

## Laura Bowman

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**From:** official information  
**Sent:** Friday, 13 August 2021 4:09 pm  
**To:** [REDACTED]  
**Cc:** official information  
**Subject:** RESPONSE: LGOIMA 21206 - [REDACTED] - Information Request for Various Comms Regarding Baverstock Rd Development  
**Attachments:** Hamilton City Council LGOIMA only.pdf; Building Inspection Timeline - Lot 13 and Lot 14.PDF

Kia Ora,

I refer to your **information request attached**, Hamilton City Council is able to provide the following response.

Your response comprised of 19 Bullet Point requests, therefore we have responded with 19 response points. All information, and links below can be accessed here in bulk – [\[REDACTED\] LGOIMA 21206](#).

1. Please see information provided via this link – [\[REDACTED\] Request 1](#)
2. There is no correspondence between Council and Pragma regarding the removal of the eaves of Unit 13. This was undertaken by Pragma without discussion with Council.  
The document provided (via this link: [\[REDACTED\] Request 2](#)) shows Council querying why the plans for Unit 13 do not show standard eaves, this was the first the Council became aware of this.
3. Please see information provided via this link – [\[REDACTED\] Request 3](#)
4. Please find relevant information, including certificates originally provided to Council as well as replacement certificates provided at a later date, at this link – [\[REDACTED\] Request 4](#)
5. See attached “*Building Inspection Timeline – Lot 13 and Lot 14*”.
6. Please find all relevant information for this request via this link – [\[REDACTED\] Request 6](#)

The following points in your request have been refused, in accordance with S 17(e) of Local Government Official Information and Meetings Act 1987 – the information requested does not exist.

7. No notes were made on the Building Consents for Units 13 and 14 regarding potential or confirmed height in relation to boundary infringement as the submitted plans showed compliance.
8. At the time of planning assessment of the building consents for future lots 13-16, the information provided with the building consent showed that the dwellings were in general accordance with the approved land use consent. No height in relation to boundary infringement was apparent. As such, s37 would not have been applicable. S37 cannot be applied after issuing of a Building Consent, or as part of any minor amendment to the building consent.
9. Council does not hold any information in response to this point.  
As noted in the response above, at the time of assessment of the buildings consents for future lots 13-16 the information provided demonstrated compliance with the approved Land Use Consent (Council ref: 010.2018.00010155.001), as such s37 would not have been applicable.  
S37 cannot be applied following issuing of a building consent.
10. Council does not hold any information in response to this request.
11. Council does not hold any information in response to this request.
12. Please find all relevant information linked here – [\[REDACTED\] Request 12 & 16](#)
13. A LIM has not been requested by, or issued to, Kainga Ora for 209 Baverstock Road (original address prior to subdivision) or 21 and 23 Manawaroa Close (Lots 13 and 14 DP 546877).
14. Council is comfortable that there is no conflict of interest in this case. As detailed above, a s37 notice was not able to be applied to the building consents.
15. Council has not lodged an insurance claim with regards to the issue in question
16. Please see point 12 above for the link to access information to this response.

17. Council does not hold any information regarding this request.

Therefore, we are refusing this request in accordance with S 17(e) of Local Government Official Information and Meetings Act 1987 – the information requested does not exist.

18. For both Unit 13 and Unit 14, the change of ownership from **Pragma Developments Limited to Housing New Zealand Limited** is recorded by Council with an agreement date of 30 May 2019 and settlement date of 29 October 2020.

19. A s127 was considered appropriate in this instance, no discussion was held/recorded around whether the application should be a s127 or a new consent.

Therefore, we are refusing this request in accordance with S 17(e) of Local Government Official Information and Meetings Act 1987 – the information requested does not exist.

Note – we acknowledge that you have another correspondence/complaint which was forwarded to the Chief Executives office for response. Please note, this is still being addressed.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

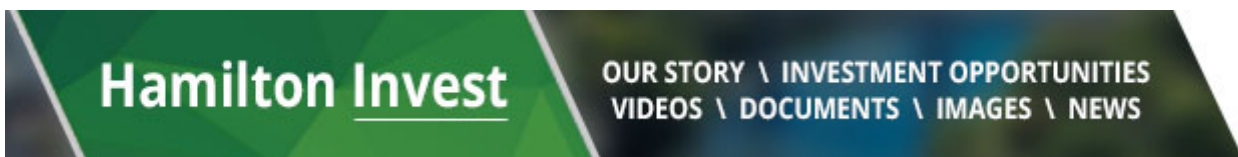
Kind Regards,

**Tatiyana** | Official Information & Legal Support Advisor  
Legal Services & Risk | People and Organisational Performance  
Email: [officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)



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**From:** [REDACTED]

**Sent:** Tuesday, 29 June 2021 5:10 pm

**To:** official information <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>; Ashiley Sycamore <[Ashiley.Sycamore@hcc.govt.nz](mailto:Ashiley.Sycamore@hcc.govt.nz)>

**Subject:** Official Information Request

Please see below

We are the owners of [REDACTED] and we request the following information.

Building Consent – 2019/39225 – Lot 13		
Date of Inspection	Inspection Type	Result
11/09/2019	Residential Plumbing Sub Floor Pre Floor Inspection	Fail C
11/01/2020	Residential Building Sub Floor Pre Floor Inspection	Fail R
11/01/2020	Residential Excavation Siting and Foundation Inspection	Partial Pass
23/01/2020	Residential Drainage Inspection	Fail R
29/06/2020	Residential Pre Wrap Structural Framing Inspection	Pass
21/07/2020	Residential Plumbing Pre Line Inspection	Pass
24/07/2020	Residential Cladding Inspection	Pass
27/07/2020	Residential Building Pre Line Inspection	Fail R
04/08/2020	Residential Building Pre Line Inspection	Pass
11/08/2020	Residential Post Line Inspection	Pass
24/09/2020	Residential Drainage Inspection	Pass
02/10/2020	Residential Final General Building Inspection	Pass
02/10/2020	Residential Final Plumbing and Drainage Inspection	Pass

Building Consent – 2019/39257 – Lot 14		
Date of Inspection	Inspection Type	Result
11/09/2019	Residential Plumbing Sub Floor Pre Floor Inspection	Fail C
16/01/2020	Residential Excavation Siting and Foundation Inspection	Fail R
29/01/2020	Residential Excavation Siting and Foundation Inspection	Partial Pass
04/02/2020	Residential Plumbing Sub Floor Pre Floor Inspection	Pass
05/02/2020	Residential Building Sub Floor Pre Floor Inspection	Fail R
14/02/2020	Residential Building Sub Floor Pre Floor Inspection	Fail R
23/03/2020	Residential Building Sub Floor Pre Floor Inspection	Fail R
01/05/2020	Residential Building Sub Floor Pre Floor Inspection	Pass
11/05/2020	Residential Drainage Inspection	Partial Pass
29/05/2020	Residential Pre Wrap Structural Framing Inspection	Partial Pass
19/06/2020	Residential Plumbing Pre Line Inspection	Partial Pass
22/06/2020	Residential Cladding Inspection	Pass
01/07/2020	Residential Building Pre Line Inspection	Pass
06/07/2020	Residential Post Line Inspection	Partial Pass
31/08/2020	Residential Final Plumbing and Drainage Inspection	Fail R
01/09/2020	Residential Final General Building Inspection	Fail R
28/09/2020	Residential Final General Building Inspection	Pass
28/09/2020	Residential Final Plumbing and Drainage Inspection	Fail R
13/10/2020	Residential Final Plumbing and Drainage Inspection	Pass

Hamilton City Council  
Private Bag 3010  
Hamilton 3240  
New Zealand

Under the Local Government Official Information and Meetings Act we seek the following information:

- All communication between Council (including elected representatives) and both owners and owners representatives of the properties along Evergreen Rise and Iris Place regarding the potential non-compliance of the recession plane including but not limited to any letters, file notes, phone logs and emails regarding the development at 209 Baverstock Road. This needs to include any initial correspondence/phone calls by neighbours expressing concerns regarding the development prior to and during construction. To include dates of this communication.
- Any communication between Council and Pragma Developments regarding the removal of the eaves of unit 13 and a date that this occurred.
- All communication including but not limited to any letters, phone logs, file notes and emails between the developer (Pragma) and council regarding the requirement for a surveyors certificate to determine compliance with the recession plane including dates of this correspondence. This is to include any communication from neighbours requesting this certificate and following up on whether this certificate had been received. This is to include any follow up communication regarding any delays in the supplying of this information.
- A copy of the surveyors certificate/s provided for units 13-16 and the date it/they were provided.
- A timeline of when building commenced for Unit 13 and 14 and a list of the inspections undertaken and the dates on which they were undertaken.
- A copy of the building consent elevations and recession plane calculations provided for unit 13 and 14.
- A copy of any notes made against this building consent in terms of the potential and confirmed recession plane breach.
- An explanation of why no S37 notice was placed on the any of the building consents for Lot 13-16
- Any communication including but not limited to emails, letters, file notes and phone logs discussing why a S37 notice was not applied to the building consents for the Units 13-16 when it was made clear to Council that a recession plane breach was suspected and again when the recession plane breach was confirmed.
- Any communication including but not limited to any letters, phone logs, file notes and emails between Council (including any elected representatives) and Kainga Ora regarding the processing of the original resource consent and/or progression of the building of the dwellings.
- Any legal advice received by Council regarding how to proceed given the suspected and then confirmed recession plane breach.
- Records of compliance visits to the site, including notes taken and dates of such visits
- A copy of any LIM issued to Kainga Ora for Unit 13 and 14. This request relates specifically to determining whether Kainga Ora were aware of the enforcement proceedings against Pragma Developments and whether they were aware there was a resource consent outstanding in terms of the recession plane breach.
- An explanation of why this resource consent is being processed by a Council staff member where there is clearly a d conflict of interest. It appears that Councils inaction has resulted the building of Unit 13 and 14 when Council was aware the

recession planes were non-complying and so were legally obligated to place a Section 37 notice on the building consent.

- Confirmation of whether Council has lodged an insurance claim with regard to the issue and details of that claim.
- Confirmation of whether any monitoring was done on RC10.2018.10155.001 and 11.2018.6834.001 and a copy of any notes resulting from that monitoring.
- Any communication or notes/records of any discussion of a S128 review being undertaken on RC10.2018.10155.001 and 11.2018.6834.001 given that the assessment undertaken on that resource consent was clearly incorrect due to significant inaccuracies supplied by Pragma Developments.
- Confirmation of the sale date of Unit 13 and 14 to Kainga Ora
- Any communications or notes/records or any discussions as to why the applicant was requested to submit a S127 application be applied for with regard to the recession plane breach rather than a new consent

Yours sincerely

A solid black rectangular box used to redact a signature.