



Andrew Riddell

By email only to: fyi-request-10030-532c59ce@requests.fyi.org.nz

Dear Mr Riddell

Official information request: 3949349

I refer to Council's response emailed 17 June 2019, where it advised that your request under the Local Government Official Information and Meetings Act 1987 ("the LGOIMA") (for all information relating to wastewater connections on the Russell Wharf since 2010) was conceivably for a sizeable amount of information that could be largely historic; and that this was proving challenging to search for and locate for various reasons.

Council provided you with what information it had been able to find, including information held by Far North Holdings Limited ("FNHL"). This material related primarily to proposals regarding wastewater connection for toilets to service a café on the Russell Wharf. I note you have said you are now satisfied with the information Council has supplied in respect of the café part of your enquiry.

In its response in June, Council also advised that as the request was a significant exercise; any further work to finalise it would require a charge in line with the Fees and Charges Schedule: <http://www.fndc.govt.nz/services/fees-and-charges-index> . Thank you for paying this charge and for clarifying the information sought so that your request can be more fully reflected and effected.

Your Request

- Communications, enquiries / applications that have been made to FNDC (including by FNHL) about connections of boat pump out facilities to the Russell Wharf Wastewater scheme.
- Permissions / communications that Council's 'Engineering Department' has had with FNHL about any such proposals.

You noted your understanding that FNHL have been "sitting" on a permit relating to proposals for boat pump out station(s) to attach to the Russell Wharf Wastewater scheme. You commented that consents would be required: with one needed from the Regional Council ("NRC") for Waste water connections over the water; and the second consent being permission from the owner of the Russell Waste Water Scheme for the owner of the boat pump station(s) to join in with the Scheme - in terms of connections with those Catch pits, Manholes, etc. on the land.

Council response

Key departments within Council have been contacted regarding your official information request, it was impressed upon the departments that you had paid for the information requested and that a further search for information in respect of your request was required.

The information that the Council's Resource Consents Team held has already been provided to you in an earlier response; and upon a further search that team has been unable to locate anything further. If you have specific information available to enable Council to undertake a more focussed search of its records, that may be helpful.

Further information has been identified by other departments and this information has been collated into one pdf document and is attached for you. A small amount of financial detail has been withheld (though totals remain), as the release of this information is considered commercially sensitive. Therefore in accordance with s 7(2)(c)(i) of the LGOIMA, we find

"[...] the withholding of the information necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied [...]"

Additionally, pursuant to section 7(2)(a) of the LGOIMA, Council has decided to redact any reference to personal information from the material provided. This legislation states:

Section 7(1) "Where this section applies, good reason for withholding official information exists [...]"

*Section 7(2)[...] if, and only if, the withholding of the information is necessary to-
(a) protect the privacy of natural persons...; and, including that of deceased natural persons [...]"*

The decision to withhold information is subject to a 'public interest test'. Council considers that there is no public interest in releasing personal details that outweighs the need to withhold this information.

Council notes that in your email response dated 19 June 2019, you have questioned "*the withholding of the names of the people giving advice (in emails), or who have been part of discussions on recorded matters, or are providing letters of support or opposition to a proposal should not be deleted, as that significantly reduces accountability.*" You have asked that this be reconsidered.

Council strongly supports the principle of availability of information required under the LGOIMA. Accordingly, the position of the communicator/correspondent has been left in so that the particular person could be identified if required. Additionally, a list is attached showing the respective roles. Council bore in mind the likelihood that these people's names were going to be posted online without them being aware of this; and that potentially, this could lead to privacy issues.

FNHL Response

In an email response to your query dated 11 October 2019, Chris Galbraith, General Manager FNHL, stated:

“In terms of the pump out facility for the Wharf/Fuel Pontoon FNHL sought Consent from NRC for the provision of this activity. This was granted.

The communication and details around the ability to connect to the Council sewage scheme were had regarding the toilet connection for the building which would carry the most interest as to volume and its impact on the scheme. This information has previously been provided. The detail on the new sewer line to be thrust up Cass Street has also been provided.

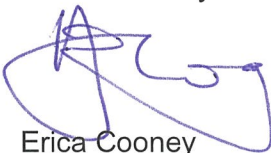
There was no specific correspondence around the connection to the scheme for the pump out as the volume anticipated (300lt/day) was so insignificant and the environmental benefits unquestionable. None the less a connection fee would likely be required and sought by Council. “

Given that Chris Galbraith refers to Consent having been granted from the NRC; and as the NRC is responsible for Wastewater being carried over the water, and that that wastewater then needs to be disposed of, you may find it useful approaching the NRC directly for any information it holds.

As we have withheld information in part, we are obliged to inform you that you have the right to seek a 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

Council trusts this response satisfies your request and we thank you for your enquiry.

Yours faithfully



Erica Cooney

Senior Solicitor

