

21 April 2023

Mark Crowskey

s 7(2)(a)

Tēnā koe Mark

Request for Information pursuant to the Local Government Official Information and Meetings Act 1987 (LGOIMA)

I refer to your correspondence of 13 March 2023 in which you requested the following official information:

“... all information relating to the lifting of the red sticker on 60 Holborn Drive.”

Please find attached the material you have requested. We advise that some material has been withheld under the following sections of the LGOIMA:

- 7(2)(a), to maintain the privacy of individuals
- 7(2)(g), for the maintenance of legal privilege
- 7(2)(f)(i), to maintain free and frank expressions of opinion

Information relating to draft versions of the AECOM report are declined under s7(2)(f)(i) of the LGOIMA, which allows withholding of information if it is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to officers in the course of their duty.

The material relating to drafts was produced for the purpose of review and comment by officers and their advisors. It is crucial that both the consultants and staff are not deterred from setting out free and frank opinions in the context of getting to a robust final opinion that can then become public and/or be relied on to make decisions. Although these are skilled and professional consultants, this was an important regulatory decision that needed robust testing before a final position was reached.

As you are aware, a final report from AECOM was produced and provided to you on 29 March 2023.

In our view there are no other considerations that render it desirable, in the public interest, for the withheld information to be released.

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 www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this letter may be published on the Council's website.

Nāku noa, nā



Susan Sales

Senior Advisor, Official Information and Privacy

Released under the Local Government Official Information and Meetings Act

From: Derek Kerite <Derek.Kerite@huttcity.govt.nz>

Sent: Wednesday, 1 March 2023 11:11 am

To: §7(2)(a) <§7(2)(a)@aecom.com>; §7(2)(a) <§7(2)(a)@aecom.com>;
§7(2)(a) <§7(2)(a)@aecom.com>

Cc: §7(2)(a) <§7(2)(a)@aecom.com> Paul Pugh <Paul.Pugh@huttcity.govt.nz>; Caryn Ellis <Caryn.Ellis@huttcity.govt.nz>; Casey Truman <Casey.Truman@huttcity.govt.nz>

Subject: FW: Report for: 60 Holborn Drive

Kia ora ^{s7(2)(a)}

I attach a stability assessment report produced by Ian Brown (IRBA) on behalf of the ^{s7(2)(a)} family, owners of 60 Holborn.

On receipt of the report we went back to ^{s7(2)(a)} and Ian with questions and the responses are also attached

What we need from your team is to review the report & responses to form a conclusion on whether it changes your view about the Dangerous Building Notice and whether the building can be occupied.

You will note that the IRBA report talks to drainage concerns and causation. We **do not** require any assessment or findings in this area.

We would also like to meet with your team to discuss your findings, before the final report is published. Feel free to reach out if you have any questions.

Thanks,

Derek Kerite
Head of Regulatory Services

Hutt City Council, 30 Laings Road, Lower Hutt 5010

P: M: ^{s7(2)(a)} **W:** www.huttcity.govt.nz



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From: ^{s7(2)(a)}
Sent: Tuesday, 28 February 2023 5:08 PM
To: Derek Kerite <Derek.Kerite@huttcity.govt.nz>
Subject: Re: [EXTERNAL] Report for: 60 Holborn Drive

Hi Derek,

I'm sure you will find the report very detailed. If there is anything unclear or requires further clarification please let me know and I will work with Ian.

I think for now, it is best if we put aside thinking about work that is happening in the future and purely focus on the Dangerous Building Notice to avoid any confusion. That is what we are challenging here.

We simply want the ability to move back in to our family home and we have provided you a report that supports this.

Can you please advise when we are likely to have a response in conclusion to the Dangerous Building Notice?

Released under the Local Government Official Information and Meetings Act

From: s7(2)(a)
Sent: Tuesday, 28 February 2023 2:35 PM

To: Derek Kerite <Derek.Kerite@huttcity.govt.nz>
Subject: Re: [EXTERNAL] Report for: 60 Holborn Drive

Hi Derek,

I have attached an email from Ian with answers to your questions.

On 28/02/2023, at 1:10 PM, Derek Kerite <Derek.Kerite@huttcity.govt.nz> wrote:

Kia ora §7(2)(a)

Thanks for forwarding the report from Ian Brown. The report concludes that the building is not dangerous and is safe to occupy. Before I reconsider the dangerous building notice, I have a question that I request Ian Brown to consider (or to update his report) so that I can understand the reasons for his conclusions.

The last paragraph of the conclusion in the report outlines an understanding that the Council plan to carry out appropriate slope protection works. These works have now been outlined in agreement between Council and yourself. The report does not appear to otherwise address these shotcrete stability works on the slip face. I accordingly seek clarification as to the impact of these works on the report's conclusion that the house is safe to occupy, and in particular:

1. any danger from occupation arising from the proposed remedial works to take place on the adjacent slope,
2. the impact of house occupation on the proposed works, such as any risks from falls (with no ability to simply fence the slip face while works are ongoing),
3. whether the house is safe to occupy now, or only after the completion of the slope stabilisation works.

Once I receive a response to these matters, I will request the Council's engineers Aecom to review the Ian Brown report and advise me. On receipt of that advice from Aecom, I will consider whether the dangerous building notice should remain in place.

Regards,

Derek Kerite
Head of Regulatory Services

Hutt City Council, 30 Laings Road, Lower Hutt 5010
P: §7(2)(a) **W:** www.huttcity.govt.nz

<Mail Attachment.png>

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copying or distribution of this e-mail message is prohibited. If you have received this e-mail message in error, please notify the sender immediately. Thank you

From: s7(2)(a)
Sent: Monday, 27 February 2023 12:58 PM
To: Derek Kerite <Derek.Kerite@huttcity.govt.nz>
Subject: [EXTERNAL] Report for: 60 Holborn Drive

Hi Derek,

As you are aware we have been working with Ian Brown on the Dangerous Building Notice. He has completed his report and it is attached.

Are you able to give me an indication of how long the process takes for you to review and come back with a determination?

Ian includes information in his report around the stormwater that runs through the property. I would appreciate if you can follow up separately about that.

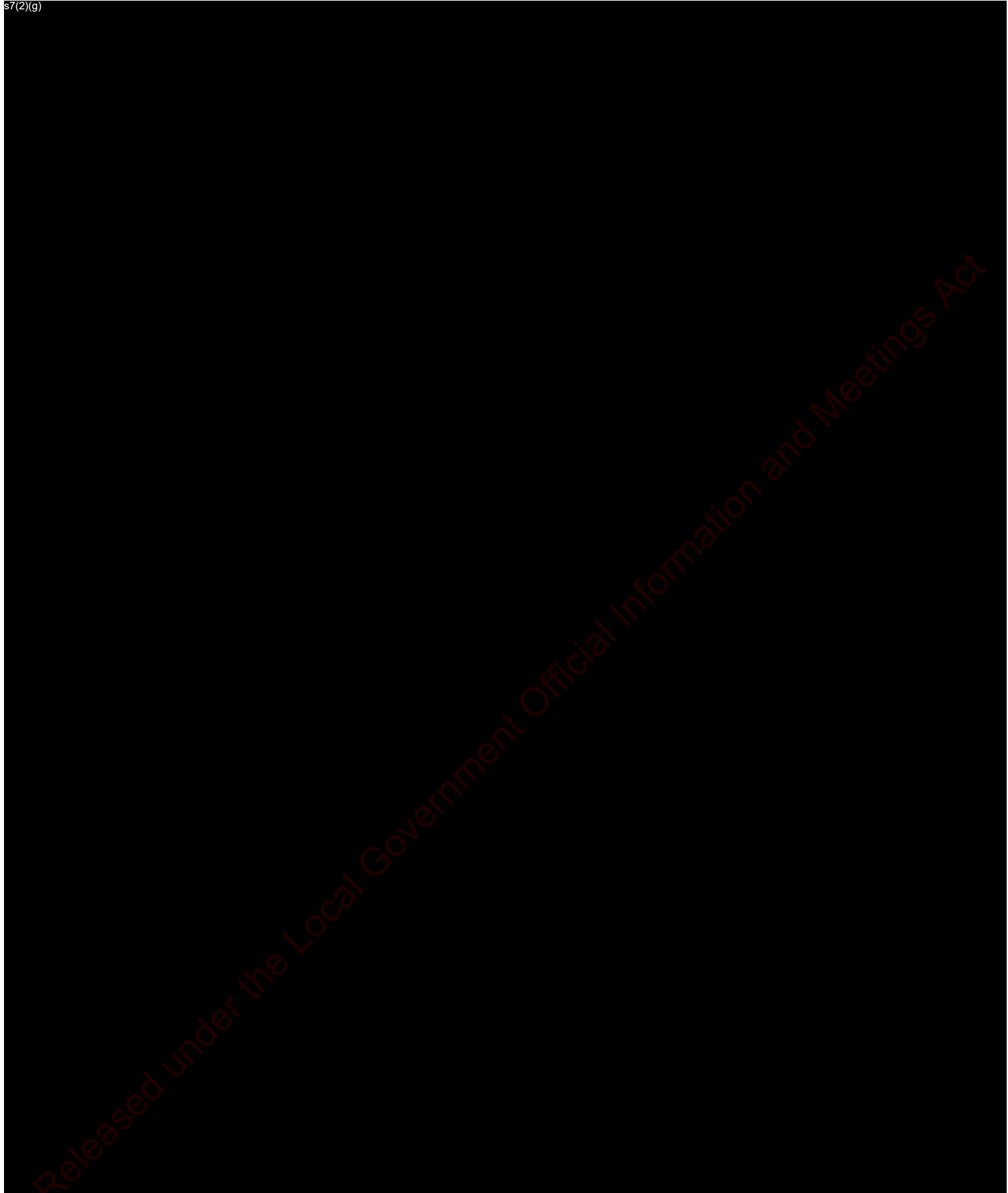
I have also included a photo taken recently which shows the physical state of the manhole right beside the slip face. I suspect water could also enter the stormwater trench from here.

<image001.jpg>

--
Thanks,

s7(2)(a)





From: Derek Kerite <Derek.Kerite@huttcity.govt.nz>

Sent: Monday, 27 February 2023 2:35 PM

To: [redacted] <[redacted]@aecom.com>

Cc: Paul Pugh <Paul.Pugh@huttcity.govt.nz>; Casey Truman <Casey.Truman@huttcity.govt.nz>; Jon Kingsbury <Jon.Kingsbury@huttcity.govt.nz>; Caryn Ellis <Caryn.Ellis@huttcity.govt.nz>; [redacted]

Subject: FW: [EXTERNAL] Report for: 60 Holborn Drive

Hi ^{s7(2)(a)}

We've received the attached report prepared by Ian Brown on behalf of the ^{s7(2)(a)} family, owners of 60 Holborn Drive.

Based on site investigations and modelling the report concludes that the building is no longer dangerous and is safe to occupy.

Can your team review the report and provide us with your findings? Feel free to call me if you would like to discuss.

Thanks,

Derek Kerite

Head of Regulatory Services

Hutt City Council, 30 Laings Road, Lower Hutt 5010

P: M: ^{s7(2)(a)} W: www.huttcity.govt.nz



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From: ^{s7(2)(a)}

Sent: Monday, 27 February 2023 12:58 PM

To: Derek Kerite <Derek.Kerite@huttcity.govt.nz>

Subject: [EXTERNAL] Report for: 60 Holborn Drive

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Are you able to give me an indication of how long the process takes for you to review and come back with a determination?

Ian includes information in his report around the stormwater that runs through the property. I would appreciate if you can follow up separately about that.

From: [REDACTED]
Sent: Thursday, 9 March 2023 7:09 pm
To: Caryn Ellis
Cc: Jekkie Suwanposee; Derek Kerite; Alison Geddes
Subject: Re: [EXTERNAL] Report for: 60 Holborn Drive

Hi Caryn,

I want to ensure we are 100% on the same page as to what we are doing here.

We are challenging the Dangerous Building Notice on our property.

The other elements from Ian's report regarding the council owned stormwater will need to be dealt with separately. Regarding future property works, again, they should have no bearing on the Dangerous Building Notice, I have confirmed this with our lawyer.

I would appreciate absolute focus on what we are asking the council to resolve. We want back in our house ASAP, no strings attached :-)

Cheers

On 9/03/2023, at 5:43 PM, [REDACTED] wrote:

Hi Caryn,

Thank you for confirming that.

Given that the council set a precedent in confirming the second red sticker we would appreciate if you could use the same approach to assist in its removal.

Look forward to hearing from you tomorrow.

On 9/03/2023, at 5:26 PM, Caryn Ellis <Caryn.Ellis@huttcity.govt.nz> wrote:

Thanks [REDACTED] copied into this email chain is Alison Geddes who is the Director Environment & Sustainability who Derek reports to. Alison or I will have to get back to you tomorrow with an update on a timeframe for a decision.
Kind regards
Caryn

Caryn Ellis She/Her
Head of Chief Executive's Office

Hutt City Council, 30 Laings Road, Lower Hutt 5040

P: | M: [REDACTED] | W www.huttcity.govt.nz
<Mail Attachment.jpeg>

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From: [REDACTED]
Sent: Thursday, 9 March 2023 5:22 pm
To: Caryn Ellis <Caryn.Ellis@huttcity.govt.nz>
Cc: Jekkie Suwanposee <Jekkie.Suwanposee@huttcity.govt.nz>; Derek Kerite <Derek.Kerite@huttcity.govt.nz>; Alison Geddes <Alison.Geddes@huttcity.govt.nz>
Subject: Re: [EXTERNAL] Report for: 60 Holborn Drive

Hi Caryn,

This is exactly the kind of update I have been asking for.

Can you please state when the council will have a final report and is able to share the determination with us?

I presume there are others that can continue to progress this in Dereks absence?

From: Caryn Ellis
Sent: Thursday, 9 March 2023 5:19 pm
To: [REDACTED]
Cc: Jekkie Suwanposee; Derek Kerite; Alison Geddes
Subject: RE: [EXTERNAL] Report for: 60 Holborn Drive

Kia ora [REDACTED], thank you for your email. [REDACTED]. While the council has received a draft report there were a number of matters that needed to be addressed and we are awaiting a final report. The AECOM report informs a decision made by the regulatory arm of Council. The Council cannot make a decision until the final report is received.

Please reach out to me if you have other questions in the meantime.

Regards Caryn

Caryn Ellis She/Her
[Head of Chief Executive's Office](#)

Hutt City Council, 30 Laings Road, Lower Hutt 5040

P: | M: [REDACTED] | W www.huttcity.govt.nz

From: [REDACTED]
Sent: Thursday, 9 March 2023 5:06 pm
To: Derek Kerite <Derek.Kerite@huttcity.govt.nz>

From: [REDACTED]
Sent: Thursday, 9 March 2023 5:06 pm
To: Derek Kerite <Derek.Kerite@huttcity.govt.nz>
Cc: Caryn Ellis <Caryn.Ellis@huttcity.govt.nz>; Jon Kingsbury <Jon.Kingsbury@huttcity.govt.nz>; Jekkie Suwanposee <Jekkie.Suwanposee@huttcity.govt.nz>
Subject: Re: [EXTERNAL] Report for: 60 Holborn Drive

Hi Derek,

I've tried to call you a few times today but it has gone to voice mail.

I have been informed that AECOM supplied the council a response on Monday in relation to our geology report. I have checked with Ian and he has confirmed that he has not received any communication from AECOM. We trust that this is positive news.

Given't that I have asked for updates since Monday and haven't been given any response, please do not keep is waiting any longer than is absolutely necessary.

On 8/03/2023, at 11:26 AM, Jekkie Suwanposee <Jekkie.Suwanposee@huttcity.govt.nz> wrote:

Hi [REDACTED]

Thanks for your email.

Hopefully he will be back to work tomorrow.

Regards
Jekkie

Jekkie Suwanposee
Team Coordinator

Hutt City Council, 30 Laings Road, Lower Hutt 5040
P: [REDACTED] **W:** www.huttcity.govt.nz

<image001.png>

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From: [REDACTED]

Sent: Wednesday, 8 March 2023 8:59 AM

To: Derek Kerite <Derek.Kerite@huttcity.govt.nz> **Subject:** Re: [EXTERNAL] Report for: 60 Holborn Drive

Hi Derek,

Thanks for your text message earlier.

Could I ask that you touch base with your engineers today to see if they are able to provide a status update and when they expect to conclude their review?

Cheers

On 6/03/2023, at 3:24 PM, [REDACTED] s7(2)(a)
wrote: Hi Derek,
I am touching base to see if you have had any reply from AECOM? If you haven't, do you have an expected timeframe as to when you would expect an answer from them? More specifically, when do you think you will be able to share an answer with us?
As you can imagine, every week that we are not able to live in our home is costing us another week of rent on top of our mortgage. The insurance that was covering our rent has expired so everything is out of pocket now.

On 28/02/2023, at 5:08 PM, [REDACTED] s7(2)(a)
[REDACTED] s7(2)(a)

> wrote:
Hi Derek,
I'm sure you will find the report very detailed. If there is anything unclear or requires further clarification please let me know and I will work with Ian. I think for now, it is best if we put aside thinking about work that is happening in the future and purely focus on the Dangerous Building Notice to avoid any confusion. That is what we are challenging here. We simply want the ability to move back in to our family home and

CHECKSHEET FOR UPLIFTING A DANGEROUS BUILDING NOTICE



Address	Date of Dangerous Building Notice choose date
---------	--

Matters identified as contributing to issue of the Dangerous Building Notice	Evidence supplied by property owner	Council review and confirmation of resolution

Confirmation that the Dangerous Building Notice issued on choose date for property at <insert address> can be uplifted.	
Officer's name	Officer's name
Position	Position
Signature	Signature
Date choose date	Date choose date

From: Derek Kerite
Sent: Monday, 13 March 2023 2:36 pm
To: Natalie Hardy
Subject: FW: [EXTERNAL] RE: RE: Report for: 60 Holborn Drive
Attachments: 60 Holborn Drive - Geotechnical Review_Rev0.pdf; For sign-off - ECB-FORM-168 - Checksheet for Uplifting a Dangerous Building Notice.DOCX

Hi Natalie

Can you please review this report to see if its enough to lift the S124 notice – I am filling out the template and will send through to you shortly to review.

Thanks,
DK

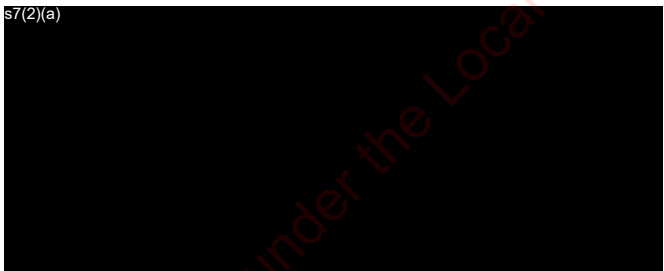
From: s7(2)(a) @aecom.com>
Sent: Monday, 13 March 2023 1:29 PM
To: s7(2)(a)
Cc: Derek Kerite <Derek.Kerite@huttcity.govt.nz>; Casey Truman <Casey.Truman@huttcity.govt.nz>; Bradley Cato <Bradley.Cato@huttcity.govt.nz>; Alison Geddes <Alison.Geddes@huttcity.govt.nz>; s7(2)(a) aecom.com>; Caryn Ellis <Caryn.Ellis@huttcity.govt.nz>
Subject: [EXTERNAL] RE: RE: Report for: 60 Holborn Drive

Hi s7(2)(a)

Please find attached the revised report to include the request below.

AECOM internal reference: \\NZWLG1FP001\Projects\606X\60698954\400 Technical\431 TechnicalArea Geotec\60 Holborn Drive\Dangerous Building Review\01- Report Issue

Ngā mihi | Kind regards,



AECOM
171 Featherston Street
Address Line 2
Wellington 6011, New Zealand, New Zealand
T +6421819493
aecom.com

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In AECOM Office = ✓ Working from home = WFH Project office = PO Away = x

From: [Ian Brown](#)
To: §7(2)(a)
Subject: 60 Holborn Drive
Date: Tuesday, 28 February 2023 2:31:06 pm

§7(2)(a)

I am following up from the email that you forwarded from Derek Kerite at Hutt City Council regarding our report.

We have not been able to review any details of the slope protection works that are proposed by Hutt City Council. You have indicated that it is likely to include an anchored shotcrete face to the slope. That is commonly used in the Wellington region and we have experience with their design and construction.

Mr Kerite requested clarification as to the impact of these works on the report's conclusion that the house is safe to occupy. I will provide a response to each of the points that he has raised, with the qualification that I have not been able to review the detailed design of the proposed work.

1 Danger arising from the proposed remedial works.

Our report shows that the house site has adequate stability under ULS earthquake loading conditions. It is unlikely that the works would lead to any unusual loading on the slope that would be of concern. Other areas of danger could arise from the operations, however they should be managed by appropriate health and safety plans.

2. Impact of house occupation on proposed works.

Again, appropriate health and safety measures should be put in place to manage potential impacts.

3. Whether the house is safe to occupy now.

Our assessment of current stability does not rely on future work that Hutt City Council may carry out. We have concluded that the house is safe to occupy now.

Regards

Ian

Ian Brown
Managing Director

Ian R Brown Associates Ltd
P.O Box 983
Wellington 6140
New Zealand

phone §7(2)(a)

Released under the Local Government Official Information and Meetings Act

From: Derek Kerite
Sent: Monday, 27 February 2023 5:46 pm
To: s7(2)(a) @aecom.com
Cc: Casey Truman
Subject: FW: [EXTERNAL] Report for: 60 Holborn Drive
Attachments: 1541_60_Holborn_Drive_stability_assessment.pdf

Kia ora s7(2)(a)

Please ignore my email below. We will be discussing our approach tomorrow morning and will be in touch with further instructions.

Thanks,

From: Derek Kerite
Sent: Monday, 27 February 2023 2:35 PM
To: s7(2)(a) @aecom.com
Cc: Paul Pugh <Paul.Pugh@huttcity.govt.nz>; Casey Truman <Casey.Truman@huttcity.govt.nz>; Jon Kingsbury <Jon.Kingsbury@huttcity.govt.nz>; Caryn Ellis <Caryn.Ellis@huttcity.govt.nz>; s7(2)(a)
Subject: FW: [EXTERNAL] Report for: 60 Holborn Drive

Hi s7(2)(a)

We've received the attached report prepared by Ian Brown on behalf of the s7(2)(a) family, owners of 60 Holborn Drive.

Based on site investigations and modelling the report concludes that the building is no longer dangerous and is safe to occupy.

Can your team review the report and provide us with your findings? Feel free to call me if you would like to discuss.

Thanks,

Ness Franks

From: Caryn Ellis
Sent: Saturday, 23 July 2022 9:23 am
Cc: Jo Miller
Subject: Alison Geddes; Derek Kerite
Attachments: FW: 60 Holborn Drive - S124 Notice
Dangerous Building Notice - 60 Holborn Dr_Final .pdf

FYI.

Caryn Ellis She/Her
Head of Chief Executive's Office

Hutt City Council, 30 Laings Road, Lower Hutt 5040

P: | M: ^{s7(2)(a)} | W www.huttcity.govt.nz



From: Derek Kerite <Derek.Kerite@huttcity.govt.nz>
Sent: Saturday, 23 July 2022 8:53 am
To: ^{s7(2)(a)}
Cc: Anthony Robinson <Anthony.Robinson@huttcity.govt.nz>
Subject: 60 Holborn Drive - S124 Notice

Kia ora ^{s7(2)(a)}

It was nice to meet with you and ^{s7(2)(a)} last night despite the circumstances. Your safety and security is front of mind in making these decisions and we greatly appreciate your cooperation through this process.

As promised I have attached the Dangerous Building notice that we have issued in accordance with S124 of the Building Act 2004. The notice will be affixed to the front door this morning.

We are working closely with our engineers to obtain an assessment within the next week and will get in touch with a decision and next steps by Friday at the latest.

If you need any further information please feel free to reach out to me, my contact details are below. Matt is also available for any welfare related needs.

Nga mihi,


Derek Kerite
Head of Regulatory Services

DANGEROUS BUILDING NOTICE

Issued under sections 121 to 128A of the Building Act 2004

s7(2)(a)

Owner of the building

Building details

Site Address: 60 Holborn Drive, Stokes Valley 5019
Legal Description: Legal Desc: LOT 42 DP 24219 26A/407
Owners: s7(2)(a)
Location within site: Dwelling
Levels: 2 storey dwelling

TAKE NOTICE that Hutt City Council (Council), a territorial authority under the Building Act 2004, is satisfied that the building identified above is 'dangerous' as defined in section 121 of the Building Act 2004 due to the instability of the ground to Eastern Hutt Road and the consequential risk of further landslip that may undermine the building.

A warranted council officer and structural engineer inspected the building on 22 July 2022. Subsequently a geotechnical report was provided to Council on 29 July 2022 concluding that there are significant risks caused by the recent slip that require further remedial work before the building can be occupied.

You are required to take the following action to reduce or remove the danger:

1. Submit a report from a Chartered Professional Geotechnical Engineer confirming whether
 - a. The building is not dangerous and is safe to occupy or
 - b. The remedial work required to ensure the building is not dangerous for occupation. This should include preliminary methodology and timeline for the work to be completed.
2. The premise will not be occupied until Council has reviewed the report and confirmed that the building is safe for occupation.

If a Building consent is required for any remedial work one must be obtained before building work can commence.

In accordance with section 128(2) of the Building Act 2004, as a result of this notice:

No person may:

- a) use or occupy the parts of the buildings listed above; or
- b) permit another person to use or occupy them

WARNING: Failure to comply with the requirements of this notice is an offence against section 128A of the Building Act 2004. The maximum penalty for an offence against that provision is a fine not exceeding \$200,000 and, in the case of a continuing offence, a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued.

DATED: 29 July 2022

s7(2)(a)

Derek Kerite
Head of Regulatory Services
Hutt City Council

Released under the Local Government Official Information and Meetings Act

DANGEROUS BUILDING NOTICE

Issued under sections 121 to 128A of the Building Act 2004

s7(2)(a)

Owner of the building

Building details

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Legal Description: Legal Desc: LOT 42 DP 24219 26A/407
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Levels: 2 storey dwelling

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A warranted council officer and structural engineer inspected the building on 22nd July 2022 and a verbal report has advised that there are significant risks caused by the recent slip that require further assessment before the building can be occupied.

You are required to take the following action to reduce or remove the danger:

1. Vacate the property until the Council has advised that the occupation of the building is acceptable.

The Council will be obtaining a written report from its geotechnical engineer in the week of 25 July. Based on that report, a further notice or action to address the risk may be necessary. In the meantime, this notice addresses the immediate risk from occupation of the building.

In accordance with section 128(2) of the Building Act 2004, as a result of this notice:

No person may:

- a) use or occupy the parts of the buildings listed above; or
- b) permit another person to use or occupy them

Restricted entry is granted under Section 124 (2)(d) for persons carrying out an assessment on behalf of the owner, insurer or Council.

WARNING: Failure to comply with the requirements of this notice is an offence against section 128A of the Building Act 2004. The maximum penalty for an offence against that provision is a

fine not exceeding \$200,000 and, in the case of a continuing offence, a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued.

DATED: 22nd July 2022

s7(2)(a)

Craig Ewart
Inspections Team Lead
Hutt City Council

Released under the Local Government Official Information and Meetings Act