



greater WELLINGTON
THE REGIONAL COUNCIL

Public Excluded

Report PE 02.800

18 December 2002

File: E/6/12/2

Report of the Public Excluded Part of the Meeting of the Whaka Drain Sub-Committee held in the Committee Room, Wellington Regional Council, 34 Chapel Street, Masterton, on Monday, 16 December 2002, at 11.36 a.m.

Matters for Council decision are shown in bold type and enclosed in a box.
Other matters for information of Council only are in italic type.

Present:

Councillors Buchanan, Long, Draper (SWDC) and Mr Wright.

Also Present:

Mr R Harrison.

Procedural Item

PE WDSC 5 Apologies

There were no apologies.

Sub-Committee Decisions

PE WDSC 6 Whakawiriwiri Drain and Other Issues – Mr John Barton

Mr Wright advised that Mr Barton had not paid his Lower Valley Scheme rates for several years in protest at what he considers inadequate drainage and also flooding from the Whaka Drain after major flood events. Outstanding rates now total \$13,785.74 plus penalties of \$12,530. Mr Barton had requested a rating reclassification some time ago, but had not agreed with the proposed classification.

Mr Harrison outlined the proposed classification of Mr Barton's property and showed aerial photographs of the land concerned during flood events. He commented that he had made some changes after discussing the classification with Mr Barton but he did not agree with all of Mr Barton's points.

Committee members noted that several of them had considered the proposed rating classification in detail in April 2001.

The Committee was briefed on the current situation with Mr Barton's resource consent application to modify the stopbank on a paper road near his property to allow access for milk tankers. It was noted that Mr Barton had been required to pay the outstanding additional charge of \$1915 for his previously withdrawn application plus \$26,038 being the estimated cost of processing his new application for the same activity before the new consent application would be officially received.

The Committee also noted the current position with Mr Barton's High Court application for access to 'land-locked' land, and that Mr Barton considered he had been denied natural justice as the Rural Services & Wairarapa Committee had not considered his objection to the additional consent charge.

Resolved

(Cr Long/Cr Buchanan)

That the Committee hear Mr Barton's objection to the additional consent charge despite the objection being received several weeks outside normal time limits.

The meeting adjourned for lunch at 12.50 p.m.

The meeting resumed at 1.15 p.m. with Mr John Barton also present.

Cr Buchanan firstly invited Mr Barton to discuss with the Sub-Committee his views on his Lower Valley Scheme rating.

At 2.45 p.m. Cr Buchanan invited Mr Barton to present his objection to the additional charge on his withdrawn resource consent application.

At 3.35 p.m. Cr Buchanan invited Mr Barton to discuss his concerns regarding his latest resource consent application and the associated costs.

Mr Barton left the meeting at 5.26 p.m.

Resolved

(Cr Buchanan/Cr Long)

That the meeting adjourn until 8.30 a.m. on Thursday, 19 December 2002.

The meeting adjourned at 5.28pm.

The meeting reconvened on Thursday, 19 December 2002, at 8.30 a.m. in the Committee Room, Wellington Regional Council, 34 Chapel Street, Masterton.

Present:

Councillors Buchanan (Chairperson), Long, Draper and Mr Wright.

Also Present:

Mr R Harrison.

The meeting continued in Public Excluded.

PE WDSC 7 Lower Valley Scheme Rating – A J Barton

Committee members were given copies of correspondence from Mr Barton relating to his scheme rates including two letters received since the discussion on 16 December 2002.

Mr Harrison presented further information relating to his re-classification of Mr Barton's property including summaries of rating on other properties in the Lower Valley Scheme.

Resolved

(Cr Buchanan/Cr Draper)

- (1) *That the Committee is satisfied that the proposed re-classification is fair and equitable and recognises the benefits of the Scheme to Mr Barton's property and the negative effects of the Whaka Drain and the Tawaha water.*
- (2) *That this proposed re-classification apply from the 1994/95 year in line with the earlier advice to Mr Barton.*
- (3) *That Mr Barton be offered the opportunity to remain on his present classification from 1994/95 instead of the new classification.*
- (4) *That standard penalties of 10% on outstanding rates every 6 months continue to apply. However, the penalties will be recalculated at 8% per year provided payment of all outstanding amounts is received by 20 February 2003.*
- (5) *That a payment of \$300 per year be made to Mr Barton to recognise the additional cost of maintaining the Whaka Drain through his property. This payment will apply from the 1997/98 year and interest for back payments will be paid at 8% per year. This annual payment is to apply until a revised Scheme rating system comes into force at the conclusion of the present comprehensive Scheme review and the annual payment is to be deducted from rates payments when made.*
- (6) *That legal action to recover outstanding rates and standard penalties be commenced if full payment is not received by 20 February 2003.*

PE WDSC 8 Additional Charge – Consent No. WAR 000230 – A J Barton

Sub-Committee members were given copies of correspondence from Mr Barton relating to the additional charge of \$1915.73 including GST for his withdrawn resource consent alteration. Information on the details of the charges was also tabled.

Resolved

(Cr Buchanan/Cr Long)

- (1) *That the additional charge is considered to be fair and reasonable in the circumstances.*
- (2) *That this charge should be recoverable separately and not tied to Mr Barton's new resource consent application.*

- (3) *That Mr Barton be advised that legal action to recover the debt will be commenced if payment has not been received by 20 February 2003.*

PE WDSC 9 New Consent Application – A J Barton

The Committee discussed the new resource consent application submitted by Mr Barton. It was noted that officers will consider this application in accordance with established procedures. The Committee requested that a letter be sent to Mr Barton outlining the options for non-notified and notified processing of the consent.

The public excluded part of the meeting closed at 10.26 a.m.

CR I M BUCHANAN
Chairperson

Date: