20230517 LGOIMA Resource certificate 105667

From: Anouska Greene <anouska.greene@tcdc.govt.nz>
Sent: Monday, May 22, 2023 4:06 PM
To: ian@moisturedetection.co.nz
Subject: RE: Official Information Request - Response and Charge - Site Compliance Report

Dear Ian,

I refer to your email dated 15th May 2023. It has taken time to respond to you because several staff were involved in this decision, including senior staff. All staff have carefully considered the matters raised to determine the appropriate next steps.
The decision has been made to provide you with the requested information free of charge. We will however need to extend our timeframe to provide the information, this extension will be until the end of June 2023.
Council would also like to make the following comments in regards to your email;

- Council does not agree that your request falls under a s22 request as the information you seek refer to reports, rather than policies, rules or guidelines.
- Council does not agree that the information requested would assist the Stormwater working group, however we do accept that it may be of public interest to the wider Whangamata community.

Kind regards,

Anouska Greene
Legal Technical Specialist (LGOIMA)
Monday, Wednesday and Friday
Thames-Coromandel District Council
p: 07 280 0230
e: anouska.greene@tcdc.govt.nz
w: www.tcdc.govt.nz

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From: Ian Holyoake <ian@moisturedetection.co.nz>
Sent: Monday, 15 May 2023 2:28 PM
To: Anouska Greene <anouska.greene@tcdc.govt.nz>
Subject: RE: Official Information Request - Response and Charge - Site Compliance Report

Hi Anouska

Thanks for the response.

In regards to charging you may have a misunderstanding around which requests councils are entitled to charge for. I refer you to decision 274689.

Ombudsman Internal Decision making rules

In this decision the Ombudsman stated that the request dealt with things that fell under s22 as they were policy documents and within the public interest. They exist and should already be available.

You are fully aware I am part of the working group on stormwater plans. To create a sustainable plan, I believe, or at least I need the working group to take account of where things are at with TCDC 'the background policy' – hence resource consent 105667 information – to create an enduring plan to fit into the LTP which then fits into each Annual Plan which ALL Ratepayers have an interest in. It would be unreasonable to charge a member of the working group a disproportionate amount. This is not for my sole benefit. In this case my work is not private, it is to do with assisting TCDC create or change policy that either does not exist or is needed to exist.

What I did accept is if TCDC staff assigned to the working party would be caused delay in their duties to the stormwater working group I would rather leave the information that is not yet collated to be covered off in a meeting – whilst that would disadvantage me, my request would not delay the staff assigned to the plan.

We could sort that at lunch at the next meeting.

I note that to respond to this request and to create the charging figure you must according to the Ombudsman already have possession of all the documents to assess to make the charging demand. If the documents don't exist, then your response should have stated that. Substantial research is a neither statement. They had to exist to assess charging but the word 'research' implies either TCDC does not hold consolidated files or is yet to find the information. The documents either exist or they don't?

This makes a substantial difference as if documents don't exist then resource consent 105667 is still incomplete and if incomplete the challenge is not just how to deal with stormwater but how to complete resource consents that should have been done in 2001. The working group may well come up with solutions that are plausible yet unachievable due to incomplete policy at TCDC. Any new plan, or alteration to the existing plan that does not exist, or amendments to no plan exists, will been to be fitted into a documentation trail within 105667 that may not exist.

If the documents do exist, they should already be searchable on both TCDC and WRC websites as this is a public consent as it affects all 26,000 odd ratepayers and all residents in TCDC.

Responses to my questions 1-5 and 7 I understand.

Questions 6, 8 and 9 I do not.

Can you please refine your answers to the following questions for 6, 8 and 9

Do these documents exist in final form?
If not do they exist in draft form?
If in draft form have any been completed to more than 80%

For the 80% I am happy with a simple judgement call – I do not want staff being disrupted to work out an exact percentage. All I am seeking is has anyone progressed with it beyond a passing thought?

Thank you for your assistance

Ian

From: Anouska Greene <anouska.greene@tcdc.govt.nz>
Sent: Monday, May 15, 2023 9:39 AM
To: ian@moisturedetection.co.nz
Subject: Official Information Request - Response and Charge - Site Compliance Report

Dear Ian,

Please find attached letter regarding the information request received 1st May 2023, regarding questions on the site compliance report.

Kind regards,

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From: Ian Holyoake <ian@moisturedetection.co.nz>
Sent: Tuesday, May 23, 2023 12:34 AM
To: 'Anouska Greene' <anouska.greene@tcdc.govt.nz>
Cc: 'Dave Ryan' <redryan1948@gmail.com>; 'Terry & Laureen Walker' <terrylaureen27@gmail.com>; 'rob.boston50@gmail.com' <rob.boston50@gmail.com>; 'eric.thorn@xtra.co.nz' <eric.thorn@xtra.co.nz>
Subject: RE: Official Information Request - Response and Charge - Site Compliance Report

Hi Anouska

I am concerned about Councils two comments relating to the decision not to charge. Maybe it would have been better just to say there will be no charges rather than elaborate on matters Council has considered to make that decision.

- *Council does not agree that your request falls under a s22 request as the information you seek refer to reports, rather than policies, rules or guidelines.*

Certificate 105667 is the top tier operating document. It sits above policies, rules and guidelines. Without a certificate none of the District Plan is enforceable (in as much as stormwater). To suggest otherwise demonstrates whoever made this decision is disregarding its significance. For example, as

a commercial property owner I must display a current certificate for all specified systems within my property - and to do that it must be monitored and re-issued each year. That means any member of the public can view the certificates before they enter. In TCDC's case any drainlayer connecting a pipe, or Fire Engineer, or designer, must be able to view this document – as a completed instrument. That is what I believe is the legislative requirement under RMA. Not have some random **2001 application under urgency** that 20 years later WRC is still asking the basic questions that should have been supplied in 2001 with the application – yet come back as a response to a LGOIMA response that TCDC doesn't have it and want to charge me for Council to – research for it – or to finally look into it???

- *Council does not agree that the information requested would assist the Stormwater working group, however we do accept that it may be of public interest to the wider Whangamata community.*

I trust this decision was NOT made by any member of the stormwater working group. If it was, I would like to know from them how any improvements, alterations, new or changes can be made to 'all the stormwater assets in Whangamata under certificate 105667' so they actually perform to what certificate 105667 would require. Surely this is the founding document we must comply with. Unless some other document exists that surpasses the certificate. I will ask at the next meeting.

Cheers Ian

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Sent: Wednesday, May 17, 2023 10:09 AM
To: Ian Holyoake <ian@moisturedetection.co.nz>
Subject: RE: Official Information Request - Response and Charge - Site Compliance Report

Dear Ian,

I acknowledge your emails sent Monday 17th May 2023.

I will be back in contact with you regarding these emails soon.

Regards,

Anouska Greene
Legal Technical Specialist (LGOIMA)
Monday, Wednesday and Friday
Thames-Coromandel District Council
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