

19 May 2022

Grant Birkinshaw  


Tēnā koe Grant

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

I refer to your official information request dated 17 May 2022 for the following:

- *As a privacy matter, (or LGOIMA), please forward me emails from Cr Mitchell to staff or Councillors/Mayor, on the 16th and 17th May, concerning the issues I raised in my email dated 13th May.*
- *Also, are there any instructions from anyone, preventing my access to staff or Councillors.*

The information you have requested in your first point is enclosed, this being an email from Cr Mitchell on 16 May 2022 at 12.10pm. You were one of the recipients of this email.

With respect to the second point, no such instructions exist. Accordingly, your request for this information is refused under section 17(g)(i) of the LGOIMA, on the grounds that this information is not held by Hutt City Council and we have no reason to believe it would be held by another local authority or a department or Minister of the Crown or organisation.

I also refer to your official information request dated 18 May 2022 for the following:

- *Correspondence, or a transcript of phone and/or in-person dialogue between you and other council staff, regarding my request to meet.*
- *A USB of the full Skype Regulatory Committee meeting.*
- *A copy of Cr. Milne's "Elected Members Request", referred to in Cr Mitchells May 16th Email.*
- *Documentation showing that the Email from Cr. Mitchell, was actually from him, or had additional input from Council officers.*

Correspondence relating to your first point is enclosed. No transcripts of conversations exist, so your request for this information is refused under section 17(g)(i) of the LGOIMA, on the grounds that this information is not held by Hutt City Council and we have no reason to believe it would be held by another local authority or a department or Minister of the Crown or organisation.

Regarding your second point, the Infrastructure and Regulatory Committee held on 3 May 2022 is able to be viewed online on Hutt City Council's Facebook page ([www.facebook.com/huttcitycouncil](http://www.facebook.com/huttcitycouncil)). As this information is already publicly available, your request for it is refused under section 17(d) of the LGOIMA.

You have requested Cr Milne's Elected Members Request referred to in Cr Mitchell's email of 16 May 2022. This is attached.

We have interpreted your fourth point as referring to Cr Mitchell's email dated 16 May 2022. No documentation exists that shows it had input from Hutt City Council officers. Accordingly, your request for this information is refused under section 17(g)(i) of the LGOIMA, on the grounds that this information is not held by Hutt City Council and we have no reason to believe it would be held by another local authority or a department or Minister of the Crown or organisation.

Information has been redacted from the enclosed documents under section 7(2)(a) of the LGOIMA, to protect the privacy of individuals.

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](http://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**

Encl

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**From:** Andy Mitchell <[Andy.Mitchell@huttcity.govt.nz](mailto:Andy.Mitchell@huttcity.govt.nz)>  
**Sent:** Wednesday, 11 May 2022 1:35 pm  
**To:** Susan Sales <[Susan.Sales@huttcity.govt.nz](mailto:Susan.Sales@huttcity.govt.nz)>  
**Cc:** Kathryn Stannard <[Kathryn.Stannard@huttcity.govt.nz](mailto:Kathryn.Stannard@huttcity.govt.nz)>  
**Subject:** Re: Birkinshaw Submission - 3 May 2022

Kia ora Susan,

My "written statement" was, as you note, an email responding to one from Cr Milne. I'd be surprised if whoever told Mr Birkinshaw about it hasn't already forwarded it to him, but please go ahead and release it to him.

Can the email thread including Cr Milne's original statement also be included for context? My "statement" was not made in isolation.

On 9/05/2022, at 12:49 PM, Chris Milne <[Christopher.Milne@huttcity.govt.nz](mailto:Christopher.Milne@huttcity.govt.nz)> wrote:

I have spoken with Mr Birkenshaw and he advises that he emailed this to HCC on the Sunday prior to the meeting. I understand that it was written in Maori rather than in English as a protest against HCC who, Mr Birkenshaw claims, refuses to consult or deal with Ngati Toa despite their having a heads of agreement or protocol in place with HCC which establishes them as joint mana whenua with one or more other Maori groups.

Two points:

1. Could this not have been translated before the meeting, knowing that likely no one (maybe somebody could??) would understand what was being read out?
2. What is the situation with Ngati Toa and mana whenua and consultation? It's not the first time that this statement has been made about HCC not consulting with them. It would be useful to know what the true situation actually is.

Best regards

Cr Chris Milne  
Councillor for the Western Ward, Hutt City Council

s9(2)(a)

Ngā mihi,

Andy

**Andy Mitchell**  
Eastern Ward Councillor

Hutt City Council, [30 Laings Road, Private Bag 31912](https://www.huttcity.govt.nz), Lower Hutt 5040, New Zealand

s9(2)(a)

[W www.huttcity.govt.nz](https://www.huttcity.govt.nz) [F www.facebook.com/CrAndyMitchell](https://www.facebook.com/CrAndyMitchell)

## Susan Sales

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**From:** Andy Mitchell  
**Sent:** Monday, 16 May 2022 12:10 pm  
**To:** grant.birkinshaw@gmail.com  
**Cc:** Campbell Barry;Chris Milne;Jo Miller  
**Subject:** Re: [EXTERNAL] Cr Mitchell's unfortunate comments. Meeting requested.

Tena koe Grant,

My questions to Cr Milne (who had advised us your submission was made in protest) were to clarify whether we as councillors should consider this a formal protest from the iwi partners our council works closely with, or from you as a private individual. Your comments below help to clarify this, thank you.

I apologise for questioning your affiliation to Ngati Toa and the offence this has caused. You are correct that I have not been present in those instances when you have represented the iwi previously. Officers will respond in due course, I am sure, to the broader question of consultation with Ngati Toa which was raised by Cr Milne in his Elected Members Request.

I did not question your right to submit in public comment, nor to do so in te reo Maori. I endorse your right to do both, as is afforded to all residents under our Standing Orders. Please be assured that as a councillor I afford due consideration to all public comment from residents.

Thank you for your submission, which raised some good points, particularly in regard to the added value that inhouse planners can bring to consenting decisions over external consultants, and some of the pressures they face in making their decisions.

Nga mihi,

**Andy Mitchell**  
Eastern Ward Councillor

Hutt City Council, [30 Lains Road, Private Bag 31912](#), Lower Hutt 5040, New Zealand  
s9(2)(a) [W www.huttcity.govt.nz](#) [F www.facebook.com/CrAndyMitchell](#)

On 13/05/2022, at 5:48 PM, grant.birkinshaw@gmail.com wrote:

It seems as though my initial joint mailing has been blocked. Please see below:

13<sup>h</sup> May 2022

Dear all,

The above distribution reflects the mailing list of Cr. Mitchell's letter to Cr Milne, regarding my submission to the Regulatory Committee on the 3<sup>rd</sup> of May. The letter was requested as a privacy issue, to the Privacy Officer, and was responded to as an LGOIA request.

I'm obliged to try to resolve the issues Cr. Mitchell has overtly, by implication, and by tone, raised about me.

- i) I reject the racist undertone of Cr. Mitchell's opening statement;...under *which capacity he speaks for Ngati Toa*... I don't feel the need to explain my Ngati Toa affiliation of over

39 years to Cr. Mitchell. Nor is it really any of his business. I'm not on the bodies he refers to, but I don't need to be. Cr Mitchell seems to wish to hear only from elected representatives, not common people.

- ii) Cr. Mitchell states *...never, as far as I can recall,* (has Mr. Birkinshaw been) *speaking for Ngati Toa*. This seems to really bother Cr. Mitchell. Cr Mitchell has not attended Parliamentary Sub-committee meetings where I have spoken on behalf of Ngati Toa. Nor is Cr. Mitchell aware of the Planning Law I have instigated, which have improved Maori land rights. Nor does Cr. Mitchell recall the Wainuiomata Clean Fill hearing where I represented Ngati Toa. Nor does Cr. Mitchell recall my 2019 submission in front of a Planning Commissioner, to include Ngati Toa under District Plan Section 2.2(v) in the list of iwi authorities that HCC recognize.
- iii) Cr. Mitchell then stated...*why does he think mana whenua should be consulted on this operational matter*. Planning is of matter of great interest to all segments of the community. Especially when things are at a critical operation level.
- iv) Oddly, Cr Mitchell makes no mention of the points made in the submission. Cr. Mitchell seems to try to undermine, and to marginalize my representation. This is offensive.
- v) In short, I can be a voice for all segments of our community, and I can make a presentation in Te Reo, our official language.
- vi) 1 request a meeting with Cr. Mitchell and the HCC Senior Advisor, Official Information and Privacy, to either clarify or escalate matters.
- vii) For transparency, I have acted as a Planning consultant for the Child Care, Cr. Mitchell was the Chairman of. I believe this to have been a respectful association.

Regards,

Grant Birkinshaw

## Susan Sales

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**From:** Susan Sales  
**Sent:** Monday, 16 May 2022 8:27 am  
**To:** Caryn Ellis; Bradley Cato; Matiu Jennings  
**Subject:** FW: [EXTERNAL] Councillor Mitchell's 9th May correspondence

Morena

tan I get your advice re point VI below please.

Personally, I consider it would be inappropriate for me to meet with Grant and/or Cr Mitchell to discuss Ngati Toa representation. Thoughts?

Nga mihi

## Susan Sales

Ringa Awhina TahOhO ki Te Koromatua | Senior Advisor

Te Kaunihera o Te Awa Kairangi | Hutt City Council, [30 Lains Road](#), Private Bag 31912, Lower Hutt 5040, New Zealand  
**Paetukutuku:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)

**From:** grant.birkinshaw@gmail.com <grant.birkinshaw@gmail.com>  
**Sent:** Friday, 13 May 2022 12:20 pm  
**To:** Andy Mitchell <Andy.Mitchell@huttcity.govt.nz>; Chris Milne <Christopher.Milne@huttcity.govt.nz>; electedmembersrequests@huttcity.govt.nz; mayor&concillors@huttcity.govt.nz; Pam Hanna <Pam.Hanna@huttcity.govt.nz>; Gabriel Tupou <Gabriel.Tupou@huttcity.govt.nz>; virginia.horricks@huttcity.govt.nz; \_CL T <CLT@huttcity.govt.nz>  
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