

From: [Official Information](#)
To: [7\(2\)](#)
Cc: [Official Information](#)
Subject: Final Response - LGOIMA 312014 - [7\(2\)\(a\)](#) - Information on the four Elm trees growing in the Local Purpose Reserve that have been cut down.
Date: Wednesday, 19 April 2023 12:33:25 pm
Attachments: [image001.png](#)
Importance: High

Kia Ora,

Thank you for your information request below, Hamilton City Council provides the following response.

1. A copy of all documentation held by the H.C.C. relevant to the four trees abovementioned. This includes a copy of the H.C.C.'s apparent survey which supported the H.C.C.'s reason for cutting down the trees which was that they were deciduous and that their leaves were clogging the drains in both Caesar Roose Drive and MacMurdo Avenue.

After an in-depth search of archive files, unfortunately no documentation is available in regards to the above request. As such, we are refusing this aspect of your request as in accordance with S17(e) of LGOIMA – no documentation exists.

However, we are able to provide the following background.

The original request was received direct to staff via a phone call in 2020. A site visit was undertaken by one of our arborists, who discussed in person with directly affected residents where their properties backed onto the walkway adjacent to the location of the former trees. During these conversations the residents expressed concerns with the trees creating shading and mould issues on their roof, fences and paths. In combination with his assessment of the trees and feedback from directly affected residents, our arborist concluded that the trees were not suitable for the location and organised for them to be removed and replanted with more suitable species.

2. A copy of the permit granted under S48A of the Resource Management which was required because the destruction of the trees was not "necessary for the proper management or maintenance of the reserve, or for the management or preservation of other trees or bush, or in the interests in the safety of persons on or near the reserve or of the safety of property adjoining the reserve" per S42(2) of the aforementioned legislation.

The subject site is zoned Neighbourhood Open Space Zone, and a resource consent is not required for the removal of trees within this zone.

As this document does not exist, we are refusing this aspect of your request in accordance with S17(e) of LGOIMA.

The sections of the Resource Management Act you have referred to are not relevant to this query.

3. A copy of the H.C.C.'s written notice to neighbouring properties and a list of the addresses it was distributed to. 4. A copy of all documentation held by the H.C.C. relevant to the four replacement, native, trees. This includes a copy of the H.C.C.'s planting and maintenance plans, as well as a record of what maintenance has actually been done to-date in caring for the young trees. If you are unsure about any of my abovementioned requirements please contact me.

No written notice was provided to neighbouring properties. As per above, those affected directly were talked to in person. As this document does not exist, we are refusing this aspect of your request in accordance with S17(e) of LGOIMA.

Per our response to request 1 above, no documentation specific to the trees within this request exist. A site inspection was completed by our arborist approximately 12 months ago and the four Kowhai trees planted as replacements were in good condition and did not require any targeted maintenance. No maintenance has been done to date, but the trees will be monitored and maintenance completed on a need to do basis.

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 or freephone 0800 802 602.

Kind Regards,

Tatiyana
Official Information Team
Governance & Assurance Unit | People and Organisational Performance
Email: officialinformation@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | [Hamilton City Council](http://HamiltonCityCouncil)

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From: Official Information <officialinformation@hcc.govt.nz>

Sent: Thursday, 23 February 2023 9:15 am

To: 7(2)(a) >

Cc: Official Information <officialinformation@hcc.govt.nz>

Subject: Acknowledge Official Information Request - LGOIMA 312014

Kia ora **7(2)(a)**

Firstly, we would like to apologise as we have no record of receiving the below official information request concerning the four Elm trees growing in the Local Purpose Reserve that have been cut down.

We now write to acknowledge receipt of your information request. Your information request has been processed on 23 February 2023 and passed on to the relevant team within Council for a response. The Local Government Official Information and Meetings Act 1987 (LGOIMA) requires that we advise you on whether Council will provide the requested information as soon as reasonably practicable, and no later than 20 working days after the day we receive your request.

We will respond to you no later than 22 March 2023.

Urgent requests

If you have asked for your request to be processed urgently, the team will try to meet the date you have specified. However it may not always be possible to meet your timeframe due to staff resourcing, and the size and complexity of your request.

Fees & Charges

There is typically no charge, however the decision to charge will be made at Hamilton City Council's discretion and in alignment with our [LGOIMA Charging Policy](#).

If there is a charge to be applied, Hamilton City Council will notify you prior to incurring the charge.

Our management policy regarding charging is supported by the Ministry of Justice Charging Guidelines for OIA requests. You are entitled to three hours free and 20 pages of photocopying free of charge. After that, charges of \$38 per 30 minutes, and 20 cents per page of photocopying applies. We may also recover any other actual costs, such as special consultancy fees or other materials. This is set out in our Fees & Charges Schedule [here](#).

Pro-active release of information

One of the key purposes of LGOIMA is to make information more freely available, which promotes good government and trust and confidence in public services. Proactively releasing completed OIA requests that may be of interest to the wider public can help reduce the need for individuals to make requests for information and it can reduce the work for Council in responding to requests. Before publishing information personal and other identifying details are redacted. Generally, where a request relates to a narrow topic, these requests won't be published. You can search previous published OIA responses [here](#).

COVID-19

There may be delays to OIA responses due to COVID-19 and other seasonal illness impacting staff capacity both in the OIA team and across our business. While we will aim to meet our statutory timeframes, a response to your request may take longer than expected, or the timeframe for responding to your request may be extended under LGOIMA.

Ombudsman

If you are unhappy with our response or our management of your information request, you have the right to complain to the Office of the Ombudsman. The Chief Ombudsman recommends contacting us in the first instance to see if we can resolve the issue before a complaint is made. You can read more about what help the Ombudsman can provide [here](#).

Contact us

If you have any concerns or further questions about your request, please email us on officialinformation@hcc.govt.nz

Kind regards

7(2) | Official Information Coordinator

Governance & Assurance Team | People and Organisational Performance

Email: officialinformation@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | [Hamilton City Council](#)

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

From: 7(2)(a)

Sent: Wednesday, 22 February 2023 4:19:06 pm

To: "Info" <info@hcc.govt.nz>

Subject: Fwd: OIA INFORMATION REQUEST

Dear Sir/Madam

I cannot recall receiving a reply to the information request forwarded herewith. Please let me know if you did reply.

Regards, 7(2)(a)

----- Forwarded message -----

From: 7(2)(a) [REDACTED]

Date: Sat, Oct 15, 2022 at 4:05 AM

Subject: OIA INFORMATION REQUEST

To: Info <info@hcc.govt.nz>

Dear Sir/Madam

There used to be four well established, healthy and flourishing Elm trees growing in the Local Purpose Reserve which runs between Caesar Roose Drive and MacMurdo Avenue, Glenview. That is before they were suddenly cut down one day, with grinding of their stumps done simultaneously.

I am requesting under the Official Information Act that you provide me with the following related information:-

1. A copy of all documentation held by the H.C.C. relevant to the four trees abovementioned. This includes a copy of the H.C.C.'s apparent survey which supported the H.C.C.'s reason for cutting down the trees which was that they were deciduous and that their leaves were clogging the drains in both Caesar Roose Drive and MacMurdo Avenue.
2. A copy of the permit granted under S48A of the Resource Management which was required because the destruction of the trees was not "necessary for the proper management or maintenance of the reserve, or for the management or preservation of other trees or bush, or in the interests in the safety of persons on or near the reserve or of the safety of property adjoining the reserve" per Ss42(2) of the aforementioned legislation.
3. A copy of the H.C.C.'s written notice to neighbouring properties and a list of the addresses it was distributed to.
4. A copy of all documentation held by the H.C.C. relevant to the four replacement, native, trees. This includes a copy of the H.C.C.'s planting and maintenance plans, as well as a record of what maintenance has actually been done to-date in caring for the young trees.

If you are unsure about any of my abovementioned requirements please contact me.

Thank you.

Regards, 7(2)(a) [REDACTED]