



PUBLIC EXCLUDED

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Committee Rural Services and Wairarapa
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Objections - D T S Riddiford

1. Purpose

To obtain Committee consideration and decision on two objections made by Mr D T S Riddiford in relation to a consent application.

2. Public Excluded

Grounds for exclusion of the public under Section 48(1) of the Local Government Official Information Act 1987 are that public conduct of the whole or relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reasons for disclosure exist – that is the right to a fair trial.

3. Background

- 2.1 On 30 November 2001 Mr Riddiford made what he considers to be a consent application to undertake a range of aquaculture activities at Te Awaiti offshore in the intertidal area and onshore. There was considerable dialogue and correspondence on the proposals before this time.
- 2.2 The “application” was not received by Council at the time as it did not provide the required fees and had no Assessment of Environmental Effects. Aside from these issues it was lodged within the period of the Aquaculture Moratorium imposed by Government. I explained this to Mr Riddiford on 29 November 2001 and by letter on 27 November 2002 (Attachment 1).
- 2.3 In September 2002, advice was received that a company had been formed called Southern Skies Aquaculture Parks Ltd. The Chairman was R Gunston who would be taking over and managing Mr Riddiford’s earlier consent “application”. Council was advised that Mr Riddiford was a

shareholding Director and that the company was leasing land from Te Awaiti Station.

2.4 Required AEE information and the required fees were eventually provided allowing processing for the onshore hatchery related matters to proceed. Offshore proposals caught by the moratorium were not included.

2.5 On 23 December 2002 Mr Riddiford wrote to the Council (Attachment 2) stating that he disagrees with the Regional Council's decisions:

1. *Not to "officially receive" and/or deny me due process of law for parts of the application of 5 11 01*
2. *To charge fees of \$5639 for the intake and discharge pipes for the hatchery.*

I give notice of objection under s357 of the RMA that I object to these decisions for the reasons that:

1. *They are unlawful*
2. *They deny the merits of the application and frustrate sustainable land use*
3. *For the further reasons that will appear when WRC has provided all official information requested.*

2.6 Mr Riddiford appears to be objecting as either a Director of Southern Skies Aquaculture Parks Ltd, a Trustee of Te Awaiti Station, or both. His actual status and authority to lodge the objections are not known.

2.7 The response to Mr Riddiford's extremely wide ranging Official Information request is set out in Attachment 3.

2.8 Mr Riddiford paid a cheque dated 30 November 2001 for \$945.00 as his estimate of consent processing costs. This cheque was not presented and was returned to him. A replacement cheque dated 2 May 2002 for \$1890.00 was provided as his estimate of consent processing costs. Again this cheque was not presented by Council.

2.9 Consent processing costs were subsequently fully met by the Company. Mr Riddiford has not incurred any direct costs in this matter.

2.10 Mr Riddiford has been advised that ten minutes have been allocated to him at 11.00 am of the meeting day to present his submission before the Committee considers his objections.

4. Current Position

- 4.1 The consent for the onshore activities has been granted for a 35-year term. An extension to the period for objection has been granted to clarify some confusion and enable possible amendment.
- 4.2 Although the consent was eventually applied for by R Gunston on behalf of Southern Skies Aquaculture Parks Ltd, it was issued in the name of Te Awaiti Station at the Company's request.
- 4.3 The Company consent was processed for \$2100 plus GST with a refund of \$577 plus GST to be made to the Company. Earlier costs of \$2345 plus GST have also been paid by the Company.

5. Discussion

5.1 Non Receipt of Application

The reasons for this are set out in Attachment 1. It was a substantially incomplete application and did not have the required fees. Non receipt on either ground constitutes best practice under MFE and LGNZ Best Practice Guidelines.

Knowing the likelihood of appeal by Mr Riddiford, a legal opinion was obtained supporting this action. (Attachment 4.)

The action taken in not receiving the application is considered to have been lawful and appropriate.

5.2 Requirement for "up front" Payment

Following initial discussions and correspondence, Mr Riddiford was requested to pay \$5065 plus GST, the estimated full cost of consent processing, involving a joint hearing with SWDC.

The Council's Resource Management Charging Policy provides for full payment of the estimated cost of processing in some circumstances. The circumstance in this case is that Mr Riddiford has a poor credit record with Council and has considerably delayed payments by appealing charges on most consents that have been processed for him.

The action taken in requiring "up front" payment was undertaken in line with Council policy. It is further supported by legal opinion (Attachment 4).

In the end Mr Riddiford has made no payments and incurred no direct costs. The cost of processing the five consents once the Company took over was \$2100 plus GST, very close to the standard deposits required. Further costs of \$2345 plus GST were incurred through Mr Riddiford's earlier perambulations. These have been paid by the Company.

The action taken in requiring “up front” payment is considered to be entirely appropriate. It was undertaken in line with Council policy and is further supported by legal opinion (Attachment 4).

5.3 Aquaculture Moratorium

The requirements of the Moratorium are set out in Attachment 5.

As no application had been received before the date of the moratorium Council was not able to process the offshore aquaculture part of the proposal. As it had not been received no decision had been taken as to notification or non-notification.

Council has acted properly within the law in putting aside this side of the original proposal. This is supported by the legal opinion (Appendix 4).

6. Communication

No additional communication or publicity is proposed apart from advising Mr Riddiford of the Councils decision in this matter.

7. Recommendation

That the Committee decline Mr Riddiford's objections as set out in his letter of 18 December 2002.

Report prepared by:

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