

Michelle van Straalen

From: Michelle van Straalen
Sent: Tuesday, 7 April 2020 12:23
To: [REDACTED]
Cc: official information
Subject: LGOIMA 20045 - Arthur Porter Drive reconstruction

Kia ora

Further to your information request of 5 March 2020, I am now able to provide Hamilton City Council's response.

You requested:

*Please explain why a 7-8 year old road needs such re-work?
Is this a come back on the original road builder?
Why has it failed?
Who / what entity is paying for the rebuild?
What warranty is being offered this time?
Can this be done at night time?
Why is this not done right the first time?
To save me going through the OIA, what is the rebuild cost to date?*

Our response:

Arthur Porter Drive is a vested asset, meaning that it was not built by City Council, it was built by the developer of that area and handed over to Council to maintain and operate. As you have noted large parts of the road have deteriorated earlier than what might normally be anticipated and require reconstruction. As this was not a contract undertaken by Council there was no mechanism in place, as there might normally be, to require a contractor to repair defective work. Council has had to intervene and undertake the necessary work at its cost in the meantime to ensure safety and serviceability.

A report to Council on 18 June 2019 advised that the direct cost to undertake the remedial work could be \$8.035m; as at the 31st March 2020 the total and forecasted costs for the sections completed and in progress, totals \$7.5M, being a 400 metre section completed last financial year (2018/19) and a 800 metre section completed just prior to Christmas last year. A further 590metre section is currently under construction but the site has been closed down due to Covid-19. Excluded from the estimated cost of \$8.035M is a 1,100 metre section estimated to cost \$3.5M which is being monitored, It may be that this section of road will not require early intervention like the other sections

You have asked whether this work could be carried out at night. Our transport team has determined that a road closure with work occurring in a condensed period during the day would minimise overall disruption and this is the methodology currently being pursued.

You have asked why a newly constructed road needs significant rework and why has it failed prematurely. You have also whether there is any comeback on the original road builder.

Council has commissioned work to understand why it has failed and how best to fix it. At this time we are in a legal process with a number of parties that were involved in the end to end design and construction of the road pavement and unfortunately while discussions are in progress, the matters are commercially sensitive in that release of any information may be detrimental to our case. This includes the reasons for failure which are the subject of the legal discussions.

The remedial work is being undertaken by Council directly through its Infrastructure Alliance contract, and under this contract Council accepts the risks associated with the remedial work.

We agree that it is disappointing that the road has deteriorated early and that it is costing Council to undertake remedial work. We are looking to mitigate these costs through legal action with a number of parties and through pursuing a subsidy from the NZ Transport Agency. We have also looked carefully at our own processes for accepting assets from developers and have made a number of improvements.

If you are not satisfied with Hamilton City Council's response, you have the right to seek a review by the Ombudsman. Details on how to make a complaint can be found at www.ombudsman.parliament.nz.

Kind regards,

Michelle van Straalen

Official Information Advisor | Legal Services

DDI: 07 974 0589 | Michelle.vanStraalen@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

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From: Michelle van Straalen

Sent: Thursday, 2 April 2020 3:47 PM

To: [REDACTED]

Cc: official information <officialinformation@hcc.govt.nz>

Subject: LGOIMA 20045 - Arthur Porter Drive reconstruction

Kia ora

I write in reference to your information request of 5 March 2020 in respect of the Arthur Porter Drive reconstruction.

The Local Government Official Information and Meetings Act 1987 requires that we communicate our decision on your request no later than 20 working days after the day we received your request.

Unfortunately we are unable to meet that time frame and are writing to notify you of an extension to the time required to provide a response, to **15 April 2020**.

This extension is required as consultations with essential staff within Council necessary to make a decision on your request are such that a proper response cannot reasonably be made within the original time limit. These consultations have been inhibited by circumstances created due to the Covid-19 virus and the Central Government enforced lockdown.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact me by email oa@hcc.govt.nz.

Kind regards,

Michelle van Straalen
Official Information Advisor | Legal Services

DDI: 07 974 0589 | Michelle.vanStraalen@hcc.govt.nz



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From: official information
Sent: Wednesday, 11 March 2020 2:26 PM
To: [REDACTED]
Cc: official information <officialinformation@hcc.govt.nz>
Subject: HPE CM: LGOIMA 20045 - Arthur Porter Drive reconstruction

Kia ora

I write to acknowledge your information request of 5 March 2020. Your request is being processed in accordance with Local Government Official Information and Meetings Act 1987.

Please be advised your request has been referred to the relevant unit within council and we will respond as soon as practicable and in any event no later than 2 April 2020, being 20 working days after the day we received your request. Once the response has been prepared it will also be made available on our website www.hamilton.govt.nz.

Feel free to contact me if you have any queries in the meantime.

Kind regards,

Michelle van Straalen
Official Information Advisor | Legal Services

DDI: 07 974 0589 | Michelle.vanStraalen@hcc.govt.nz

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From: [REDACTED]
Sent: Thursday, 5 March 2020 4:24 PM
To: "info@hcc.govt.nz" <info@hcc.govt.nz>
Subject: Arthur Porter Drive reconstruction

Hi roading team.

I pay a serious amount of rates in Hamilton and would not like to find out that I am paying for a rebuild of APD.

A road that is approx 8 yrs old has been milled down to say 750 mm for a foundation reconstruction.

Please explain why a 7-8 year old road needs such re-work?

Is this a come back on the original road builder?

Why has it failed?

Who / what entity is paying for the rebuild?

What warranty is being offered this time?

Can this be done at night time?

Why is this not done right the first time?

To save me going through the OIA, what is the rebuild cost to date?

Please don't answer with "commercially sensitive".

Regards

[REDACTED]