



7 July 2025

Ra Puriri

s7(2)(a)

Tēnā koe Ra,

Request for Information – Local Government Official Information and Meetings Act (LGOIMA) 1987

We refer to your official information request dated 7 June 2025, made under the Local Government Official Information and Meetings Act 1987 (LGOIMA). You requested information covering the past five years relating to building consent applications submitted by individuals or companies who did not hold legal title to the property at the time of application.

Before responding, we wish to clarify that some aspects of your request appear to relate to processes governed by the Resource Management Act 1991, which pertains to resource consents. However, as your request specifically refers to building consent applications, our response has focused on building consents. If you intended to seek information about resource consents, we invite you to clarify your request or [submit a further request](#).

Several of your questions relate to information that is not held in a reportable format or is not collected or tracked by Hutt City Council. In some cases, responding would require substantial manual collation or the creation of new information. Under the LGOIMA, public agencies are not required to create new information to respond to a request. Accordingly, where applicable, parts of your request are refused under section 17(f) (substantial collation) or section 17(g) (information not held).

Our response is as follows:

1. *How many building consent applications have been submitted by individuals or companies who did not hold legal title to the property at the time of application?*

Answer: Council does not hold this information in a reportable format. Identifying such applications would require a manual review of all building consent records over the past five years. This part of your request is refused under section 17(f) of the LGOIMA.

2. Of those, how many proceeded without the knowledge or written consent of the legal property owner(s)?

Answer: This information is not held in a reportable format and would similarly require extensive manual review. This part of your request is also refused under section 17(f) of the LGOIMA.

3. How many of those applications were approved by the Council?

Answer: As noted above, without identifying the relevant applications, we are unable to determine how many were approved. This part of your request is refused under section 17(f) of the LGOIMA.

4. How many resulted in building work proceeding to completion without the legal property owner(s) being informed at any stage?

Answer: Council does not hold this information. We are not routinely informed of communications between applicants and property owners unless a formal complaint is made.

5. How many of these cases have led to formal civil disputes, complaints, or legal actions brought to the Council's attention (including through the Disputes Tribunal, District Court, or Council's internal processes)?

Answer: Council does not maintain a centralised record linking building consent applications to subsequent legal or civil disputes. Identifying such cases would require a manual review and is therefore refused under section 17(f) of the LGOIMA.

6. What internal policies or procedures does the Council follow to verify legal ownership, or to notify owners when a third party submits a consent application on their property?

Answer: In order to submit a building consent application, proof of ownership is required. Our application forms clearly state that incomplete applications may be returned. This includes the requirement to provide evidence of ownership or written authorisation from the legal owner. The relevant form is publicly available on our website: [Building consent forms | Hutt City Council](#)

7. Why does the Council interpret the Resource Management Act (RMA) as allowing consent applications to be submitted and processed without any obligation to notify the legal landowner?

Answer: Please refer to section 95D of the Resource Management Act 1991, which outlines the criteria for limited notification of resource consent applications. The Act does not require landowner consent for all applications.

8. On what legal or policy basis does the Council exercise discretion not to notify or consult the legal property owner before processing or approving a consent application by a third party?

Answer: As above, section 95D of the Resource Management Act 1991 provides the legal framework for notification decisions.

9. Does the Council consider this a sound use of ratepayer resources, given the risk of wasted staff time, legal disputes, and unintended construction on properties without owner awareness?

Answer: This question seeks opinion rather than official information and is therefore not covered by the LGOIMA. Accordingly, no response is provided.

10. Does the Council track or audit the frequency of applications submitted by non-owners, and if so, what oversight exists to prevent system abuse or misrepresentation?

Answer: Council does not track this information in relation to resource consents. For building consents, we have confirmed that no dataset or report exists that records this information. The LGOIMA does not require agencies to create new information in order to respond to a request. Accordingly, this part of your request is refused under section 17(g), as the information is not held and there is no obligation to create it.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at: [How to make a complaint | Ombudsman New Zealand](#), or freephone 0800 802 602.

Please note that this response to your information request may be published on Hutt City Council's website: [Proactive releases | Hutt City Council](#)

Ngā mihi nui



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