

'The intention of the fund was to safeguard dwellings, in the Kaeo area, that were

considered vulnerable to further flooding after the 2007 severe weather events'

The council cannot deny that this property is 'vulnerable to further flooding after the 2007 severe weather events'

Further to that this property is potentially dangerous and other properties with the same level of risk have had to be raised or moved and were put on the at risk homes list.

As I understand funds are still available, this property is at risk and other ratepayers are being assisted.

#### Complaint 4

Misrepresenting facts under the official information act.

Alice Astell replied to my official information request 15/12/14 for an inspection sheet of the property relating to the section 124 notice.

What council insists in calling a preliminary inspection sheet and which states the damage to the property as 'flooded ruined' does not fit in with the damage listed on the section 124 notice, if it is indeed as council describes 'ruined' then it should certainly have been put on the at risk homes list.

I find it hard to believe that a council inspector would use a needs assessment form as a preliminary flood damage inspection but it seems that key staff of the building team also share Alice's assessment of the document.

So either the house is 'ruined' and should have been classed as such or a document is being represented. Either way it has not followed council policy or the building code.

#### Complaint 5

Breach of privacy act.

Simon Grimm in an email dated 3 december 2014 to Maree Levian states 'I have attached our record of communication with yourself and the current owners. since I have never communicated directly to Maree I can assume it was private communication between myself and council.

Simon must be on good terms with Maree to know 'facts' on the amount of use the septic tank has had. Simon is also the person who accepted Maree Leviens request for lifting of the section 124 notice despite there not being a single piece of evidence that it complied and years after the deadline to repair and no repairs were made.

Now I don't pretend to be a lawyer but I do understand the building code and the requirements of council.

As far as I can ascertain, nothing about this property has ever been done according to the regulations and council have to be accountable for that.

I do appreciate the help offered in raising the ground and I believe all the work has been approved, I have plans already and late last year I was told it was going to happen and to move everything away from that side of the property which I did.

Then a few days after we moved everything we were told it wouldn't be going ahead.

Thank you for your time George.

Regards

Gary Whitehead

Date/Time: 23-May-2016 09:59:39

Officer: George Swanepoel

From: George Swanepoel

Sent: Friday, 8 April 2016 4:23 p.m.

To: 'Gary Whitehead'  
Subject: RE: RFS3742086 Re Storm Water

Hi Gary

I must disagree with you. The second paragraph of the letter deals with Councils liability and any potential claim you may have. I repeat it below for your convenience.

"You raised the issue regarding the integrity of Council's records which you believed gave grounds to seek relief from Council. It is Council's legal advice that there was no contract between you and Council as you did not obtain a LIM or inspect the file prior to purchase. Following the recent decision of Westland District Council v York [2014] NZCA 59, which has also subsequently been upheld by the Supreme Court in 2014, it is the time of purchase that is critical to a claim of economic loss. As you did not look at or rely on the Council file at the time of purchase, there was no breach of any duty of care that gave rise to a claim of economic loss. Therefore whether Council's file was or is incomplete has no connection to the loss that you may of have suffered. In the worst case the failure by you to obtain a LIM may even amount to an intervening negligent circumstance sufficient to defeat all recovery from not only the Council but other parties."

Further any information in Council's records are discoverable under the Local Government Official information Act . I am therefore not aware of any privacy breach and that would not give rise to the compensation claims you are making

There are no grounds that I can see that gives rise to any claim or compensation being payable to you. The above clarifies Council's position on these matters. I would suggest that you seek independent legal advice if you wish to follow a legal process from here on in. If you, or your lawyer, wish to discuss the matter please do not hesitate to contact the writer.

Kind regards  
George

George Swanepoel  
In-House Counsel  
Corporate Services, Far North District Council  
09 401 5200 or 0800 920 029 | [George.Swanepoel@fndc.govt.nz](mailto:George.Swanepoel@fndc.govt.nz) Website | Facebook | LinkedIn |  
Careers

From: Gary Whitehead [mailto:[rabidmr2@gmail.com](mailto:rabidmr2@gmail.com)]  
Sent: Friday, 8 April 2016 4:05 p.m.  
To: George Swanepoel  
Subject: Re: RFS3742086 Re Storm Water

Thank you for your reply George.

We never received the letter, you don't state it was sent only drafted and I will accept it as a temporary measure.

Now the draft letter has not addressed any of my concerns stated on my request for service or my original complaints made to the Mayor.

Compensation to full ratable value or relocation of house to an equal sized and value property. Compensation for losses of property due to serious breaches of the building code by council staff in allowing a home to be placed on extremely flood prone land resulting in serious loss and danger to the occupants. Failure to place property on the at risk homes list after the 2007 floods. Failure to inspect and issue a code of compliance under the insanitary building regulations. Failure to follow up on required building consent after 2007 floods. Breach of the privacy act in passing on correspondence between myself and council staff to a third party. misrepresenting facts under an official information request.

Can I have a reply in detail on ALL the points in my request for service...

Gary Whitehead.

On Fri, Apr 8, 2016 at 1:42 PM, George Swanepoel <[George.Swanepoel@fndc.govt.nz](mailto:George.Swanepoel@fndc.govt.nz)> wrote:  
Good afternoon Gary

My apologies for not responding earlier. The attached letter was drafted back in April 2015 of which I attach the draft I prepared to which Council has not had a response to the proposals contained therein. The only conclusion I can reach as a result is that for some unknown reason this letter may not of been

Received by you. If you believe the offer made in the letter may be of some assistance to you can you please advise and I will then make inquiries as to how to progress the matter.



Regards  
George

George Swanepoel  
In-House Counsel  
Corporate Services, Far North District Council  
09 401 5200 or 0800 920 029 | [George.Swanepoel@fndc.govt.nz](mailto:George.Swanepoel@fndc.govt.nz)  
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Address. Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

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**Date/Time:** 28-Apr-2016 16:28:31

Officer: Katherine Te Haara-Atama

Hi George

This is currently showing as overdue. Can you please advise the status of this RFS so that I am able to update the RFS.  
regards

Katherine

**Date/Time:** 08-Apr-2016 09:59:25

Officer: Julie Oram

From: Ask Us Team

Sent: Friday, 8 April 2016 9:59 a.m.

To: 'rabidmr2@gmail.com'

Cc: Ask Us Team

Subject: REF RFS3742086 : Website RFS - issue type: Gary - from Gary Whitehead

Good morning Gary

I have forwarded your email to the Legal Department and advised them that you are still awaiting a response.

Kind regards

Julie

Ask Us Team

District Services

Far North District Council

09 401 5200 or 0800 920 029 | [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz) [Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)

From: Gary Whitehead [<mailto:rabidmr2@gmail.com>]

Sent: Thursday, 7 April 2016 5:38 p.m.

To: Ask Us Team

Subject: Re: REF RFS3742086 : Website RFS - issue type: Gary - from Gary Whitehead

Hi, it is another two days since I asked for a reason as to why I had not been given a response within the time frame given to me.

I am entitled to a reply and expect this by the close of business hours tomorrow.  
If not then please let me know so I can refer my complaint to the ombudsman.

Gary Whitehead.

**Date/Time:** 05-Apr-2016 11:07:50

Officer: Anja Pohler

From: Gary Whitehead [mailto:rabidmr2@gmail.com]

Sent: Tuesday, 5 April 2016 11:01 a.m.

To: Ask Us Team

Subject: Re: REF RFS3742086 : Website RFS - issue type: Gary - from Gary Whitehead

Thank you Anja.

I am entitled to a response within the time frame given or an explanation prior to the expiry. It has been over a year since these concerns were made to council and I have yet to be given a reasonable explanation to why there has been no response.

Regards

Gary Whitehead.

**Date/Time:** 04-Apr-2016 11:07:40

Officer: Anja Pohler

From: Ask Us Team

Sent: Monday, 4 April 2016 11:07 a.m.

To: 'rabidmr2@gmail.com'

Cc: Ask Us Team

Subject: REF RFS3742086 : Website RFS - issue type: Gary - from Gary Whitehead

Good morning.

I have forwarded your email to the Legal Department and advised them that you are still awaiting a response.

Kind Regards

Anja

Ask Us Team

District Services

Far North District Council

09 401 5200 or 0800 920 029 | [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz) Website | Facebook | LinkedIn | Careers

From: Gary Whitehead [mailto:rabidmr2@gmail.com]

Sent: Monday, 4 April 2016 11:04 a.m.

To: Ask Us Team

Subject: Re: REF RFS3742086 : Website RFS - issue type: Gary - from Gary Whitehead

Hi Julie, I have not yet received a response or any correspondence from your legal department.

I will be expecting a reply before the close of business today as per councils 20 day time frame.

Regards

Gary Whitehead

**Date/Time:** 03-Mar-2016 09:48:44

Officer: Julie Oram

From: Customer Services

Sent: Thursday, 3 March 2016 9:48 a.m.

To: 'rabidmr2@gmail.com'

Cc: Customer Services

Subject: REF RFS3742086 : Website RFS - issue type: Gary - from Gary Whitehead

Good morning Gary

This matter has been forwarded from our Building Compliance Department to our Legal Services Department who are dealing with your concerns.

They have a 20 working day timeframe in which to respond.

You will be advised of the outcome and soon as the information is available.

Kind regards

Julie

Customer Services

District Services

Far North District Council

09 401 5200 or 0800 920 029 | [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz) Website | Facebook | LinkedIn | Careers

From: Gary Whitehead [mailto:[rabadmr2@gmail.com](mailto:rabadmr2@gmail.com)]

Sent: Tuesday, 1 March 2016 1:04 p.m.

To: Customer Services

Subject: Re: REF RFS3742086 : Website RFS - issue type: Gary - from Gary Whitehead

Hi Julie, it has been 7 days since your email acknowledging my complaint.

I do appreciate the acknowledgement but it is not a reply and I was expecting one within 3 days of my complaint as per councils policy.



Date/Time: 23-Feb-2016 15:47:26  
Officer: Julie Oram  
From: Customer Services  
Sent: Tuesday, 23 February 2016 3:47 p.m.  
To: 'rabidmr2@gmail.com'  
Cc: Customer Services  
Subject: REF RFS3742086 : Website RFS - issue type: Gary - from Gary Whitehead

Good afternoon

Thank you for contacting the Far North District Council.

I have forwarded your message to our Building Department for a response.

Kind regards

Julie

Customer Services  
District Services  
Far North District Council  
09 401 5200 or 0800 920 029 | [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz) Website | Facebook | LinkedIn | Careers

From: rabidmr2@gmail.com [mailto:rabidmr2@gmail.com]  
Sent: Friday, 19 February 2016 11:44 a.m.  
To: Customer Services  
Subject: Website RFS - issue type: Gary - from Gary Whitehead

A Request For Service (RFS) has been received from .  
The following request has been submitted:

Request details

- Location of issue\*: 500 Pupuke Mangapa rd Kaeo
- Issue type\*: Water
- How can we help?\*: Compensation to full ratable value or relocation of house to an equal sized and value property. Compensation for losses of property due to serious breaches of the building code by council staff in allowing a home to be placed on extremely flood prone land resulting in serious loss and danger to the occupants. Failure to place property on the at risk homes list after the 2007 floods. Failure to inspect and issue a code of compliance under the insanitary building regulations. Failure to follow up on required building consent after 2007 floods. Breach of the privacy act in passing on correspondence between myself and council staff to a third party. misrepresenting facts under an official information request.
- Attach a file or photo: No file uploaded

Your details

- First name\*: Gary
- Surname\*: Whitehead
- Email address\*: rabidmr2@gmail.com • Postal address: 500 Pupuke Road RD2
- Phone\*: +6494051924

Further information

- Have you contacted us before about this issue?\*: Yes
- RFS number:
- How would you like us to respond?\*: Email

Miscellaneous notes:

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Date Completed:            /        /

Officer: \_\_\_\_\_





<b>RFS Number:</b>	3650235	<b>RFS type:</b>	Civil Defence Enquiries - Non-Urgent only
<b>Received date:</b>	7-August-2014 @ 11:46:35	<b>Date due:</b>	21-August-2014
<b>Received by:</b>	Huia Harris	<b>Actioning Officer:</b>	Huia Harris
<b>Contact type:</b>	Phone	<b>Priority:</b>	5 (1=Urgent, 3=Normal)
<b>LOCATION</b>		<b>CUSTOMER</b>	
<b>Location details:</b>		<b>Customer details:</b>	Kimberlee Margaret Pett 500 Pupuke Mangapa Road RD 2 Kaeo 0479 Gary John Whitehead 500 Pupuke Mangapa Road RD 2 Kaeo 0479
<b>Property details:</b>	500 Pupuke Mangapa Road Kaeo 0479	<b>Casual customer:</b>	
<b>Street / area:</b>	Pupuke Mangapa Road, Kaeo	<b>Home Phone:</b>	
		<b>Business Phone:</b>	
<b>After Hours Code:</b>		<b>Mobile Phone:</b>	

**REQUEST DETAILS:**

**Date/Time:** 03-Sep-2014 19:49:19

Officer: Huia Harris

Closing as requested

**Date/Time:** 03-Sep-2014 11:57:39

Officer: Anne MacDonald

refer to notes, they have asked for this RFS to be closed.

**Date/Time:** 29-Aug-2014 14:18:17

Officer: Simon Grimme

Hi Jan,

Can you close this RFS if all sorted now.

Thanks

Si

**Date/Time:** 20-Aug-2014 11:30:07

Officer: Huia Harris

Pls see attached correspondence from Mayor

**Date/Time:** 15-Aug-2014 15:08:36

Officer: Peter Martin

Referred to Simon till management can give clear guidance with conflicting information.

**Date/Time:** 14-Aug-2014 16:21:38

Officer: Dawn Underwood

Janice needs to make a call on this as Recovery Manager

**Date/Time:** 14-Aug-2014 13:01:59

Officer: Simon Grimme

Pete,

I think I may have overlooked this RFS.

Can you please book in to attend.

Regards

Simon

**Date/Time:** 07-Aug-2014 15:28:09

Officer: Huia Harris

RFS-3650357 has been created for the drainage issues

**Date/Time:** 07-Aug-2014 13:58:31

Officer: Dawn Underwood

Simon - I have asked that another RFS be made up for roading - re the culverts under the road. They are part of road maintenance.

**Date/Time:** 07-Aug-2014 13:52:38

Officer: Dawn Underwood

Hi Simon

Can you get someone to go out and check this property. Was the damage caused by the storm.

Look forward to your reply.

**Date/Time:** 07-Aug-2014 12:40:34

Officer: Huia Harris

\*\*\*July 2014 storm\*\*\*

Gary Whitehead & Kimberlee Pett of 500 Pupuke Mangapa Road, RD 2, Kaeo arrived at the front counter today along with 2 of their social workers requiring assistance with the mayoral relief funding. They were quite stressed about their situation and had spoken with an officer last week about their situation and was advised that 'somebody' would call them back. Unfortunately no details are in the system and no call back has been made.

During the storm their roof has been badly damaged. They do not have insurance.

I have provided them with a mayoral relief funding application. They have contacted tradesmen to quote them the repairs but this may take a while as they have been advised by them that they are quite busy since the storm.

They wanted it noted that they are trying all avenues to complete the application and have returned to council - but do not want to miss out the opportunity with the funding if tradesmans quote is their only hold up.

Also they are having problems with the access to the property.

On the opposite side of the road council have 3 culverts that run under the road across to their property and are supposed to divert into the river. These culverts/drains are not doing their job, not just in this last storm but for all wet weather - and water is just pooling at the front of their property where they are unable to get their vehicles up close.

In the past this has also caused problems with their shipping containers as Gary lost his trade tools, lave welders compressors etc.

Their home is on stilts so this has not been affected.

Request to have this looked into

Building officer may need to go out and assess property

**Miscellaneous notes:**

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**Date Completed:**                    /       /

**Officer:** \_\_\_\_\_



## Huia Harris

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**From:** Huia Harris  
**Sent:** Wednesday, 20 August 2014 10:11 a.m.  
**To:** John Carter  
**Subject:** RE: Mayoral Relief Fund: Facebook comments from Gary Whitehead

07-Aug-2014 12:40:34 - Huia Harris - G  
\*\*\*July 2014 storm\*\*\*

Gary Whitehead & Kimberlee Pett of 500 Pupuke Mangapa Road, RD 2, Kaeo arrived at the front counter today along with 2 of their social workers requiring assistance with the mayoral relief funding. They were quite stressed about their situation and had spoken with an officer last week about their situation and was advised that "somebody" would call them back. Unfortunately no details are in the system and no call back has been made. During the storm their roof has been badly damaged. They do not have insurance. I have provided them with a mayoral relief funding application. They have contacted tradesmen to quote them the repairs but this may take a while as they have been advised by them that they are quite busy since the storm. They wanted it noted that they are trying all avenues to complete the application and have returned to council - but do not want to miss out the opportunity with the funding if tradesmans quote is their only hold up.

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Their home is on stilts so this has not been affected.

Request to have this looked into

Building officer may need to go out and assess property

07-Aug-2014 13:52:38 - Dawn Underwood - G

Hi Simon

Can you get someone to go out and check this propey. Was the damage caused by the storm.

Look forward to your reply.

07-Aug-2014 13:58:31 - Dawn Underwood - G

Simon - I have asked that another RFS be maqde up for roading - re the culverts under the road. They are part of road maintenance.

07-Aug-2014 15:28:09 - Huia Harris - G

RFS-3650357 has been created for the drainage issues

14-Aug-2014 13:01:59 - Simon Grimme - G

Pete,

I think I may have overlooked this RFS.

Can you please book in to attend.

Regards

Simon

14-Aug-2014 16:21:38 - Dawn Underwood - G

Janice needs to make a call on this as Recovery Manager

15-Aug-2014 15:08:36 - Peter Martin - G  
Referred to Simon till management can give clear guidance with conflicting information.

---

**From:** John Carter  
**Sent:** Wednesday, 20 August 2014 10:07 a.m.  
**To:** Huia Harris  
**Subject:** FW: Mayoral Relief Fund: Facebook comments from Gary Whitehead

---

**From:** John Carter  
**Sent:** Tuesday, 19 August 2014 10:23 a.m.  
**To:** John Carter  
**Cc:** ; Richard Edmondson  
**Subject:** Mayoral Relief Fund: Facebook comments from Gary Whitehead

Gary Whitehead:  
Telephone **09-405-1924**

---

**From:**  
**Sent:** Monday, 18 August 2014 3:14 p.m.  
**To:** John Carter  
**Subject:** RE: concerning...

Hi John,

I have done a search on facebook to see if I can access the post again, but cannot find it. You may have to get super-sleuth Adele on the job and try to find him via phone book etc.

Sorry about that.

Kind regards,

---

**From:** John Carter [<mailto:John.Carter@fndc.govt.nz>]  
**Sent:** Saturday, 16 August 2014 10:45 a.m.  
**To:** ...  
**Subject:** RE: concerning...

Morning Di

How do I get hold of this guy.

I would like to give him a ring.

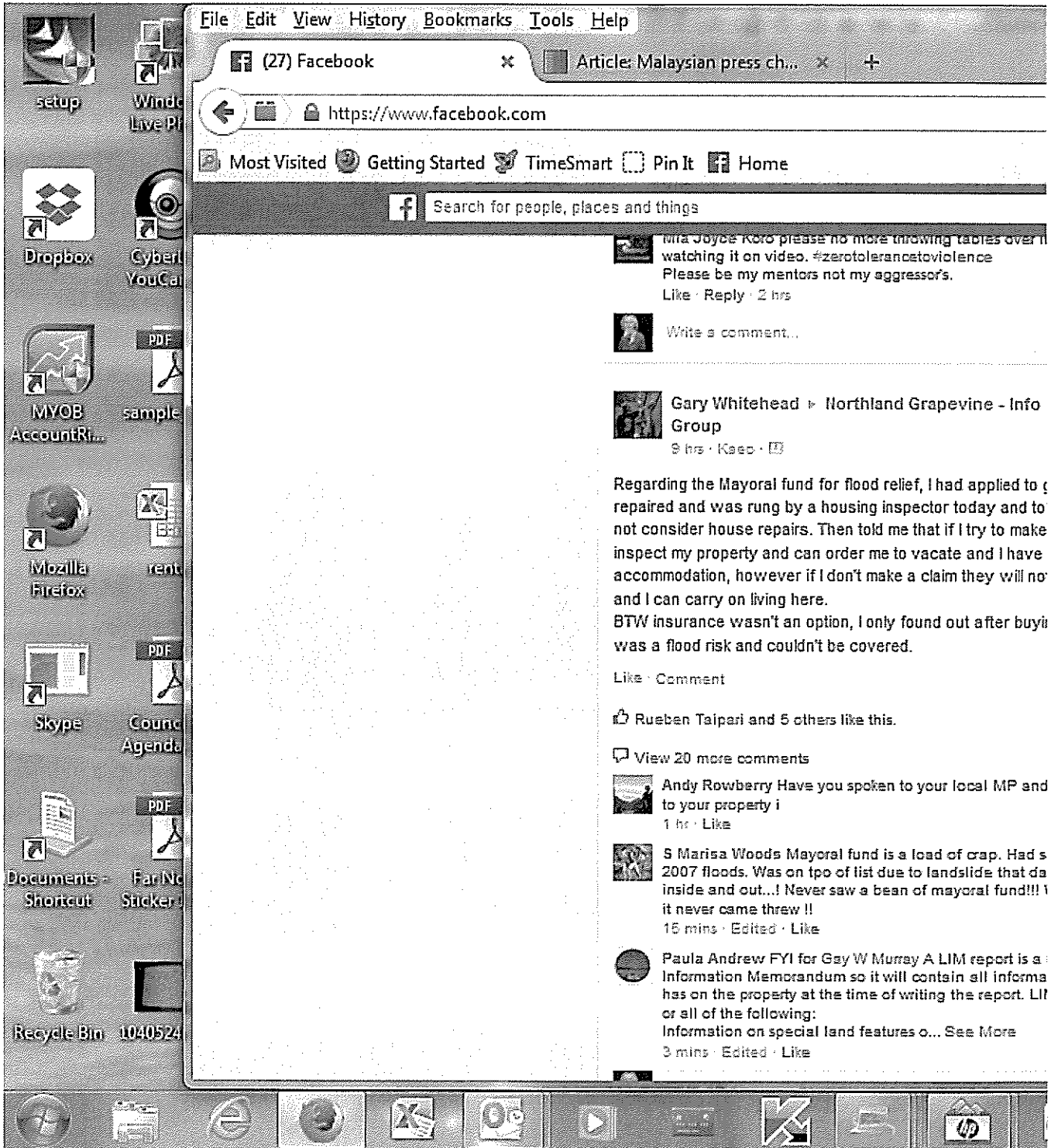
Cheers J c

---

**From:**  
**Sent:** Friday, 15 August 2014 9:16 a.m.  
**To:** John Carter  
**Subject:** concerning...

Hi John,

I just saw this on facebook, it is a bit concerning. Can we follow up on it?



Kind regards,  
*Di Maxwell*

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## Carla Ditchfield-Hunia

---

**From:** Simon Grimme  
**Sent:** Monday, 23 February 2015 4:00 p.m.  
**To:** Alice Astell  
**Cc:** Les Smith  
**Subject:** RE: 500 Pupuke Managapa Road, Kaeo

Alice,

I'm not sure what I can add, if anything.

The documentation at the time was terrible but I can't see that the current owners have suffered any loss as a result of this.

I find it very disturbing that they are receiving this attention and assistance at the cost of our other stake-holders. The building was in disrepair when they purchased it, it was known to flood and they apparently took no measures to investigate what they were purchasing.

Regards

Simon Grimme (DipBCS)  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

-----Original Message-----

**From:** Alice Astell  
**Sent:** Monday, February 23, 2015 10:22 AM  
**To:** Simon Grimme  
**Cc:** Les Smith  
**Subject:** FW: 500 Pupuke Managapa Road, Kaeo

Morning Simon,

I understand from Adele that Craig Ambler and Greg Wilson are attending a meeting with Gary Whitehead, the Mayor & NRC staff Doug Foster on-site this afternoon at 3.30pm. I understand this is to discuss ways in which NRC/FNDC may be able to help him with some stormwater issues he has at the property. Please see the latest email from Mr Whitehead below, received this morning. I think it's clear this has strayed away from the realm of LGOIMA requests to his now expressing his general dissatisfaction with the way in which the inspection/BC issues were dealt with at the time, and, given the fact that Murray McDonald was originally taking the lead on this issue and the Mayor's past and present interest in this case ( my involvement being triggered by the LGOIMA requests Mr Whitehead made in December), in my view it's appropriate that this should be returned to EM management for a response/ decision as to how to proceed. ( I attach an email for background info , which refers to Murray McDonald's involvement and also that the Mayor has stated unequivocally that " Yes, it is all their fault...they have brought a house, which has turned out to be a "dog"...they didn't get a lim and the place floods and has other problems.."

If you agree this is the most appropriate course of action in the given circs, please could you let me know who will be dealing and I'll reply to Mr Whitehead accordingly.

Kind regards,

Alice

-----Original Message-----

**From:** Gary Whitehead [mailto:fyi-request-2315-787dd3f1@requests.fyi.org.nz]  
**Sent:** Saturday, 21 February 2015 9:15 a.m.  
**To:** Alice Astell  
**Subject:** Re: 500 Pupuke Managapa Road, Kaeo

Dear Alice Astell,

This is not an inspection sheet in any manner, it is a needs assessment for individuals and households and not what I have requested.

Can you please explain how this was stamped as received on the first of June, when it is dated the 13th of June.

Also if this property was described by a building inspector as "flooded Ruined" as you claim then it should have been demolished.

If I find your replies unsatisfactory, and the severe amount of "administration errors" disturbing. If there is no valid inspection sheet, building consent or code of compliance then I am entitled to a reasonable explanation for the incompetent handling of this case.

Yours sincerely,

Gary Whitehead

-----Original Message-----

Good afternoon Mr Whitehead,

I refer to your email of 29 January (in response to my email of 29 January) regarding the inspection sheet and thank you for your patience.

The inspection sheet was included in the information first provided to you back on 19 January 2015 and I attach it again for ease of reference.

However, having re-examined this I can understand the cause of the misunderstanding as where it states on page 1 'Prepared by (name and contact details)' it states 'Levien' whereas it should have stated the name of the Council officer who prepared the inspection sheet. I have discussed this question with key staff from Council's building team who confirm that this appears to have been an administrative error on the part of the officer who completed this inspection sheet and that after the sheet was completed by the officer it would have been faxed and/or forwarded to building support staff who would then enter the information on Council's systems (as indicated by the stamps on the sheet).

You have my sincere apologies for any confusion/inconvenience caused.

Regards,

Alice Astell

Legal Services Officer

Corporate Services  
Far North District Council  
Ph. 09 401 5200 or 0800 920 029

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fyi-request-2315-787dd3f1@requests.fyi.org.nz

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## Carla Ditchfield-Hunia

---

**From:** Alice Astell  
**Sent:** Monday, 23 February 2015 1:49 p.m.  
**To:** Simon Grimme  
**Subject:** RE: 500 Pupuke Managapa Road, Kaeo

Hi - No , not so far as I'm aware but then again my involvement has been LGOIMA related (since January) and I am guessing that some sort of complaint must have been made for Murray to have taken the lead on the issue prior to this? Also , I'm not privy to what complaints he has made to the Mayor / Jacqui Robson etc.. Liz (Jacqui's EA) informed this morning that he did receive a payout from the Mayoral Relief Fund but I'm not sure what this was specifically for - Janice/ Liz D has the details...

---

**From:** Simon Grimme  
**Sent:** Monday, 23 February 2015 12:47 p.m.  
**To:** Alice Astell  
**Subject:** Re: 500 Pupuke Managapa Road, Kaeo

Alice

I'm inclined to agree with him with regards to the poor documentation however they simply have failed to take reasonable care when purchasing the property. A Lim would have brought this matter to their attention.

With regards to the statement that the house was 'ruined' is ridiculous, the contents of the ground floor would have been ruined and the Gib linings would likely have been needing replacement where wetted. The Septic tank would have flooded and would have needed a pump out. Once these items had been sorted the building would not have been considered in-sanitary.

Quite simply, unless they believe that the Building is currently in-sanitary as a result of the 2007 Floods they have no recourse against us. Have they made this allegation?

Regards  
Simon

Sent from Telecom's Smartphonetwork

----- Original message -----

**From:** Alice Astell  
**Date:** 23/02/2015 10:21 AM (GMT+12:00)  
**To:** Simon Grimme  
**Cc:** Les Smith  
**Subject:** FW: 500 Pupuke Managapa Road, Kaeo

Morning Simon,

I understand from Adele that Craig Ambler and Greg Wilson are attending a meeting with Gary Whitehead, the Mayor & NRC staff Doug Foster on-site this afternoon at 3.30pm. I understand this is to discuss ways in which NRC/FNDC may be able to help him with some stormwater issues he has at the property.

Please see the latest email from Mr Whitehead below, received this morning. I think it's clear this has strayed away from the realm of LGOIMA requests to his now expressing his general dissatisfaction with the way in which the inspection/BC issues were dealt with at the time, and, given the fact that Murray McDonald was originally taking the lead on this issue and the Mayor's past

and present interest in this case ( my involvement being triggered by the LGOIMA requests Mr Whitehead made in December), in my view it's appropriate that this should be returned to EM management for a response/ decision as to how to proceed. ( I attach an email for background info , which refers to Murray McDonald's involvement and also that the Mayor has stated unequivocally that " Yes, it is all their fault...they have brought a house, which has turned out to be a "dog"...they didn't get a lim and the place floods and has other problems.."

If you agree this is the most appropriate course of action in the given circs, please could you let me know who will be dealing and I'll reply to Mr Whitehead accordingly.

Kind regards,

Alice

-----Original Message-----

From: Gary Whitehead [<mailto:fyi-request-2315-787dd3fl@requests.fyi.org.nz>]

Sent: Saturday, 21 February 2015 9:15 a.m.

To: Alice Astell

Subject: Re: 500 Pupuke Managapa Road, Kaeo

Dear Alice Astell,

This is not an inspection sheet in any manner, it is a needs assessment for individuals and households and not what I have requested.

Can you please explain how this was stamped as received on the first of June, when it is dated the 13th of June.

Also if this property was described by a building inspector as "flooded Ruined" as you claim then it should have been demolished.

If I find your replies unsatisfactory, and the severe amount of "administration errors" disturbing. If there is no valid inspection sheet, building consent or code of compliance then I am entitled to a reasonable explanation for the incompetent handling of this case.

Yours sincerely,

Gary Whitehead

-----Original Message-----

Good afternoon Mr Whitehead,

I refer to your email of 29 January (in response to my email of 29 January) regarding the inspection sheet and thank you for your patience.

The inspection sheet was included in the information first provided to you back on 19 January 2015 and I attach it again for ease of reference.

However, having re-examined this I can understand the cause of the misunderstanding as where it states on page 1 'Prepared by (name and contact details)' it states 'Levien' whereas it should have stated the name of the Council officer who prepared the inspection sheet. I have discussed this question with key staff from Council's building team who confirm that this appears to have been an administrative error on the part of the officer who completed this inspection sheet and that after the sheet was completed by the officer it would have been faxed and/or forwarded to building support staff who would then enter the information on Council's systems (as indicated by the stamps on the sheet).

You have my sincere apologies for any confusion/inconvenience caused.

Regards,

Alice Astell

Legal Services Officer

Corporate Services  
Far North District Council  
Ph. 09 401 5200 or 0800 920 029

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## **Carla Ditchfield-Hunia**

---

**From:** Alice Astell  
**Sent:** Friday, 13 February 2015 12:18 p.m.  
**To:** Simon Grimme  
**Subject:** 500 pupuke mangapa road, kaeo

Hi Simon,

My background knowledge is limited to the info contained in that email I attached to my previous email (tho I'm aware Di Maxwell first brought this to the Mayor's attention as a result of a facebook comment Gary Whitehead had posted ) - if you scroll down you'll see the Mayor 's reference to the fact that the property he bought was ' a dog, the place floods and has other issues'. I've spoken to Adele and she's in the process of arranging an onsite meeting with Mr Whitehead to take place next week sometime with the Mayor and Doug Foster from the NRC , apparently the NRC are going to do some earthworks for Mr Whitehead (gratis) to try and resolve some drainage issues he's having. I 'm not aware of any claim that the place remains unsanitary , his requests clearly have a litigious motive but I 'll do my best to try and finalise the matter in my next response to him. I share your view, there are other ratepayers out there in the district who have done everything they could to mitigate their loss and still suffered from flooding etc who are therefore likely more deserving of staff time and resources . Anyway, thanks for your help with this matter again.

**Alice Astell**  
Legal Services Officer  
Corporate Services  
Far North District Council  
Ph. 09 401 5200 or 0800 920 029



## Carla Ditchfield-Hunia

---

**From:** Simon Grimme  
**Sent:** Friday, 13 February 2015 11:59 a.m.  
**To:** Alice Astell  
**Subject:** RE: 500 Pupuke Mangapa Road, Kaeo

Alice,

I think we can agree that the file does not contain sufficient information regarding the lifting of the Notice and we simply can't resurrect missing information at our will.  
I don't think that we've ever suggested that the Notice was removed 'under pressure' only that it was issued under pressure.

I agree with the customer that the Notice did ask for a BC to be obtained, but I believe that it was agreed at the time by GMT that due to the financial implications on all of the flood affected properties that this really wasn't going to be a very sympathetic approach by Council at the time. Again, I surmise.

He is obviously doing what he can to direct the attention away from his lack of 'due diligence' and trying to hold Council accountable for his misgivings.

Has he made a claim that the building remains insanitary since this event, what are we responding to here?

Regards

Simon Grimme (DipBCS)  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

-----Original Message-----

From: Alice Astell  
Sent: Friday, February 13, 2015 11:37 AM  
To: Simon Grimme  
Subject: FW: 500 Pupuke Mangapa Road, Kaeo

Hi Simon -

Due to pressure of other work I have just turned to deal with this reply from Mr Whitehead. I'm also going to approach Adele T to see if the Mayor has met up with Mr whitehead on site 9as indicate din his attached email of 24 Dec or if he intends to in the near future (to ensure consistency in our approach).

I'm sorry to ask you to look at this issue yet again but could I please have your input on the points he's made below ?

Thanks a lot Simon,

Alice

-----Original Message-----

From: Gary Whitehead [mailto:fyi-request-2315-787dd3f1@requests.fyi.org.nz]  
Sent: Monday, 2 February 2015 10:59 a.m.  
To: Alice Astell  
Subject: Re: 500 Pupuke Mangapa Road, Kaeo

Dear Alice Astell,

The section 124 notice required a building consent to be applied for and a code of compliance has to be issued before the lifting of the section 124 notice.

Neither of these things happened, Since the notice was lifted in 2010 it can hardly be due to pressure from an event that happened over 2 years previously.

The replies that the ex tenant of the property holds the records of repairs and that inspections must have taken place is not a satisfactory answer and does not comply with the necessary regulations.

Can you prove that remedial work was undertaken and that work was done to the required standard?

If not then council need to take responsibility and remedy the situation.

Yours sincerely,

Gary Whitehead

-----Original Message-----

Good morning Mr Whitehead,

I refer to my below email and write in response to your recent series of emails in which you raised several further queries. I have reproduced these questions for ease of reference together with the corresponding responses from Council's building department, as follows:

1. Can you confirm that neither a building consent was applied for and that the required complete report of repairs was received by council.

There are no applications held on file or in Pathways (Council's electronic database), therefore a Building Consent has not been obtained following the issue of the section 124 Notice. The property file does not contain any reports relating to remedial works prior to the lifting of the s124 Notice however it is standard procedure that Council would have been provided with this information prior to any decision being made to lift the s124 notice or by undertaking an inspection to verify that the situation was no longer insanitary.

2. The Attachments do not include any inspection sheet at all with any date.

Yes, as indicated previously it does for the initial assessment (dated 13/07/07), albeit this is quite a brief inspection sheet due the 100's of homes having to be inspected following the extreme weather event and the significant pressure that was placed on Council officers tasked with undertaking inspections of all those properties affected as a result.

3. All building consents and codes of compliance are required to be on the property report, obviously this is not the case as they would have been previously attached can you please confirm this.

All applicable applications are on the property file including the s124 Notice and the removal letter. No Building Consent was applied for the sanitizing of the building and therefore is not on file.

4. There seems to be no re-inspection made by the council in regard to the section 124 notice, only a request made that this be lifted by the owners, could you confirm this please.

Unfortunately there does not appear to be copies held on file of the information referred to in the internal staff emails previously provided to you regarding the material relating to the remedial work carried out and held by Ms Levien's father-in-law, supporting Council's decision to remove the 124 Notice. This is clearly regrettable. This administrative oversight likely occurred as a result of the considerable pressure on staff dealing with the district-wide consequences of a serious weather event such as occurred in 2007.

I understand that your solicitors attended Council offices in Kerikeri last week and have viewed the property file, which I hope proved helpful.

Regards,



Alice Astell

Legal Services Officer

Corporate Services  
Far North District Council  
Ph. 09 401 5200 or 0800 920 029

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## Carla Ditchfield-Hunia

---

**From:** Alice Astell  
**Sent:** Thursday, 29 January 2015 4:18 p.m.  
**To:** Simon Grimme  
**Subject:** FW: 500 Pupuke Mangapa Road, Kaeo  
**Attachments:** pg 1.pdf; p2.pdf

Hi Simon,  
I'm sorry to trouble you with this yet again... pls see below reply - could you give me a quick call at your convenience please?  
Thanks a lot  
Alice

Original Message-----

From: Gary Whitehead [<mailto:fyi-request-2315-787dd3f1@requests.fyi.org.nz>]  
Sent: Thursday, 29 January 2015 12:52 p.m.  
To: Alice Astell  
Subject: Re: 500 Pupuke Mangapa Road, Kaeo

Dear Alice Astell,

There is still no inspection sheet dated 13/07/07 Check the attachments it is plainly not there.  
So once again I am requesting that information.

Yours sincerely,

Gary Whitehead

-----Original Message-----

Good morning Mr Whitehead,

I refer to my below email and write in response to your recent series of emails in which you raised several further queries. I have reproduced these questions for ease of reference together with the corresponding responses from Council's building department, as follows:

1. Can you confirm that neither a building consent was applied for and that the required complete report of repairs was received by council.

There are no applications held on file or in Pathways (Council's electronic database), therefore a Building Consent has not been obtained following the issue of the section 124 Notice. The property file does not contain any reports relating to remedial works prior to the lifting of the s124 Notice however it is standard procedure that Council would have been provided with this information prior to any decision being made to lift the s124 notice or by undertaking an inspection to verify that the situation was no longer insanitary.

2. The Attachments do not include any inspection sheet at all with any date.

Yes, as indicated previously it does for the initial assessment (dated 13/07/07), albeit this is quite a brief inspection sheet due the 100's of homes having to be inspected following the extreme weather event and the significant pressure that was placed on Council officers tasked with undertaking inspections of all those properties affected as a result.

3. All building consents and codes of compliance are required to be on the property report, obviously this is not the case as they would have been previously attached can you please confirm this.

All applicable applications are on the property file including the s124 Notice and the removal letter. No Building Consent was applied for the sanitizing of the building and therefore is not on file.

4. There seems to be no re-inspection made by the council in regard to the section 124 notice, only a request made that this be lifted by the owners, could you confirm this please.

Unfortunately there does not appear to be copies held on file of the information referred to in the internal staff emails previously provided to you regarding the material relating to the remedial work carried out and held by Ms Levien's father-in-law, supporting Council's decision to remove the 124 Notice. This is clearly regrettable. This administrative oversight likely occurred as a result of the considerable pressure on staff dealing with the district-wide consequences of a serious weather event such as occurred in 2007.

I understand that your solicitors attended Council offices in Kerikeri last week and have viewed the property file, which I hope proved helpful.

Regards,

Alice Astell

Legal Services Officer

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## Carla Ditchfield-Hunia

---

**From:** Alice Astell  
**Sent:** Thursday, 29 January 2015 9:53 a.m.  
**To:** Simon Grimme  
**Subject:** RE: 500 Pupuke Mangapa Road, Kaeo

Thanks very much Simon. Thanks for spotting the missing 1 , I'd actually left it like that as it was how GW framed his question but there's no harm in correcting his typo.. I'll do it

Have a good day & thanks again,

Alice

-----Original Message-----

**From:** Simon Grimme  
**Sent:** Thursday, 29 January 2015 9:34 a.m.  
**To:** Alice Astell  
**Subject:** RE: 500 Pupuke Mangapa Road, Kaeo

Alice,

Very nicely put. Yes, just a missing 1 in front of 24 Notice on para 4.

Other than that I am happy for this to go.

Regards

Simon Grimme (DipBCS)  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

-----Original Message-----

**From:** Alice Astell  
**Sent:** Thursday, January 29, 2015 9:24 AM  
**To:** Simon Grimme  
**Subject:** FW: 500 Pupuke Mangapa Road, Kaeo

Hi Simon,

I hope you're having a good week...

Please see below proposed response to Gary Whitehead's questions based on your replies as you can see. Could you read through carefully as I made a couple of tweaks here and there so just wanted to check you are happy with it as is. Please feel free to add/amend anything.

Thanks,

Alice

"Good afternoon Mr Whitehead,

I refer to my below email and write in response to your recent series of emails in which you raised several further queries. I have reproduced these questions for ease of reference together with the corresponding responses from Council's building department, as follows:

1. Can you confirm that neither a building consent was applied for and that the required complete report of repairs was received by council.

There are no applications held on file or in Pathways (Council's electronic database), therefore a Building Consent has not been obtained following the issue of the section 124 Notice. The property file does not contain any reports relating to remedial works prior to the lifting of the s124 Notice however it is standard procedure that Council would

have been provided with this information prior to any decision being made to lift the s124 notice or by undertaking an inspection to verify that the situation was no longer insanitary.

2. The Attachments do not include any inspection sheet at all with any date.

Yes, as indicated previously it does for the initial assessment (dated 13/07/07), albeit this is quite a brief inspection sheet due the 100's of homes having to be inspected following the extreme weather event and the significant pressure that was placed on Council officers tasked with undertaking inspections of all those properties affected as a result.

3. All building consents and codes of compliance are required to be on the property report, obviously this is not the case as they would have been previously attached can you please confirm this.

All applicable applications are on the property file including the s124 Notice and the removal letter. No Building Consent was applied for the sanitizing of the building and therefore is not on file.

4. There seems to be no re-inspection made by the council in regard to the section 24 notice, only a request made that this be lifted by the owners, could you confirm this please.

Unfortunately there does not appear to be copies held on file of the information referred to in the internal staff emails previously provided to you regarding the material relating to the remedial work carried out and held by Ms Levien's father-in-law, supporting Council's decision to remove the 124 Notice. This is clearly regrettable. This administrative oversight likely occurred as a result of the considerable pressure on staff dealing with the district-wide consequences of a serious weather event such as occurred in 2007.

I understand that your solicitors attended Council offices in Kerikeri last week and have viewed the property file, which I hope proved helpful.

Regards etc"

From: Alice Astell

Sent: Friday, 16 January 2015 4:21 p.m.

To: '[OIA #2315 email]'

Subject: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Dear Sir,

RFS 3670614

I write further to my email of 7 January 2015 and in response to the request for information you made on 16 December 2014 for:

"all relevant information regarding the Section 124 (Building Act) insanitary building notice issued in 2007 for the property 500 Pupuke Mangapa Road, Kaeo. This information to include all notices and warnings for failure to comply within the stated time limit, Licenced Contractors that carried out the remedial work and documentation of all inspections".

As advised previously, Council deals with requests for official information in accordance with the provisions contained in the Local Government Official Information and Meetings Act 1987 ("the LGOIMA").

Following consultations with the relevant department staff, please find attached copies of the following information held by Council pertaining to your request:-

o Original s124 Notice dated 26 July 2007 and Inspection Sheet dated 13 July 2007  
o Letter dated 13 May 2010 confirming the removal of the s124 Notice  
o Internal email communications between FNDC Building Compliance staff confirming the s124 Notice had been lifted. As you can see from this correspondence, details relating to the remedial

work carried out was in the possession of Ms Levien's father-in-law (these would have been made available to building compliance staff at the time a decision was made to lift the s124 Notice).

Please note Council has a general obligation under the LGOIMA to make the information which it holds available to any person who requests it, subject to a number of exceptions, one of which is the right under section 7(2)(a) of the LGOIMA to withhold information to protect the privacy of natural persons, including that of deceased natural persons (provided it is not outweighed by other considerations which render it desirable in the public interest to make that information available). In this instance some details pertaining to address/mobile phone numbers has been withheld to protect the privacy of natural persons. If you consider this unreasonable you have the right to complain to the Ombudsman. The address should you require it is : The Office of the Ombudsman PO Box 1960 Auckland tel. (09) 379 6102.

However, I trust the information provided satisfies your request.

Please do let me know if I can be of any further assistance in relation to your request.

Kind regards,

Alice Astell

Legal Services Officer

Corporate Services  
Far North District Council  
Ph. 09 401 5200 or 0800 920 029

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## Carla Ditchfield-Hunia

---

**From:** Alice Astell  
**Sent:** Wednesday, 28 January 2015 8:59 a.m.  
**To:** Simon Grimme  
**Cc:** \_RecordsSouth  
**Subject:** RE: Property file re 500 Pupuke Mangapa Road , Kaeo

Hi Simon,  
Thanks very much.  
Alice

---

**From:** Simon Grimme  
**Sent:** Wednesday, 28 January 2015 8:58 a.m.  
**To:** Alice Astell  
**Cc:** \_RecordsSouth  
**Subject:** RE: Property file re 500 Pupuke Mangapa Road , Kaeo

Alice,

I will put it in the return to Archives bin at JB and have labelled it to be directed to you from Archives.

Regards

**Simon Grimme (DipBCS)**  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

---

**From:** Alice Astell  
**Sent:** Wednesday, January 28, 2015 8:51 AM  
**To:** Simon Grimme  
**Subject:** FW: Property file re 500 Pupuke Mangapa Road , Kaeo

Hi Simon

Re below emails, I've just received yet another LGOIMA request from Gary Whitehead - could you please send the file over to me so I can deal with it ?

Cheers,

Alice

---

**From:** Alice Astell  
**Sent:** Friday, 23 January 2015 8:55 a.m.  
**To:** Simon Grimme  
**Cc:** Robyn Kemp  
**Subject:** RE: Property file re 500 Pupuke Mangapa Road , Kaeo

Thanks Simon. Robby, please scroll down for the PID. Cheers both.

---

**From:** Simon Grimme  
**Sent:** Friday, 23 January 2015 8:54 a.m.  
**To:** Alice Astell  
**Cc:** Robyn Kemp  
**Subject:** RE: Property file re 500 Pupuke Mangapa Road , Kaeo

Alice,

It was out at the front counter for Simone Scully (Palmer MaCauley Lawyers) viewed the file.

I have it back in my office now.

Regards

**Simon Grimme** (DipBCS)  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

---

**From:** Alice Astell  
**Sent:** Friday, January 23, 2015 8:47 AM  
**To:** Simon Grimme  
**Subject:** RE: Property file re 500 Pupuke Mangapa Road , Kaeo

Thanks Simon – this is the Gary Whitehead file (re that s124 notice LGOIMA request ) that I left with you to peruse when we met up on your first day back?

---

**From:** Simon Grimme  
**Sent:** Friday, 23 January 2015 8:38 a.m.  
**To:** Alice Astell  
**Subject:** RE: Property file re 500 Pupuke Mangapa Road , Kaeo

Alice

The PID is 11369 and it doesn't appear to be at JB.

Regards

**Simon Grimme** (DipBCS)  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

---

**From:** Alice Astell  
**Sent:** Friday, January 23, 2015 8:17 AM  
**To:** Simon Grimme  
**Subject:** FW: Property file re 500 Pupuke Mangapa Road , Kaeo

Hi Simon,

Sorry to trouble you , please see below – could you let me know what the PID (Property ID number) for the file is ?

---

**From:** Robyn Kemp **On Behalf Of** \_RecordsSouth  
**Sent:** Thursday, 22 January 2015 12:10 p.m.

**To:** Alice Astell  
**Subject:** RE: Property file re 500 Pupuke Mangapa Road , Kaeo

Hi Alice,

Do you have the pid number for this file as that is how we can track it down?

Many thanks.

Robby

**Robyn Kemp**

**Property Records Officer**

**Information Management**

**Ph: 09 4015200 or 0800 920 029**

---

**From:** Alice Astell  
**Sent:** Wednesday, 21 January 2015 12:12 p.m.  
**To:** \_RecordsSouth  
**Subject:** Property file re 500 Pupuke Mangapa Road , Kaeo

Hi there,

This just to confirm the above property file is currently with Simon Grimme at the JBC.

Many thank,

Alice

**Alice Astell**  
Legal Services Officer  
Corporate Services  
Far North District Council  
Ph. 09 401 5200 or 0800 920 029



## Carla Ditchfield-Hunia

---

**From:** Alice Astell  
**Sent:** Wednesday, 21 January 2015 1:49 p.m.  
**To:** Simon Grimme  
**Subject:** RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Yes -I agree with you. I'll forward my draft reply to you in case you want to comment or have any suggestions to improve it!

Thank you,  
Alice

---

**From:** Simon Grimme  
**Sent:** Wednesday, 21 January 2015 1:41 p.m.  
**To:** Alice Astell  
**Subject:** RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Alice,

Great minds eh. I already checked with the officers last week that may have been involved but haven't had any luck there either.

I guess we have to respond with what we know and can demonstrate from the file, as incomplete as it is.

Regards

**Simon Grimme (DipBCS)**  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

---

**From:** Alice Astell  
**Sent:** Wednesday, January 21, 2015 1:36 PM  
**To:** Simon Grimme  
**Subject:** RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Hi Simon

Lisa H and Robby K in Records have just searched the system and located and retrieved the other adjoining properties files (created when the subdivision took place) in case any information /BC application was contained there. Nothing was found there. A search was also made of the box containing docs dating from 2008 awaiting scanning (ie BCs which customers have only just got around to completing for example) and there was nothing relating to a BC for this property on there. They did find a reference in pathways to BC 2008 426 on this property but nothing had been scanned over to them/provided to them to scan as there was no paperclip so without the physical file there was no way of them telling whether this was a BC application ( I am satisfied that we have both checked the file and there isn't one on there) – they did indicate that reference could refer to something like a s124 notice and not necessarily an actual BC application so that may have been it.

As a final check, although a bit of a long shot, I wonder if it might be worth checking with those officers who were around in 2008 and who might recall carrying out a re-inspection ??

I'll hold off replying to Mr Whitehead until I hear back from you-

Thanks

Alice

---

**From:** Simon Grimme  
**Sent:** Wednesday, 21 January 2015 11:34 a.m.  
**To:** Alice Astell  
**Subject:** RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

You're welcome.

It may be an idea to talk to someone in archives about the missing information from the file. We already know that the 124 removal letter wasn't on it at the time that this complaint was laid so there is a slim chance that more information is sitting in archives waiting for a home?

Simon

---

**From:** Alice Astell  
**Sent:** Wednesday, January 21, 2015 11:27 AM  
**To:** Simon Grimme  
**Subject:** RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Hi Simon

Thanks for dealing with these questions, I'll write to Mr Whitehead later today.

Regards,

Alice

---

**From:** Simon Grimme  
**Sent:** Wednesday, 21 January 2015 10:50 a.m.  
**To:** Alice Astell  
**Subject:** RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Alice,

Please see below. I can only comment (in Red) on what is on file and the likely course of action that follows a 124 Notice.

Kind Regards

**Simon Grimme** (DipBCS)  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

-----Original Message-----

From: Alice Astell

Sent: Wednesday, January 21, 2015 8:34 AM

To: Simon Grimme

Subject: FW: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Morning,

As Mr Whitehead has now sent several emails raising further questions, I thought it might assist if I consolidated his comeback questions for your consideration :

1. Can you confirm that neither a building consent was applied for and that the required complete report of repairs was received by council.

There are no applications on file or in Pathways, therefore a Building Consent has not been obtained following the issue of the 124 Notice.

The property file does not contain any reports relating to remedial works prior to the lifting of the 124 Notice although it is very likely that Council would have been provided this prior to it lifting the 124 or at least perform an inspection to verify that the situation was no longer Insanitary.

2. The Attachments do not include any inspection sheet at all with any date.

Yes it does for the initial assessment (13/07/07), albeit a very brief inspection sheet (as a result of the 100's of homes having to be inspected following the weather event)

3. All building consents and codes of compliance are required to be on the property report, obviously this is not the case as they would have been previously attached can you please confirm this.

All applicable applications are on the property file including the 124 Notice and the removal letter, No Building Consent was applied for the sanitizing of the building and therefore not on file.

4. There seems to be no re-inspection made by the council in regard to the section 24 notice, only a request made that this be lifted by the owners, could you confirm this please.

I cannot see any information on the file supporting Council's decision to remove the 124 Notice, saying that it is not unusual for information not to make it to a property file as has been discovered on numerous occasions specifically following a serious weather event such as 2007.

If you could deal with each of his queries in turn, I'll respond to him.

Thanks a lot Simon.

Alice

-----Original Message-----

From: Gary Whitehead [<mailto:fyi-request-2315-787dd3f1@requests.fyi.org.nz>]

Sent: Tuesday, 20 January 2015 4:06 p.m.

To: Alice Astell

Subject: RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Dear Alice Astell,

All building consents and codes of compliance are required to be on the property report, obviously this is not the case as they would have been previously attached can you please confirm this.

Yours sincerely,

Gary Whitehead

-----Original Message-----

Dear Mr Whitehead,

By way of update, unfortunately the key staff member is on sick leave, I shall revert to you with a response when he returns.

In relation to your below query however, the attachments included an inspection sheet dated 13 July 2007.

Regards,

Alice Astell

Legal Services Officer

Corporate Services  
Far North District Council  
Ph. 09 401 5200 or 0800 920 029

-----  
Please use this email address for all replies to this request:  
[fyi-request-2315-787dd3f1@requests.fyi.org.nz](mailto:fyi-request-2315-787dd3f1@requests.fyi.org.nz)

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## Carla Ditchfield-Hunia

---

**From:** Alice Astell  
**Sent:** Wednesday, 21 January 2015 11:27 a.m.  
**To:** Simon Grimme  
**Subject:** RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Hi Simon

Thanks for dealing with these questions, I'll write to Mr Whitehead later today.

Regards,

Alice

---

**From:** Simon Grimme  
**Sent:** Wednesday, 21 January 2015 10:50 a.m.  
**To:** Alice Astell  
**Subject:** RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Alice,

Please see below. I can only comment (in Red) on what is on file and the likely course of action that follows a 124 Notice.

Kind Regards

**Simon Grimme (DipBCS)**  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

-----Original Message-----

**From:** Alice Astell  
**Sent:** Wednesday, January 21, 2015 8:34 AM  
**To:** Simon Grimme  
**Subject:** FW: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Morning,

As Mr Whitehead has now sent several emails raising further questions, I thought it might assist if I consolidated his comeback questions for your consideration :

1. Can you confirm that neither a building consent was applied for and that the required complete report of repairs was received by council.

There are no applications on file or in Pathways, therefore a Building Consent has not been obtained following the issue of the 124 Notice.

The property file does not contain any reports relating to remedial works prior to the lifting of the 124 Notice although it is very likely that Council would have been provided this prior to it lifting the 124 or at least perform an inspection to verify that the situation was no longer Insanitary.

2. The Attachments do not include any inspection sheet at all with any date.

Yes it does for the initial assessment (13/07/07), albeit a very brief inspection sheet (as a result of the 100's of homes having to be inspected following the weather event)

3. All building consents and codes of compliance are required to be on the property report, obviously this is not the case as they would have been previously attached can you please confirm this.

All applicable applications are on the property file including the 124 Notice and the removal letter, No Building Consent was applied for the sanitizing of the building and therefore not on file.

4. There seems to be no re-inspection made by the council in regard to the section 24 notice, only a request made that this be lifted by the owners, could you confirm this please.

I cannot see any information on the file supporting Council's decision to remove the 124 Notice, saying that it is not unusual for information not to make it to a property file as has been discovered on numerous occasions specifically following a serious weather event such as 2007.

If you could deal with each of his queries in turn, I'll respond to him.

Thanks a lot Simon.

Alice

-----Original Message-----

From: Gary Whitehead [<mailto:fyi-request-2315-787dd3f1@requests.fyi.org.nz>]

Sent: Tuesday, 20 January 2015 4:06 p.m.

To: Alice Astell

Subject: RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Dear Alice Astell,

All building consents and codes of compliance are required to be on the property report, obviously this is not the case as they would have been previously attached can you please confirm this.

Yours sincerely,

Gary Whitehead

-----Original Message-----

Dear Mr Whitehead,

By way of update, unfortunately the key staff member is on sick leave, I shall revert to you with a response when he returns.

In relation to your below query however, the attachments included an inspection sheet dated 13 July 2007.

Regards,

Alice Astell

Legal Services Officer

Corporate Services

Far North District Council

Ph. 09 401 5200 or 0800 920 029

-----  
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---



## Carla Ditchfield-Hunia

---

**From:** Alice Astell  
**Sent:** Monday, 19 January 2015 2:00 p.m.  
**To:** Simon Grimme  
**Subject:** FW: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Hi Simon,  
Another email from Mr Whitehead! I'm not sure what he is referring to - as I attached there was what you referred to as an inspection sheet dated 13 July 2007? Am I missing something?!

-----Original Message-----

**From:** Gary Whitehead [<mailto:fyi-request-2315-787dd3f1@requests.fyi.org.nz>]  
**Sent:** Monday, 19 January 2015 1:54 p.m.  
**To:** Alice Astell  
**Subject:** RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Dear Alice Astell,

Also there is no inspection sheet dated 17 July 2007 attached.

Yours sincerely,

Gary Whitehead

-----Original Message-----

Dear Sir,

I am re-sending as I note this morning that the attachment has not appeared in my sent items. I apologise for this omission if in fact you did not receive the attachments on Friday.

Kind regards

Alice Astell

Legal Services Officer

Corporate Services  
Far North District Council  
Ph. 09 401 5200 or 0800 920 029

**From:** Alice Astell  
**Sent:** Friday, 16 January 2015 4:21 p.m.  
**To:** '[OIA #2315 email]'  
**Subject:** Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Dear Sir,

RFS 3670614

I write further to my email of 7 January 2015 and in response to the request for information you made on 16 December 2014 for:

"all relevant information regarding the Section 124 (Building Act) insanitary building notice issued in 2007 for the property 500 Pupuke Mangapa Road, Kaeo. This information to include all notices and warnings for failure to comply within the stated time limit, Licenced Contractors that carried out the remedial work and documentation of all inspections".

As advised previously, Council deals with requests for official information in accordance with the provisions contained in the Local Government Official Information and Meetings Act 1987 ("the LGOIMA").

Following consultations with the relevant department staff, please find attached copies of the following information held by Council pertaining to your request:-

o Original s124 Notice dated 26 July 2007 and Inspection Sheet dated 13 July 2007  
o Letter dated 13 May 2010 confirming the removal of the s124 Notice  
o Internal email communications between FNDC Building Compliance staff confirming the s124 Notice had been lifted. As you can see from this correspondence, details relating to the remedial work carried out was in the possession of Ms Levien's father-in-law (these would have been made available to building compliance staff at the time a decision was made to lift the s124 Notice).

Please note Council has a general obligation under the LGOIMA to make the information which it holds available to any person who requests it, subject to a number of exceptions, one of which is the right under section 7(2)(a) of the LGOIMA to withhold information to protect the privacy of natural persons, including that of deceased natural persons (provided it is not outweighed by other considerations which render it desirable in the public interest to make that information available). In this instance some details pertaining to address/mobile phone numbers has been withheld to protect the privacy of natural persons. If you consider this unreasonable you have the right to complain to the Ombudsman. The address should you require it is : The Office of the Ombudsman PO Box 1960 Auckland tel. (09) 379 6102.

However, I trust the information provided satisfies your request.

Please do let me know if I can be of any further assistance in relation to your request.

Kind regards,

Alice Astell

Legal Services Officer

Corporate Services  
Far North District Council  
Ph. 09 401 5200 or 0800 920 029

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## Carla Ditchfield-Hunia

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**From:** Alice Astell  
**Sent:** Monday, 19 January 2015 12:45 p.m.  
**To:** Simon Grimme  
**Subject:** FW: Your request for official information - 500 Pupuke Mangapa Road, Kaeo  
**Attachments:** RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo; RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Hi Simon

Please see below response from Gary Whitehead. He has also sent through a further question ( 2nd doc attached). I wonder if you could please provide me with suitable responses to his questions?

(Re his first question he seems to be seeking a formal re-inspection form or document referring to it having been re-inspected and passed as opposed to just a letter confirming it has been lifted .

Re his second email I think he's getting at the references to a BC / complete report of repairs in section 5 of the Notice ? If you could respond to these queries I'd be most grateful - I'll then get back to him.

Thanks Simon,  
Alice

-----Original Message-----

From: Gary Whitehead [mailto:fyi-request-2315-787dd3f1@requests.fyi.org.nz]

Sent: Monday, 19 January 2015 10:49 a.m.

To: Alice Astell

Subject: RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Dear Alice Astell,

Thank you for your reply,

There seems to be no reinspection made by the council in regard to the section 24 notice, only a request made that this be lifted by the owners, could you confirm this please.

Yours sincerely,

Gary Whitehead

-----Original Message-----

Dear Sir,

I am re-sending as I note this morning that the attachment has not appeared in my sent items. I apologise for this omission if in fact you did not receive the attachments on Friday.

Kind regards

Alice Astell

Legal Services Officer

Corporate Services

From: Alice Astell  
Sent: Friday, 16 January 2015 4:21 p.m.  
To: '[OIA #2315 email]'  
Subject: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Dear Sir,

RFS 3670614

I write further to my email of 7 January 2015 and in response to the request for information you made on 16 December 2014 for:

"all relevant information regarding the Section 124 (Building Act) insanitary building notice issued in 2007 for the property 500 Pupuke Mangapa Road, Kaeo. This information to include all notices and warnings for failure to comply within the stated time limit, Licenced Contractors that carried out the remedial work and documentation of all inspections".

As advised previously, Council deals with requests for official information in accordance with the provisions contained in the Local Government Official Information and Meetings Act 1987 ("the LGOIMA").

Following consultations with the relevant department staff, please find attached copies of the following information held by Council pertaining to your request:-

o Original s124 Notice dated 26 July 2007 and Inspection Sheet dated 13 July 2007  
o Letter dated 13 May 2010 confirming the removal of the s124 Notice  
o Internal email communications between FNDC Building Compliance staff confirming the s124 Notice had been lifted. As you can see from this correspondence, details relating to the remedial work carried out was in the possession of Ms Levien's father-in-law (these would have been made available to building compliance staff at the time a decision was made to lift the s124 Notice).

Please note Council has a general obligation under the LGOIMA to make the information which it holds available to any person who requests it, subject to a number of exceptions, one of which is the right under section 7(2)(a) of the LGOIMA to withhold information to protect the privacy of natural persons, including that of deceased natural persons (provided it is not outweighed by other considerations which render it desirable in the public interest to make that information available). In this instance some details pertaining to address/mobile phone numbers has been withheld to protect the privacy of natural persons. If you consider this unreasonable you have the right to complain to the Ombudsman. The address should you require it is : The Office of the Ombudsman PO Box 1960 Auckland tel. (09) 379 6102.

However, I trust the information provided satisfies your request.

Please do let me know if I can be of any further assistance in relation to your request.

Kind regards,

Alice Astell

Legal Services Officer

Corporate Services  
Far North District Council  
Ph. 09 401 5200 or 0800 920 029

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---



## Carla Ditchfield-Hunia

---

**From:** Gary Whitehead <fyi-request-2315-787dd3f1@requests.fyi.org.nz>  
**Sent:** Monday, 19 January 2015 10:56 a.m.  
**To:** Alice Astell  
**Subject:** RE: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Dear Alice Astell,

Can you confirm that neither a building consent was applied for and that the required complete report of repairs was received by council.

Yours sincerely,

Gary Whitehead

-----Original Message-----

Dear Sir,

I am re-sending as I note this morning that the attachment has not appeared in my sent items. I apologise for this omission if in fact you did not receive the attachments on Friday.

Kind regards

Alice Astell

Legal Services Officer

Corporate Services  
Far North District Council  
Ph. 09 401 5200 or 0800 920 029

From: Alice Astell  
Sent: Friday, 16 January 2015 4:21 p.m.  
To: '[OIA #2315 email]'  
Subject: Your request for official information - 500 Pupuke Mangapa Road, Kaeo

Dear Sir,

RFS 3670614

I write further to my email of 7 January 2015 and in response to the request for information you made on 16 December 2014 for:

"all relevant information regarding the Section 124 (Building Act) insanitary building notice issued in 2007 for the property 500 Pupuke Mangapa Road, Kaeo. This information to include all notices and warnings for failure to comply within the stated time limit, Licenced Contractors that carried out the remedial work and documentation of all inspections".

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Please note Council has a general obligation under the LGOIMA to make the information which it holds available to any person who requests it, subject to a number of exceptions, one of which is the right under section 7(2)(a) of the LGOIMA to withhold information to protect the privacy of natural persons, including that of deceased natural persons (provided it is not outweighed by other considerations which render it desirable in the public interest to make that information available). In this instance some details pertaining to address/mobile phone numbers has been withheld to protect the privacy of natural persons. If you consider this unreasonable you have the right to complain to the Ombudsman. The address should you require it is : The Office of the Ombudsman PO Box 1960 Auckland tel. (09) 379 6102.

However, I trust the information provided satisfies your request.

Please do let me know if I can be of any further assistance in relation to your request.

Kind regards,

Alice Astell

Legal Services Officer

Corporate Services  
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## Carla Ditchfield-Hunia

---

**From:** Alice Astell  
**Sent:** Friday, 16 January 2015 4:17 p.m.  
**To:** Simon Grimme  
**Subject:** RE: Your request for official information in relation to 500 Pupuke Mangapa Road, Kaeo

Thanks Simon, I'll action forthwith. Have a good weekend

---

**From:** Simon Grimme  
**Sent:** Friday, 16 January 2015 4:15 p.m.  
**To:** Alice Astell  
**Subject:** RE: Your request for official information in relation to 500 Pupuke Mangapa Road, Kaeo

Alice,

This looks good to go to me, once the original owners details are fully obscured.

Regards

Have a great weekend

**Simon Grimme** (DipBCS)  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

---

**From:** Alice Astell  
**Sent:** Friday, January 16, 2015 3:48 PM  
**To:** Simon Grimme  
**Subject:** Your request for official information in relation to 500 Pupuke Mangapa Road, Kaeo

Hi Simon

Are you content with the below proposed response to Gary Whitehead? I see that some of the details are still visible so I'll fix this before sending out - Thanks a lot, Alice

"Dear Sir,

**RFS 3670614**

I write further to my email of 7 January 2015 and in response to the request for information you made on 16 December 2014 for:

*"all relevant information regarding the Section 124 (Building Act) insanitary building notice issued in 2007 for the property 500 Pupuke Mangapa Road, Kaeo. This information to include all notices and warnings for failure to comply within the stated time limit, Licenced Contractors that carried out the remedial work and documentation of all inspections".*

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However, I trust the information provided satisfies your request.

Please let me know if I can be of any further assistance in relation to your request".

Kind regards,

**Alice Astell**

Legal Services Officer

Corporate Services

Far North District Council

Ph. 09 401 5200 or 0800 920 029

## Carla Ditchfield-Hunia

---

**From:** Simon Grimme  
**Sent:** Friday, 16 January 2015 4:15 p.m.  
**To:** Alice Astell  
**Subject:** RE: Your request for official information in relation to 500 Pupuke Mangapa Road, Kaeo

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This looks good to go to me, once the original owners details are fully obscured.

Regards

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**Simon Grimme** (DipBCS)  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

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**To:** Simon Grimme  
**Subject:** Your request for official information in relation to 500 Pupuke Mangapa Road, Kaeo

Hi Simon

Are you content with the below proposed response to Gary Whitehead? I see that some of the details are still visible so I'll fix this before sending out - Thanks a lot, Alice

"Dear Sir,

### **RFS 3670614**

I write further to my email of 7 January 2015 and in response to the request for information you made on 16 December 2014 for:

*"all relevant information regarding the Section 124 (Building Act) insanitary building notice issued in 2007 for the property 500 Pupuke Mangapa Road, Kaeo. This information to include all notices and warnings for failure to comply within the stated time limit, Licenced Contractors that carried out the remedial work and documentation of all inspections".*

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However, I trust the information provided satisfies your request.

Please let me know if I can be of any further assistance in relation to your request".

Kind regards,

**Alice Astell**

Legal Services Officer

Corporate Services

Far North District Council

Ph. 09 401 5200 or 0800 920 029

## Carla Ditchfield-Hunia

---

**From:** Alice Astell  
**Sent:** Friday, 9 January 2015 1:43 p.m.  
**To:** Simon Grimme  
**Cc:** Paul Cook  
**Subject:** RE: Gary Whitehead 124 Info and some background history

Hi Simon,

Excellent, thank you very much .

Yes, it was great to meet you in person, thanks again for gathering together all that information for that other Ombudsman matter on your first morning back and now for actioning this so promptly too. I'll draft a response to Mr Whitehead early next week (as couple of things I need to wrap up today) and will forward it to you just to make sure you're happy with it before it goes out if that's OK.

Cheers,

Alice

---

**From:** Simon Grimme  
**Sent:** Thursday, 8 January 2015 3:40 p.m.  
**To:** Alice Astell  
**Cc:** Paul Cook  
**Subject:** Gary Whitehead 124 Info and some background history

Alice

It was very nice meeting you today.

Following on from our meeting this morning, please find attached the following scanned documents:

- Original 124 Notice and Inspection Sheet
- 124 Removal Letter

I have also recovered some mails for your attention that confirms that the remediation was completed and that the Father In Law had the details relating to the remedial works available back in 16/8/2010.

(They are not on file or available anywhere that I can find but would have been provided as supporting information to enable the 124 to be lifted).

I have also included some communiqués regarding the Mayoral Relief Fund and the Facebook comment that Mr Whitehead gained leverage with JC. (He actually confirms that "I only found out after buying that it was a flood risk").

Hope this helps with the LGOIMA request but if I can assist any further please feel free to drop me a call/mail.

Regards

**Simon Grimme** (DipBCS)  
Senior Building Specialist  
Environmental Management  
Ph. 09 401 5200 or 0800 920029

-----Original Message-----

From: [Simon.Grimme@fndc.govt.nz](mailto:Simon.Grimme@fndc.govt.nz) [mailto:[Simon.Grimme@fndc.govt.nz](mailto:Simon.Grimme@fndc.govt.nz)]

Sent: Thursday, January 08, 2015 3:29 PM

To: Simon Grimme

Subject: Scan Data from JB-7

Sent by: sgrimme [[Simon.Grimme@fndc.govt.nz](mailto:Simon.Grimme@fndc.govt.nz)] Number of Images: 11 Attachment File Type: PDF

Device Name: ApeosPort-IV C2275

Device Location:

<< File: 08012015142853-0001.pdf >>