

NCC LTP 2015/25

Council Activities Summary (607KB pdf)

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As there is still no clear indication at today's date, 21 April 2015, as to what may be required to be done engineering wise to the Trafalgar Centre, it is difficult to submit appropriately. However, in the interim, and in anticipation of a repeated attempt to protect all those responsible for the assumptions that have occurred, several points need to be addressed.

- 1) That any expenditure that occurs must be split between the following:

Alterations and renovations, including disabled access requirements

New roof

Bringing southern end up to fire protection standards which to date has been largely ignored by the Council

Any engineering upgrade that may be required and maintenance that has been neglected

- 2) It is imperative that you, as Councillors, make yourselves familiar with the basic structural details of the Trafalgar Centre, e.g. foundation including self-supporting beams, the many details which were not identified by consultants but are readily located in the plans and specifications and the many contradictions that can be found from the twenty separate geotechnical, geological and engineering reports before you make any more badly based decisions. The twenty involved are as follows:

Connell Wagner

Kevin McManus

Geoff Swanney

Tonkin & Taylor

KA-Ching Chung

R O Davis

Mike King

Sydney based consultant

Grant Cameron

Ironside

Kirby

Irving Smith Jack

Opus

Andrews

Arthouse

Cameron, Gibson Wells

Bickers

Gunning Thornton

Holmes Consultancy

Mike Johnston

and others who have been employed to analyse results of the core samples etc. This list includes those involved with the southern end.

- 3) That it be demanded that the lawyer accept that he was given bad advice and that on becoming aware of the serious flawed final reports presented in March 2014, did not advise Council accordingly. His oversight in not recognising that his opinion was initially based on a draft document must also be fronted up to. I have many legal friends and acquaintances who are good people but society has to stop viewing them as some kind of paragon of wisdom. The current practice of calling lawyers in at the drop of a hat is not conducive to

maintaining relationships. Lawyers certainly have their place at the appropriate time but in this case it clearly would have been wiser to wait until the facts were known before drawing him into what now must be a very embarrassing situation.

The big lesson in the complex case of the Trafalgar Centre is for lawyers to stay out of things they know little about or alternatively avoid making very damaging statements before the facts are known.

- 4) That it be accepted that \$600,000 was illegally siphoned off the Trafalgar Centre Capital Expenditure Account to allow the unnecessary installation of seating etc. in Saxton Stadium. It is expected that committee appointee, John Murray, will exercise his knowledge on this type of indiscretion and will advise the Council accordingly. Incidentally the unsecured seating at Saxton Stadium is, in itself, an act of negligence and does not comply.
- 5) Consultants who have been shown to be seriously deficient and have created mayhem must be called to account.

General Comments

Don't ever again let me hear a Councillor say that they couldn't listen to anyone else but the "experts". If you still feel you don't have the knowledge or confidence to make practical decisions then please step aside and allow those who have proven knowledge of the construction details of the Trafalgar Centre to handle the issue for you. It would be just another day at the office for construction people. Continuing down the expensive path of trying to find someone to substantiate all the nonsense that has occurred is intolerable and must be terminated. The true definition of an expert, as per Collins, Webster, Shorter Oxford Dictionary plus Google is 'someone who is in possession of the facts and has practical skills'. In the case of the Trafalgar Centre, I will leave the reader to determine who that might be. The word 'professional' is in a similar category.

The Auditor-General's comments in her enquiry regarding the Kaipara District Council waste water debacle should ring in every Councillor's ears where she states, "KDC relied too heavily on its professional advisors". Councillors would be advised to apply the Auditor-General's statement to the mess you find yourselves in. On that basis, and in view of the Mayor's reported comment that if her builder did not perform she would have his head on a plate, the community, I am sure, expects the same treatment to be meted out to all those responsible for maligning the Trafalgar Centre.

Council has the right to spend up to \$3.2M on Trafalgar Centre capital works - approximately \$1.5M has already been spent leaving \$1.7M. Any draft proposal on any amount above \$3.2M will now have to wait until Mr Kirby reports. Mr Kirby has a serious obligation to the citizens of Nelson to not only access the facts but at the same time expose the badly based assumptions that have been unnecessarily very costly.

Until the Nelson Mail's article on 20th April 2015 regarding the State Advances Building I had high hopes that Mr Kirby would see through the irresponsible behaviour that has occurred regarding the Trafalgar Centre, but his statement supporting the original nonsense has badly shaken my faith in him. His obvious inability to accept the facts is good grounds to see him removed from his position as Trafalgar Centre Project Manager. However, in view of his stated objectives on his website which read, "If your cause is just, if your principles are pure and if your conduct is prudent you need not fear the multitude of opposing hosts."

It is to be hoped that he can apply those admirable principles when confronting all those who were very close to being responsible for the very real likely prospect of the demolition of the Trafalgar Centre! The other option was a \$27M expenditure for a virtual rebuild. Fortunately through the efforts of a few good people who, during the course of this issue, have been humiliated by the very people they were trying to help, the prospect of an outlay of a minimal amount is more likely.

It is hoped that you Councillors can shrug off your delusion, face reality and support practical common sense. Also, in view of the likelihood of a significant rate increase on many properties, including mine, the community cannot be expected to tolerate paying large sums to "experts" who have been so remiss. On that basis, it is expected that the Council will pursue those responsible and demand recompense. Failing to do so will allow the community to suggest that the Council has caught the "Greek disease" of denial.

The word "spin" has often been used to attempt to describe how society feels when it is confronted with cunning manipulation but perhaps it is time for something stronger, something like "society is wallowing in a malaise of deceit and/or deception" might be more appropriate in terms of what is going on with the Trafalgar Centre. The apparent code of silence protecting those responsible for the irresponsible behaviour and the many attempts to silence all those who fortunately have, at great effort, have been able to get the facts out there, has left me with little enthusiasm for attending Council meetings or speaking at hearings but in light of the seriousness of the issue, and the current prospect of unnecessary expenditure, I am compelled to reserve the right.

If I am permitted to approach the table, and if it is not unreasonable or impractical, I would prefer to stand. The current configuration of the seating arrangement makes it difficult to address the forum from a seated position. It is particularly uncomfortable not to be able to address people (Councillors) who are seated immediately either side of the person making a submission. A rostrum of adequate size and slope adjacent to the top table would, I believe, be more conducive to better communication.

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