

23 July 2021

By email: [REDACTED]

Kathryn Stannard
Head of Democratic Services
Ph. 570 6942
kathryn.stannard@huttcity.govt.nz

Dear [REDACTED]

Request for Information – Local Government Official Information and Meetings Act 1987

We refer to your request dated 25 June 2021 regarding conversations with Mr Max Shierlaw and Mr Mark Crowskey by the Mayor and Councillors.

Please find attached a document that outlines this information. We have not included general emails from Mr Shierlaw to the Mayor and Councillors where no conversation has been entered into.

If you have any issues with our response or wish to discuss this decision with us, please feel free to contact me.

Please note that this letter (with your personal details removed) may be published on the Council's website.

Yours sincerely

K E Stannard

Kathryn Stannard
HEAD OF DEMOCRATIC SERVICES

MAYOR CAMPBELL BARRY

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	None*	No relationship	No
Mark Crofskey	None	No relationship	No

*Although we hold no official information on conversations between the Mayor and Max Shierlaw, we can advise:

- Max Shierlaw frequently messaged the Mayor on Facebook up until approximately July 2020. At about this time, the Mayor blocked Mr Shierlaw, and their messaging history is now inaccessible on the platform.
- The Mayor has also encountered Mr Shierlaw at several community events. This included one of his regular community engagement sessions in Maungaraki on 18 September 2020, at a sports match on 18 July 2020, at a Maungaraki Community Association meeting on 14 April 2021 and at a scheduled visit to Woolyarns (Mr Shierlaw's place of work) on 28 April 2021.

DEPUTY MAYOR TUI LEWIS

Replied directly to [REDACTED] on 25 June 2021 – email attached – appendix 1

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	None	No relationship	No
Mark Crofskey	None	No relationship	No

CR JOSH BRIGGS

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	None	No relationship	No
Mark Crofskey	None	No relationship	No

CR KERI BROWN

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	None	No relationship	No
Mark Crofskey	None	No relationship	No

CR BRADY DYER

Replied directly to [REDACTED] on 25 June 2021 – copy attached – appendix 2

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	Facebook printout – attached appendix 2	No relationship	No
Mark Crofskey	None	No relationship	No

CR SIMON EDWARDS

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	Emails attached – appendix 3	No relationship	No
Mark Crowskey	None	No relationship	No

CR DEBORAH HISLOP

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	Emails attached – appendix 4	No relationship	No
Mark Crowskey	None	No relationship	No

CR CHRIS MILNE

Replied directly to [REDACTED] on 30 June 2021 – copy attached – appendix 5

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	None	No relationship	No
Mark Crowskey	None	No relationship	No

CR ANDY MITCHELL

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	Emails attached – appendix 6	No relationship	No
Mark Crowskey	None	No relationship	No

CR SHAZLY RASHEED

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	See below*	Known Max Shierlaw for many years through mutual friends and as an ex Councillor. I do not have a relationship with him	No
Mark Crowskey	None	I met Mark Crowskey at a campaign event of Chris Bishop last year	No
*Txt from Max Shierlaw	Morning of May 2021 (anti-bullying day)	Said CE had a video about anti bullying and it was removed from Council Facebook. I went to Council page and the video I thought he was talking about was still there. I took a screen shot and sent him the image on txt asking, is it this one and it is still there.	
*Phone call from Max Shierlaw	June 2021 (morning at the beginning of the month)	Asked if I knew the 2021/22 charges for sports grounds and what are the existing charges? I said I didn't know and I will send an email to officers and will let him know when I get a response.	

NAOMI SHAW

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	None	No relationship	No
Mark Crofskey	None	No relationship	No

LEIGH SUTTON

Individual	Conversations	Relationship	Hosted at home
Max Shierlaw	None	No relationship	No
Mark Crofskey	Emails attached – appendix 7	No relationship	No

DAVID BASSETT (COUNCILLOR UNTIL 14 JUNE 2021)

A search of the system shows two email conversations with Max Shierlaw – copies attached – appendix 8.

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

From: Tui Lewis <Tui.Lewis@huttcity.govt.nz>

Date: 25/06/21 14:08 (GMT+12:00)

To: [REDACTED] Campbell Barry
<Campbell.Barry@huttcity.govt.nz>, Josh Briggs <Josh.Briggs@huttcity.govt.nz>, Keri Brown
<Keri.Brown@huttcity.govt.nz>, Brady Dyer <Brady.Dyer@huttcity.govt.nz>, Chris Milne
<Christopher.Milne@huttcity.govt.nz>, Andy Mitchell <Andy.Mitchell@huttcity.govt.nz>, Shazly Rasheed
<Shazly.Rasheed@huttcity.govt.nz>, Naomi Shaw <Naomi.Shaw@huttcity.govt.nz>, Leigh Sutton
<Leigh.Sutton@huttcity.govt.nz>

Subject: RE: [EXTERNAL] LGOIMA Request

Good afternoon [REDACTED]

I have had no correspondence with either, haven't met with either and have no relationship to them.

Regards,



Tui Lewis

Deputy Mayor

Hutt City Council, New Zealand
T 021 271 6249, W tui.lewis@huttcity.govt.nz

Mary Hewett

From: Brady Dyer
Sent: Tuesday, 6 July 2021 8:37 AM
To: Mary Hewett
Subject: Fwd: [EXTERNAL] LGOIMA Request

Hey Mary,
I replied direct to [REDACTED] (and cc'd in Euan) when the email was sent, see below.

Cheers,
Brady

Begin forwarded message:

From: Brady Dyer <Brady.Dyer@huttcity.govt.nz>
Subject: Re: [EXTERNAL] LGOIMA Request
Date: 25 June 2021 at 8:54:44 AM NZST
To: [REDACTED]
Cc: Euan Kyle <Euan.Kyle@huttcity.govt.nz>

Please see attached.
Have no relationship either either, haven't spoken to either other than below, and general Facebook public comments. Haven't met either in any location.

Ngā mihi nui,
Brady

On 25/06/2021, at 8:37 AM, [REDACTED] wrote:

I request the following under LGOIMA from each of you.

- A) Any and all conversations including any meetings, emails, phone calls, messages (texts, messaging apps) you have had with a Mr Max Shierlaw within 1 January 2020 to 25 June 2021.
- B) Any and all conversations including any meetings, emails, phone calls, messages (texts, messaging apps) you have had with a Mr Mark Crofskey within 1 September 2020 to 25 June 2021.
- C) The nature of your relationship with both Max Shierlaw and Mark Crofskey. Including whether or not you have met Max or Mark at your home address within the past 12 months.
- D) The requests above include former Councillor David Bassett to the date of his resignation.

Thanks,
[REDACTED]

8:51 ↗



Max Shierlaw

Active now



03 AUG 2020, 15:16

Hey yeah I would be keen on hosting the MTC event 👍 could you get Tracey or whoever to email me the details b@dyer.nz

08 OCT 2020, 22:21

Sorry I didn't come back, was only doing stage photos all night as they had other people just doing all the people photos 👍

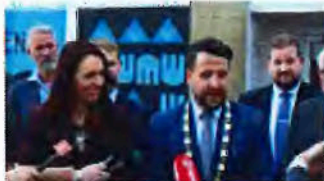


No problem

20 APR, 08:47



Is your local council telling the truth about its planned rates hike?



Hutt City Council Mayor Campbell Barry (pictured) is telling local ratepayers that he plans to hike rates by "just" 5.9 percent. But ratepayers who delve into the fine print of the [proposition material](#) have noticed this excludes the effect of a new targeted rate for rubbish and recycling.

Once you manually calculate the impact of that cost, the real rates hike ends up being well over 10 percent.

While the subterfuge at Hutt City Council is particularly



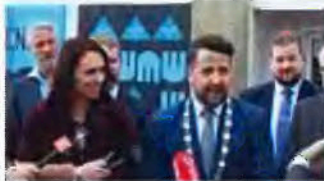
8:51



Max Shierlaw
Active now



Is your local council telling the truth about its planned rates hike?



Hutt City Council Mayor Campbell Barry (pictured) is telling local ratepayers that he plans to hike rates by 'just' 5.9 percent. But ratepayers who delve into the fine print of the [general rates proposal](#) have noticed this excludes the effect of a new targeted rate for rubbish and recycling.

Once you manually calculate the impact of that cost, the real rates hike ends up being well over 10 percent.

While the subterfuge at Hutt City Council is particularly bad, we're seeing other councils using similar tricks. Wellington City Council wants to pay for a new sludge plant via a 'Special Purpose Vehicle' - paid for out of a new \$70 to \$100 annual levy that has not been added to the Council's advertised rates hike.

We've been keeping track of every local council's planned rate hikes on our [Rates Dashboard](#). We might now have to add a 'new taxes' column to keep the councils honest.



Reply



10 MAY, 21:53

Max forwarded a link



Reports of an Innovative Approach

Simon Edwards
Wed 5/13/2020 12:40 PM

3



To:

- Max Shierlaw <max.saria@kinect.co.nz>

Hi Max,

I agree with you. I've always felt an amalgamation of the two Hutt councils would be a good thing overall. We're in the same Valley after all, and the resulting authority would not be so big that citizens would feel remote from the Council. There would very likely be significant savings.

Trouble has always been, Upper Hutt doesn't want it.

I think it would be two-faced of Hutt to try and force Upper Hutt to the table, when (judging by past voting) we don't want to amalgamate with Wellington. A Hutt Valley-Wgtn-Porirua Council is too big (I believe).

And so we're at stalemate.

Cheers.

Simon Edwards
City-wide Councillor

Hutt City Council, New Zealand
T 027 484 8892, W www.huttcity.govt.nz

Simon Edwards
Councillor

Hutt City Council, , , New Zealand
T 027 484 8892, W www.huttcity.govt.nz

Max Shierlaw <max.saria@kinect.co.nz>

Sun 9/27/2020 9:39 AM



To:

- Simon Edwards

Cc:

- Chris Milne

Simon,

Earlier this year the Chief Executive announced to much fanfare that she had achieved \$1.2 million of internal operating savings.

Part of these savings were asking staff to forego a wage increase this year. I commented at the time that this is not a saving as staff were under no obligation to agree. So it has proved to be. I note from the Community Plan meeting papers that a wage increase will apply from 1 January 2021.

Given your Council's propensity at labelling previous councils financially irresponsible, it behoves you to act financially responsible. So given that a significant proportion of the proposed operational savings have not eventuated, that means you must find new savings to ensure your budgeted bottom line is achieved.

Can you please confirm this is on your agenda and that a report will be coming to your next Finance meeting with suggested budget savings.

Regards,

Max

Simon,

I've now had the opportunity to review in detail the supposedly independent report into budget setting. My comments are below.

I noted from the last Council meeting that there is now an opportunity for questions to be asked, despite the Mayor's best effort to railroad endorsement of the report through. I have raised a number of question for both the report author and Council officers. As Chair of Finance could you please submit these for a response.

Thanks & Regards,

Max

"There is confusion over the purpose of depreciation as many believe that the purpose of depreciation is to provide for the replacement of an asset."

"The purpose of depreciation is not to provide for the replacement of the asset(s)"

"As a result of revaluing assets depreciation will increase based on an equivalent replacement cost."

The final statement not correct, and he appears to be contradicting his earlier statements. Revaluation of an asset is based on its depreciated replacement cost, not an equivalent replacement cost. There's a big difference.

"However, as the purpose of depreciation is to charge the people who are using the asset their share of that asset, if the value has increased, in theory the people using the asset should pay a greater share."

That's debateable. The Council is a Public Benefit Entity. By definition it doesn't charge people who use their assets, it taxes property. So here's my view: a taxpayer cannot obtain a tax deduction for depreciation on the revalued amount of an asset, so taxpayers should not be charged for depreciation on the revalued amount of an asset.

"In 2014 the Government introduced the Local Government (Financial Reporting and Prudence) Regulations 2014 (the Regulations) also known as the Prudence regulations...It is considered a useful guide rather than the definitive answer."

Pleased he's acknowledged that.

"An alternative to using a cash flow statement in which only cash transactions that occurred in the year are reported, is to use a modified funding impact statement approach to reflect cash transactions and then compare surplus with renewal expenditure."

We already use a funding Impact Statement, as does every other Council. As I've already advised Council, this has shown at least a \$20m cash operating surplus. **QUESTION: How does the author consider the Funding Impact statement used should be modified and why?**

FURTHER QUESTION: Why does the Author consider the considerably operating cash flow surpluses, as reported in the Funding Impact Statement, restricts both operating and capital expenditure, without considering the longer-term impacts?

"The existing infrastructure strategy states that on average, it allows for \$15m in capital replacements and \$17m to improve and upgrade this infrastructure per annum." **QUESTION: Where does the Infrastructure strategy say that?**

The attached graph from the Infrastructure strategy does not support that statement.

"It has been argued that a Council should include gains (or losses) on property revaluations as part of the balanced budget test. As noted above, generally revaluation only occur every three years, and this is non cash associated gain or loss, therefore it would be imprudent to include the value as part of the balanced budget test. Furthermore, if there was a loss, then a local authority would be funding expenditure for which there would be no related expenditure."

The reason why the gains on asset revaluations should be included as part of the balanced budget test is offset the depreciation charged on what is nothing more than a paper gain on the value of an asset which will probably never be sold. Not to do so would mean the ratepayer would be taxed on many times the cost price of an asset, a huge overtax.

Further, if the balanced budget regulation exclude gains or losses resulting from revaluations of assets, then by extension it must also exclude depreciation resulting from the revaluation. The purpose of this regulation is to strip out non cash revenue and expenditure from the calculation.

QUESTION FOR OFFICERS: Please breakdown the depreciation into depreciation on cost price and depreciation of revaluation.

"Wellington Water has advised us we need to double our investment in our water network to ensure a properly functioning water supply, waste and stormwater system."

QUESTION FOR OFFICERS: Our infrastructure Strategy states that \$1.4 billion capital investment is required over the next 30 years and \$2 billion operating expenditure. Where has Wellington Water specifically stated the water infrastructure component needs to double? The attached from WW doesn't support that contention.

Simon Edwards

Councillor

Hutt City Council, , , New Zealand
T 027 484 8892, W www.huttcity.govt.nz

From: Deborah Hislop <Deborah.Hislop@huttcity.govt.nz>
Sent: 08 April 2021 15:50
To: Max Shierlaw <max.saria@kinect.co.nz>
Cc: Mayor.Councillors <Mayor.Councillors@huttcity.govt.nz>; Jo Miller <Jo.Miller@huttcity.govt.nz>; Helen Oram <Helen.Oram@huttcity.govt.nz>; Parvati Rotherham <Parvati.Rotherham@huttcity.govt.nz>
Subject: RE: Wainuiomata Clean Fill

4

Max,

Thank you for your reply with your explanation of how things were done when you were a Councillor and your suggestion/request that I convene a meeting to sort out what you see as an issue.

At this stage I do not see it as an issue and I will not be convening a meeting to make the policy decision you request, however, I am prepared to talk to the officers again in due course and once I have done that I will be back in touch with you.

Regards
Deborah

From: Max Shierlaw [max.saria@kinect.co.nz]
Sent: 07 April 2021 20:53
To: Deborah Hislop
Cc: Mayor.Councillors; Jo Miller; Helen Oram; Parvati Rotherham
Subject: RE: Wainuiomata Clean Fill

Deborah,

I can't open the links, but it may be of benefit for you and your colleagues to read the full determination of the Acoustics Society. It is attached.

You will note that the T & T employee who accepted ultimate responsibility for the noise testing is a member of the Society. The Determination records that he has been reprimanded and reminded to properly apply the Society's rules of conduct .

You've forwarded me the Council Officers response and unsurprisingly they defend their actions to the hilt.

But my request to you was to make a policy decision to contract out all compliance, monitoring and enforcement functions relating to consents held

by the Hutt City Council. That's a political decision, and not one that can be made by Officers.

The work of Tonkin & Taylor, which Helen Oram had previously told your Committee she was quite happy with, shows that the public can have little confidence in the Hutt City Council acting as regulator to its own consents.

The reporting structures bear all the hallmarks of something being hastily cobbled together. When I was on Council, all City Services staff reported to Bruce Sherlock and all regulatory staff reported to Joycelyn Raffills. There was no cross over of staff whatsoever. Reporting structures and oversight have obviously changed and as a result a clear reporting and accountability separation of infrastructure and regulator staff no longer happens. Reinforces my contention that the public can have little confidence in the Council policing its own consents.

So I again ask that you convene a meeting of your Committee to make a policy decision that compliance, monitoring and enforcement of Hutt City council consents be contracted out to an independent party.

I look forward to hearing from.

Regards,

Max

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

From: Deborah Hislop [mailto:Deborah.Hislop@huttcity.govt.nz]
Sent: Wednesday, 7 April 2021 8:09 PM
To: max.saria@kinect.co.nz
Cc: Mayor.Councillors; Jo Miller; Helen Oram; Parvati Rotherham
Subject: Wainuiomata Clean Fill

Hello Max,

Below is a response from Derek Kerite in response to your questions in relation to the Wainuiomata Cleanfill.

"Update to CLG:

Council officers from Environmental Consents, as well as Council officers representing the consent holder, attended the CLG meeting. At that meeting a verbal update was provided to the group around the noise matters. In essence this is, that the consent holder has decided to retain the services of an alternative noise consultant to do all further noise testing and analysis on the cleanfill. Tonkin & Taylor's noise consultants have done the final work they will be doing for the consent holder.

Acoustics Society response:

Council officers have viewed the response to Mr Shierlaw's complaint to the Acoustics Society of New Zealand (ASNZ). The complaint was summarised by ASNZ as:

[cid:image001.png@01D72AF3.3B754680]

Despite the fact that T&T's acoustic engineers are not members of the ASNZ, the society did assess the complaint. About the complaint re: Rule 9, the ASNZ stated:

[cid:image002.png@01D72AF3.A77F8250]

About the complaint re: Rule 6, the ASNZ stated:

[cid:image003.png@01D72AF4.7C395D40]

The ASNZ also responded as to what disciplinary measures it would have taken had the Acoustics Engineer been one of its members, as follows:

[cid:image004.png@01D72AF4.7C395D40]

Reporting Lines:

The reporting lines are not as described by Mr Shierlaw.

Parvati Rotherham, Team Leader Resource Consents reports to Derek Kerite, Head of Department Environmental Consents. For the cleanfill project, instead of Derek reporting directly to Helen Oram, Director Environment & Sustainability, he reports directly to Jo Miller, CEO.

Dave Dews, Solid Waste Manager reports to Helen Oram, Director Environment & Sustainability, and this reporting arrangement stands.

Enforcement:

Enforcement under the Resource Management Act is subject to the degree of the offending, with particular reference to effects on the environment.

Except in very severe cases of offending (and consequent severe effects on the environment), Council's enforcement approach is to allow space for the consent holder to rectify the situation, often through negotiation. The noise readings for this project are complicated and there has been much discussion amongst experts in the field as to how to take the readings and interpret them.

Noise testing:

Noise consultant experts have been engaged in much discussion around the methodology used for noise testing - this is a complex site to interpret noise readings from.

Council can't place reliance on material produced by laypersons, but rather need experts to supply such information."

Regards
Deborah

RE: Noise at the Wainuiomata "Cleanfill"

Deborah Hislop <Deborah.Hislop@huttcity.govt.nz>

Mon 05/04/2021 17:16

To: Max Shierlaw <max.saria@kinect.co.nz>**Cc:** Campbell Barry <Campbell.Barry@huttcity.govt.nz>; David Bassett <David.Bassett@huttcity.govt.nz>; Simon Edwards <Simon.Edwards@huttcity.govt.nz>; Keri Brown <Keri.Brown@huttcity.govt.nz>; Brady Dyer <Brady.Dyer@huttcity.govt.nz>; Andy Mitchell <Andy.Mitchell@huttcity.govt.nz>; Shazly Rasheed <Shazly.Rasheed@huttcity.govt.nz>; Leigh Sutton <Leigh.Sutton@huttcity.govt.nz>; Naomi Shaw <Naomi.Shaw@huttcity.govt.nz>; Parvati Rotherham <Parvati.Rotherham@huttcity.govt.nz>; Helen Oram <Helen.Oram@huttcity.govt.nz>; Jo Miller <Jo.Miller@huttcity.govt.nz>

Thank you for your email Max,

I am currently awaiting the return from leave of an officer with whom I need to get some information.

Once I have the relevant information I will be back in touch with you.

Regards
Deborah

From: Max Shierlaw [max.saria@kinect.co.nz]**Sent:** 04 April 2021 17:53**To:** Deborah Hislop**Cc:** Campbell Barry; David Bassett; Simon Edwards; Keri Brown; Brady Dyer; Andy Mitchell; Shazly Rasheed; Leigh Sutton; Naomi Shaw; Parvati Rotherham; Helen Oram; Jo Miller
Subject: RE: Noise at the Wainuiomata "Cleanfill"

<https://www.google.co.nz/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjnjujRzOHvAhXqTgGHTCaBvEQFjABegQIBRAD&url=https%3A%2F%2Fwww.mfe.govt.nz%2Fsites%2Fdefault%2Ffiles%2Fmedia%2FRMA%2Fbest-practice-guidelines-cme.pdf&usq=AOvVaw2ol-yd27kPpngJthEloenl>

Deborah,

Further to my earlier email, I have attached relevant extracts from a MFE best practice guideline on compliance, monitoring & enforcement. A link to the full document is also attached as the file size is too large to email.

My earlier email had suggested revoking the Chief Executive's delegation, but as outlined in the MFE document that would not be necessary. The guideline says that:

1. Councils can contract out their compliance, monitoring and enforcement activity either across the board or for specific areas.
2. Elected Members should be approving policy for enforcement, but not making decisions over what is enforced.

Taken together, what needs to happen at the Hutt City Council as a matter of urgency is a policy decision be taken that all compliance, monitoring and enforcement action relating to consents held by the Council be contracted out.

My earlier email outlined the entirely unacceptable actions and performance of the Hutt City Council's regulatory officials in relation to the Wainuiomata Cleanfill.

Please therefore convene an extraordinary meeting of your Committee to approve this policy decision at the earliest opportunity.

Regards,

Max

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

From: Deborah Hislop [mailto:Deborah.Hislop@huttcity.govt.nz]

Sent: Monday, 29 March 2021 5:53 PM

To: Max Shierlaw

Cc: Campbell Barry; David Bassett; Simon Edwards; Keri Brown; Brady Dyer; Andy Mitchell; Shazly Rasheed; Leigh Sutton; Naomi Shaw; Parvati Rotherham; Helen Oram; Jo Miller

Subject: RE: Noise at the Wainuiomata "Cleanfill"

Hello Max,

Thank you for your email. I will provide a substantive reply in due course.

Regards

Deborah

Deborah Hislop

Councillor

Hutt City Council, Lower Hutt, New Zealand

M 027 457 0567

[<http://www.huttcity.govt.nz><<http://www.huttcity.govt.nz/>>]www.huttcity.govt.nz<<http://www.huttcity.govt.nz/>>

[Hutt City Council] <<https://htmlsig.com/t/000001F32TMS>>

From: Max Shierlaw [max.saria@kinect.co.nz]

Sent: 27 March 2021 13:15

To: Deborah Hislop

Cc: Campbell Barry; David Bassett; Simon Edwards; Keri Brown; Brady Dyer; Andy Mitchell; Shazly Rasheed; Leigh Sutton; Naomi Shaw; Parvati Rotherham; Helen Oram; Jo Miller

Subject: Noise at the Wainuiomata "Cleanfill"

Good afternoon Deborah,

At the last Infrastructure & Regulatory Committee meeting Helen Oram advised that the regulator of the Cleanfill, Parvati Rotherham, would be sending a memorandum to the Cleanfill Community Liaison Group advising what is

happening with noise testing the operation. This being in response to the previous noise tests which were manipulated to show compliance with consented noise conditions. Helen advised that this memorandum would cover who would undertake the noise tests and what may happen if the testing again found that the Cleanfill's noise was non-compliant.

The Community Liaison Group met last Thursday 25th March and I am advised that no such memorandum was received by its members.

Helen further advised that this was operational issue, but as with any operational issue Elected Members can revoke the delegation.

I suggest to you as Chair of the Regulatory Committee that the time has come for Elected Members to take such action. I say this for the following reasons:

1. Officers have made commitments to Elected Members at Committee meetings and reneged on them.
2. The noise at the Wainuiomata Cleanfill has been the subject of many complaints from affected residents yet no enforcement action has been taken by the Council against the operator.
3. Noise testing has been manipulated as evidenced by the findings of the Council of the Acoustics Society.
4. The Council is both operator and regulator. While this is allowed under the legislation, it is expected there be quite separate reporting lines within the Council of the two functions. In this case there is not. At the last meeting Helen Oram advised that she was the Consent Holder, and Parvati Rotherham is the Regulator. This is unsatisfactory for two reasons, firstly Parvati reports to Helen in her normal job, and secondly the Consent Holder and Regulator should hold the same level of seniority in the Council. Parvati is considerably less senior within the Council structure than Helen.

To be clear I am not suggesting that Elected Members assume the role of Regulator of the Cleanfill, but rather appoint an independent third party to undertake this function.

You should also be aware that some residents have been taking their own noise readings of the Cleanfill's operations. These have shown readings which are consistently above 60dbh. Ask yourself Deborah, would you be content to live beside that level of noise (almost the equivalent of a domestic lawnmower) for ten hours a day, six days a week.

I look forward to hearing from you.

Regards,

Max

From: Deborah Hislop <Deborah.Hislop@huttcity.govt.nz>

Sent: 08 May 2020 14:09

To: Max Shierlaw <max.shierlaw@woolyarns.co.nz>; Mayor.Councillors <Mayor.Councillors@huttcity.govt.nz>

Subject: RE: Upper Hutt City Council

Hello Max,

Below is an extract from the Stuff article you sent to us which clearly states that the UHCC accessed accumulated funds. Are you now saying that this information was incorrect?

"The lower rates take would be achieved by accessing accumulated funds, reduced debt repayments and reduced spending. Ratepayers would keep \$1.6 million in their pockets under the lower take."

Just wondering?

Deborah

From: Max Shierlaw [max.shierlaw@woolyarns.co.nz]

Sent: 08 May 2020 11:01

To: Mayor.Councillors

Subject: Upper Hutt City Council

Further to Brady's question to me yesterday about the Upper Hutt City Council, they do not have cash reserves. They have a total debt of \$43m and net debt of \$37m after deducting cash.

See attached which outlines how they reduced their rates increase from 4.68% to 1.5%. Net savings found of \$1.179m and reduction in debt repayments of \$2.68m.

Reduction in debt repayments to reduce the rates increase (which are funded from rates) is not an option that has been presented to the Hutt City Council. Why do you think that is?

I found the Upper Hutt City Council's reporting on rates increases much easier to follow and interpret than I did the HCC's. Yours took a considerable amount of time and going back and forth to previous reports before I fully interpreted what had been proposed. Begs the question do the non-Chartered Accountants on the HCC (all of you)

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

From: Chris Milne <Christopher.Milne@huttcity.govt.nz>

Sent: Wednesday, 30 June 2021 9:40 AM

To: [REDACTED]

Subject: Re: [EXTERNAL] LGOIMA Request

Hi [REDACTED] thank you for your email. I do not hold any council information relating to either of the people you mention.

Best regards

Cr Chris Milne

Councillor for the Western Ward, Hutt City Council Phone 0274 422 708 // 04 586 3890

From: [REDACTED]

Sent: 25 June 2021 08:37

To: Campbell Barry <Campbell.Barry@huttcity.govt.nz>; Tui Lewis <Tui.Lewis@huttcity.govt.nz>; Josh Briggs

<Josh.Briggs@huttcity.govt.nz>; Keri Brown <Keri.Brown@huttcity.govt.nz>; Brady Dyer

<Brady.Dyer@huttcity.govt.nz>; Chris Milne <Christopher.Milne@huttcity.govt.nz>; Andy Mitchell

<Andy.Mitchell@huttcity.govt.nz>; Shazly Rasheed <Shazly.Rasheed@huttcity.govt.nz>; Naomi Shaw

<Naomi.Shaw@huttcity.govt.nz>; Leigh Sutton <Leigh.Sutton@huttcity.govt.nz>

Subject: [EXTERNAL] LGOIMA Request

I request the following under LGOIMA from each of you.

A) Any and all conversations including any meetings, emails, phone calls, messages (texts, messaging apps) you have had with a Mr Max Shierlaw within 1 January 2020 to 25 June 2021.

B) Any and all conversations including any meetings, emails, phone calls, messages (texts, messaging apps) you have had with a Mr Mark Crofskey within 1 September 2020 to 25 June 2021.

C) The nature of your relationship with both Max Shierlaw and Mark Crofskey. Including whether or not you have met Max or Mark at your home address within the past 12 months.

D) The requests above include former Councillor David Bassett to the date of his resignation.

Thanks,

[REDACTED]

From: Max Shierlaw <max.shierlaw@woolyarns.co.nz>
Date: 10 May 2020 at 11:52:06 AM NZST
To: Andy Mitchell <Andy.Mitchell@huttcity.govt.nz>, Chris Milne <chris.milne@huttcity.govt.nz>
Cc: Deborah Hislop <Deborah.Hislop@huttcity.govt.nz>, "Mayor.Councillors" <Mayor.Councillors@huttcity.govt.nz>
Subject: RE: Upper Hutt City Council

Andy,

Accumulated funds are an accumulation of prior year surplus. So when the Upper Hutt City Council say they are going to use \$195k of accumulated funds, what they really mean is they are proposing a budget deficit.

But given it's only \$195k, it's not really a big issue. The vast majority of their rates decrease has come from spending reductions and reduced debt repayment.

Again I ask, why hasn't the option of reduced debt repayment been presented as a temporary way of lowering the Hutt City Council's rates increase this year?

Also, I note that one of HCC's savings is a \$1.3m employee cost reduction from not paying a 1.3% salary increase this year. But the report infers this increase has been already agreed to as part of a multi-year Employment Agreement. If that's the case, that saving cannot be taken for granted. It's one thing to go into bargaining and refusing any pay increase. It's quite another to request that a previously agreed pay increase not proceed. Unions are very reluctant to give back entitlements already agreed. You may wish to seek clarification from the CE.

And if that is the case, further savings may be required.

Regards,

Max

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

From: Andy Mitchell <Andy.Mitchell@huttcity.govt.nz>
Sent: Sunday, 10 May 2020 9:39 a.m.
To: Chris Milne <chris.milne@huttcity.govt.nz>
Cc: Max Shierlaw <max.shierlaw@woolyarns.co.nz>; Deborah Hislop <Deborah.Hislop@huttcity.govt.nz>; Mayor.Councillors <Mayor.Councillors@huttcity.govt.nz>
Subject: Re: Upper Hutt City Council

Clearly neither you or Max have read beyond the headline of the article, Chris, as it never

once mentions reserves. It uses the term "accumulated funds", lifted from the UHCC report with 100% accuracy by a Stuff reporter (🙄)

Andy Mitchell
Eastern Ward Councillor

Hutt City Council, 30 Laings Road, Private Bag 31912<x-apple-data-detectors://4>, Lower Hutt 5040, New Zealand T 021 136 1589<tel:021%20136%201589> W
<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.huttcity.govt.nz%2F&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7Cc6be8a5e51e640e89659ece19fcf1e3d%7C0&data=2vV5kPx3I%2BFSA%2FdeICzqujukCoHjDVBUIdtjATrFBeI%3D&reserved=0><https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.huttcity.govt.nz%2F&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7Cc6be8a5e51e640e89659ece19fcf1e3d%7C0&data=2vV5kPx3I%2BFSA%2FdeICzqujukCoHjDVBUIdtjATrFBeI%3D&reserved=0> F
<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2FCrAndyMitchell&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7Cc6be8a5e51e640e89659ece19fcf1e3d%7C0&data=gxi9nh5y6DJnm0Xo1X0LvBN0uqStqNLXUICgAu%2BKI5Q%3D&reserved=0><https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwebmail.huttcity.govt.nz%2Fowa%2F14.3.439.0%2Fscripts%2Fpremium%2Fredir.aspx%3FC%3DRdehxxM_ctmUUSg-etqzFR9G_34h1OCYnAA-a-GwRyXKOWDp7XnXCA..%26URL%3Dhttp%253a%252f%252fwww.facebook.com%252fCrAndyMitchell&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7Cc6be8a5e51e640e89659ece19fcf1e3d%7C0&data=o7jdbbD5cTeVsCTVeQpYvjjNrMis%2FsSdD6bIp6FZXoo%3D&reserved=0>

On 9/05/2020, at 10:29 PM, Chris Milne <chris.milne@huttcity.govt.nz> wrote:

Andy, when you have net debt you do not have reserves. Cash sitting around could be applied to debt repayment. It's fully fungible with debt, so the concept of "reserves", as used in the Stuff article, is meaningless. Relying on Stuff as a source of truth will get you into all sorts of bother.

I rather liked Grant Robertson's response when he was asked why the government was not offering to help the print media, including Stuff, with Covid support. He said "we don't fund pre-existing conditions". Stuff is in terminal decline, mostly due to tech disruption but also because its journalistic standards are now so low that I'm not sure you can even call the Dompost a tabloid without slandering real tabloids.

Max's principle point regarding how Upper Hutt has minimised rates increases is correct.

Cheers Chris

Sent from my Samsung Galaxy smartphone.

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

From: Andy Mitchell <Andy.Mitchell@huttcity.govt.nz>

Date: 8/05/20 2:45 PM (GMT+12:00)

To: Max Shierlaw <max.shierlaw@woolyarns.co.nz>

Cc: Deborah Hislop <Deborah.Hislop@huttcity.govt.nz>, "Mayor.Councillors" <Mayor.Councillors@huttcity.govt.nz>
Subject: Re: Upper Hutt City Council

Correct. As was the Stuff article...

Andy Mitchell
Eastern Ward Councillor

Hutt City Council, 30 Laings Road, Private Bag 31912, Lower Hutt 5040, New Zealand T 021 136 1589<tel:021%20136%201589> W
<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.huttcity.govt.nz%2F&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7C6be8a5e51e640e89659ece19fcf1e3d%7C0&reserved=0><https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.huttcity.govt.nz%2F&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7C6be8a5e51e640e89659ece19fcf1e3d%7C0&reserved=0> F
<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2FCrAndyMitchell&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7C6be8a5e51e640e89659ece19fcf1e3d%7C0&reserved=0><https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwebmail.huttcity.govt.nz%2Fowa%2F14.3.439.0%2Fscripts%2Fpremium%2Fredir.aspx%3FC%3DRdehxxM_ctmUUSg-etqzFR9G_34h1OCYnAA-a-GwRyXKOWDp7XnXCA..%26URL%3Dhttp%253a%252f%252fwww.facebook.com%252fCrAndyMitchell&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7C6be8a5e51e640e89659ece19fcf1e3d%7C0&reserved=0>
https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwebmail.huttcity.govt.nz%2Fowa%2F14.3.439.0%2Fscripts%2Fpremium%2Fredir.aspx%3FC%3DRdehxxM_ctmUUSg-etqzFR9G_34h1OCYnAA-a-GwRyXKOWDp7XnXCA..%26URL%3Dhttp%253a%252f%252fwww.facebook.com%252fCrAndyMitchell&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7C6be8a5e51e640e89659ece19fcf1e3d%7C0&reserved=0

On 8/05/2020, at 2:41 PM, Max Shierlaw <max.shierlaw@woolyarns.co.nz> wrote:

Correct. That could be regarded as drawing on reserves, not cash reserves, but it is a very small proportion of the difference of their rates decrease.

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

From: Andy Mitchell <Andy.Mitchell@huttcity.govt.nz>
Sent: Friday, 8 May 2020 2:39 p.m.
To: Max Shierlaw <max.shierlaw@woolyarns.co.nz>
Cc: Deborah Hislop <Deborah.Hislop@huttcity.govt.nz>; Mayor.Councillors <Mayor.Councillors@huttcity.govt.nz>
Subject: Re: Upper Hutt City Council

The UHCC report you provided states that they are funding \$195k from accumulated funds, which is actually a reduction in the amount of accumulated funds they were planning to spend (they presumably want to keep the rest of their savings for postponed projects):

[cid:F308E9CF-8F25-4FE5-A234-6476BB59B3B5-L0-001]

Andy Mitchell
Eastern Ward Councillor

Hutt City Council, 30 Laings Road, Private Bag 31912<x-apple-data-detectors://4>, Lower Hutt 5040, New Zealand T 021 136 1589<tel:021%20136%201589> W
<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.huttcity.govt.nz%2F&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7Cc6be8a5e51e640e89659ece19fcf1e3d%7C0&reserved=0><<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.huttcity.govt.nz%2F&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7Cc6be8a5e51e640e89659ece19fcf1e3d%7C0&reserved=0>> F
<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2FCrAndyMitchell&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7Cc6be8a5e51e640e89659ece19fcf1e3d%7C0&reserved=0><https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwebmail.huttcity.govt.nz%2Fowa%2F14.3.439.0%2Fscripts%2Fpremium%2Fredir.aspx%3FC%3DRdehxxM_ctmUUSg-etqzFR9G_34h1OCYnAA-a-GwRyXKOWDp7XnXCA..%26URL%3Dhttp%253a%252f%252fwww.facebook.com%252fCrAndyMitchell&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7Cc6be8a5e51e640e89659ece19fcf1e3d%7C0&reserved=0>
jdbbD5cTeVsCTVeQpYvjjNrMis%2FsSdD6bIp6FZXoo%3D&reserved=0>

On 8/05/2020, at 2:14 PM, Max Shierlaw <max.shierlaw@woolyarns.co.nz> wrote:

Stuff = brain dead fake news.

What I have quoted is taken directly from the Upper Hutt City Council's report on their webpage.

I see that stuff have reported the HCC's spin that the rates increase has been halved without bothering to check if that's true. Which it isn't.

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

From: Deborah Hislop <Deborah.Hislop@huttcity.govt.nz>
Sent: Friday, 8 May 2020 2:10 p.m.
To: Max Shierlaw <max.shierlaw@woolyarns.co.nz>; Mayor.Councillors <Mayor.Councillors@huttcity.govt.nz>
Subject: RE: Upper Hutt City Council

Hello Max,

Below is an extract from the Stuff article you sent to us which clearly states that the UHCC accessed accumulated funds. Are you now saying that this information was incorrect?

"The lower rates take would be achieved by accessing accumulated funds, reduced debt repayments and reduced spending. Ratepayers would keep \$1.6 million in their pockets under the lower take."

Just wondering?

Deborah

From: Max Shierlaw [max.shierlaw@woolyarns.co.nz]
Sent: 08 May 2020 11:01
To: Mayor.Councillors
Subject: Upper Hutt City Council

Further to Brady's question to me yesterday about the Upper Hutt City Council, they do not have cash reserves. They have a total debt of \$43m and net debt of \$37m after deducting cash.

See attached which outlines how they reduced their rates increase from 4.68% to 1.5%. Net savings found of \$1.179m and reduction in debt repayments of \$2.68m.

Reduction in debt repayments to reduce the rates increase (which are funded from rates) is not an option that has been presented to the Hutt City Council. Why do you think that is?

I found the Upper Hutt City Council's reporting on rates increases much easier to follow and interpret than I did the HCC's. Yours took a considerable amount of time and going back and forth to previous reports before I fully interpreted what had been proposed. Begs the question do the non-Chartered Accountants on the HCC (all of you) really understand what has been presented. A non-Chartered Accountant would have much more chance of understanding what the Upper Hutt City Council officers have presented than your information.

Regards,

--

Max Shierlaw
Accountant

[Woolyarns_RGB_smaller]

Woolyarns Limited, 25-27 Eastern Hutt Road, P.O. Box 35-020, Lower Hutt 5041, New Zealand

Direct: (+64) 4 920 5303

Mob: (+64) 27 2606852

Web:

<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.woolyarns.co.nz%2F&data=01%7C01%7Cmax.shierlaw%40woolyarns.co.nz%7C635d827841544ccb4e7008d7f4616e3f%7Cc6be8a5e51e640e89659ece19fcf1e3d%7C0&sdata=mypelsqthO9hE%2B3P4QMehuOyy1OiatuMDz8jJjp63RI%3D&reserved=0>

[cid:image004.jpg@01D62527.FE96B450]

This email is confidential and may contain legally privileged information.

If you are not the intended recipient, you must not disclose or use the information contained in it.

If you have received this email in error, please notify us immediately by return email and delete the document.

From: Max Shierlaw <max.shierlaw@woolyarns.co.nz>
Date: 9 February 2020 at 6:36:51 PM NZDT
To: Andy Mitchell <Andy.Mitchell@huttcity.govt.nz>
Cc: Chris Milne <chris.milne@huttcity.govt.nz>, Jenny Livschitz <Jenny.Livschitz@huttcity.govt.nz>, Campbell Barry <Campbell.Barry@huttcity.govt.nz>, Jo Miller <Jo.Miller@huttcity.govt.nz>
Subject: Re: Council operating budgets

A Council press release asserted that there has been an under investment occurring since 2000. That's utter nonsense, and an insult to outstanding former Council Managers such as Ron Muir, whose work on roading was nationally recognised as outstanding. The Hutt City Council's investment in roading over the past 20 years has been exceptional. Strip away the accounting treatment and just look at the pure cash entries and it will become apparent to you.

But worryingly to me is the assertion from the CFO that the Council has suddenly arrived at an \$18m operating deficit. She appears to be using the same false logic as with the roading subsidies. I accept that the 19/20 Council budget was for a \$13m deficit. But the explanation was that most of this deficit was due to CFT grants, which are really capital. The 20/21 budget appears to be based on a starting position of the 19/20 \$13m deficit.

I'm starting to think that the supposed \$18m deficit is a massive con job.

Regards,

Max

From: Andy Mitchell <Andy.Mitchell@huttcity.govt.nz>
Sent: Sunday, 9 February 2020 6:20 PM
To: Max Shierlaw <max.shierlaw@woolyarns.co.nz>
Cc: Chris Milne <chris.milne@huttcity.govt.nz>; Jenny Livschitz <Jenny.Livschitz@huttcity.govt.nz>; Campbell Barry <Campbell.Barry@huttcity.govt.nz>; Jo Miller <Jo.Miller@huttcity.govt.nz>
Subject: Re: Council operating budgets

In defense of the CFO, Max, she has done nothing more than what I requested of her in a briefing last week.

At that briefing another councillor made comments to the effect that the reporting of past operational deficits obscured underlying operating performance due to the accounting practise of including things such as CFT grants as operating rather than capital expenditure, when the outcome is a capital asset owned by Council. On that basis I asked if we could see those past figures adjusted to see more

clearly the underlying operating performance (the blue line in the graph provided, as opposed to the orange).

I realise this may have been an unorthodox request, and apologise for any insult to the accounting profession. To be clear, no-one is suggesting that NZTA subsidies have been spent improperly, or questioning whether past audited annual reports are accurate.

Regards,

Andy Mitchell
Eastern Ward Councillor

Hutt City Council, 30 Laings Road, Private Bag 31912<x-apple-data-detectors://4>, Lower Hutt
5040, New Zealand
T 021 136 1589<tel:021%20136%201589> W
www.huttcity.govt.nz<<http://www.huttcity.govt.nz>> F
[www.facebook.com/CrAndyMitchell](https://webmail.huttcity.govt.nz/owa/14.3.439.0/scripts/premium/redirect.aspx?C=RdehxxM_ctmUUSg-etqzFR9G_34h1OCYNAA-a-GwRyXKOWDp7XnXCA..&URL=http%3a%2f%2fwww.facebook.com%2fCrAndyMitchell)<https://webmail.huttcity.govt.nz/owa/14.3.439.0/scripts/premium/redirect.aspx?C=RdehxxM_ctmUUSg-etqzFR9G_34h1OCYNAA-a-GwRyXKOWDp7XnXCA..&URL=http%3a%2f%2fwww.facebook.com%2fCrAndyMitchell>

On 9/02/2020, at 4:30 PM, Max Shierlaw <max.shierlaw@woolyarns.co.nz> wrote:

They should not have been adjusted in the manner in which the CFO has done.

In accounting terms the grants are included as operational revenue even though they are for capital projects. But an equivalent amount is added back onto the rates funding requirement to ensure these NZTA grants are not being spent on operational expenditure.

On the Balance sheet side, these NZTA grants are deducted from borrowings required for capital roading projects to reflect the subsidy received toward roading capital projects.

The CFO's paper gives the impression that previous Councils' have been improperly spending NZTA capital subsidies on roading operations by claiming they ran a higher than reported operating deficit. This despite the fact that the Annual Reports which reported deficits she claims are under reported were thoroughly audited.

As either a member, Deputy Chair or Chair of the HCC Finance Committee between 2007 - 2016, and as a practicing Chartered Accountant, I take this as a personal and professional insult.

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

From: Andy Mitchell <Andy.Mitchell@huttcity.govt.nz>
Sent: Sunday, 9 February 2020 4:03 p.m.
To: Max Shierlaw <max.shierlaw@woolyarns.co.nz>
Cc: Chris Milne <chris.milne@huttcity.govt.nz>
Subject: Re: Council operating budgets

Yes, which is what they were intended for and why they have been included in the "non-operating item" adjustment requested by Chris and me. The CFO's memo referred to them as capital contributions, not operating expenses.

The adjustment was requested so we could see a truer reflection of actual operating deficits as opposed to "accounting deficits" (as I think Chris referred to them) caused on paper by things like grants to CFT being accounted as operational rather than capital expenditure, even though they're for new buildings.

Andy Mitchell
Eastern Ward Councillor

Hutt City Council, 30 Laings Road, Private Bag 31912<x-apple-data-detectors://4>, Lower Hutt 5040, New Zealand T 021 136 1589<tel:021%20136%201589> W
www.huttcity.govt.nz<<http://www.huttcity.govt.nz/>> F
[www.facebook.com/CrAndyMitchell](https://webmail.huttcity.govt.nz/owa/14.3.439.0/scripts/premium/redirect.aspx?C=RdehxxM_ctmUUSg-etqzFR9G_34h1OCYnAA-a-GwRyXKOwDp7XnXCA..&URL=http%3a%2f%2fwww.facebook.com%2fCrAndyMitchell)<https://webmail.huttcity.govt.nz/owa/14.3.439.0/scripts/premium/redirect.aspx?C=RdehxxM_ctmUUSg-etqzFR9G_34h1OCYnAA-a-GwRyXKOwDp7XnXCA..&URL=http%3a%2f%2fwww.facebook.com%2fCrAndyMitchell>

On 9/02/2020, at 3:01 PM, Max Shierlaw <max.shierlaw@woolyarns.co.nz> wrote:

Roading capital or capital replacement projects.

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

From: Andy Mitchell <Andy.Mitchell@huttcity.govt.nz>
Sent: Sunday, 9 February 2020 2:43 p.m.
To: Max Shierlaw <max.shierlaw@woolyarns.co.nz>
Cc: Chris Milne <chris.milne@huttcity.govt.nz>
Subject: Re: Council operating budgets

If “previous Councils have not been using NZTA capital subsidies to fund roading operations”, what on earth have they been using them for?

Andy Mitchell
Eastern Ward Councillor

Hutt City Council, 30 Laings Road, Private Bag 31912<x-apple-data-detectors://4>, Lower Hutt 5040, New Zealand T 021 136 1589<tel:021%20136%201589> W
www.huttcity.govt.nz<<http://www.huttcity.govt.nz/>> F
[www.facebook.com/CrAndyMitchell](https://webmail.huttcity.govt.nz/owa/14.3.439.0/scripts/premium/redirect.aspx?C=RdehxxM_ctmUUSg-etqzFR9G_34h1OCYnAA-a-GwRyXKOwDp7XnXCA..&URL=http%3a%2f%2fwww.facebook.com%2fCrAndyMitchell)<https://webmail.huttcity.govt.nz/owa/14.3.439.0/scripts/premium/redirect.aspx?C=RdehxxM_ctmUUSg-etqzFR9G_34h1OCYnAA-a-GwRyXKOwDp7XnXCA..&URL=http%3a%2f%2fwww.facebook.com%2fCrAndyMitchell>

On 9/02/2020, at 2:14 PM, Chris Milne <chris.milne@huttcity.govt.nz> wrote:

Hi everyone

Just to clear the air, it was me who sent this to Max. In my email to him I asked him for his views on the adjustments being made, which ended up showing repeated deficits over the last few years. There is so little time to work through this information that I require some external assistance and as this information is essentially restating published council accounts I see no problem in asking external parties for advice.

Regards, Chris

Sent from my Samsung Galaxy smartphone.

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

From: Max Shierlaw <max.shierlaw@woolyarns.co.nz>
Date: 9/02/20 1:37 PM (GMT+12:00)
To: "Mayor.Councillors" <Mayor.Councillors@huttcity.govt.nz>
Cc: Jo Miller <Jo.Miller@huttcity.govt.nz>, Jenny Livschitz <Jenny.Livschitz@huttcity.govt.nz>
Subject: Council operating budgets

Good afternoon,

I have been sent the attached memorandum you received from the CFO this morning.

The information assets that the since 2010 the Hutt City Council has been running significant operating deficits since 2010.

A key reason alleged by the CFO is that capital subsidies from the NZTA have been used to funded roading operations. This is simply not true. As evidenced from the attached segment of the 2016 Annual Report, the capital portion of NZTA subsidies is added back onto the rates funding requirement. Similarly it is deducted from the loan funding requirement.

You can be well assured that previous Councils have not been using NZTA capital subsidies to fund roading operations.

The other error in the CFO's memo is that development contributions are capital funding. They are not. The whole purpose of a development contribution is to recognise the increasing demands placed on existing community assets from an increased population. This in turn results in increased operational spending. Development contributions are quite properly treated as revenue.

This is the second occasion in recent months I have had occasion to correct misstatements from the CFO and I'm becoming very concerned.

Regards,

--

Max Shierlaw
Accountant

<image001.png>

Woolyarns Limited, 25-27 Eastern Hutt Road, P.O. Box 35-020, Lower Hutt 5041, New Zealand
Direct: (+64) 4 920 5303
Mob: (+64) 27 2606852
Web: www.woolyarns.co.nz<<http://www.woolyarns.co.nz>>

<image002.jpg>

This email is confidential and may contain legally privileged information.
If you are not the intended recipient, you must not disclose or use the information contained in it.
If you have received this email in error, please notify us immediately by return email and delete the document.

7

From: (2)(a)
Date: Tuesday, 11 May 2021 at 1:34 PM
To: "mcrofskey@outlook.com" <mcrofskey@outlook.com>
Subject: Fwd: Carport (2)(a)

Sent from my iPad

Begin forwarded message:

From: Paul Duffin <Paul.Duffin@huttcity.govt.nz>
Date: 10 May 2021 at 4:21:52 PM NZST
To: (2)(a)
Subject: (2)(a)

Good afternoon.

Recently I received a call from a person on behalf of the owners, this call after I had left a calling card in relation to the recently altered carport at the above address.

Can someone please call me to provide an update in regard to what your intention is to formalize the carport.

Thank you.
Paul Duffin

Senior Monitoring and Enforcement Officer

Hutt City Council, 30 Laings Road, 5040, Lower Hutt 5040, New Zealand

T , M 027 285 7154, W www.huttcity.govt.nz



sign up to our newsletter

From: [REDACTED]
Date: Friday, 7 May 2021 at 3:13 PM
To: "mcrofskey@outlook.com" <mcrofskey@outlook.com>
Subject: Pics of carport

The first showing how far back we moved the post the second showing the gap between the boundary and the third from the neighbour side at [REDACTED] showing we have not crossed over nor is the drainage crossing over.

Thanks a ton.

[REDACTED]
[REDACTED]



Hi they moved away from the boundary and the holes were for old dog kennels.

Get [Outlook for iOS](#)

From: Leigh Sutton <leigh.sutton@xtra.co.nz>
Sent: Tuesday, May 11, 2021 2:54:36 PM
To: Mark Crofskey <mcrofskey@outlook.com>
Subject: FW: Pics of carport - 7(2)(a)

Just got this back from Paul ... do you have a phone contact for them? Or I guess I can call in.

From: Paul Duffin [<mailto:Paul.Duffin@huttcity.govt.nz>]
Sent: Tuesday, May 11, 2021 2:51 PM
To: Leigh Sutton
Subject: RE: Pics of carport - 7(2)(a)

Thanks for the photos Leigh. Can you ask them what the hole was used for in photo one as it looks like it was once a post hole. Beside the hole and towards the boundary it looks like there is new concrete- can you ask them about that as well please.

If they have moved from the original position closer to the boundary then they will need at least a resource consent- and maybe a building consent.

Paul Duffin

Senior Monitoring and Enforcement Officer

Hutt City Council, 30 Laings Road, 5040, Lower Hutt 5040, New Zealand

T , M 027 285 7154, W www.huttcity.govt.nz



[sign up to our newsletter](#)

From: Leigh Sutton [<mailto:leigh.sutton@xtra.co.nz>]
Sent: Tuesday, 11 May 2021 2:46 PM
To: Paul Duffin
Subject: FW: Pics of carport - 7(2)(a)

No it is shorter.

On 11/05/21, 4:19 PM, "Leigh Sutton" <leigh.sutton@xtra.co.nz> wrote:

Hi Mark - Paul Duffin has come back to me asking "is it any longer?"

Sent from my iPhone

--

This email has been checked for viruses by AVG.

<https://www.avg.com>

Hi [redacted]

[redacted]

From: Leigh Sutton <leigh.sutton@xtra.co.nz>
Date: Monday, 17 May 2021 at 11:03 AM
To: Mark Crofskey <mcrofskey@outlook.com>
Subject: [redacted] CONTACT DETAILS FOR SITE VISIT

Hi Mark – see message below Council's enforcement officer would like to pay a visit to site – could you please forward me contact details so he can arrange a time?

Thanks
Leigh

From: Paul Duffin [<mailto:Paul.Duffin@huttcity.govt.nz>]
Sent: Monday, May 17, 2021 8:21 AM
To: Leigh Sutton
Subject: RE: Pics of carport - [redacted]

Thanks for that Leigh.

Can I arrange a time to revisit please as my aerial photo shows something different.

Thanks

Paul Duffin

Senior Monitoring and Enforcement Officer

Hutt City Council, 30 Laings Road, 5040, Lower Hutt 5040, New Zealand

T , M 027 285 7154, W www.huttcity.govt.nz



From: Leigh Sutton [<mailto:leigh.sutton@xtra.co.nz>]
Sent: Tuesday, 11 May 2021 5:42 PM
To: Paul Duffin
Subject: Re: Pics of carport - [redacted]

WARNING!!!

[Suspected fraudulent email detected]

----- Hi Paul - no it's shorter.

Sent from my iPhone

On 11/05/2021, at 3:50 PM, Paul Duffin <Paul.Duffin@huttcity.govt.nz> wrote:

Thanks for that. Is it any longer?

Paul Duffin

Senior Monitoring and Enforcement Officer

Hutt City Council, 30 Laings Road, 5040, Lower Hutt 5040, New Zealand

T , M 027 285 7154, W www.huttcity.govt.nz

<hccsmalllogo_fc6f6e05-be46-4dd3-bc01-910915b54a7e.jpg>

<12153HaHEmailSignatureFINAL_03bf4963-e923-4668-bd5b-b794173b5f82.JPG>

From: Leigh Sutton [<mailto:leigh.sutton@xtra.co.nz>]

Sent: Tuesday, 11 May 2021 2:58 PM

To: Paul Duffin

Subject: RE: Pics of carport - 7(2)(a)

WARNING!!!

[Suspected fraudulent email detected]

Hi Paul – I'm told they moved away from the boundary and the holes were for old dog kennels.

Regards

Leigh

From: Paul Duffin [<mailto:Paul.Duffin@huttcity.govt.nz>]

Sent: Tuesday, May 11, 2021 2:51 PM

To: Leigh Sutton

Subject: RE: Pics of carport - 7(2)(a)

Thanks for the photos Leigh. Can you ask them what the hole was used for in photo one as it looks like it was once a post hole. Beside the hole and towards the boundary it looks like there is new concrete- can you ask them about that as well please.

If they have moved from the original position closer to the boundary then they will need at least a resource consent- and maybe a building consent.

Paul Duffin

Senior Monitoring and Enforcement Officer

Hutt City Council, 30 Laings Road, 5040, Lower Hutt 5040, New Zealand

T, M 027 285 7154, W www.huttcity.govt.nz

<image001.jpg>

<image002.jpg>

From: Leigh Sutton [<mailto:leigh.sutton@xtra.co.nz>]

Sent: Tuesday, 11 May 2021 2:46 PM

To: Paul Duffin

Subject: FW: Pics of carport - [REDACTED]

WARNING!!!

[Suspected fraudulent email detected]

From: Mark Crofskey [<mailto:mcrofskey@outlook.com>]

Sent: Tuesday, May 11, 2021 2:08 PM

To: Leigh Sutton

Subject: FW: Pics of carport

From: [REDACTED]

Date: Friday, 7 May 2021 at 3:13 PM

To: "mcrofskey@outlook.com" <mcrofskey@outlook.com>

Subject: Pics of carport

The first showing how far back we moved the post the second showing the gap between the boundary and the third from the neighbour side at [REDACTED] showing we have not crossed over nor is the drainage crossing over.

Thanks a ton.

[REDACTED]
<image003.jpg>

<image004.jpg>

<image005.jpg>

Sent from my iPhone

<image006.jpg>

This email has been checked for viruses by AVG antivirus software.
www.avg.com

Mary Hewett

From: David Bassett <David.Bassett@huttcity.govt.nz>
Sent: Monday, 18 May 2020 8:51 AM
To: Max Shierlaw
Subject: RE: Independent report into budget setting

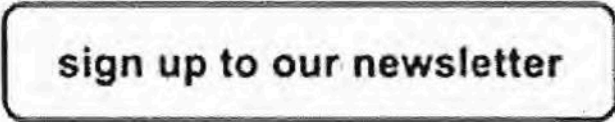
Max

Will do.

Cheers

David Bassett JP
City Councillor

Hutt City Council, , , , New Zealand
T 021 135 9391, W www.huttcity.govt.nz



From: Max Shierlaw [mailto:max.saria@kinect.co.nz]
Sent: Monday, 18 May 2020 7:35 AM
To: David Bassett <David.Bassett@huttcity.govt.nz>
Subject: FW: Independent report into budget setting

David,

Would you be able to follow up with Simon please to ensure he submits my questions to officers and author.

I saw that you stood up to the Mayor's attempt to railroad endorsement of the report through Council.

Thanks & Regards,

Max

From: Max Shierlaw [mailto:max.saria@kinect.co.nz]
Sent: Sunday, 17 May 2020 5:53 PM
To: 'Simon Edwards'
Subject: Independent report into budget setting

Simon,

I've now had the opportunity to review in detail the supposedly independent report into budget setting. My comments are below.

I noted from the last Council meeting that there is now an opportunity for questions to be asked, despite the Mayor's best effort to railroad endorsement of the report through. I have raised a number of question for both the report author and Council officers. As Chair of Finance could you please submit these for a response.

Thanks & Regards,

Max

"There is confusion over the purpose of depreciation as many believe that the purpose of depreciation is to provide for the replacement of an asset."

"The purpose of depreciation is not to provide for the replacement of the asset(s)"

"As a result of revaluing assets depreciation will increase based on an equivalent replacement cost."

The final statement not correct, and he appears to be contradicting his earlier statements. Revaluation of an asset is based on its depreciated replacement cost, not an equivalent replacement cost. There's a big difference.

"However, as the purpose of depreciation is to charge the people who are using the asset their share of that asset, if the value has increased, in theory the people using the asset should pay a greater share."

That's debateable. The Council is a Public Benefit Entity. By definition it doesn't charge people who use their assets, it taxes property. So here's my view: a taxpayer cannot obtain a tax deduction for depreciation on the revalued amount of an asset, so taxpayers should not be charged for depreciation on the revalued amount of an asset.

"In 2014 the Government introduced the Local Government (Financial Reporting and Prudence) Regulations 2014 (the Regulations) also known as the Prudence regulations...It is considered a useful guide rather than the definitive answer."

Pleased he's acknowledged that.

"An alternative to using a cash flow statement in which only cash transactions that occurred in the year are reported, is to use a modified funding impact statement approach to reflect cash transactions and then compare surplus with renewal expenditure."

We already use a funding Impact Statement, as does every other Council. As I've already advised Council, this has shown at least a \$20m cash operating surplus. **QUESTION: How does the author consider the Funding Impact statement used should be modified and why?**

FURTHER QUESTION: Why does the Author consider the considerably operating cash flow surpluses, as reported in the Funding Impact Statement, restricts both operating and capital expenditure, without considering the longer-term impacts?

"The existing infrastructure strategy states that on average, it allows for \$15m in capital replacements and \$17m to improve and upgrade this infrastructure per annum." **QUESTION: Where does the Infrastructure strategy say that?**

The attached graph from the Infrastructure strategy does not support that statement.

"It has been argued that a Council should include gains (or losses) on property revaluations as part of the balanced budget test. As noted above, generally revaluation only occur every three years, and this is non cash associated gain or loss, therefore it would be imprudent to include the value as part of the balanced budget test. Furthermore, if there was a loss, then a local authority would be funding expenditure for which there would be no related expenditure."

The reason why the gains on asset revaluations should be included as part of the balanced budget test is offset the depreciation charged on what is nothing more than a paper gain on the value of an asset which will probably never be sold. Not to do so would mean the ratepayer would be taxed on many times the cost price of an asset, a huge overtax.

Further, if the balanced budget regulation exclude gains or losses resulting from revaluations of assets, then by extension it must also exclude depreciation resulting from the revaluation. The purpose of this regulation is to strip out non cash revenue and expenditure from the calculation.

QUESTION FOR OFFICERS: Please breakdown the depreciation into depreciation on cost price and depreciation of revaluation.

"Wellington Water has advised us we need to double our investment in our water network to ensure a properly functioning water supply, waste and stormwater system."

QUESTION FOR OFFICERS: Our infrastructure Strategy states that \$1.4 billion capital investment is required over the next 30 years and \$2 billion operating expenditure. Where has Wellington Water specifically stated the water infrastructure component needs to double? The attached from WW doesn't support that contention.

Mary Hewett

From: David Bassett <David.Bassett@huttcity.govt.nz>
Sent: Thursday, 19 March 2020 9:40 AM
To: Max Shierlaw
Subject: RE: 2018-2028 LTP proposed amendment

Thanks Max for your contribution, much appreciated.

Cheers

David Bassett JP

City Councillor

Hutt City Council, , , New Zealand
T 021 135 9391, W www.huttcity.govt.nz



sign up to our newsletter

From: Max Shierlaw [<mailto:max.shierlaw@woolyarns.co.nz>]
Sent: Wednesday, 18 March 2020 11:49 AM
To: Mayor.Councillors <Mayor.Councillors@huttcity.govt.nz>
Subject: 2018-2028 LTP proposed amendment

Good morning,

Please find attached the documents which I will be speaking to under public comment this afternoon.

Essentially, the first two pages prove beyond doubt that the difference between the 2020/21 budget in last year's Annual Plan, and this year's 2020/21 budget are insignificant. As such there is absolutely no need to amend the 2018-2028 LTP this year.

A new 2021-2031 LTP is required to be done next year, and that is the time for the financial strategy to be changed. You will have more definitive numbers for the new capital projects next year so you will be able to make a more accurate forecast of rates increases and debt levels. Do it once and get it right.

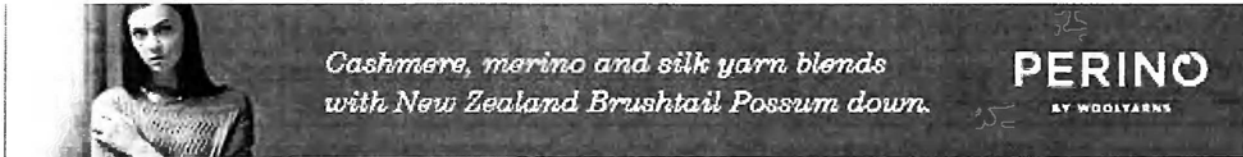
Regards,

--
Max Shierlaw
Accountant



WOOLYARNS
- NEW ZEALAND -

Woolyarns Limited, 25-27 Eastern Hutt Road,
P.O. Box 35-020, Lower Hutt 5041, New Zealand
Direct: (+64) 4 920 5303
Mob: (+64) 27 2606852
Web: www.woolyarns.co.nz



This email is confidential and may contain legally privileged information.
If you are not the intended recipient, you must not disclose or use the information contained in it.
If you have received this email in error, please notify us immediately by return email and delete the document.