

Mrs Aynsley
3 February 2011
Public forum

Statement from Ligar Bay Bach-owners to members of the Tasman District Council's Engineering Services Committee, February 3, 2011.

It is acknowledged by Mr Frater in his report to the Committee that we asked to be given an opportunity to address the Council before any decision is made on whether the baches may remain.

We learned that the baches would be discussed at this meeting only on January 17 and then by our own inquiry. We learned of the contents of Mr Frater's report and recommendations only on January 29, when we were contacted by the Nelson Evening Mail.

Our lawyer, Mr Warwick Heal, advised the Council last year that he represented us in this matter. While Mr Frater says in his report that Mr Heal would be sent a copy of his report, he had not received it when he set off to Westport on Tuesday to act as an Environment Commissioner.

Mr Heal has advised Council of his inability to attend the February 3 and requested a postponement.

We have also requested a postponement on the grounds that our right to a fair hearing has been compromised.

We have serious concern's about Mr Frater's report. We believe it contains inaccuracies. He reports that our licence agreements appear to relate only to the footprints of our houses. In fact our agreements clearly show section boundaries, and refers to those sections, as did the leases pre-dating them.

He does not refer to those leases, drawn up in 1956. Prior to that the baches were built with the permission of the Golden Bay County Council. In fact we are negotiating a change of tenure for the third time.

He refers to allegations such as the development of land surrounding our baches, clearly permitted by our licences, the construction of improvements and additions, rubbish and pollution, without producing details or evidence. In fact the Council has never suggested that we have breached the terms of our licences in any form, nor have

we had any complaint from the Council on any ground whatsoever.

The facts are these:

1. We were advised of road widening in 2006. The then roading manager, Roger Ashworth, was prepared to accommodate us in Council's plans, and we to co-operate with them. This involved substantial rebuilding of two baches, with the Council's full knowledge and consent. We were given the impression that the road widening had removed any impediment to extending the licences, and we acted upon that view, viz the substantial cost of rebuilding those two baches.
2. This was reinforced in October 2007 when, following the road widening, we asked the council to extend our tenure. Mr Frater replied positively: "Council would be prepared to consider a proposal for the continued occupation of the baches at Ligar Bay."
3. Mr Frater repeated that undertaking in a letter of July 2009. He advised that the matter would first be referred to the Golden Bay Community Board for recommendation.
4. The Community Board consulted widely, including a public meeting, and recommended that our tenure be extended on certain conditions.
5. Mr Frater's report puts aside that procedure and disregards the Community Board's work.
6. This process has taken four years. It has been reversed by a report which, as advised by Mr Frater, was completed only at the end of last week.
7. We insist on the opportunity to present proper submissions and evidence in support of our case.
8. Mr Frater's late recommendation was influenced by his belief that new licences would be contested in court. After consultation with Mr Heal we must emphasise that court action will certainly follow if the Committee and Council now accepts Mr Frater's recommendation.