

PUBLIC EXCLUDED

Report to the Rural Services and Wairarapa Committee
from Steve Blakemore, Manager, Planning and Resources

Environment Court Appeals – D T S Riddiford

1. Purpose

To inform the Committee of the current status of two appeals lodged by Mr Riddiford with the Environment Court.

2. Public Excluded

Grounds for exclusion of the public under Section 48(1) of the Local Government and Official Information and Meetings Act 1987 are that the public conduct of the whole or relevant parts of the meeting would be likely to result in the disclosure of information for which good reasons for exclusion exist - that is to prejudice the maintenance of the law and the right to a fair trial

3. Background

3.1 Mr Riddiford currently has two appeals lodged with the Environment Court relating to consents issued in the coastal marine area.

RMA 209/99 Aqua Pond Boulder Wall - an appeal on costs and conditions

RMA 217/99 Marine Farming - an appeal on conditions

3.2 The costs component of the Boulder Wall (RMA 209/99) appeal was considered by the Committee at its meeting of 1 June 1999. Its decision was to further reduce his charge by \$150 and this was conveyed to Mr Riddiford. This reduction removed the Iwi liaison costs from his charges. Prior to the Committee's decision, a reduction of \$840 had been made by staff under delegation. In total, reductions

of \$990 have been made to the amount that could have been charged to Mr Riddiford.

Of the reduced charge of \$640.67, Mr Riddiford paid \$360.00 as his Application Deposit. The balance outstanding and subject to appeal is thus \$280.67 plus GST.

- 3.3 The appeal of the Boulder Wall conditions is very general and no specific relief has been sought.
- 3.4 Mr Riddiford explained to the writer that the appeal to the marine farming consent (RMA 217/99) was taken for strategic reasons only and that he could work quite happily within the conditions of the consent. His strategy was to leave the conditions 'up in the air' thus preventing any linkages to the consent by Ministry of Fisheries when they considered his application for the marine farming licence that is required for the activity. In the discussion Mr Riddiford went on to advise Council not to engage lawyers to defend the appeal as he was sure his problems would be resolved with the Ministry of Fisheries and he would eventually be able to withdraw his appeal.

4. Current Status of Appeals

- 4.1 The Boulder Wall appeal was called before the Court recently with Mr Riddiford present and the Council represented. The Court was advised that Council had reduced its charges and that the wall had been built. This led Mr Riddiford to concede that the only outstanding issue was that of fees. Mr Riddiford also referred to his Marine Farming appeal (RMA 217/99)

The Court indicated to Mr Riddiford that it appeared as though the Council has reached its bottom line and if the matter was going to settle, that was a matter in Mr Riddiford's hands. The Court also indicated that if the matter needed to be set down for a hearing, it should be set down for a hearing now. The Court indicated that the matter could be adjourned to a fixture with Judge Jackson.

The Court made the following directions:

1. *The matter be adjourned for another call on 17 April 2000 in the expectation that it will be settled*
2. *otherwise, the matter will be set down for a hearing and the Court will ascertain a firm fixture date in the meantime.*

- 4.2 We are now seeking to have the Marine Farming appeal (RMA 217/99) included in the 17 April callover. The appeal is sweeping and general and is nothing but a mischief. It makes no reference to specific conditions and does not indicate how relief could be provided. Mr Riddiford's motives and strategies are clearly stated in a 'without

prejudice' letter to Council. The admissibility of this letter is currently being investigated.

5. Communication

Not appropriate.

6. Recommendation

That the Committee receives this report.

Report prepared by:

Approved for submission by:

S D Blakemore
Manager, Planning and Resources

C F Wright
Divisional Manager, Wairarapa