

Report 99.269

25 May 1999

File Y/12/2/4

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

Objection to Consent Processing Charges

1. Purpose

To obtain Committee consideration of an objection by DTS Riddiford to the costs charged for processing a recent consent application.

2. Background

- 2.1 Early this year Mr Riddiford advised that he wished to construct a rock wall within the coastal marine area to prevent possible contamination of his aquaculture pond by freshwater, under a combination of flooding of an adjacent stream and easterly swells.
- 2.2 It was determined that this construction was not provided for in the aquaculture consent, but any diversion considerations could be included. Mr Riddiford subsequently applied for a non-notified consent to build the wall.
- 2.3 The consent was issued on 16 March 1999, within 15 working days of the application, and received a close management oversight during its processing.
- 2.4 The cost of the consent was \$1630.67. A reduction of \$840.00 was made, representing the degree of staff experience, sourcing of information, and the considerable liaison, which Mr Riddiford generates in such matters.
- 2.5 An invoice for \$790.67 plus GST, an explanatory letter, and a schedule of costs and reductions was forwarded to Mr Riddiford on 19 March 1999. (Refer Attachments 1 and 2)
- 2.6 Mr Riddiford appealed the consent to the Environment Court on 3 April 1999, alleging that the additional costs are unreasonable and unnecessary, and wrote an objection to the Council under Section 357

of the Resource Management Act on the same day. (Refer Attachments 3 and 4.)

3. Legal Requirements

- 3.1 Whilst Mr Riddiford raises many issues in his letter, the Committee needs to focus its consideration on the costs charged for processing Consent WAR 990033 – Coastal Permit – Boulder Wall.
- 3.2 Council's Resource management Charging Policy, February 1997 sets out the basis for charging for consents processing. For Coastal Permit charges comprise:
- Application Charge \$360 plus GST
 - Additional Costs \$430.67 plus GST in this case
- 3.3 Under Section 357(4) of the Resource Management Act 1991, objections can only be lodged against additional costs.
- 3.4 When such an objection against costs is received, the Council is required to consider the application as soon as practicable, giving the objector at least five working days notice of the meeting. Mr Riddiford was advised in writing of the meeting on 11 May 1999. (Attachment 5)
- 3.5 Council has delegated such considerations to the Rural Services and Wairarapa Committee. It may:
- dismiss the objection or uphold the objection wholly or partly; and
 - remit the whole or any part of the additional charge

It is required to give notice in writing to Mr Riddiford of its decision and the reasons for it.

- 3.6 Once the decision on the objection has been made, the objector has 15 working days to appeal the decision to the Environment Court.

4. Discussion

- 4.1 As indicated in the letter to Mr Riddiford, the costs in this matter reflect the fact that Iwi and DOC consultation was undertaken on his behalf. Mr Riddiford agreed with this approach being taken. In light of previous controversy surrounding the aquaculture pond, it was seen as an appropriate way of ensuring affected parties focused on the effects of this new application.

- 4.2 The applicant, or their consultants, at a direct cost to the applicant would normally undertake such work.
- 4.3 Through a number of faxes and phone calls Mr Riddiford considerably added to the costs of processing the consent, although the application was relatively straightforward technically. Such applications usually involve only 2 –3 communications with the applicant.
- 4.4 The consent charges do not include the Manager’s time spent:
- communicating with Mr Riddiford before the application was lodged
 - researching the provisions of the aquaculture pond consent
 - confirming the position of the proposed wall
 - subsequent communications with Mr Riddiford
 - a weekend visit to discuss the proposal with Haami Te Whaiti
 - participation in discussions with iwi
 - overall close management supervision given to the processing of the consent
- 4.5 The hours charged have already been substantially reduced by 51%. This reduction was made on the basis of time spent in liaison with Mr Riddiford, staff training content, and the sourcing of information that will be used in future consents. From a `user pay` perspective it could be argued that this reduction is excessive, and places too large a share of costs on the Regions ratepayers
- 4.6 Mr Riddiford has appealed the costs to the Environment Court, before the Committee has considered his objection and advised its decision.

5. Recommendation

That the Committee considers the objection of DTS Riddiford to the additional charges made in relation to Consent WAR 990033, and makes a determination as set out in Section 3.5 of this report.

Report prepared by:

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