

## Kylie Flood

---

**From:** Administration Requests  
**Sent:** Tuesday, 25 June 2019 4:58 PM  
**To:** [REDACTED]  
**Cc:** Administration Requests  
**Subject:** FW: ID029002 - LGOIMA  
**Attachments:** FW: Golf Club Info & Timeline; Fwd: 12th Hole issue with neighbour Ross Cook; FW: 12th Hole issue and Molesworth Drive; FW: ID029002 - LGOIMA; Cook- 12 hole trial 25062019 redacted.pdf

Hi Ross

Thank you for your information request.

Please see below Council's response to your questions. I have also attached all the correspondence council made available to a recent request from the Ombudsman. This correspondence covers most of your other questions.

I am trying to locate the lease and should have it available by the end of this week.

Regards Linda



Linda Osborne | Administration Manager  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 3123  
[council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

---

**From:** Council  
**Sent:** Monday, 27 May 2019 11:43 AM  
**To:** Administration Requests <[administrationrequests@kaipara.govt.nz](mailto:administrationrequests@kaipara.govt.nz)>  
**Subject:** ID029002 - LGOIMA

Tēnā koe

This LGOIMA request has been received in the Council inbox and forwarded to you for action and reply. Customer has been advised response is due 20th June 2019.

If you require any further assistance please contact the Kaipara District Council email [council@kaipara.govt.nz](mailto:council@kaipara.govt.nz), telephone 0800 727 059 from Monday to Friday 8 am to 4.30 pm or visit our website [www.kaipara.govt.nz](http://www.kaipara.govt.nz).

Kind regards

Customer Services



Siobahn Holster | Kaitiaki Kiritaki | Customer Services  
Kaipara te Oranganui | Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 7059  
[council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)  
Dargaville Office: 42 Hokianga Road, Dargaville 0310  
Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505  
Opening Hours: Monday, Tuesday, Thursday, Friday 8am to 4.30pm and Wednesday 9am to 4.30pm

Ross Cook

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

22 May 2019

Kaipara District Council (KDC)  
Private Bag 1001  
Dargaville 0304

Dear Sir or Madam

Official information request: Mangawhai Golf Club / Course (MGC)

Please supply the following information under the Local Government Official Information and Meetings Act (LGOIMA):

1. Details of any complaints regarding golf balls being hit from the MGC outside the MGC boundaries, specifically onto private properties with boundaries near or adjacent to Greenview and Molesworth Drives and public land including streets, footpaths and road reserves, over the period 01 Jan 2017 up to today.

*There have been no other complaints received other than yours.*

2. Please provide information held in any format described as "official information" within the Ombudsman guidelines.

*There is no information to provide*

3. Specific information sought is as follows:

3.1 Any complaints received including any complaints notified to KDC by MGC;

*There have been no further complaints*

3.2 Any communications between KDC and MGC, and vice versa, resulting from complaints;

*Please find attached communications between the Golf Club and Council relating to your complaint*

3.3 Site visits to view the subject of any complaints by KDC officials, with whom they engaged with during any visits, and any records associated with such visits;

*There is information relating to this in the attached emails*

3.4 Any meetings or briefings, either with internal officials or external parties including MGC personnel, advisors etc.;

*There is information relating to this in the attached emails*

3.5 Copies of any internal or external reports and recommendations commissioned and received;

*There is information relating to this in the attached emails*

3.6 Details of any review process undertaken to evaluate the MGC mitigation proposals to prevent balls straying outside the course boundaries, and the basis for any conclusions reached following the review, and the outcome;

There is information relating to this in the attached emails

3.7 Details of any risk analysis undertaken associated with the risk to community safety as a consequence of balls being hit outside the boundaries, and who carried out the analysis;

There was no health and safety assessment report rather it was verbal discussions between the Golf Club and member of the Golf Association that has a vast experience in Health and Safety. There is information relating to this in the attached emails

3.8 Copies of requests for legal advice to internal and external legal advisors;

This was addressed in your previous information request and our legal advice has been withheld.

3.9 Copies of all legal advice received;

Legal advice has been withheld under section ..... of the Act.

3.10 Copies of any consents, lease or licence or other mechanisms that permit MGC to operate as Golf Course / Club;

Consent is not required for the Golf Course. I am having someone search for a copy of the lease and I will forward it to you by the end of this week.

3.11 Provisions within any consents, lease or licence or other mechanisms for compliance monitoring, and copies of any monitoring records or reports;

A copy of the lease will be forwarded shortly. There are no monitoring records or reports other than the information in the attached emails.

3.12 Details of any advice sought and received by KDC or any other party, or inherently expected of a Local Authority related to KDC's responsibilities as;

(a) Land Owner, and

(b) Administrator as identified in the KDC District Plan, and as

(c) Statutory and Consenting Authority as it relates to compliance and community safety;

All information Council holds is in the attached emails

3.13 Confirmation that any KDC Officials or External Advisors who may or have influenced responses or decisions on this matter do not have conflicts of interest, or if they do, have so declared those conflicts of interest; (MGC membership would be perceived as a COI); or that any KDC Officials or External Advisors similarly positioned have declared receipt of any hospitality or gratuities from MGC on a probity register.

Councillor Wethey is a Golf Club member but not a Committee member. As such he holds no decision making powers. There may well be other Council staff that are members of the Mangawhai Golf Club but they are also not Committee members. There is no conflict of interest.

4. Please note that if any of the information requested is available through your website I would appreciate a reference to allow me to access it. Additionally if it is more convenient to place any of the responses on your website then I will find this acceptable provided you advise me of the access directions.

There is no information on Council's website.

5. If you need any more information from me please let me know as soon as possible.

6. I understand that a decision on a request for information under the LGOIMA should be made within 20 working days of receiving that request.

7. If you do not normally deal with official information requests, or you need advice on dealing with this request, guidance is available from the Ombudsman at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

Yours faithfully

Ross Cook

## Kylie Flood

---

**From:** Linda Osborne  
**Sent:** Wednesday, 17 April 2019 5:07 PM  
**To:** [REDACTED]  
**Cc:** Administration Requests  
**Subject:** FW: Golf Club Info & Timeline  
**Attachments:** Fwd: Hazard / Health and Safety Issue, Greenview Drive; RE: Hazard / Health and Safety Issue, Greenview Drive; Re: Hazard / Health and Safety Issue, Greenview Drive; RE: Mangawhai Golf Course Health and Safety; RE: Mangawhai Golf Club; RE: Mangawhai Golf Club; FW: Mangawhai Golf Club

Hi Oliver

Here is the sequence of events that has been given to me. The last we heard was our CE and Cr Wethey may have had further discussions however we did not manage to get an update before she went on holiday. Councillor Wethey is also on holiday at present. Once they are back I will be able to tell you if any further meetings have taken place.

I have also attached my LGOIMA response to his email requesting the legal advice.

My direct dial is 094391174 if you would like to call.

Regards Linda

Timeline:

9/11/18 – Ross Cook emailed [chiefexec@kaipara.govt.nz](mailto:chiefexec@kaipara.govt.nz) to advise of the safety concerns he holds around wayward shots from the golf course, and hazard posed to nearby residents (he advised he was in touch appx 12 months prior, but I haven't been able to find anything around that).

9/11/18 – followed up with Parks and Reserves Manager, was advised Commercial Property Advisor was more appropriate to speak to, and so he was contacted.

12/11/18 – Our EA was advised by our Commercial Property Advisor advice from council solicitors was needed as to how to proceed.

19/11/18 – advised by Commercial Property Advisor that Brookfields advised to notify the Golf Club of the complaint and request a response on the H&S Matters raised.

20/11/18 – Commercial Property Advisor contacts Golf Course Management regarding H&S issues raised by Mr Cook

22/11/18 – Ross Cook emails [chiefexec@kaipara.govt.nz](mailto:chiefexec@kaipara.govt.nz) to advise the Golf Club has contacted him regarding the steps they are taking, and to advise that this is not what he wants from Council, email attached.

22-3/11/18 – obtained letter from Solicitors. Commercial Property Advisor advises that he has asked our GM Infrastructure to look at the situation from Health and Safety perspective. Emails attached.

13/12/18 – Ross Cook contacts elected members.

14/12/18 – GM Infrastructure opinion is that Council has no liability, however to obtain an opinion from Solicitors. Advised this info will be available late the following week.

21/12/18 – Advised by Commercial Property Advisor that advice from Brookfields won't be available until the new year.

25/1/19 – Receive advice from Brookfields stating Council has met requirements as the owner of the leased land. Email attached.

27/1/19 – Cr Jones contacts EA after being spoken to by Mr Cook. Response email attached.

7/2/19 – set up a meeting with Mr Cook and the golf club, so see if council can assist in mediating a solution. Suggest GM involvement, based on preferences of Councillors who have been contacted. (Sorry not sure if this meeting took place)

8/2/19 – Council contacts Golf Club advising that they should proceed with their proposed mitigation strategies in the letter sent to him on 21/11/18.

8/2/19 – Golf club responded advising they have proceeded with their mitigation strategies, and will continue to do so. Email attached.

13-14/2/19 – Ross advised the outcome of our investigation, and actions taken, Ross replies that this is not good enough. Email attached.

14/2/19 – Cr Wethey emails involved council staff and councillors, to advise he has spoken with the Golf Club management and will be working with them to reach a solution and hopefully meet with Mr Cook. Email attached

14/2/19 – Council receives Ross Cook's email of 14<sup>th</sup> it is treated as a LGOIMA. Email attached including responses.

18/2/19 – Received email from Ross advising he had found further golf balls.

25/2/19 – Email to advise Ross that legal advice is unable to be released under LGOIMA.



Linda Osborne | Administration Manager  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 3123  
[council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

**From:** Oliver O'Connell [REDACTED]  
**Sent:** Friday, 12 April 2019 4:01 PM  
**To:** Linda Osborne <[losborne@kaipara.govt.nz](mailto:losborne@kaipara.govt.nz)>  
**Subject:** Preliminary inquiry - OA - 495599 - Ross Cook

Tēnā koe Linda

I am investigating a complaint from Ross Cook about Kaipara District Council and the Mangawhai Golf Club. I spoke to Natalie Dyer today and she said that you were the new contact person for the complaint. I have a few questions about Mr Cook's complaint, namely around the inquiries the council made, but perhaps more relevant is the current state of the situation. Do you have some time early next week to chat?

Thanks

**Oliver O'Connell**  
Investigator

[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington



IMPORTANT: The information contained in this email may be confidential or legally privileged. It is intended solely for the recipient or recipients named in this message. Please note that if you are not the intended recipient you are not authorised to use, copy or distribute the email or any information contained in it. If you have received this email in error, please advise the sender immediately and destroy the original message and any attachments.

IMPORTANT: The information contained in this email may be confidential or legally privileged. It is intended solely for the recipient or recipients named in this message. Please note that if you are not the intended recipient you are not authorised to use, copy or distribute the email or any information contained in it. If you have received this email in error, please advise the sender immediately and destroy the original message and any attachments.

## Kylie Flood

---

**From:** [REDACTED]  
**Sent:** Thursday, 22 November 2018 3:59 PM  
**To:** Chief Exec  
**Subject:** Fwd: Hazard / Health and Safety Issue, Greenview Drive

Hi.

I have received the attached email from the Mangawhai Golf Club, presumably as a result of your forwarding to them, my email to you dated 9 Nov 18 relating to health and safety issues resulting from golf balls that land on Greenview Drive and adjacent and nearby properties including my own.

Your action in referring my concerns to the Golf Club only replicates the previous actions of your "help" line which I previously intimated did not address the seriousness of the issue.

It is not my intention to respond to the Golf Club in the first instance as their interpretation and mine of events is clearly at odds on some points.

However no matter what we both believe, it does not alter the fundamental fact that despite 12 months of correspondence, there has been no meaningful progress and golf balls still fall outside the boundaries of the golf course putting innocent people at risk of serious harm injury or death. I would also question the effectiveness of any of their suggested solutions.

There is also the potential for property damage which has occurred in the past.

In referring my email, you have avoided addressing the questions directed specifically to the KDC. I have expanded these to be more specific and hopefully easier to understand as follows:

1. Is it acceptable to the KDC for hazardous activities (miss directed golf balls in this instance), which potentially could cause serious harm or fatality, originating from property owned and administered by KDC, to encroach on adjacent and nearby privately owned land and public roadways, footpaths and roadside berms?
2. Is it permissible for the activities permitted on the golf course to encroach outside the legal boundaries?
3. Does the KDC have responsibility to ensure activities conducted on KDC land are conducted in a safe manner.
4. Is there a consent, licence, bylaw or any other document that defines the rules under which the Golf Club must operate, specifically with regard to confining its activities within the course boundaries?
5. Does KDC have the power or authority to direct the Mangawhai Golf Club to take action to stop this hazardous activity?

I would appreciate you responding to my direct questions as they are fundamental to determining the safety of people going about their lawful business and their entitled safe enjoyment within their own properties and public areas.

I have some additional observations:

1. It is my experience that if a Business, Local Body, Govt Department etc. identified a significant hazard, the hazardous activity would be immediately halted until such time as the hazard was mitigated or eliminated, the preference being elimination.

2. The consequence of a golf ball striking a person from the heights a ball reaches and accelerates on the flight down to the exposed areas, and with the added risk of ricochet from roofs, buildings, trees, hard surfaces, motor vehicles etc. definitely constitutes a significant hazard.

3. I have been sympathetic and even empathetic to the Golf Club's circumstances but with little meaningful progress to ensuring safety outside the course boundaries, and with the Xmas holiday period fast approaching when the population of Greenview Drive increases, particularly with the number of children, (grandchildren), residing or visiting the area, I believe meaningful action needs to be taken to remove this hazard now.

4. The Golf Club occupy a large tract of public land but still find it necessary to encroach on adjacent and nearby private land and public spaces. This is unacceptable against any measure.

5. If a person discharged a weapon capable of firing a lethal projectile (i.e. air gun, cross bow, firearms), then the Police would be notified. Just like the above examples, a golf ball is a projectile capable of killing as evidenced by the reported death earlier this year on a Queenstown course. Given there is some semblance of control within courses, but death can still occur, those outside the course have no such protection and are left with significant exposure to harm or fatality.

6. My final point is that this is not, and should not be my problem. I am not the one hitting projectiles outside my boundaries with disregard to the potential consequences. A responsible organisation should address this issue as a matter of priority.

My invitation to visit and view the issue first hand remains.

As I'm corresponding directly with you, I would appreciate the courtesy of a direct response.

Regards Ross

----- Forwarded message -----

From: [REDACTED]  
Date: Sat, 25 Aug 2018 14:37  
Subject: RE: Hazard / Health and Safety Issue, Greenview Drive  
To: Ross Cook [REDACTED]  
Cc: Tony Vale [REDACTED]

Hi Ross

We discussed this at the last Board meeting and to date we have erected a warning sign on the tee and are looking at funding to put screens up around the Tee block. We have also discussed planting to provide a natural screen and I believe this is going to occur in the very near future.

We have a number of issues to consider, we are unable to put screens in place along the bank as they would have to be positioned in manner that would make them impractical (slope of bank and trees) and block the view of properties surrounding that area of the course.



Please be assured this is an issue that remains on the Boards agenda and I will advise once all planned actions have been completed.

Kind regards

Chrissy

**Chrissy Burrows**

Director/Consultant

**Momentous Consulting Ltd**

PO Box 128, Mangawhai 0540

to call me: [REDACTED]

[REDACTED]

[REDACTED]

**From:** Ross Cook [REDACTED]  
**Sent:** Friday, 24 August 2018 3:45 PM  
**To:** Chris Burrows [REDACTED]  
**Subject:** Fwd: Hazard / Health and Safety Issue, Greenview Drive

Hi Chris, I haven't heard from you for a while. I'd appreciate an update please.

Ross

----- Forwarded message -----

**From:** Ross Cook [REDACTED]  
**Date:** Sat, 28 Apr 2018 at 17:00  
**Subject:** Re: Hazard / Health and Safety Issue, Greenview Drive  
**To:** Chris Burrows [REDACTED]

Hi Chris, thanks for the update. I believe there have been a couple of balls land on roofs in the last three weeks although no balls sighted.

My granddaughter also reported a loud bang which usually indicates a ball on the roof during the first week of the holidays, but I was snoozing (recovering as grandparents tend to need to do after sustained grandchild activity), so can't confirm if it was a ball.

Screens sound like a good idea. I noticed some rather large ones when I was sitting in traffic on Onewa Rd in Takapuna, hopefully you won't need to go to that extent.

On Sat, 28 Apr 2018 12:44 Chris Burrows [REDACTED] wrote:

Hi Ross

Thought I would give you an update on progress so you can be assured we haven't forgotten you.

The Board has been working on several options and we think we have come up with the most practical. Initially we were going to move the Tee over so the projectile pattern would be away from the area of concern. This has however not been practical due to other issues. We have settled on placing screens around the Tee and immediate area which should deflect and balls away from the areas of concern. It is now a matter of working with our Course Maintenance to get the materials and have these installed as soon as we can.

Apart from consulting with course experts, we have consulted with our Health and Safety consultant (external Health and Safety provider) and at this stage all is in order.

I trust you will find this satisfactory and we hope this will eliminate any safety issues.

Kind regards

Chrissy

Chairperson, Board of Directors, Mangawhai Golf Club

**Chrissy Burrows**

Director/Consultant

**Momentous Consulting Ltd**

PO Box 128, Mangawhai 0540

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Ross Cook [REDACTED]  
**Sent:** Saturday, 3 March 2018 9:14 AM  
**To:** Chris Burrows [REDACTED]  
**Subject:** Re: Hazard / Health and Safety Issue, Greenview Drive

Hi Chris,

Thanks for the update. I guess I'll have to keep my hard hat nearby for a while yet.

The tragic accident in Queenstown recently illustrates how lethal a golf ball can be. Wayward shots can have unpredictable outcomes.

On Fri, 2 Mar 2018 13:27 Chris Burrows [REDACTED] wrote:

Hi Ross

As promised your concerns were taken to the Board yesterday and discussed. The Board has decided to take the issue to our course committee to look at the design of the 12<sup>th</sup> Tee and fairway with the intention of providing a couple of possible options to resolve the issue. When due consideration has been given, this will come back to the next Board meeting which is in April. Once the Board agrees on the action to be taken, we will let you know how we intend to address the issue.

As discussed we will keep you informed as to what action will be taken.

Kind regards

Chrissy

**Chrissy Burrows**

Director/Consultant

**Momentous Consulting Ltd**

PO Box 128, Mangawhai 0540

[REDACTED]

[REDACTED]

[REDACTED]

## Kylie Flood

---

**From:** John Burt  
**Sent:** Friday, 23 November 2018 9:17 AM  
**To:** Natalie Dyer  
**Subject:** RE: Hazard / Health and Safety Issue, Greenview Drive  
**Attachments:** FW: Mangawhai Golf Course Health and Safety

Hi Natalie,

See attached email- I've asked Curt to look at the Golf Club's response from an H & S perspective.

Brookfield's had advised that we notify the club and seek a response from them in the first instance.

Regards



John Burt | Commercial and Property Advisor  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 3123  
[jburt@kaipara.govt.nz](mailto:jburt@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

---

**From:** Natalie Dyer  
**Sent:** Thursday, 22 November 2018 4:38 p.m.  
**To:** John Burt <[jburt@kaipara.govt.nz](mailto:jburt@kaipara.govt.nz)>  
**Subject:** FW: Hazard / Health and Safety Issue, Greenview Drive

Hi John

This response has just come through. Email from Golf Course that he referenced wasn't attached.

Do we have a copy of the response on health and safety matters from the golf course as advised by Brookfields?

You may need to contact Ross directly to discuss his concerns, as he is clearly wanting some feedback from Council rather than the golf club.

Nga Mihi



Natalie Dyer | Executive Assistant  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 1217  
[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)  
Dargaville Office: 42 Hokianga Road, Dargaville 0310  
Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505  
Opening Hours: Monday - Friday 8 am to 4.30 pm

**From:** Ross Cook [REDACTED]  
**Sent:** Thursday, 22 November 2018 3:59 PM  
**To:** Chief Exec <[chiefexec@kaipara.govt.nz](mailto:chiefexec@kaipara.govt.nz)>  
**Subject:** Fwd: Hazard / Health and Safety Issue, Greenview Drive

Hi.

I have received the attached email from the Mangawhai Golf Club, presumably as a result of your forwarding to them, my email to you dated 9 Nov 18 relating to health and safety issues resulting from golf balls that land on Greenview Drive and adjacent and nearby properties including my own.

Your action in referring my concerns to the Golf Club only replicates the previous actions of your "help" line which I previously intimated did not address the seriousness of the issue.

It is not my intention to respond to the Golf Club in the first instance as their interpretation and mine of events is clearly at odds on some points.

However no matter what we both believe, it does not alter the fundamental fact that despite 12 months of correspondence, there has been no meaningful progress and golf balls still fall outside the boundaries of the golf course putting innocent people at risk of serious harm injury or death. I would also question the effectiveness of any of their suggested solutions.

There is also the potential for property damage which has occurred in the past.

In referring my email, you have avoided addressing the questions directed specifically to the KDC. I have expanded these to be more specific and hopefully easier to understand as follows:

1. Is it acceptable to the KDC for hazardous activities (miss directed golf balls in this instance), which potentially could cause serious harm or fatality, originating from property owned and administered by KDC, to encroach on adjacent and nearby privately owned land and public roadways, footpaths and roadside berms?
2. Is it permissible for the activities permitted on the golf course to encroach outside the legal boundaries?
3. Does the KDC have responsibility to ensure activities conducted on KDC land are conducted in a safe manner.
4. Is there a consent, licence, bylaw or any other document that defines the rules under which the Golf Club must operate, specifically with regard to confining its activities within the course boundaries?
5. Does KDC have the power or authority to direct the Mangawhai Golf Club to take action to stop this hazardous activity?

I would appreciate you responding to my direct questions as they are fundamental to determining the safety of people going about their lawful business and their entitled safe enjoyment within their own properties and public areas.

I have some additional observations:

1. It is my experience that if a Business, Local Body, Govt Department etc. identified a significant hazard, the hazardous activity would be immediately halted until such time as the hazard was mitigated or eliminated, the preference being elimination.
2. The consequence of a golf ball striking a person from the heights a ball reaches and accelerates on the flight down to the exposed areas, and with the added risk of ricochet from roofs, buildings, trees, hard surfaces, motor vehicles etc. definitely constitutes a significant hazard.
3. I have been sympathetic and even empathetic to the Golf Club's circumstances but with little meaningful progress to ensuring safety outside the course boundaries, and with the Xmas holiday period fast approaching when the population of Greenview Drive increases, particularly with the number of children,

(grandchildren), residing or visiting the area, I believe meaningful action needs to be taken to remove this hazard now.

4. The Golf Club occupy a large tract of public land but still find it necessary to encroach on adjacent and nearby private land and public spaces. This is unacceptable against any measure.

5. If a person discharged a weapon capable of firing a lethal projectile (i.e. air gun, cross bow, firearms), then the Police would be notified. Just like the above examples, a golf ball is a projectile capable of killing as evidenced by the reported death earlier this year on a Queenstown course. Given there is some semblance of control within courses, but death can still occur, those outside the course have no such protection and are left with significant exposure to harm or fatality.

6. My final point is that this is not, and should not be my problem. I am not the one hitting projectiles outside my boundaries with disregard to the potential consequences. A responsible organisation should address this issue as a matter of priority.

My invitation to visit and view the issue first hand remains.

As I'm corresponding directly with you, I would appreciate the courtesy of a direct response.

Regards Ross

----- Forwarded message -----

From: **Chrissy** [REDACTED]  
Date: Sat, 25 Aug 2018 14:37  
Subject: RE: Hazard / Health and Safety Issue, Greenview Drive  
To: Ross Cook [REDACTED]  
Cc: Tony Vale [REDACTED]

Hi Ross

We discussed this at the last Board meeting and to date we have erected a warning sign on the tee and are looking at funding to put screens up around the Tee block. We have also discussed planting to provide a natural screen and I believe this is going to occur in the very near future.

We have a number of issues to consider, we are unable to put screens in place along the bank as they would have to be positioned in manner that would make them impractical (slope of bank and trees) and block the view of properties surrounding that area of the course.

Please be assured this is an issue that remains on the Boards agenda and I will advise once all planned actions have been completed.

Kind regards

Chrissy

**Chrissy Burrows**

Director/Consultant

**Momentous Consulting Ltd**

PO Box 128, Mangawhai 0540

[REDACTED]

[REDACTED]

[REDACTED]

**From:** Ross Cook [REDACTED]  
**Sent:** Friday, 24 August 2018 3:45 PM  
**To:** Chris Burrows [REDACTED]  
**Subject:** Fwd: Hazard / Health and Safety Issue, Greenview Drive

Hi Chris, I haven't heard from you for a while. I'd appreciate an update please.

Ross

----- Forwarded message -----

**From:** Ross Cook [REDACTED]  
**Date:** Sat, 28 Apr 2018 at 17:00  
**Subject:** Re: Hazard / Health and Safety Issue, Greenview Drive  
**To:** Chris Burrows [REDACTED]

Hi Chris, thanks for the update. I believe there have been a couple of balls land on roofs in the last three weeks although no balls sighted.

My granddaughter also reported a loud bang which usually indicates a ball on the roof during the first week of the holidays, but I was snoozing (recovering as grandparents tend to need to do after sustained grandchild activity), so can't confirm if it was a ball.

Screens sound like a good idea. I noticed some rather large ones when I was sitting in traffic on Onewa Rd in Takapuna, hopefully you won't need to go to that extent.



On Sat, 28 Apr 2018 12:44 Chris Burrows [REDACTED] wrote:

Hi Ross

Thought I would give you an update on progress so you can be assured we haven't forgotten you.

The Board has been working on several options and we think we have come up with the most practical. Initially we were going to move the Tee over so the projectile pattern would be away from the area of concern. This has however not been practical due to other issues. We have settled on placing screens around the Tee and immediate area which should deflect and balls away from the areas of concern. It is now a matter of working with our Course Maintenance to get the materials and have these installed as soon as we can.

Apart from consulting with course experts, we have consulted with our Health and Safety consultant (external Health and Safety provider) and at this stage all is in order.

I trust you will find this satisfactory and we hope this will eliminate any safety issues.

Kind regards

Chrissy

Chairperson, Board of Directors, Mangawhai Golf Club

**Chrissy Burrows**

Director/Consultant

**Momentous Consulting Ltd**

PO Box 128, Mangawhai 0540

[REDACTED]

[REDACTED]

[REDACTED]

**From:** Ross Cook [REDACTED]

**Sent:** Saturday, 3 March 2018 9:14 AM

**To:** Chris Burrows [REDACTED]  
**Subject:** Re: Hazard / Health and Safety Issue, Greenview Drive

Hi Chris,

Thanks for the update. I guess I'll have to keep my hard hat nearby for a while yet.

The tragic accident in Queenstown recently illustrates how lethal a golf ball can be. Wayward shots can have unpredictable outcomes.

On Fri, 2 Mar 2018 13:27 Chris Burrows [REDACTED] wrote:

Hi Ross

As promised your concerns were taken to the Board yesterday and discussed. The Board has decided to take the issue to our course committee to look at the design of the 12<sup>th</sup> Tee and fairway with the intention of providing a couple of possible options to resolve the issue. When due consideration has been given, this will come back to the next Board meeting which is in April. Once the Board agrees on the action to be taken, we will let you know how we intend to address the issue.

As discussed we will keep you informed as to what action will be taken.

Kind regards

Chrissy

**Chrissy Burrows**

Director/Consultant

**Momentous Consulting Ltd**

PO Box 128, Mangawhai 0540

[REDACTED]

[REDACTED]

[REDACTED]



## Kylie Flood

---

**From:** John Burt  
**Sent:** Thursday, 22 November 2018 9:13 AM  
**To:** Curt Martin  
**Cc:** Sue Davidson  
**Subject:** FW: Mangawhai Golf Course Health and Safety  
**Attachments:** Mangawhai Golf Course Health and Safety Letter.pdf

Hi Curt,

A complaint was sent to the CE from a property owner in Greenview heights subdivision raising H & S issues concerning golf balls landing on or near his property.

After consulting with Howard Johnston at Brookfield's I sent an email notifying the Golf Club of the complaint and requesting that they provide details of how they intend to respond/Manage this risk.

They have sent the attached response. In the absence of an H & S advisor can you review this and let me know if the response is acceptable from an H & S perspective or if not what more should we require from the Club.

Thanks



John Burt | Commercial and Property Advisor  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 3123  
[jburt@kaipara.govt.nz](mailto:jburt@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

---

**From:** [REDACTED]  
**Sent:** Wednesday, 21 November 2018 11:20 a.m.  
**To:** John Burt <[jburt@kaipara.govt.nz](mailto:jburt@kaipara.govt.nz)>  
**Cc:** Chrissy Burrows [REDACTED]  
**Subject:** RE: Mangawhai Golf Course Health and Safety

Hi John,

Please find attached the club's response to your email on Monday.

If you have any questions, please let me know.

Kind regards

Brad Grimmer  
General Manager

**Mangawhai Golf Club**

221 Molesworth Drive, Mangawhai Heads, Northland  
PO Box 66, Mangawhai 0540  
[REDACTED]

---

**From:** John Burt <[jburt@kaipara.govt.nz](mailto:jburt@kaipara.govt.nz)>  
**Sent:** Monday, November 19, 2018 1:55 PM  
**To:** [REDACTED]  
**Subject:** FW: Mangawhai Golf Course Health and Safety

Hi Brad,

We have received the attached email from the owner of property near the Golf Course. I understand that the club has had some discussion with the property owner but he is obviously not yet satisfied.

Council's Solicitors have advised us to write to the Club in our capacity as Lessor and request that you advise what measures the club as lessee plan to put in place to manage this risk in accordance with the Health & Safety at Work Act 2015.

If you could acknowledge receipt of this email and also advise a timeline for providing a response to this request.

Thanks



John Burt | Commercial and Property Advisor  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 3123  
[jburt@kaipara.govt.nz](mailto:jburt@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

**From:** Ross Cook [REDACTED]  
**Sent:** Friday, 9 November 2018 12:26 PM  
**To:** Chief Exec <[chiefexec@kaipara.govt.nz](mailto:chiefexec@kaipara.govt.nz)>  
**Subject:** Mangawhai Golf Course Health and Safety

Approx 12 months ago I corresponded with KDC and the Mangawhai Golf Club regarding golf balls that land on my property at 39 Greenview Drive, Mangawhai and on other nearby properties, the roadway and other public areas in the vicinity of the Golf course. My property and some of the others affected don't have boundaries with the course and in fact there is a small hill between us and the course, but we are subject to an ongoing bombardment from wayward shots.

My concern was raised with both KDC and the Golf Club following a couple of near misses from stray balls which lead me to the conclusion that this is a serious safety risk and that, with NZ's heightened focus on the health and safety environment it is no longer tolerable.

Simple risk analysis would conclude that while the risk of a direct hit from a wayward ball may be low to moderate the outcome could be catastrophic.

Summarized, the KDC advised it was an operational matter and referred my concerns to the Golf Club. The Golf Club initially was (not politely!!!!) dismissive and then undertook a charm offensive to try and deflect my concerns.

The Golf Club has suggested some measures but even they don't realistically believe they will overcome the problem. (I believe the problem can be largely mitigated but the Golf Club lack the will to address the issue).

The Golf Club also indicate finance is an issue but from my external observation they seem to be doing other improvements around the course which, compared to this safety issue, in my view, should be of lesser priority.

I would also suggest that if any business was to use the excuse of lack of finance to not operate in a safe manner then the court's would be less than sympathetic.

I am correspondingly with you as I believe KDC owns the Golf Course and as a consequence you have some measure of responsibility to ensure that activities conducted on your property are conducted in a safe manner. In particular I assume you have an obligation to ensure the public and ratepayers are protected from hazardous activities.

I also presume there is some sort of consent required for the Golf Club to undertake their activities. I anticipate that any consent would be for those activities to be confined "within the boundaries of the Golf Course".

I also assume that KDC has a responsibility to ensure compliance with any conditions and if there is any non compliance, actions are taken to rectify.

In reality, if any businesses activities expanded into adjoining or nearby properties that business would be forced to confine their activities within their boundaries. I am seeking to have the Golf Club take measures to ensure this occurs.

I have corresponded with the Golf Club in good faith for the last 12 months but am no safer now than I was then and if you subscribe to the law of probability then I am probably at a greater risk of injury than I was 12 months again. My neighbours and I continue to have balls rain down on our properties.

I am corresponding with you as I believe the KDC official I previously corresponded with did not sufficiently appreciate the responsibilities I believe KDC has in regard to Health and Safety of activities conducted on KDC properties and/or the statutory obligations to ensure activities are conducted within consented areas in accordance with consent conditions.

I would be more than happy to meet at my property with you or a senior official to better demonstrate the issue.

Regards

Ross



**MANGAWHAI  
GOLF CLUB**  
NEW ZEALAND

221 Molesworth Drive, Mangawhai, Northland, N.Z. P.O. Box 66, Mangawhai 0540  
Telephone: 0-9-431 4807 Facsimile: 0-9-431 4300 E-mail: [steve@mangawhaigolf.co.nz](mailto:steve@mangawhaigolf.co.nz)  
[www.mangawhaigolf.co.nz](http://www.mangawhaigolf.co.nz)

John Burt  
Commercial and Property Advisor  
Kaipara District Council

Wednesday 21st November 2018

Hi John,

Thank you for forwarding Mr Cooks complaint to the KDC. We would like to respond to your request as follows.

We originally heard from Mr Cook on the 14/12/17 and have had numerous emails between him and ourselves as to how to address the issue of suspected golf balls landing on his property, the last dated 25/08/18 to advise what action we were taking. Initially we visited Mr Cooks property to understand how golf balls are getting that far from the area of the T Block or Fairway. We believe the issue may have occurred after the removal of many old and diseased trees.

This particular issue is not an easy one to address, Mr Cook's property is some distance above and beyond the hill (and behind other houses) on the 12<sup>th</sup> Tee that runs parallel to Greenview Drive (but some distance down the bank adjacent). The issue itself has been registered within our own health and safety process, and has remained an ongoing agenda item at each Board Meeting.

We have asked Mr Cook to provide evidence by way of letting us know times and dates that balls are landing on his property, from this we would have had a better idea of who may have made the shots and the point of entry. Mr Cook has never been forthcoming with any evidence. We have questioned internally whether there may be a neighbor practicing golf or even birds dropping matter on the roof (which can sound quite loud) that may be culprit. It is not that we do not take this seriously, we need to look at all possible reasons for the "noise" of balls landing on his roof or Mr Cook finding them on his property.

In regards to the measures we have taken to manage this risk, from several possible solutions we discussed, we landed on screening the T Block. Unfortunately, when this was looked at on site we considered it would not be effective. The Club immediately placed warning signs alerting to the possible hazard. We then ordered and have just recently taken delivery of developed Pohutukawa trees and have commenced planting these on the bank below Greenview Drive.

To summarize we have conducted the following in relation to the potential hazard:

- Logged and discussed the event with our Health and Safety consultant (external paid entity)

- Investigated the area to try to identify the various points of entry through to Greenview Drive. We could not find logical points through to Mr Cooks place.
- Looked at moving the T Block, this could not occur due to placement of drainage sections
- Screening the bank with some form of fencing, this was not practical due to the slope and unstable condition of the bank. Any screening would have to be at a height that would impact the view of properties closer than Mr Cooks.
- Screen the immediate TBlock. Due to the unknown projectile it was considered that this was not going to achieve the desired effect.
- Placement of warning signs of the potential to cause a hazard, this was done immediately so all players were made aware.
- Planting to make the area denser thereby reducing or even eliminating the hazard through a natural screen. As noted above we have commenced planting along the bank.

We have reviewed the comments Mr Cook has made to the KDC and we find that some of his comments are unfounded.

*"The Golf Club also indicate finance is an issue but from my external observation they seem to be doing other improvements around the course which, compared to this safety issue, in my view, should be of lesser priority".*

We have not discussed finances with Mr Cook, only that his initial suggestion of screening, large fencing all the way along the fairway. We commented that this was not practical and that we are a country club and not like some of the clubs in Auckland with more funds to hand.

*"The Golf Club has suggested some measures but even they don't realistically believe they will overcome the problem. (I believe the problem can be largely mitigated but the Golf Club lack the will to address the issue)."*

As you will note from the above we have put some time and effort in trying to find a practical solution. We take any complaints of hazards seriously and have been doing all we can to resolve this issue.

We are happy to meet with a KDC representative and show the work that is being done and discuss further with our qualified course team.

Kind regards,



Brad Grimmer  
General Manager  
Mangawhai Golf Club

(Signed on behalf of Chrissy Burrows – MGC Chairperson)



## Kylie Flood

---

**From:** Councillor Jones  
**Sent:** Sunday, 27 January 2019 9:50 AM  
**To:** Natalie Dyer; cr.larsen gmail account; Councillor Wethey  
**Cc:** Louise Miller; Jason Marris  
**Subject:** Re: Hazard / Health and Safety Issue, Greenview Drive

Thanks Natalie,

Jonathan have you been in touch directly with Mr Cook?

Regards, Libby



Cr Libby Jones

Kaipara te Oranganui | Kaipara District Council, Private Bag 1001, Dargaville 0340

Freephone: 0800 727 059 | 09 439 3123

[cr.jones@kaipara.govt.nz](mailto:cr.jones@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

---

**From:** Natalie Dyer  
**Sent:** Thursday, 24 January 2019 9:12:49 AM  
**To:** cr.larsen gmail account; Councillor Jones; Councillor Wethey  
**Cc:** Louise Miller; Jason Marris  
**Subject:** RE: Hazard / Health and Safety Issue, Greenview Drive

Hi Jonathan & Libby

Thank you for your follow up on this. We are still awaiting advice from our lawyers as to our liability in this area.

The correspondence we have received from the Golf Club shows that they have made multiple attempts to mitigate the risk, and that Mr Cook has been unwilling or unable to engage.

At this stage we are working to determine if this is a council issue as it is a council leased property, or if this is a civil matter between Mr Cook and the Golf Club. John Burt has been managing the liaison with Brookfields and I am waiting on him for further information and I will contact him as soon as I have further information – I did contact him prior to Christmas to let him know we are working on it.

Nga Mihi



Natalie Dyer | Executive Assistant  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 1217  
[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)  
Dargaville Office: 42 Hokianga Road, Dargaville 0310  
Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505  
Opening Hours: Monday - Friday 8 am to 4.30 pm

**From:** Jonathan Larsen <jglarsen.nz@gmail.com>  
**Sent:** Thursday, 24 January 2019 8:30 AM  
**To:** Louise Miller <lmiller@kaipara.govt.nz>

Cc: Natalie Dyer <ndyer@kaipara.govt.nz>; [REDACTED]  
Subject: Fwd: Hazard / Health and Safety Issue, Greenview Drive

Hi Louise

I have spoken with Mr Cook today regarding this issue. He has still heard nothing back from Council staff re addressing his concerns.

Would you be able to have someone follow up on this?

Many thanks

Jonathan

----- Forwarded message -----

From: **Ross Cook** [REDACTED]  
Date: Fri, 18 Jan 2019, 18:16  
Subject: Re: Hazard / Health and Safety Issue, Greenview Drive  
To: Natalie Dyer <[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz)>  
Cc: Jonathan Larsen [REDACTED] <[Cr.Wethey@kaipara.govt.nz](mailto:Cr.Wethey@kaipara.govt.nz)>, Councillor Jones <[Cr.Jones@kaipara.govt.nz](mailto:Cr.Jones@kaipara.govt.nz)>

Hi, just came in from watering my garden and found another golf ball in a location I frequent. My neighbor tells me he also discovered a recent arrival (Mangawhai Golf Club monogrammed) in his garden.

I can't understand how it can take so long for the KDC to resolve this issue, particularly as council inaction can be interpreted as condoning the Golf Clubs meaningless efforts to stop balls straying outside the course boundaries.

How can I get some action to stop this hapening?

As always, I continue to offer an open invitation to view the issue. Call me on 0212460548.

Regards

Ross Cook

On Fri, 21 Dec 2018 11:24 Natalie Dyer <[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz)> wrote:

Good Morning Ross

Unfortunately I have been advised by the team that we are unable to provide a conclusion on this matter in the timeframe of which I was advised earlier.

We are working on this, and addressing it as a matter of urgency, and will be in touch with a progress report in the new year.

Nga Mihi

Natalie Dyer | Executive Assistant  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 1217  
[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)  
Dargaville Office: 42 Hokianga Road, Dargaville 0310  
Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505  
Opening Hours: Monday - Friday 8 am to 4.30 pm

**From:** Ross Cook [redacted]  
**Sent:** Monday, 17 December 2018 6:25 PM  
**To:** Natalie Dyer <[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz)>  
**Cc:** cr.larsen gmail account [redacted] Councillor Wethey <[Cr.Wethey@kaipara.govt.nz](mailto:Cr.Wethey@kaipara.govt.nz)>; Councillor Jones <[Cr.Jones@kaipara.govt.nz](mailto:Cr.Jones@kaipara.govt.nz)>; Chief Exec <[chiefexec@kaipara.govt.nz](mailto:chiefexec@kaipara.govt.nz)>  
**Subject:** Re: Hazard / Health and Safety Issue, Greenview Drive

Hi Natalie, thanks for your response.

However, as I intimated in my email of 09 Nov 18 and all subsequent correspondence, the residents of Greenview Dr and the public remain exposed to golf balls being unlawfully hit outside the Golf Course.

I have emphasised the potential consequences.

It's taken 5+ weeks of correspondence and we are no safer or closer to resolution.

The lack of urgency by KDC and the Mangawhai Golf Club to stop balls from straying over the course boundaries exposes Greenview Dr residents and the public to unnecessary risk.

I would appreciate this concern being addressed urgently.

Regards

Ross Cook

PS: Just watching the news; although not in this context, a senior police officer has just made the statement "everyone has the right to feel safe". I can relate to that in this instance.

On Mon, 17 Dec 2018 16:41 Natalie Dyer <[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz)> wrote:

Good afternoon Mr Cook

Further to the messages below, we are currently investigating the issues you have raised regarding the health and safety issues at Mangawhai Golf Course, and hope to have a full response by the 7<sup>th</sup> of January.

The lack of acknowledgement of your email on the 22<sup>nd</sup> November was my mistake, and I do apologise for this. I sent it to the relevant manager upon being asked to investigate by Louise, and unfortunately did not advise you per our process that we are investigating.

I look forward to being in touch with you in the new year.

Nga Mihi

Natalie Dyer | Executive Assistant  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 1217  
[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)  
Dargaville Office: 42 Hokianga Road, Dargaville 0310  
Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505  
Opening Hours: Monday - Friday 8 am to 4.30 pm

**From:** Jonathan Larsen [mailto:[redacted]]  
**Sent:** Thursday, 13 December 2018 9:05 AM  
**To:** Ross Cook [redacted]  
**Cc:** Councillor Wethey <[Cr.Wethey@kaipara.govt.nz](mailto:Cr.Wethey@kaipara.govt.nz)>; Councillor Jones <[Cr.Jones@kaipara.govt.nz](mailto:Cr.Jones@kaipara.govt.nz)>; Louise Miller

[<lmiller@kaipara.govt.nz>](mailto:lmiller@kaipara.govt.nz)

**Subject:** Re: Hazard / Health and Safety Issue, Greenview Drive

Hi Ross

Thanks for your email.

I have copied in Louise Millar so that she can brief us on the issue and previous correspondence in the first instance.

Regards

Jonathan

On Thu, 13 Dec 2018, 08:19 Ross Cook [REDACTED] wrote:

Hi Folks,

I am writing to you as elected representatives as I have been unable to get a timely, (or any) response from your officials.

I live at 39 Greenview Dr, Mangawhai Heads and have owned the property for 18 years. My property is near but not adjacent to the Mangawhai Golf Club. There is a small hill between the course and my property.

Some Greenview Dr properties have boundaries with the course.

Since I have owned my property, (and probably before), golf balls have been propelled into a number of properties on Greenview Dr and public areas including the road.

I have a bucket of balls that I've collected and am aware others have also collected large numbers. For a number of us the balls could have fallen from heights of close to 200m given the potential height a miss-hit slice could reach, and the topography.

About a year ago, following two near misses from golf balls I corresponded with the Mangawhai Golf Club and the KDC expressing my concern.

At the time KDC sent my concerns to the Golf Club citing it as a an "operational" matter.

Responses to me from the Golf Club became increasingly aggressive and then, perhaps appreciating that this was not the way to treat a member of the public, a charm offensive ensued.

The Club President and Board Chairperson visited and apologised and established a communication line. However that communication has now become dependent on me asking for updates.

Following my latest request for an update, the Club advised me of measures they are taking to overcome the issues arising from balls being miss hit outside the course boundaries.

Without going into the measures in this email, it's my belief that the clubs measures will not prevent balls from ending up outside the course.

The reality is that residents and the public are no safer now than when I raised the issue a year ago.

Balls continue to fall and this needs to be stopped "now".

Without exception any authorised activity can only be conducted within the boundaries of the property for which it is authorised.

It's unlawful to permit activities to spill onto adjacent or nearby properties.

Miss hit balls originating from the Mangawhai Golf Course currently spill onto Greenview Dr properties and public areas.

The consequence of balls being hit beyond the boundary is that serious H&S issues with the potential for serious harm injury or fatality arises .

I wrote to the KDC CE in early Nov who, despite my explaining that I felt the KDC "help desk" had not appreciated the seriousness of the issues when I first wrote a year ago, my concerns were again forwarded the Golf Club

They in turn corresponded with me, although in perhaps not the most cordial of terms.

Subsequently I have again written to the KDC CE and although it is now in excess of a month since first writing and more than two weeks since my second email, I have yet to receive any response.

The danger persists.

KDC is the owner and administrator and the consenting authority for the Golf Course. They have the inherent responsibility for ensuring activities are conducted lawfully and within the property boundaries.

To my knowledge, activities that are likely to result in serious harm or fatality are compelled to be stopped immediately.

Both the Mangawhai Golf Club and KDC have failed to take this action and thereby leave residents and the public exposed to the risk of serious harm injury or fatality.

This also impacts on the ability and right of residents to the safety and quiet enjoyment within their own properties as they are entitled.

To eliminate this risk the first step is to suspend play on the hole from which the boundary incursions occur, and for play to remain suspended until such time as measures have been taken to prevent any incursion into adjacent or nearby properties or public areas.

I also suggest that once the measures have been implemented, to ensure a level of probity, the measures be reviewed by an independent expert willing to guarantee there will be no incursions outside the boundaries, and to also sign a no conflict of interest declaration.

I am seeking your support in stopping miss-hit golf balls encroaching on properties and public areas in Greenview Dr.

Just to prove I'm not just a grumpy old bugger and this is a real issue, I invite you to visit the area and view first hand these real issues.

I am currently only available Friday 14 Dec and the weekend 15 & 16 and Mon until 11:00 or the following Fri. I will be around most of the school holiday period.

My phone is XXXXXXXXXX

Feel free to call to discuss.

Regards

Ross Cook

----- Forwarded message -----

From: **Ross Cook** [REDACTED]  
Date: Fri, 30 Nov 2018 12:05  
Subject: Fwd: Hazard / Health and Safety Issue, Greenview Drive  
To: Melanie Cook [REDACTED]

----- Forwarded message -----

From: **Ross Cook** [REDACTED]  
Date: Thu, 22 Nov 2018 at 15:58  
Subject: Fwd: Hazard / Health and Safety Issue, Greenview Drive  
To: <[chiefexec@kaipara.govt.nz](mailto:chiefexec@kaipara.govt.nz)>

Hi.

I have received the attached email from the Mangawhai Golf Club, presumably as a result of your forwarding to them, my email to you dated 9 Nov 18 relating to health and safety issues resulting from golf balls that land on Greenview Drive and adjacent and nearby properties including my own.

Your action in referring my concerns to the Golf Club only replicates the previous actions of your "help" line which I previously intimated did not address the seriousness of the issue.

It is not my intention to respond to the Golf Club in the first instance as their interpretation and mine of events is clearly at odds on some points.

However no matter what we both believe, it does not alter the fundamental fact that despite 12 months of correspondence, there has been no meaningful progress and golf balls still fall outside the boundaries of the golf course putting innocent people at risk of serious harm injury or death. I would also question the effectiveness of any of their suggested solutions.

There is also the potential for property damage which has occurred in the past.

In referring my email, you have avoided addressing the questions directed specifically to the KDC. I have expanded these to be more specific and hopefully easier to understand as follows:

1. Is it acceptable to the KDC for hazardous activities (miss directed golf balls in this instance), which potentially could cause serious harm or fatality, originating from property owned and administered by KDC, to encroach on adjacent and nearby privately owned land and public roadways, footpaths and roadside berms?
2. Is it permissible for the activities permitted on the golf course to encroach outside the legal boundaries?

3. Does the KDC have responsibility to ensure activities conducted on KDC land are conducted in a safe manner.
4. Is there a consent, licence, bylaw or any other document that defines the rules under which the Golf Club must operate, specifically with regard to confining its activities within the course boundaries?
5. Does KDC have the power or authority to direct the Mangawhai Golf Club to take action to stop this hazardous activity?

I would appreciate you responding to my direct questions as they are fundamental to determining the safety of people going about their lawful business and their entitled safe enjoyment within their own properties and public areas.

I have some additional observations:

1. It is my experience that if a Business, Local Body, Govt Department etc. identified a significant hazard, the hazardous activity would be immediately halted until such time as the hazard was mitigated or eliminated, the preference being elimination.
2. The consequence of a golf ball striking a person from the heights a ball reaches and accelerates on the flight down to the exposed areas, and with the added risk of ricochet from roofs, buildings, trees, hard surfaces, motor vehicles etc. definitely constitutes a significant hazard.
3. I have been sympathetic and even empathetic to the Golf Club's circumstances but with little meaningful progress to ensuring safety outside the course boundaries, and with the Xmas holiday period fast approaching when the population of Greenview Drive increases, particularly with the number of children, (grandchildren), residing or visiting the area, I believe meaningful action needs to be taken to remove this hazard now.
4. The Golf Club occupy a large tract of public land but still find it necessary to encroach on adjacent and nearby private land and public spaces. This is unacceptable against any measure.
5. If a person discharged a weapon capable of firing a lethal projectile (i.e. air gun, cross bow, firearms), then the Police would be notified. Just like the above examples, a golf ball is a projectile capable of killing as evidenced by the reported death earlier this year on a Queenstown course. Given there is some semblance of control within courses, but death can still occur, those outside the course have no such protection and are left with significant exposure to harm or fatality.
6. My final point is that this is not, and should not be my problem. I am not the one hitting projectiles outside my boundaries with disregard to the potential consequences. A responsible organisation should address this issue as a matter of priority.

My invitation to visit and view the issue first hand remains.

As I'm corresponding directly with you, I would appreciate the courtesy of a direct response.

Regards Ross

----- Forwarded message -----

From: **Chrissy** [REDACTED]  
Date: Sat, 25 Aug 2018 14:37  
Subject: RE: Hazard / Health and Safety Issue, Greenview Drive  
To: Ross Cook [REDACTED]  
Cc: Tony Vale [REDACTED]

Hi Ross

We discussed this at the last Board meeting and to date we have erected a warning sign on the tee and are looking at funding to put screens up around the Tee block. We have also discussed planting to provide a natural screen and I believe this is going to occur in the very near future.

We have a number of issues to consider, we are unable to put screens in place along the bank as they would have to be positioned in manner that would make them impractical (slope of bank and trees) and block the view of properties surrounding that area of the course.

Please be assured this is an issue that remains on the Boards agenda and I will advise once all planned actions have been completed.

Kind regards  
Chrissy

**Chrissy Burrows**  
Director/Consultant

**Momentous Consulting Ltd**  
PO Box 128, Mangawhai 0540

[REDACTED]  
[REDACTED]  
**From:** Ross Cook [REDACTED]  
**Sent:** Friday, 24 August 2018 3:45 PM  
**To:** Chris Burrows [REDACTED]  
**Subject:** Fwd: Hazard / Health and Safety Issue, Greenview Drive

Hi Chris, I haven't heard from you for a while. I'd appreciate an update please.

Ross

----- Forwarded message -----

**From:** Ross Cook [REDACTED]  
**Date:** Sat, 28 Apr 2018 at 17:00  
**Subject:** Re: Hazard / Health and Safety Issue, Greenview Drive  
**To:** Chris Burrows [REDACTED]

Hi Chris, thanks for the update. I believe there have been a couple of balls land on roofs in the last three weeks although no balls sighted.

My granddaughter also reported a loud bang which usually indicates a ball on the roof during the first week of the holidays, but I was snoozing (recovering as grandparents tend to need to do after sustained grandchild activity), so can't confirm if it was a ball.

Screens sound like a good idea. I noticed some rather large ones when I was sitting in traffic on Onewa Rd in Takapuna, hopefully you won't need to go to that extent.

On Sat, 28 Apr 2018 12:44 Chris Burrows [REDACTED] wrote:

Hi Ross  
Thought I would give you an update on progress so you can be assured we haven't forgotten you.



The Board has been working on several options and we think we have come up with the most practical. Initially we were going to move the Tee over so the projectile pattern would be away from the area of concern. This has however not been practical due to other issues. We have settled on placing screens around the Tee and immediate area which should deflect and balls away from the areas of concern. It is now a matter of working with our Course Maintenance to get the materials and have these installed as soon as we can.

Apart from consulting with course experts, we have consulted with our Health and Safety consultant (external Health and Safety provider) and at this stage all is in order.

I trust you will find this satisfactory and we hope this will eliminate any safety issues.

Kind regards  
Chrissy  
Chairperson, Board of Directors, Mangawhai Golf Club

**Chrissy Burrows**  
Director/Consultant

**Momentous Consulting Ltd**  
PO Box 128, Mangawhai 0540

**From:** Ross Cook [REDACTED]  
**Sent:** Saturday, 3 March 2018 9:14 AM  
**To:** Chris Burrows [REDACTED]  
**Subject:** Re: Hazard / Health and Safety Issue, Greenview Drive

Hi Chris,  
Thanks for the update. I guess I'll have to keep my hard hat nearby for a while yet.

The tragic accident in Queenstown recently illustrates how lethal a golf ball can be. Wayward shots can have unpredictable outcomes.

On Fri, 2 Mar 2018 13:27 Chris Burrows [REDACTED] wrote:

Hi Ross  
As promised your concerns were taken to the Board yesterday and discussed. The Board has decided to take the issue to our course committee to look at the design of the 12<sup>th</sup> Tee and fairway with the intention of providing a couple of possible options to resolve the issue. When due consideration has been given, this will come back to the next Board meeting which is in April. Once the Board agrees on the action to be taken, we will let you know how we intend to address the issue.

As discussed we will keep you informed as to what action will be taken.

Kind regards  
Chrissy

**Chrissy Burrows**  
Director/Consultant

**Momentous Consulting Ltd**  
PO Box 128, Mangawhai 0540



## Kylie Flood

---

**From:** [REDACTED]  
**Sent:** Friday, 8 February 2019 6:25 PM  
**To:** John Burt  
**Cc:** Councillor Wethey; Natalie Dyer; Chrissy Burrows  
**Subject:** RE: Mangawhai Golf Course Health and Safety

Hi John,

Thank you for the update from the Council.

Glad to hear that the Council conclude our proposed solutions are appropriate and reasonable steps to mitigate the issue.

Tree planting was completed at the end of November just after our letter to you on 21<sup>st</sup> November. We believe all practicable steps have now been completed on this issue.

We will continue to monitor this issue going forward.

We remain to this day to receive any evidence from Ross Cook of golf balls landing on his property.

Kind regards

Brad Grimmer  
General Manager

### **Mangawhai Golf Club**

221 Molesworth Drive, Mangawhai Heads, Northland  
PO Box 66, Mangawhai 0540  
[REDACTED]

---

**From:** John Burt <jburt@kaipara.govt.nz>  
**Sent:** Friday, February 8, 2019 1:39 PM  
**To:** [REDACTED]  
**Cc:** Councillor Wethey <Cr.Wethey@kaipara.govt.nz>; Natalie Dyer <ndyer@kaipara.govt.nz>  
**Subject:** RE: Mangawhai Golf Course Health and Safety

Hi Brad,

Deputy Mayor Peter Wethey has mentioned that your wanting feedback on the letter sent with the email below. Our H & S team have reviewed and we have had further legal advice on the issue. It's been concluded that your proposed solutions seen like appropriate and reasonable steps the club can take to mitigate the issue.

Therefore we encourage you to implement the proposals as soon as practicable. At this stage we don't feel a meeting is necessary but will contact you again if this changes.

Regards

John Burt

---

**From:** [REDACTED]  
**Sent:** Wednesday, November 21, 2018 11:20 AM  
**To:** John Burt <[jburt@kaipara.govt.nz](mailto:jburt@kaipara.govt.nz)>  
**Cc:** Chrissy Burrows [REDACTED]  
**Subject:** RE: Mangawhai Golf Course Health and Safety

Hi John,

Please find attached the club's response to your email on Monday.

If you have any questions, please let me know.

Kind regards

Brad Grimmer  
General Manager

**Mangawhai Golf Club**

221 Molesworth Drive, Mangawhai Heads, Northland  
PO Box 66, Mangawhai 0540  
[REDACTED]

---

**From:** John Burt <[jburt@kaipara.govt.nz](mailto:jburt@kaipara.govt.nz)>  
**Sent:** Monday, November 19, 2018 1:55 PM  
**To:** [REDACTED]  
**Subject:** FW: Mangawhai Golf Course Health and Safety

Hi Brad,

We have received the attached email from the owner of property near the Golf Course. I understand that the club has had some discussion with the property owner but he is obviously not yet satisfied.

Council's Solicitors have advised us to write to the Club in our capacity as Lessor and request that you advise what measures the club as lessee plan to put in place to manage this risk in accordance with the Health & Safety at Work Act 2015.

If you could acknowledge receipt of this email and also advise a timeline for providing a response to this request.

Thanks



John Burt | Commercial and Property Advisor  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 3123  
[jburt@kaipara.govt.nz](mailto:jburt@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

**From:** Ross Cook [REDACTED]  
**Sent:** Friday, 9 November 2018 12:26 PM  
**To:** Chief Exec <[chiefexec@kaipara.govt.nz](mailto:chiefexec@kaipara.govt.nz)>  
**Subject:** Mangawhai Golf Course Health and Safety

Approx 12 months ago I corresponded with KDC and the Mangawhai Golf Club regarding golf balls that land on my property at 39 Greenview Drive, Mangawhai and on other nearby properties, the roadway and other public areas in the vicinity of the Golf course. My property and some of the others affected don't have

boundaries with the course and in fact there is a small hill between us and the course, but we are subject to an ongoing bombardment from wayward shots.

My concern was raised with both KDC and the Golf Club following a couple of near misses from stray balls which lead me to the conclusion that this is a serious safety risk and that, with NZ's heightened focus on the health and safety environment it is no longer tolerable.

Simple risk analysis would conclude that while the risk of a direct hit from a wayward ball may be low to moderate the outcome could be catastrophic.

Summarized, the KDC advised it was an operational matter and referred my concerns to the Golf Club. The Golf Club initially was (not politely!!!!) dismissive and then undertook a charm offensive to try and deflect my concerns.

The Golf Club has suggested some measures but even they don't realistically believe they will overcome the problem. (I believe the problem can be largely mitigated but the Golf Club lack the will to address the issue).

The Golf Club also indicate finance is an issue but from my external observation they seem to be doing other improvements around the course which, compared to this safety issue, in my view, should be of lesser priority.

I would also suggest that if any business was to use the excuse of lack of finance to not operate in a safe manner then the court's would be less than sympathetic.

I am correspondingly with you as I believe KDC owns the Golf Course and as a consequence you have some measure of responsibility to ensure that activities conducted on your property are conducted in a safe manner. In particular I assume you have an obligation to ensure the public and ratepayers are protected from hazardous activities.

I also presume there is some sort of consent required for the Golf Club to undertake their activities. I anticipate that any consent would be for those activities to be confined "within the boundaries of the Golf Course".

I also assume that KDC has a responsibility to ensure compliance with any conditions and if there is any non compliance, actions are taken to rectify.

In reality, if any businesses activities expanded into adjoining or nearby properties that business would be forced to confine their activities within their boundaries. I am seeking to have the Golf Club take measures to ensure this occurs.

I have corresponded with the Golf Club in good faith for the last 12 months but am no safer now than I was then and if you subscribe to the law of probability then I am probably at a greater risk of injury than I was 12 months again. My neighbours and I continue to have balls rain down on our properties.

I am corresponding with you as I believe the KDC official I previously corresponded with did not sufficiently appreciate the responsibilities I believe KDC has in regard to Health and Safety of activities conducted on KDC properties and/or the statutory obligations to ensure activities are conducted within consented areas in accordance with consent conditions.

I would be more than happy to meet at my property with you or a senior official to better demonstrate the issue.

Regards

Ross

## Kylie Flood

---

**From:** Councillor Wethey  
**Sent:** Thursday, 14 February 2019 1:19 PM  
**To:** Natalie Dyer  
**Cc:** Chief Exec; cr.larsen gmail account; Councillor Jones; Sue Davidson  
**Subject:** RE: Mangawhai Golf Club

Hi Everyone

On Monday I spoke with the Golf Club Manager about this issue. We both agreed that Mr Cook was unlikely to leave this issue alone (this has proved to be the case!) & I proposed another option which will definitely solve this problem in the short term, while the tree planting that the Club has undertaken grows to sufficient stature to act as a barrier to golf ball entering his property. The pine trees which were originally on this embankment & acted as a barrier to the wayward balls, were cut down about 2 years ago & it has been since then that Mr Cook has raised his concerns.

I have offered to the Golf Club my services to broker a meeting with Mr Cook (he seems unwilling to meet with them at the moment), but do not wish to arrange this meeting until the Club's Course Committee consider this other option. It will require funds to complete, & like the KDC, the Golf Club never has any surplus funds!

At this stage, in my opinion, the Council is not liable for the problem & our legal opinion supports this view. I believe Council should continue to push the issue back at the Golf Club to address, which is where the responsibility & liability clearly lies.

Cheers

Peter

---

**From:** Natalie Dyer  
**Sent:** Thursday, February 14, 2019 12:37 PM  
**To:** Ross Cook [REDACTED]  
**Cc:** Chief Exec <chiefexec@kaipara.govt.nz>; cr.larsen gmail account <jglarsen.nz@gmail.com>; Councillor Wethey <Cr.Wethey@kaipara.govt.nz>; Councillor Jones <Cr.Jones@kaipara.govt.nz>  
**Subject:** RE: Mangawhai Golf Club

Hi Ross

Thank you for your reply.

I have forwarded this to the appropriate manager and will be in touch in due course.

Nga Mihi



Natalie Dyer | Executive Assistant  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 1217  
[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)  
Dargaville Office: 42 Hokianga Road, Dargaville 0310  
Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505  
Opening Hours: Monday - Friday 8 am to 4.30 pm

**From:** Ross Cook [REDACTED]  
**Sent:** Thursday, 14 February 2019 12:28 PM  
**To:** Natalie Dyer <[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz)>

**Cc:** Chief Exec <[chiefexec@kaipara.govt.nz](mailto:chiefexec@kaipara.govt.nz)>; cr.larsen gmail account <[iglarsen.nz@gmail.com](mailto:iglarsen.nz@gmail.com)>; Councillor Wethey <[Cr.Wethey@kaipara.govt.nz](mailto:Cr.Wethey@kaipara.govt.nz)>; Councillor Jones <[Cr.Jones@kaipara.govt.nz](mailto:Cr.Jones@kaipara.govt.nz)>

**Subject:** Re: Mangawhai Golf Club

Hi Natalie, thanks for your response.

Regrettably in the last three plus months KDC has failed to address the key issues or demonstrate any propensity to exercising their statutory responsibility arising from the unlawful actions being perpetuated by the Mangawhai Golf Club (MGC).

KDC has also failed to respond to the questions I raised in my email addressed to the KDC dated 22/11/2018.

Firstly, in summary, and to contextualize, the MGC is the lessee of reserve land owned and administered by KDC (refer to KDC District Scheme).

KDC is also the statutory authority responsible for the issue and administration of consents including compliance.

MGC will operate under a consent or some other legal instrument for which KDC has the responsibility and statutory obligation to ensure and importantly, enforce compliance.

I'm 100% certain that the MGC consent does not permit them to hit golf balls (projectiles) (whether actually mentioned or implied in the consent), outside the boundaries of the golf course, particularly onto private land or public roads etc.

As the statutory authority KDC has an obligation to enforce the consent conditions and require MGC to immediately stop activities which are in breach. I would appreciate any advice to the contrary.

Secondly, (and I regard this as a bit of a red herring perpetuated by MGC and now KDC), I'm a little perplexed as to how KDC can conclude that adequate provision has been made to address the Health and Safety at Work Act 2015 (HSE Act) when golf balls continue to rain down on Greenview Drive and, incidentally, Molesworth Drive also.

I make the following observations;

Under the HSE Regulations, dangerous (hazardous) activities; and there is no doubt that the MGC activities are dangerous as evidenced by the plethora of danger signs along the Molesworth Drive boundary, and the balls that continue to fall outside the course, are required to be mitigated with a strong emphasis on elimination.

Regulations demand fences, barriers, signs and other measures are to be put in place to protect the public.

Examples are fences around construction sites to prevent construction activities spilling outside property boundaries and endangering the public. Roadworks demand a combination of barriers, cones, speed restrictions and traffic control safety vehicles etc. for the same purpose, so I'm not sure how you could conclude the same protection should not be afforded the public outside the Golf Course.

None of the MGC measures introduced or proposed have or are likely to reduce the risk of golf balls traveling outside the Golf Course boundaries. I would welcome a truly independent review of the measures proposed.

Consequently, as required by HSE Regulations, the activity should be suspended immediately until such time as credible measures have been put in place to mitigate any risk.



Thirdly, KDC as owners of the land, and importantly, as a Public Body, have a statutory obligation to ensure activities conducted on their land are conducted in a lawful and safe manner. It's not acceptable to attempt to abrogate responsibility to the lessee when aware of the implications, particularly in relation to safety.

If this were simply a H&S issue, I suggest that the HSE Act intention is to push responsibility up the chain to ensure H&S is given the highest priority. As owners, KDC sit at the top of that chain and consequently share that responsibility, particularly in the context of failure to meaningfully mitigate a known hazard. Failure to authoritatively and objectively review proposals from the MGC would be negligent.

I am interested in the advice you have received which enabled you to determine that this was a HSE Act matter as this will have a bearing on any future action.

Is this advice available to me? and if so, can you please send me a copy including any request seeking the advice.

Finally, this is not a private matter between the MGC and myself, it is a matter of public safety for which KDC has prime responsibility.

As your responses to date have been particularly slow but the risk of serious harm injury or fatality remains, I request that you respond by 22/02/2019.

Regards

Ross Cook

On Wed, 13 Feb 2019 15:49 Natalie Dyer <[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz)> wrote:

Good afternoon Mr Cook

Further to your query regarding the activity at the Mangawhai Golf Club, we have investigated, and reached the following conclusions;

- The Council has contacted the Golf Club, in its' capacity as lessor, to ask the club as lessee, what plan has been put in place to manage the risk in accordance with the Health and Safety at Work Act 2015.
- Council is satisfied that the Golf Club have taken appropriate and reasonable steps to mitigate the issue.

As this is a private matter between yourself and the golf club, you will need to direct further correspondence to the golf club, for a resolution.

Natalie Dyer | Executive Assistant

Kaipara District Council, Private Bag 1001, Dargaville 0340

Freephone: 0800 727 059

[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

Dargaville Office: 42 Hokianga Road, Dargaville 0310

Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505

Opening Hours: Monday - Friday 8 am to 4.30 pm

## Kylie Flood

---

**From:** John Burt  
**Sent:** Thursday, 14 February 2019 2:46 PM  
**To:** Natalie Dyer  
**Cc:** Louise Miller; Sue Davidson  
**Subject:** RE: Mangawhai Golf Club

Hi Natalie,

Brookfield's Opinion to Council is legally privileged so it's not possible to release under LGOIMA.

Much of Mr. Cook's recent email is about Council's responsibility under the RMA. While it's not my area of responsibility any longer but I don't believe that the Golf Course will have a Resource Consent or need to have one. The Golf Course is situated on a recreation Reserve and its zoned Rural in the Kaipara District Plan. As such, Golf or other sports will be a permitted activity which can be carried out without consent within defined performance standards. The Golf Course was also established on the land prior to the enactment of the RMA and will also likely have an existing use right.

The Resource consent team will be able to confirm the above.

If any Officers are to meet with Mr. Cook, It should probably be led by Curt rather than Sue as he has responsibility for Reserves and H & S. In any case, As Councillor Wethey has proposed we should wait until the GC make a decision on his proposal.

Regards

John Burt

---

**From:** Sue Davidson  
**Sent:** Thursday, February 14, 2019 1:43 PM  
**To:** Natalie Dyer <ndyer@kaipara.govt.nz>; John Burt <jburt@kaipara.govt.nz>  
**Cc:** Louise Miller <lmiller@kaipara.govt.nz>  
**Subject:** RE: Mangawhai Golf Club

Hi Natalie ,

John will answer this but as Cr Wethey has outlined. Its not Council responsibility and that Cr Wethey is happy to broker a meeting with the Golf Club Trees were chopped down 2 years ago as the trees were old. New ones were planted but will need time to grow

Sue



Sue Davidson | GM Risk, IT and Finance  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
P: 09 439 1233 | Mobile: 021 532 610  
Freephone: 0800 727 059  
[sdavidson@kaipara.govt.nz](mailto:sdavidson@kaipara.govt.nz) | [council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

---

**From:** Natalie Dyer  
**Sent:** Thursday, 14 February 2019 12:50 PM  
**To:** John Burt <[jburt@kaipara.govt.nz](mailto:jburt@kaipara.govt.nz)>

**Cc:** Sue Davidson <[sdavidson@kaipara.govt.nz](mailto:sdavidson@kaipara.govt.nz)>; Louise Miller <[lmiller@kaipara.govt.nz](mailto:lmiller@kaipara.govt.nz)>

**Subject:** FW: Mangawhai Golf Club

Hi John

Please address the concerns from Ross Cook below, I have sent the request for advice allowing us to make our position through to Linda as a LGOIMA, however I believe the advice was confidential so not sure if she will release it.

He is not going to engage with the golf club as stated below, can you and/or Sue please meet with him to resolve his concerns and/or ascertain a plan of action? Even if it is just to clarify exactly how this is a civil matter and what he needs to do to go forward.

Does the Golf course have any consents relating to their activities? I would have thought this was a license/permit situation managed by MBIE or similar.

My response to Mr Cook was quite brief, as I was unclear as to the confidentiality of the information, it may be that I need to outline the exact steps taken by the golf club to mitigate the risks.

If you could actually go to his property and sight the golf balls he states are hitting his house, to substantiate the claim, this would be a big step for us in terms of being able to resolve the issue, as currently it is a he said/she said situation meaning we can't accurately determine the level of risk.

Nga Mihi



Natalie Dyer | Executive Assistant  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 1217  
[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)  
Dargaville Office: 42 Hokianga Road, Dargaville 0310  
Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505  
Opening Hours: Monday - Friday 8 am to 4.30 pm

**From:** Ross Cook [REDACTED]

**Sent:** Thursday, 14 February 2019 12:28 PM

**To:** Natalie Dyer <[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz)>

**Cc:** Chief Exec <[chiefexec@kaipara.govt.nz](mailto:chiefexec@kaipara.govt.nz)>; cr.larsen gmail account [REDACTED]; Councillor Wethey <[Cr.Wethey@kaipara.govt.nz](mailto:Cr.Wethey@kaipara.govt.nz)>; Councillor Jones <[Cr.Jones@kaipara.govt.nz](mailto:Cr.Jones@kaipara.govt.nz)>

**Subject:** Re: Mangawhai Golf Club

Hi Natalie, thanks for your response.

Regrettably in the last three plus months KDC has failed to address the key issues or demonstrate any propensity to exercising their statutory responsibility arising from the unlawful actions being perpetuated by the Mangawhai Golf Club (MGC).

KDC has also failed to respond to the questions I raised in my email addressed to the KDC dated 22/11/2018.

Firstly, in summary, and to contextualize, the MGC is the lesse of reserve land owned and administered by KDC (refer to KDC District Scheme).

KDC is also the statutory authority responsible for the issue and administration of consents including compliance.

MGC will operate under a consent or some other legal instrument for which KDC has the responsibility and statutory obligation to ensure and importantly, enforce compliance.

I'm 100% certain that the MGC consent does not permit them to hit golf balls (projectiles) (whether actually mentioned or implied in the consent), outside the boundaries of the golf course, particularly onto private land or public roads etc.

As the statutory authority KDC has an obligation to enforce the consent conditions and require MGC to immediately stop activities which are in breach. I would appreciate any advice to the contrary.

Secondly, (and I regard this as a bit of a red herring perpetuated by MGC and now KDC), I'm a little perplexed as to how KDC can conclude that adequate provision has been made to address the Health and Safety at Work Act 2015 (HSE Act) when golf balls continue to rain down on Greenview Drive and, incidentally, Molesworth Drive also.

I make the following observations;

Under the HSE Regulations, dangerous (hazardous) activities; and there is no doubt that the MGC activities are dangerous as evidenced by the plethora of danger signs along the Molesworth Drive boundary, and the balls that continue to fall outside the course, are required to be mitigated with a strong emphasis on elimination.

Regulations demand fences, barriers, signs and other measures are to be put in place to protect the public.

Examples are fences around construction sites to prevent construction activities spilling outside property boundaries and endangering the public. Roadworks demand a combination of barriers, cones, speed restrictions and traffic control safety vehicles etc. for the same purpose, so I'm not sure how you could conclude the same protection should not be afforded the public outside the Golf Course.

None of the MGC measures introduced or proposed have or are likely to reduce the risk of golf balls traveling outside the Golf Course boundaries. I would welcome a truly independent review of the measures proposed.

Consequently, as required by HSE Regulations, the activity should be suspended immediately until such time as credible measures have been put in place to mitigate any risk.

Thirdly, KDC as owners of the land, and importantly, as a Public Body, have a statutory obligation to ensure activities conducted on their land are conducted in a lawful and safe manner. It's not acceptable to attempt to abrogate responsibility to the lessee when aware of the implications, particularly in relation to safety.

If this were simply a H&S issue, I suggest that the HSE Act intention is to push responsibility up the chain to ensure H&S is given the highest priority. As owners, KDC sit at the top of that chain and consequently share that responsibility, particularly in the context of failure to meaningfully mitigate a known hazard. Failure to authoritatively and objectively review proposals from the MGC would be negligent.

I am interested in the advice you have received which enabled you to determine that this was a HSE Act matter as this will have a bearing on any future action.

Is this advice available to me? and if so, can you please send me a copy including any request seeking the advice.

Finally, this is not a private matter between the MGC and myself, it is a matter of public safety for which KDC has prime responsibility.

As your responses to date have been particularly slow but the risk of serious harm injury or fatality remains, I request that you respond by 22/02/2019.

Regards

Ross Cook

On Wed, 13 Feb 2019 15:49 Natalie Dyer <[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz)> wrote:

Good afternoon Mr Cook

Further to your query regarding the activity at the Mangawhai Golf Club, we have investigated, and reached the following conclusions;

- The Council has contacted the Golf Club, in its' capacity as lessor, to ask the club as lessee, what plan has been put in place to manage the risk in accordance with the Health and Safety at Work Act 2015.
- Council is satisfied that the Golf Club have taken appropriate and reasonable steps to mitigate the issue.

As this is a private matter between yourself and the golf club, you will need to direct further correspondence to the golf club, for a resolution.

Nga Mihi

Natalie Dyer | Executive Assistant

Kaipara District Council, Private Bag 1001, Dargaville 0340

Freephone: 0800 727 059

[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

Dargaville Office: 42 Hokianga Road, Dargaville 0310

Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505

Opening Hours: Monday - Friday 8 am to 4.30 pm

## Kylie Flood

---

**From:** Administration Requests  
**Sent:** Monday, 25 February 2019 5:46 PM  
**To:** [REDACTED]  
**Cc:** Administration Requests; Natalie Dyer  
**Subject:** FW: Mangawhai Golf Club  
**Attachments:** image001.jpg

Hi Ross

Thank you for your request for legal advice relating to the Mangawhai Golf Club. Sorry but unfortunately I am unable to give you the information from our lawyers as it is legally privileged.

I understand your concerns and the Golf Club have suggested some further mitigation measures they could put in place to alleviate the golf ball problem. They are being placed in front of the Golf Club's governance committee for a decision shortly. Once a decision is made Councillor Wethey will be in touch with you.

Regards Linda



Linda Osborne | Administration Manager  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 3123  
[council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

**From:** Ross Cook [REDACTED]  
**Sent:** Thursday, 14 February 2019 12:28 PM  
**To:** Natalie Dyer <[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz)>  
**Cc:** Chief Exec <[chiefexec@kaipara.govt.nz](mailto:chiefexec@kaipara.govt.nz)>; cr.larsen gmail account <[jglarsen.nz@gmail.com](mailto:jglarsen.nz@gmail.com)>; Councillor Wethey <[Cr.Wethey@kaipara.govt.nz](mailto:Cr.Wethey@kaipara.govt.nz)>; Councillor Jones <[Cr.Jones@kaipara.govt.nz](mailto:Cr.Jones@kaipara.govt.nz)>  
**Subject:** Re: Mangawhai Golf Club

Hi Natalie, thanks for your response.

Regrettably in the last three plus months KDC has failed to address the key issues or demonstrate any propensity to exercising their statutory responsibility arising from the unlawful actions being perpetuated by the Mangawhai Golf Club (MGC).

KDC has also failed to respond to the questions I raised in my email addressed to the KDC dated 22/11/2018.

Firstly, in summary, and to contextualize, the MGC is the lessee of reserve land owned and administered by KDC (refer to KDC District Scheme).

KDC is also the statutory authority responsible for the issue and administration of consents including compliance.

MGC will operate under a consent or some other legal instrument for which KDC has the responsibility and statutory obligation to ensure and importantly, enforce compliance.

I'm 100% certain that the MGC consent does not permit them to hit golf balls (projectiles) (whether actually mentioned or implied in the consent), outside the boundaries of the golf course, particularly onto private land or public roads etc.

As the statutory authority KDC has an obligation to enforce the consent conditions and require MGC to immediately stop activities which are in breach. I would appreciate any advice to the contrary.

Secondly, (and I regard this as a bit of a red herring perpetuated by MGC and now KDC), I'm a little perplexed as to how KDC can conclude that adequate provision has been made to address the Health and Safety at Work Act 2015 (HSE Act) when golf balls continue to rain down on Greenview Drive and, incidentally, Molesworth Drive also.

I make the following observations;

Under the HSE Regulations, dangerous (hazardous) activities; and there is no doubt that the MGC activities are dangerous as evidenced by the plethora of danger signs along the Molesworth Drive boundary, and the balls that continue to fall outside the course, are required to be mitigated with a strong emphasis on elimination.

Regulations demand fences, barriers, signs and other measures are to be put in place to protect the public.

Examples are fences around construction sites to prevent construction activities spilling outside property boundaries and endangering the public. Roadworks demand a combination of barriers, cones, speed restrictions and traffic control safety vehicles etc. for the same purpose, so I'm not sure how you could conclude the same protection should not be afforded the public outside the Golf Course.

None of the MGC measures introduced or proposed have or are likely to reduce the risk of golf balls traveling outside the Golf Course boundaries. I would welcome a truly independent review of the measures proposed.

Consequently, as required by HSE Regulations, the activity should be suspended immediately until such time as credible measures have been put in place to mitigate any risk.

Thirdly, KDC as owners of the land, and importantly, as a Public Body, have a statutory obligation to ensure activities conducted on their land are conducted in a lawful and safe manner. It's not acceptable to attempt to abrogate responsibility to the lessee when aware of the implications, particularly in relation to safety.

If this were simply a H&S issue, I suggest that the HSE Act intention is to push responsibility up the chain to ensure H&S is given the highest priority. As owners, KDC sit at the top of that chain and consequently share that responsibility, particularly in the context of failure to meaningfully mitigate a known hazard. Failure to authoritatively and objectively review proposals from the MGC would be negligent.

I am interested in the advice you have received which enabled you to determine that this was a HSE Act matter as this will have a bearing on any future action.

Is this advice available to me? and if so, can you please send me a copy including any request seeking the advice.

Finally, this is not a private matter between the MGC and myself, it is a matter of public safety for which KDC has prime responsibility.

As your responses to date have been particularly slow but the risk of serious harm injury or fatality remains, I request that you respond by 22/02/2019.

Regards

Ross Cook



On Wed, 13 Feb 2019 15:49 Natalie Dyer <[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz)> wrote:

Good afternoon Mr Cook

Further to your query regarding the activity at the Mangawhai Golf Club, we have investigated, and reached the following conclusions;

- The Council has contacted the Golf Club, in its' capacity as lessor, to ask the club as lessee, what plan has been put in place to manage the risk in accordance with the Health and Safety at Work Act 2015.
- Council is satisfied that the Golf Club have taken appropriate and reasonable steps to mitigate the issue.

As this is a private matter between yourself and the golf club, you will need to direct further correspondence to the golf club, for a resolution.

Nga Mihi

Natalie Dyer | Executive Assistant

Kaipara District Council, Private Bag 1001, Dargaville 0340

Freephone: 0800 727 059

[ndyer@kaipara.govt.nz](mailto:ndyer@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

Dargaville Office: 42 Hokianga Road, Dargaville 0310

Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505

Opening Hours: Monday - Friday 8 am to 4.30 pm

## Kylie Flood

---

**From:** Peter Wethey [REDACTED]  
**Sent:** Wednesday, 29 May 2019 10:34 AM  
**To:** Linda Osborne  
**Subject:** Fwd: 12th Hole issue with neighbour Ross Cook

Hi Linda

E-mail from Brad, as discussed.

Cheers

Peter

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Wed, May 29, 2019 at 9:16 AM  
**Subject:** 12th Hole issue with neighbour Ross Cook  
**To:** [REDACTED]

Hi Peter,

After your recent call, here is an update on the 12<sup>th</sup> Hole issue with neighbour Ross Cook.

The Board is meeting tomorrow where we will look to take further action by adopting a trial with a new tee block to improve the direction of the tee shots and minimise this hazard even further.

As your aware we have been working with the Club's Health and Safety consultant Kevin Park on this issue for well over 18 months. Kevin is the Director of Nzworksafe Ltd & Director of Safety Seek Ltd.

I would like to highlight Kevin's background in Health and Safety and acknowledge his 40 plus years as a member of the New Zealand Professional Golfers Association.

### **Kevin's qualifications**

Health & Safety Unit standards completed in level

Unit standards 22318

Unit standards 17601

Unit standards 22316

Unit standards 497

Unit standards 17593

Unit standards 17602

Unit standards 20733

Unit standards 18408

Unit standards 29315

Unit standards 17951

Unit standards 17952

Plus Level 4 Accident investigation

Unit standards 17601

If you require any further information at this time, please let me know.

Kind regards

Brad Grimmer

General Manager

**Mangawhai Golf Club**

221 Molesworth Drive, Mangawhai Heads, Northland

PO Box 66, Mangawhai 0540



## Kylie Flood

---

**From:** Councillor Wethey  
**Sent:** Monday, 3 June 2019 4:34 PM  
**To:** Linda Osborne  
**Subject:** FW: 12th Hole issue and Molesworth Drive

Hi Linda

FYI, Ross Cook's response to the Golf Club's email.

Cheers

Peter

**From:** Ross Cook [REDACTED]  
**Sent:** Monday, June 3, 2019 12:55 PM  
**To:** [REDACTED]  
**Cc:** Councillor Wethey <Cr.Wethey@kaipara.govt.nz>; Chief Exec <chiefexec@kaipara.govt.nz>  
**Subject:** Re: 12th Hole issue and Molesworth Drive

Hi Brad,

Thank you for your email of 31 May 19. There are a number of misrepresentations included which I'm obliged to challenge, and will do so in the following response.

However, I respectfully suggest when reviewing my comments that you keep in mind that it is "unlawful" for the Mangawhai Golf Club (MGC) to knowingly permit your members and other players to continue to hit balls that transcend the course boundaries, (including both Greenview and Molesworth Drives), onto private property and public roadways and other public areas.

To continue with this threat to "public safety" with the known potential for serious harm injury or death contradicts, by any measure, a wider community philosophy towards a safe society.

The MGC has no rights in this regard.

Please don't take my lack of communication as patience; that ran out a while ago when it became clear that nothing meaningful to resolve the issue had been proposed or implemented.

It's the reason I reopened dialogue with the Kaipara District Council (KDC) in Nov 2018. I'm sorry I didn't expand then on the reasons the MGC proposals were unsound, but hopefully this response will address that oversight and correct any misrepresentations.

Following the rough sequence of your email I comment as follows;

You may be comfortable in what you have done so far with regard to signage and planting, but realistically, its only landscaping.

As a measure to prevent golf balls transending the course boundary it has been totally ineffective, evidenced by the continuing stream of balls landing within the sub-division and elsewhere.

As a viable solution it will never achieve its stated purpose as a screen to prevent balls straying outside the course.

The concept that a few shrubs and a sign would present protection that would stop balls transcending the course boundaries is flawed.

That this is promoted as the solution to the replacement of a thick plantation of estimated 30m to 40m high pine trees, which also failed as a barrier, would, at best, be described as naive, and in reality appears as an attempt to pacify complainants; or mislead.

Additionally it was acknowledged during the visit by Wethey, Vale and Grimmer on 04 Mar 19 that all efforts to date, (including planting and sign), had no chance of any short or long term success.

You appear to have changed your view on this?

You may recall that I commented that I would be dead, either from old age, or more immediately, from a stray ball, but with either scenario, the planting and sign would never result in a safe solution.

Cr Wethey also commented that it wasn't an issue for him; presumably he's a left hander and fades the ball away from the boundary.

You also educated me on the unpredictability of balls when they are hit, and variability caused by things such as the angle of contact with the face of the club, the power of the stroke, the direction the ball was headed, and particularly wind. Shrubs and signs aren't going to address the challenges the complex vagaries a golf drive presents.

You should also note that minimising the risk is too low a bar to set; one miss-hit ball can potentially cause a disaster. Elimination of the risk is the only option.

I'm unable to comment authoritatively on your proposal to move the tee block but it appears you are committed to a policy of "trial and error", (or perhaps obfuscation), which to date has yielded nothing in regard to improved public safety.

The harsh reality for the public and residents of Greenview and Molesworth Drives is that you continue to play russian roulette with their safety.

I also emphasise that I don't support a trial and error approach that depends on the continuation of monitoring balls that fall outside the course boundaries. Balls must remain within the course. Innocent persons outside the course have no protection against them.

I respectfully suggest you engage an independent professional course designer to undertake an objective view of options, the unwavering basis for which must be that balls can't transcend any of the course boundaries.

The concept of a six week trial will not deliver a robust result; balls don't arrive to any defined timetable or pattern. It's totally random.

As an example, there can be a hiatus, potentially of multiple weeks without balls falling on my property, followed by a flush of arrivals. Similarly balls are likely to be falling at random frequency and at random locations within the wider community and this needs to be captured.

The approach is also not representative. My property is only one of a number assaulted by balls, and when you take into account both Greenview and Molesworth Drives, the public, and private residents, you have quite a sizable community, (particularly during the months of high visitor numbers), all subject to this public safety risk. To have a meaningful trial all these people need to be engaged.

I'm surprised KDC are not more awake to this and are not taking a more proactive approach to this "serious public safety risk". Still, I remain hopeful they will eventually discharge their statutory responsibilities with regard to "community safety".

The people who hold the knowledge of balls being hit outside the boundaries are those hitting the balls.

Where they land is immaterial; the material point is that the "balls are landing outside the boundary", and this is unlawful and creating an unacceptable public safety risk.

I am also compelled to dispute your assertion that the MGC has repeatedly asked that when I see or hear golf balls, I contact you.

This was discussed at the meeting at my residence with Chris Burrows / Tony Vale and myself following an acrimonious email from the MGC in Feb 2018, (doesn't time fly?). Critical to the discussion on this particular topic, Tony indicated the likelihood was that I would neither see or hear any balls. I qualify this; I do hear balls that rebound off roofs or other surfaces of residences in the vicinity, (including mine), but even then the likelihood that I would be able to identify where they had originated from or landed (unless it was on someone's head!!)(the ambulance would be the give away), is remote.

It was also considered unreasonable that I should be burdened with this; it is afterall, a MGC problem, not mine; and it's the MGC's responsibility to resolve it, (although given the length of time since I raised what was already a MGC known issue; the number of Board and other meetings held; the amount of advice sought and received; and the "absolute zero" progress in resolving this issue;) the level of commitment to resolution is highly questionable, despite, the rhetoric.

And before you get excited, just reflect on the fact that balls continue to be regularly propelled into the neighbourhood.

My neighbour has also advised that just the other day he observed 3 balls in the gutter on Molesworth Drive, (I've only ever found one at a time). Also that a friend who lives on Molesworth Drive regularly has balls land on his property, (opposite side of Molesworth Drive to the course). I also occasionally see golfers out on the adjacent public land searching for balls that have transcended that very public boundary.

I can also relate other historic personal experiences of balls on Molesworth Drive.

All accept that balls transcending the Greenview Drive boundaries originate from the 12th hole. The immediate solution, (and there needs to be an immediate solution before someone is seriously injured or killed), is to suspend play on the 12th hole until such time as a viable and sustainable solution can be introduced. While this may appear severe, MGC has had more than ample time to rectify the issue (years).

While I'm unfamiliar with the hole numbering near Molesworth Drive, a similar approach should also be taken there.

It's also a nugatory exercise to pursue a fixation with where the balls might land. Everyone acknowledges they are transcending the boundaries, this is what's pertinent because of the unlawfulness and the public safety risk, and must stop.

If you think there is anything to be gained in pursuit of where, when, or how balls are being hit over the boundaries, simply ask your members and other players; they are in the best position to know; and the rest is academic anyway.

You could save yourself considerable pointless effort and acknowledge that balls are unlawfully transiting outside the course boundaries and creating a serious public safety issue; and take definitive meaningful and realistic steps to overcome the problem.

As a show of good faith to the community, and a first step to resolving the issue, immediately suspend play on those holes the offending balls originate from until such time as measures that prevent balls leaving the course have been introduced.

This is not a new issue for the MGC, my initiating dialogue in 2017 only brought to the table something that has been ongoing since prior to the purchase of my property some 18 plus years ago. I'm pretty confident some of your

past and present members can confirm it has been an ongoing occurrence. It's time to rectify it before the inevitable happens.

I will continue to pursue this matter until safety is not comprised as a result of golf balls encroaching on private property and public areas.

Regards

Ross Cook

On Fri, 31 May 2019 15:51 [REDACTED] wrote:

Hi Ross,

Thanks for your patience after our Board meeting was postponed last month.

As previously mentioned, the Board had their meeting yesterday and we discussed the ongoing issue with the 12<sup>th</sup> hole and stray golf balls.

I would like to give you an update:

While we are comfortable with what we have done so far (signage and tree planting) to help minimize this issue of potential golf balls landing near or on your property, we are going to take another step further. We are going to trial moving the white tee block in towards the bank. This slight change in angle will make a significant difference to where the male players need to aim for their shot and ultimately where their ball will land. We will trial this for six weeks and see what the feedback is like from our members and of course yourself. During this trial, it's essential that you contact the Club or myself as soon as possible when you hear or see golf balls on or near your property. Then, we are in a position to investigate the incident further. The Club has repeatedly asked that when you hear or see golf balls on or near your property that you contact us immediately but this hasn't happened. For this trial to work, we do require your support so please contact us immediately.

I am now sourcing a golf range mat for the trial. Once I have this, I will contact you again to let you know when the trial will start. I would hope this trial will start in June.

I do hope this trial will be successful and be another step towards resolving this issue.

If you have any questions, please let me know.

Kind regards

Brad Grimmer

General Manager

**Mangawhai Golf Club**

221 Molesworth Drive, Mangawhai Heads, Northland

PO Box 66, Mangawhai 0540





## Kylie Flood

---

**From:** Administration Requests  
**Sent:** Thursday, 30 May 2019 9:54 AM  
**To:** Linda Osborne  
**Subject:** FW: ID029002 - LGOIMA



Linda Osborne | Administration Manager  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 3123  
[council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

---

**From:** John Burt  
**Sent:** Tuesday, 28 May 2019 8:54 AM  
**To:** Administration Requests <[administrationrequests@kaipara.govt.nz](mailto:administrationrequests@kaipara.govt.nz)>  
**Subject:** RE: ID029002 - LGOIMA

Hi Linda,

Many of the answers will be that we don't hold that information or that it should be withheld as it will be legally privileged.

The only complaints I'm away of are from Ross Cook. Natalie will have copies of his complaints.

Regards

John

---

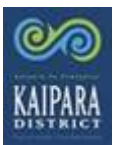
**From:** Administration Requests  
**Sent:** Monday, May 27, 2019 5:02 PM  
**To:** John Burt <[jburt@kaipara.govt.nz](mailto:jburt@kaipara.govt.nz)>  
**Cc:** Councillor Wethey <[Cr.Wethey@kaipara.govt.nz](mailto:Cr.Wethey@kaipara.govt.nz)>  
**Subject:** FW: ID029002 - LGOIMA

Hi John

Your help with this one would be appreciated

Peter – FYI

Thanks Linda



Linda Osborne | Administration Manager  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 3123  
[council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

**From:** Council  
**Sent:** Monday, 27 May 2019 11:43 AM  
**To:** Administration Requests <[administrationrequests@kaipara.govt.nz](mailto:administrationrequests@kaipara.govt.nz)>  
**Subject:** ID029002 - LGOIMA

Tēnā koe

This LGOIMA request has been received in the Council inbox and forwarded to you for action and reply. Customer has been advised response is due 20th June 2019.

If you require any further assistance please contact the Kaipara District Council email [council@kaipara.govt.nz](mailto:council@kaipara.govt.nz), telephone 0800 727 059 from Monday to Friday 8 am to 4.30 pm or visit our website [www.kaipara.govt.nz](http://www.kaipara.govt.nz).

Kind regards

Customer Services



Siobahn Holster | Kaitiaki Kiritaki | Customer Services  
Kaipara te Oranganui | Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 7059  
[council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)  
Dargaville Office: 42 Hokianga Road, Dargaville 0310  
Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505  
Opening Hours: Monday, Tuesday, Thursday, Friday 8am to 4.30pm and Wednesday 9am to 4.30pm

Ross Cook  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

22 May 2019

Kaipara District Council (KDC)  
Private Bag 1001  
Dargaville 0304

Dear Sir or Madam

Official information request: Mangawhai Golf Club / Course (MGC)

Please supply the following information under the Local Government Official Information and Meetings Act (LGOIMA):

1. Details of any complaints regarding golf balls being hit from the MGC outside the MGC boundaries, specifically onto private properties with boundaries near or adjacent to Greenview and Molesworth Drives and public land including streets, footpaths and road reserves, over the period 01 Jan 2017 up to today.
2. Please provide information held in any format described as "official information" within the Ombudsman guidelines.

3. Specific information sought is as follows:

3.1 Any complaints received including any complaints notified to KDC by MGC;

3.2 Any communications between KDC and MGC, and vice versa, resulting from complaints;

3.3 Site visits to view the subject of any complaints by KDC officials, with whom they engaged with during any visits, and any records associated with such visits;

3.4 Any meetings or briefings, either with internal officials or external parties including MGC personnel, advisors etc.;

3.5 Copies of any internal or external reports and recommendations commissioned and received;

3.6 Details of any review process undertaken to evaluate the MGC mitigation proposals to prevent balls straying outside the course boundaries, and the basis for any conclusions reached following the review, and the outcome;

3.7 Details of any risk analysis undertaken associated with the risk to community safety as a consequence of balls being hit outside the boundaries, and who carried out the analysis;

3.8 Copies of requests for legal advice to internal and external legal advisors;

3.9 Copies of all legal advice received;

3.10 Copies of any consents, lease or licence or other mechanisms that permit MGC to operate as Golf Course / Club;

3.11 Provisions within any consents, lease or licence or other mechanisms for compliance monitoring, and copies of any monitoring records or reports;

3.12 Details of any advice sought and received by KDC or any other party, or inherently expected of a Local Authority related to KDC's responsibilities as;

(a) Land Owner, and

(b) Administrator as identified in the KDC District Plan, and as

(c) Statutory and Consenting Authority as it relates to compliance and community safety;

3.13 Confirmation that any KDC Officials or External Advisors who may or have influenced responses or decisions on this matter do not have conflicts of interest, or if they do, have so declared those conflicts of interest; (MGC membership would be perceived as a COI); or that any KDC Officials or External Advisors similarly positioned have declared receipt of any hospitality or gratuities from MGC on a probity register.

4. Please note that if any of the information requested is available through your website I would appreciate a reference to allow me to access it. Additionally if it is more convenient to place any of the responses on your website then I will find this acceptable provided you advise me of the access directions.

5. If you need any more information from me please let me know as soon as possible.

6. I understand that a decision on a request for information under the LGOIMA should be made within 20 working days of receiving that request.

7. If you do not normally deal with official information requests, or you need advice on dealing with this request, guidance is available from the Ombudsman at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

Yours faithfully

Ross Cook

## Linda Osborne

---

**From:** Councillor Wethey  
**Sent:** Monday, 10 June 2019 4:19 PM  
**To:** Linda Osborne  
**Subject:** RE: Attention Councillor Peter Wethey : Herbicide Spray Schedule

Not according to Brad.

---

**From:** Linda Osborne  
**Sent:** Monday, June 10, 2019 4:18 PM  
**To:** Councillor Wethey <Cr.Wethey@kaipara.govt.nz>  
**Subject:** RE: Attention Councillor Peter Wethey : Herbicide Spray Schedule

Hi

Thanks for that. None of the other neighbours have complained about the golf balls right?



Linda Osborne | Administration Manager  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 3123  
[council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

---

**From:** Councillor Wethey  
**Sent:** Monday, 10 June 2019 4:16 PM  
**To:** Linda Osborne <[losborne@kaipara.govt.nz](mailto:losborne@kaipara.govt.nz)>  
**Subject:** RE: Attention Councillor Peter Wethey : Herbicide Spray Schedule

Hi Linda

Thanks for forwarding this.

As well as an advice on Council's website (which sounds like a reasonable idea) perhaps our contractor should place a sign on the park areas when they spray them, so that residents walking the area are warned. The signs would need to be there for about 24 hours. This is what is done at the golf course when they spray the greens & it seems to work & be accepted by the members.

Re the golf club, Brad advised that they are going to proceed with the trial and will approach the other neighbours (as well as Ross Cook) & inform them what is being done & why. They will seek advice from these neighbours about any stray golf balls that may land in their gardens during the trial.

Cheers

Peter

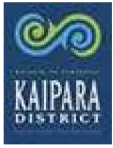
---

**From:** Linda Osborne  
**Sent:** Monday, June 10, 2019 9:26 AM  
**To:** Councillor Wethey <[Cr.Wethey@kaipara.govt.nz](mailto:Cr.Wethey@kaipara.govt.nz)>  
**Subject:** FW: Attention Councillor Peter Wethey : Herbicide Spray Schedule

Hi Peter

We received the email below for you. I'll look into it and advise the customer it's been passed onto you and we are looking into it.

Thanks Linda



Linda Osborne | Administration Manager  
Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | 09 439 3123  
[council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

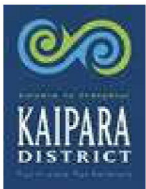
---

**From:** Nadine Spring  
**Sent:** Monday, 10 June 2019 9:10 AM  
**To:** Linda Osborne <[losborne@kaipara.govt.nz](mailto:losborne@kaipara.govt.nz)>  
**Subject:** Attention Councillor Peter Wethey : Herbicide Spray Schedule

Kia ora Linda

I'm not sure if this enquiry should also be sent to you, as the customer has marked to the attn of Peter Wethey.

Ngā mihi



Nadine Spring | Kaitiaki Kiritaki | Customer Services Manager  
Kaipara te Oranganui | Kaipara District Council, Private Bag 1001, Dargaville 0340  
Freephone: 0800 727 059 | Mobile: 021 862 717  
[council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)  
Dargaville Office: 42 Hokianga Road, Dargaville 0310  
Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505  
Opening Hours: Monday, Tuesday, Thursday, Friday 8am to 4.30pm and Wednesday 9am to 4.30pm.

**From:** [REDACTED] >  
**Sent:** Thursday, 6 June 2019 12:17 PM  
**To:** Council <[Council@kaipara.govt.nz](mailto:Council@kaipara.govt.nz)>  
**Subject:** Attention Councillor Peter Wethey : Herbicide Spray Schedule

Morena, Councillor

My question is : is it possible for Council to post on their website the reserves scheduled for herbicide spraying each week ?

I ask because both my dog and I react badly to the chemicals, and have had to seek medical attention for it in the past. My study on this subject over many years has not been in the least reassuring, unfortunately. Too often when walking [REDACTED] at the estuary or the Heads reserves, we see that the grass has started to change colour, and we realise that in spite of taking as much care as we can to keep out of the way, we have been walking in a herbicide bath on our last visit.

On the plus side, I have an arrangement with Vegetation Control that works well and that I appreciate very much : they reliably notify me when they are coming to spray my street, so that I can make arrangements to avoid the worst of the chemicals.

If I could see on your website where spraying is planned for the coming week, I would be a happy woman.

with regards

