

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

FOREWORD

AN INTRODUCTION TO THE TRAFALGAR CENTRE CLOSURE FIASCO

By Stuart Walker 16/10 2014.

When the unexpected news broke on Dec. 14th 2013 , that the Trafalgar Centre (T.C.) was to be totally closed immediately, and for the foreseeable future, the reason given was that “Likely Catastrophic Structural Failure would occur in event of a significant Earthquake.”

The Nelson City Council Councillors had unanimously made this decision, based on advice from engineers, peer reviewers, consultants and legal opinion.

Due to Kerry Neal’s (K.N.) background and experience as a builder, and having been interested in the TC Construction some 40 years ago, warning bells rang immediately, and he thought “SOMETHING IS DRASTICALLY WRONG HERE!”

And so this sorry saga began, (sadly, still not resolved) which tells the story of a typical tale of “Academics “ being deceived by engineers, consultants, and designers, who should have known better – they had not properly done the task that they were engaged to do.

The story that unfolds is further detailed in Kerry Neal’s full report (which occupies some 25 pages following). but for those who want just the ”Bullet Points”, here is a précis of the saga, and you will soon realise that there has been a huge effort to date by a small group of concerned citizens, protecting the interests of Nelson Ratepayers:

- Late 2012, NCC planned an upgrade of the TC northern end, and plans were prepared.
- Feb, 2013, NCC instigated an Earthquake Risk Assessment of the TC to be done by Arthouse Architecture Ltd.
- December 14th, 2013 – unexpectedly and without warning, NCC closed the TC to all activity. It was suggested by engineers that \$27 million dollars would need to be spent to make it safe again, to allow reopening!
- There seemed to be a concerted effort from some quarters to denigrate the TC to such an extent that the very real possibility of it demolition would likely be considered.
- It is also interesting to note that this attitude appears to be coming from the same quarters as those promoting the need for a performing arts centre – an unofficial hidden agenda, perhaps?
- Thursday, 19th December, KN spoke at the NCC monthly meeting and asked questions of the councillors:

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

- “Have you made this decision to close the TC based on properly researched facts, or assumptions?” Reference was also made to the fact all the port reclamation area and the Nelson Airport were also on similar ground.
- “There is no immediate risk of structural failure. It has been happily sitting there with no signs of settlement or movement for over 40 years!”
- The council was then asked to reopen the doors and then address any issues in a calm and reasoned way.
- The same day, the Mayor released the engineering reports which formed the Earthquake Risk Assessment that NCC had based its decision on to close the TC.
- KN then perused these documents and discovered glaring factual errors, the most significant being that the pile foundations were assumed to be only 3 metres deep! – (barely deep enough to penetrate the refuse tip material that covered the general area that the TC is built on.)
- A few days later, KN managed to obtain the actual TC construction plans from the NCC Building Department archives where they had been rightly filed for the last 40 years.
- Then a small group of concerned people was formed by KN to draft a responses document to counter the NCC reports
- On 14th January, 2014 KN arranged for the Mayor to visit the TC to have its structural features explained in detail to her. Hope was generated that the Mayor’s new understanding of the Centre would then bring common sense to the situation.
- January, 2014 NCC engaged Alan Bickers of Tauranga to report on the whole TC’s recent history to date, going right back to the new southern end extension design process in 2004.
- Late January 2014 – finally a copy of the original TC building specifications was obtained which clearly states many times, that the foundation piles (some 97 of them) were to be nominally 30 feet deep..
- Over three times deeper than what all the engineers, peer reviewers and consultants had assumed and based their assessments on, it seems!
- 30th January, 2014, KN advised NCC that they had made their decision to close the TC based on a draft document – not a final report.
- 19th February 2014, KN supplied the Mayor and Deputy Mayor with a draft copy of the Responses Document which details, amongst other items, the facts of the TC foundations and structure, taken from the original 40 year old plans and specifications. The authors of this Responses Document were Kerry Neal – Builder, Ian Hatton – the original TC Structural Design Engineer, David Brathwaite – Retired Engineer, Mike Hislop – Former NCC Chief Building Inspector.:

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

- 5th March, 2014, Alec Louverdis (City Engineer) tosses an offered copy of the Responses Document back across the table, saying, “Seen that.”
- 6th March, 2014 – At the monthly NCC meeting, as a result of Gaire Thompson addressing the meeting, the Mayor requested Alec Louverdis to “go away and come back in an hour with confirmation of the actual depth of the TC piles”. He left the chamber and the City Lawyer followed. When he later returned, his response was, “Yes, they are indeed only 3 metres deep and all the engineers and peer reviewers are well aware of this 3 metre depth.”
- The Mayor then stated that “the information out there is incorrect” – obviously referring to the Responses Document
- 12th March, 2014 – KN delivers 40 year old newspaper photos of the TC construction site to the Mayor, showing foundation work and long pile casings being readied for driving.
- 13th March 2014 – NCC authorises \$20,000 to be spent to determine actual pile depth by angle drilling, and core samples to be taken to determine the current quality of the Franki piles
- 18th March, 2014 – At a Nelson Residents’ Association monthly meeting, Councillor Eric Davy insists that the pile depth is stated in pages 28 and 29 of the TC plans. However, KN is unable to convince him that this is not right.
- 24th March 2014 – E-mail from Eric Davy to KN saying, “Leave us (at NCC) alone. NCC has a robust process in place to handle the situation and has faith in the advice received (from their engineers) to date.”
- 25 March 2014 – The final Responses Document was received in its entirety by the Mayor for inclusion in the 2014 Draft Annual Plan process.
- April, 2014 – The Alan Bickers Report is received by NCC
- 17th April 2014 – At the NCC monthly meeting, after a question from Councillor Ian Barker, Councillor Eric Davy confirmed that the TC piles were eleven metres deep !!! (and not a murmur from around the council table!)
- This was a defining moment in this saga to date.
- As a result of an unnecessary \$20K spend of ratepayers’ funds on drilling and core sampling, NCC finally admit that the Trafalgar Centre had been built as per the plans and specifications. The piles were not just 3 metres deep! This had all been advised to the Mayor and Deputy Mayor in a polite and calm way at the meeting of 19th February 2014 by KN.
- April 30th 2014. Nelson Mail reported on a meeting of Council key staff, engineers and invited persons of interest (significantly, Kerry Neal was NOT invited), that was addressed by Structural Engineer Michael King of Centraus Consulting of Christchurch.
- He said - that to propose spending \$27m.on the cost of repairs to the TC was ” Scary and Silly.” He advised the Council to “Bring in different Engineers”.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

- 5th May 2014 – the Responses group of KN, Hatton, Brathwaite and Hislop met with the Mayor, CEO Hadley and Cr Davy in the hope of getting the project back on track. However there was still no release of the pile investigation report. (It was finally made available later, on 23rd September, after earlier requests were denied). However photos were produced at this meeting that we had taken ourselves when the piles were exposed by NCC for their investigation. These photos showed the reinforcing steel and concrete to be in pristine condition – as was expected.
- 7th May, 2014 – A meeting was chaired by Alan Bickers of all the engineers, peer reviewers and consultants who had been involved to date, to assess and summarise the present situation and presumably decide on the next steps to be taken. This meeting alone was reported in subsequent NCC minutes to have cost \$45,000. this meeting confirmed all the erroneous reports to date (as expected) but did however disclose that there would not now be a need to do any remedial work under the ground below the main stadium or the northern end (in other words, the pile foundations were just fine.)
- 27th May 2014 – NCC administration advised KN that page 4 of the Responses Document was missing. It had been removed by someone in the Council – amongst other things there was criticism of Alec Louverdis on the missing page 4. Subsequently another page 4 was supplied by KN.
- 19th June, 2014 – NCC decided to call for tenders to appoint a Project Manager to organise and oversee the work deemed to be necessary towards reopening the TC by February 2016. the actual work required to be done would only be disclosed to the successful tenderer once the appointment was made (a most unusual situation). \$450,000 was approved to be expended on this Project Management.
- Mid June, 2014 – As the new Maitai Walkway enhancement project was being progressed, it became obvious that this would encroach on the existing two lane access to the TC. This has created a narrowing of the road at the Highland Pipe Bandrooms back to one lane only. This will now require either the demolition of the band rooms or the creation of a completely new ring road for proper access to the TC as before.
- 15th September 2014 – NCC announced OPUS Consultants as Project Managers
- As of 16th October, 2014, there has been no public disclosure of the work to be done on the TC to meet the re-opening date, set in the Tender Documents, of February, 2016.

It appears that from the outset, there has been an orchestrated litany of Engineering INCOMPETENCE as far as the whole Earthquake Assessment Risk is concerned ,and that Councillors have been badly DECEIVED on the TC's structural robustness as a result. However, while it is accepted that Councillors initially acted in good faith back in Dec. 2013, it is INEXCUSABLE that the decision to close the TC was NOT

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

RESCINDED as soon as it was made aware of the short comings of the engineering reports, back in January 2014, by Kerry Neal and his team.

This has lead to the unnecessary closure of the TC, resulting in huge financial losses to Nelson ratepayers, local businesses, the accommodation sector etc. , not to mention the Nelson public and sporting organisations' lost use of the venue. Quick calculations have put this figure at now over \$2 million dollars and still rising.

This appalling situation now exposes the opportunity for a concerned group of citizens to explore the possibility of recovering, through the court system, the above costs from those collectively responsible, on behalf of Nelson ratepayers.

The NCC has certainly dug itself into a huge hole over this matter and it is ENTIRELY OF ITS OWN MAKING.

I have been closely involved in this effort to ensure that Nelson ratepayers avoided the originally projected spend by the NCC of some \$27 million dollars to reopen the TC . Had this closure gone unchallenged, the TRAFALGAR CENTRE WOULD MOST LIKELY HAVE BEEN DEMOLISHED UNNECESSARILY.

It has indeed been a very interesting and eye-opening experience to date for me – and it is not over yet! However, what still bothers me is the following question: “What else has gone on at the Nelson City Council that we don’t yet know about?”

I now urge you to read the following detailed account of the sorry saga.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

A Compilation by Kerry C Neal

SHUT FOR GOOD?

(NELSON MAIL Front page headline re Trafalgar Centre, 14 December 2013)

Page 2 - photograph of Brian Mills with the caption:
“CENTRE’S CLOSURE IS A HUGE SHOCK TO FOUNDER”

December 2013

Because of the supreme effort that Brian Mills had put into the concept and development of the Trafalgar Centre, his reaction was no surprise. In the mid 1960's Brian and a team of dedicated people set about to drive a campaign to provide Nelson with what turned out to be a brilliant civic centre for Nelson.

An original site for the building was proposed immediately west of Trafalgar Park on what then was known as the rugby practice ground. 25 August 1968 saw the campaign launch. A temporary podium was constructed and a lectern suitably put in place. Prime Minister Keith Holyoake was there and spoke to the gathering.

At the appropriate time, Brian stepped up to the lectern, grabbed it with both hands, leaned over to the crowd and said in a very confident and powerful voice something that had as big an impact as I have ever heard. He said, “Have you ever been in a revolution?” He then went on and convinced the gathering that the vision he had would be very good for Nelson. How right he was, and how entitled he is to be shocked at the inference that our civic centre is structurally suspect. Anyone who bothers to study the Trafalgar Centre plans will quickly appreciate that a quiet discussion with interested parties would have seen a much different newspaper headline than the suspect one we were confronted with..

I was just as shocked as Brian but because of my vocation and experience I felt very uneasy about the treatment the Trafalgar Centre was receiving. I knew there were elements of our community who would attempt to use any opportunity to discredit the centre and the rot had to be stopped. If, after reading the following account, you are not convinced, please contact me. If you are disturbed by what you read, join the present revolution and contact your favourite councillors to tell them what you think about the behaviour of everyone involved.

14 December 2013

The story broke stating that the Trafalgar Centre was considered to be “likely to suffer a catastrophic failure in the event of a moderate to serious earthquake” .and that it

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

would need a \$27M upgrade or be demolished. Immediately Councillors took it upon themselves to close the building..

This irresponsible statement has since been stopped dead in its tracks by a dedicated group of citizens,

Being driven by the alarming prospects of seeing our valuable civic centre at least maligned, at worst unnecessarily demolished, on 17 December 2013 I contacted the City Council and arranged for speaking rights at the monthly council meeting to attempt to pull them back from the brink. Due to the shock of the announcement and limited time to prepare a response, it never occurred to me to contact others. It was therefore a relief to find that both Brian Mills and Gaire Thompson had felt the civic need to express their concerns at the 19 December 2013 Nelson City Council monthly meeting but because little, if anything had been said prior to 14 December 2013, I for one, and most likely most people outside of Council were instantly groping for reasons as to why we were being subjected to this shock announcement. I have never had to suffer the seriousness of being torpedoed in the dark at sea but I feel I can now relate to the after-effects of that type of experience. Instinctively I thought that somehow the Trafalgar Centre had to be rescued so at 9 am. of 19 December 2013 I walked into the council chamber as I often had and was immediately surprised to note that TV1 was there. Although I had had quite a lot of involvement with television, I was not comfortable about making strong statements that were obviously going to be broadcast nationally, knowing little of the background. As it turned out, and as you will read, I was surprised to see how close to some of the details I was. Had I had access to the minutes described below, I no doubt would have been far better armed. Obviously that didn't happen but the following list of all recorded Council minutes pertaining to the Trafalgar Centre during 2013 gives a good account of the debates that ultimately led to the closure and can be found on Google, Trafalgar Centre Minutes 2013, click on Trafalgar Centre Agendas and Minutes The Minutes are headed Excerpt from Report 1454773. I urge you to read them at some stage.

Report A1102757 – Trafalgar Centre Follow-up Report. To find this report you have to scroll down for some time. The following paragraphs are of particular interest to the issue..

- 4.1, 4.2, 4.3 – These paragraphs demonstrate the start of the confusion
- 5.7 - The wording of these notices has been changed several times
- 6.2 - This is the most critical statement
- 6.8 - Has been discredited because of what is now known
- 6.12- Created further confusion
- 6.25- It has now been stated that no work is needed below the ground of the main stadium and northern end. .

Report A1123410

3.3 para 6 – Looking at the readily available original Trafalgar Centre specifications would have provided the facts.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

3.8 - Disturbing suggestion that the people could be cut out of the consultation process.

Thursday, 19 December 2013

9 a.m. Council Meeting

The following statement was read out to the Mayor and Councillors by me (KCN):

“I have no interest in criticising the engineering fraternity. In fact I have great respect for what it achieves. I have been close to the construction and land management industry in this town for sixty years, consequently have a broad understanding of the problem you face.

Liquefaction is not a new thing. In 1954 it was recognised at the time the port reclamation was underway. The international civil engineering fraternity was reminded of this process after the Kobe earthquake in 1992.

Where does this issue stop? Council is responsible for the port reclamation and the airport – both are susceptible to liquefaction. Has there been any core samples taken at the Trafalgar Centre to confirm the conditions or are you being asked to act on assumptions?

Has there been any consideration of tying the foundations together (if needed) and if so, are there options?

Due to the configuration of the roof, it would have great difficulty collapsing. A simple tie from side to side under the arches, at an appropriate height, would go close to guaranteeing that the arches could not collapse.

Incidentally, what insurance company could be expected to pay out on a building that shows no sign of damage? The Trafalgar Centre must be one of the easiest buildings to upgrade – if necessary.

The exterior walls are low, the roof is in compression and a simple method of external piling would ensure that subsidence would not occur.

What to do immediately: install the ties and reopen the building then consider what other measures may be needed. This could all be done in good faith.

The viability of many in this town will be further adversely affected if this issue is not acted on immediately.”

The last paragraph of the above record was used by TV1 during the news item on the Trafalgar Centre. During the discussion that followed, it was stated that the building was sitting on a rubbish tip. This inference greatly concerned me to the point of instant frustration. As I was about to leave the Council table, the Mayor stated that

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

the consultants' reports, that were the reason for the closure of the Trafalgar Centre, would be made available to the public to which I asked as to when that might occur. Her answer was, "This afternoon."

At 4pm on 19 December 2013 I went back to the council to request a copy. By chance I met Mayor Rachel close to the entrance and she undertook to assist me in obtaining the reports to the point of having to persuade a staff member that she had earlier directed that they be released. .

An initial perusal made it clear that there were many glaring omissions and it appeared that all the consultants' reports had indeed been assumption based.

I cannot recall how I became aware of the availability of the Trafalgar Centre original construction engineering plans which were in the Council's archives, but a few days later I made arrangements to pick them up from the council's front desk. While waiting for my copy, I was surprised to notice Ian Hatton standing at the counter. I had not seen Ian for many years and my thought of his involvement with the Trafalgar Centre did not occur to me. On studying the plans, it soon became obvious as to why he was at the counter – his name as the Trafalgar Centre Design Engineer was on every page of the engineering plans. Later on I was to discover why he showed interest.

Over the following days of study, it became very clear that there were many serious flaws in the reports and that a contact with Ian Hatton could help clarify my concerns.

Ian is a very reserved, quiet man who deeply considered my questions and initially was reticent to comment but as further research was carried out on the reports it became very clear to him also that many questions needed to be asked.

Another person who attended the Nelson City Council 19 December 2013 meeting was retired Civil Engineer, David Brathwaite. David never hesitated to express his concern but, like all of us, was initially hampered through lack of specific knowledge. After reading the engineering consultants' reports, David quickly positioned himself as per his letter to me dated 25 March 2014.

This letter can be read, along with all the reports and researched information on the Nelson Residents' Association website, www.nelsonresidents.co.nz.

January 2014

Approximately mid January 2014 it became clear that something had to be done to convince people that the reports were assumption based and that if the facts were to be known, then action had to be taken. It was at this stage that a draft document of 40 specific and general points was developed by a group of people with considerable knowledge of the construction of the Trafalgar Centre, stating what was wrong with the consultants' reports and included questions that needed answers.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

This document is titled “Responses from Interested Parties to Reports on Trafalgar Centre (Excluding Southern End)” which can also be viewed on the above website.

Because of my concern at the councillors’ lack of understanding of the basic structural factors pertaining to the Trafalgar Centre, I arranged to meet with most of them separately and the plans of the critical elements of the building were described, starting with Mayor Rachel on 13 January 2014. The Mayor immediately expressed a desire to see the building for herself. This was arranged for 14 January 2014 at 10am and consequently a considerably better understanding by her of the building was expressed and in the knowledge that she had the facts as per the Response Document, I started to relax a little. The only thing that worried me was the fact that it was stated in the Responses Document that the Nelson City Council lawyer had misrepresented the situation and if, by any chance, he was not challengeable, the road to the Trafalgar Centre reopening could have been a lot rougher.

To this day, **8 October 2014** nobody has said a word challenging the view of the authors of the Responses Document which is entirely based on facts. It is to be understood that had the City Council provided an opportunity for the facts to be discussed with staff and authors of the Responses Document, we would all have been a lot closer to resolution. To help resolve this mess, the Council must now release to the public the information that the lawyer based the so-called “legally privileged” opinion on. Withholding the information will only create further disharmony. This example is one of the reasons why local government is constantly at odds with its benefactors (the ratepayers).

21 January 2014

I contacted Ian Hatton and David Brathwaite to ensure that the draft Responses Document was acceptable in terms of what their research of the reports had exposed. As a result, little change occurred in the final but as we were all struggling to locate any reference to the piling system used under the Trafalgar Centre, being accurate about this factor was becoming difficult. Dates escape me but around this time I was able to obtain a copy from the Council of the Trafalgar Centre specifications. These species clearly described in detail the depths and other critical factors demanded to ensure that the building was founded on competent material. All of this information can be found on Nelson City Council Building Department files.

However, because Sanders and Lane, the firm Ian Hatton worked for, changed the piling method from precast concrete driven piles to drilled in situ concrete piles of which no records can be found, attempts from affected parties to discredit any attempt to cast doubt on their position were starting to surface.

Around this time, a phone call to Arthouse Architecture, the company engaged by the Council to oversee the whole Trafalgar Centre earthquake assessment process, was an example of the above aspersion but because I had displayed nothing but a genuine determination to assist with resolving the problem, the response from the person on

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

the other end of the phone startled me. When I asked if he could help with locating any information on the Frankipile system that was used on the Trafalgar Centre, his answer was sorry but he had been instructed by the Council not to talk to anyone. He will never understand the impact that statement made on me. It started me on a forked path – one way still pointed to remaining positive, the other which I have finally been forced to take had taken me, as you will read, down a rocky road.

Around midnight on 29 January 2014, while lying awake, I found myself saying “they’ve been looking at a draft document” (Draft document produced by the initial consultant, Tonkin and Taylor)..

30 January 2014

I had arranged to meet with Paul Matheson at 8.30 am in the councillors’ lounge to explain the Trafalgar Centre plans to him. I arrived early and was unable to enter the building. While waiting, Clare Hadley, Nelson City Council CEO, was dropped off and she let me in and cheerfully asked, “What are you doing here so early?” I explained but at the same time took the chance to suggest that Council had been looking at a draft document. In fact, I believe I said, in a hesitant manner, something like, “Clare, Clare – I don’t know how to say this but I think you have all been looking at a draft document.” The fact that it had “**DRAFT**” written diagonally in bold type from corner to corner on every page should have been good reason to acknowledge that fact.

At this point I must stress that because of my experience in local government, I was continually in great pains to ensure as best I could that nothing was going to be said in a manner that was likely to derail the crucial factor – the re-opening of the Trafalgar Centre.

Clare, much to my surprise, ducked from under my arm and ran up the stairs, leaving me with the thought that she was going to check it out and come back to me, probably with a “No, you’re wrong.”

The meeting with Paul was very comfortable as it had been with all the other councillors and finished a few minutes before the start of the Works Committee meeting schedule for 9am. At this stage, I, by chance, was standing outside the council chamber, waiting and hoping that Clare would emerge and tell me what I needed to know. Nothing happened but as Luke Acland happened to be standing beside me I said to him, “Now, Luke, I would like you to take off your legal hat for a moment and put on your Councillor’s hat. I think you have all been looking at a draft document.” Luke replied, “You’ve got a point.” With this response I was starting to firm up in my mind that I was correct.

At two minutes to nine there was still no sign of Clare but the door leading to her office burst open and out came the chairman of the Works Committee, Eric Davy. He pulled up in front of me and said, “Do you want to speak?” As I had not made prior

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

arrangements and in view of the need normally to pre-arrange speaking rights, I hesitated as I had nothing prepared. Eric, being Eric, again asked the same question, and again I hesitated in the hope that Clare was going to come through the side door and give me the yes or no answer I desperately needed. She didn't, and Eric, for the third time, said "Do you want to speak or don't you?"

I never really knew what possessed Eric to be so adamant but I took it as a signal and made the statement that I thought they had been looking at a draft document to which both Eric and Paul replied, to quote Paul: "But we know more than you do."

I was more than a little taken aback by this comment to the point that I felt that what has turned out to be a critical point should be pursued. Consequently I reluctantly approached journalist Kate Davidson who contacted Clare and obviously again put the question because shortly afterwards, in the Nelson Mail, Clare is quoted as saying that "she would not respond to anything he (KCN) had to say." I discussed my concern with Kate with the expectation that she would do her job and get a rational response from Clare. Clearly that didn't happen.

This was a clear signal that I had touched a raw nerve but I believed that councillors, who were now in possession of factual information, would carry the day.

How wrong I was.

February 2014

19 February 2014

At the instigation of Brian Mills, a meeting to assist with finding a solution to this rapidly deteriorating situation was arranged with the Mayor and Paul Matheson which allowed me to present the draft Responses Document for their consideration and circulation to the appropriate people. Although I was starting to harden up on my view of where things were heading, experience and expediency was still guiding me. I learned long ago that if you challenge the bureaucracy and expect to succeed, you need to have it on your side and a response from Alec Louverdis, City Engineer, was important. Of more importance was the need to keep the suggestion that people, who should have known what they were reporting on, were not unfairly criticised and that they be given every opportunity possible to respond to the document. Ian Hatton was also in attendance.

It was about now that more information was surfacing that gave cause for concern. A comment from Ian Barker that it had been mentioned that if there were lateral ties under the Trafalgar Centre, that they were only installed for temporary reasons and that by now they would have corroded.

Many people who worked on the Trafalgar Centre job from the ground up have made contact.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

One was Kevin Walton. Kevin described the process of installing the lateral ties (steel cables) under the floor.. They were laid out across Rutherford Park then drawn through the ducts and tensioned (post stressed). The ducts were then filled with concrete slurry under pressure to a high standard as per the specifications which also describe the tension required. Kevin's description of the site being evacuated when tensioning took place is interesting and is a story in itself.

In addition, and what has turned out to be of major significance, was the statement that Council had a letter from one of the consultants claiming that Ian Hatton had told them that the piles were 3 metres deep. I was deeply concerned by this development to the point of several times asking for a copy of the letter concerned.

Eventually, on the morning of 27 February 2014, as arranged, I met Ian Barker and took possession of the copy. Moments before I met Ian Barker, Eric Davy rushed out of the councillors' lounge, came straight up to me and said, amongst other things, "Something smells bad here." Again I was comforted with the thought that some councillors were starting to head the right way. When I studied the letter it became apparent that it was actually a copy of what was in the Tonkin and Taylor report where they described, in brief, a phone call with Ian Hatton and said nothing more than they had discussed the project with him. Quote: "Discussions with original project staff suggest that the 'bulbed piles' shown on the drawings are Frankipiles founded upon a medium dense to dense gravel layer underlying the reclamation fill." End quote.

Over the next month, much more information was either gained or confirmed, assisted greatly by input from Mike Hislop. Mike's considerable experience as former Chief Building Inspector for the Nelson City Council, and a construction industry consultant, allowed him to gain immeasurable knowledge and understanding of very complex construction issues and after his initial perusal of the Trafalgar Centre reports and plans, expressed and supported my concern at the lack of facts in the reports and agreed that it appeared that all the calculations were assumption based.

Mike was concerned enough to say to me, "What do you want me to do?" to which I asked if he would join the response team. He agreed to do so. His knowledge of the internal workings of the Nelson City Council building department has been very helpful.

Another person who I had had brief contact with was Ken Beckett. Ken, a former Nelson City Council consultant lawyer, had shown at council meetings that he was not happy with the amount of information that was discussed in closed sessions including matters relating to the Trafalgar Centre. He had also recently provided the Council with a Court of Appeal decision which had found part of an earthquake prone building policy from another local authority to be unlawful. The Nelson City Council's policy was the same, equally unlawful. The notice which the Council had issued requiring a particular level of strengthening of the Trafalgar Centre was based

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

upon this policy and was thus also unlawful. I should mention that the Council accepted that this was so and issued an amended notice.

March 2014

5 March 2014

I met Alec Louverdis and had hoped that the Responses Document, that I had given to the Mayor and Paul Matheson would have prompted Alec into getting in touch with me earlier but because I had not heard from him, I became uncomfortable as to what the pressures might be behind the scene and that the last thing the issue needed was dissension within the ranks. My assumption was sadly to be proven correct.

The meeting started with pleasantries at 12.30pm but there was clearly tension in the air to the point where Alec leaned over the table and said something like, "I'm very disappointed in you, Kerry. You've been telling stories to the Councillors." If there was reason to doubt the accuracy of the information which had been distributed, then an attack like that may have unbalanced me a bit but knowing that the information was correct and that I had put myself under intense strain to see that people were treated fairly, I instantly took it as an indication that this guy was going to try to psychologically tough it out. I didn't verbally respond to this peculiar situation but proceeded to hand Alec a copy of the Responses Document, at the same time asking if he had seen it. Alec took one look at it and flung it back, saying "Seen that". Knowing what we now know, this performance was probably understandable from the point of view of someone fighting to retain his stance but all it really did was start us all down a path of broken relationships and negativity.

6 March 2014

This day saw another council meeting where, in the public forum session, Gaire Thompson, whom I have had a lot of contact with but was not aware that he intended to speak, asked the council what the depth of the piles were. Knowing that Gaire had had no contact with me in regard to the Responses Document, I was fearful that he would let the issue get out of hand. I did not need to worry. It was actually a turning point. Mayor Rachel directed Alec to go away and come back in one hour's time with the answer. One hour later, under pressure from Councillors Tim Skinner and Kate Fulton, Alec stated that the piles were definitely 3 metres deep and that all the engineers and peer reviewers were well aware of this 3 metre depth. He also stated that as-built plans and consent documents were in the file and that all those involved in the process of determining the condition of the Trafalgar Centre were highly experienced professionals who knew what they were doing. The Mayor responded, quote: "It looks like the information out there is incorrect," end quote. She was obviously referring to the Responses Document. In view of the information the Mayor had, this was a major shock to me to the point that I resolved there and then to find the necessary information.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

The public was excluded at 1.43 p.m. and resumed in open session at 4.19 p.m. The meeting closed at 4.20 p.m. but because of Alec's claim regarding the as-built plans and consent information, I rang the city council the following morning and asked a very pleasant person if the information I required was available. The immediate response was that this person had attended the meeting at approximately 4 p.m. and heard Alec apologising for misinforming councillors on the depth of the piles and that as-builds and consent information was not available. This person had walked in on the public excluded session without realising it and cannot in any way be blamed for responding to a legitimate request. The chair should have notified this person of the status of the meeting.

After a chance meeting with Seddon Marshall, a former long-serving City Councillor, he introduced me to John Treweek. John had worked for the piling company from Wellington, Lemon Piling, who did the Trafalgar Centre job. John's recall, 43 years later, turned out to be remarkably accurate but obviously his opinion was not going to count for much unless we could back it up. John kept saying, in amongst his recall, that he reckoned that the local newspaper was often on site and that there must be accounts somewhere of the work that was being done. He suggested that the library might have something.

11 March 2014

I started looking at micro fiche newspapers for June and July, 1971. No luck and 2 ½ hours later received a parking fine for my troubles.

12 March 2014

Approximately two hours after starting to look, I found a report and photograph taken by Geoffrey Wood dated 24 May 1971 which clearly described the process as John had told us.

The original photographs are in the archives at Isel Park. Being keen to get some feedback on what I had discovered, 11 a.m. saw me visit Ken Beckett who lived relatively close and whose reaction to this discovery would be interesting. Ken, not surprisingly was impressed (it takes a lot to impress Ken). If I recall correctly, Ken didn't take long to suggest that archives at Isel might have other photos. By noon I had contacted Anne McEwen at archives and explained the reason for the phone call. Anne said something like, "We've got tour groups coming through today but I will see what I can do. Be here at 2.15." I turned up to be greeted by this cheerful lady who handed me copies of the photo records that I had requested. Armed with this game-changing information, I rang Eric Davy who, by now, was not being very receptive to my calls. Judging by his tone I didn't waste time on small talk so simply said, "I've got some photos you might be interested in."

"I don't need to see any photos," said Eric.

"OK, Eric," I said, "I will see you tomorrow."

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

After a lot of consideration I decided to hand deliver the information to the Mayor that evening

13 March 2014

Next morning, at the 9am works meeting, I observed Rachel handing the information to Eric Davy who, in turn, at the appropriate time, asked Alec Louverdis to read it out. What was read out is the Nelson Mail's report on the depth of the piles.

This report and photos can be found on the Nelson Residents' Association website, www.nelsonresidents.co.nz.

That afternoon I received a phone call from a library staff member asking where I had found the piles story. My first response was to suggest that she might have had a city council staff member standing beside her. Her reply, with an embarrassing response, was "Yes."

On the same day I received an email from Alec Louverdis, sent at 5.34pm. The following is the last paragraph, quote: "I am more than happy for you to request information and happy to provide this, but note for completeness we don't have the as-builds of the Trafalgar Centre you keep asking for. Repeatedly asking for the same thing from different staff and Her Worship is not going to deliver any different result and is simply an inefficient use of council resources." End quote.

At 10.19 p.m. the same day, I responded pointing out that his attitude had strained relations between the parties and that I had been contacted by library staff asking where I had found the newspaper report on the piles. This person had assisted me with the copying of the newspaper report. I also suggested in my letter that if he liked to pay my parking fine I would forgive him for his attempt to put me down.

A late item was presented to the **13 March 2014** meeting headed Foundations at Trafalgar Centre. It reads as follows: "And that the Chief Executive be authorised to commission work as soon as possible to secure a core sample (either by angled drilling or concrete coring) from the foundations of the main Trafalgar Centre building to an estimated cost of \$20,000 and to advise on the true state of these as part of understanding remedial work necessary to make the building safe for public occupancy."

This was agreed to and work commenced the following Monday, **17 March 2014** and over the next four days, at regular intervals, I, along with Ian Hatton observed the process. Although we had brief conversations with the contractors, nothing specific was said regarding what their intentions were but judging by the angle of the drill mast relative to the distance out from the building, it was clear that a considerable depth was being aimed at. The investigation was terminated when it became apparent to us that something hard had been struck and judging by the colour of the slurry that had splattered the drilling machine, concrete had been identified.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

[NOTE: As of 2 September 2014 , no report had been released but an application under the Local Government Official Information and Meetings Act 1987 had been lodged and a response was expected by approximately 15 September 2014 !

18 March 2014

Eric Davy attended a Nelson Residents' Association meeting where the pile investigation was discussed. Eric said that the council was about to start the process of investigation to which he was informed that the job was already under way. This surprised him but in an attempt to recover credibility and because he believed he knew construction details of the Trafalgar Centre, he then proceeded to claim that all the details pertaining to the piles was on pages 28 and 29 of the plans. No amount of attempting to persuade him that he was wrong had any effect and he was determined to shout me down. In spite of the fact that I knew he was wrong, it was extremely embarrassing to feel that I was being undermined in the presence of Residents' Association members.

It is to be remembered that at this stage I was in a full-on clash with the bureaucracy and it was evident that Alec Louverdis was heavily influencing it.

19 March 2014

An email was sent by me to Eric Davy at 9.25am on 19 March 2014 as follows: "Please direct me to the page of the Trafalgar Centre plans that stipulate the pile depth. Last night you said it was on pages 28 and 29. I don't believe it is there so perhaps it is on another page. I look forward to your response."

At 10.10 a.m. he replied: "Pages 28 and 29 stipulated 3 metre deep bulb piles as told to the Mayor and me. But as I said, we are going to find out for ourselves what is there."

At 12.42pm I replied: "I am not interested in what somebody told you. You have an obligation to sight the page and see for yourself that you have been misinformed. A detailed letter will follow." This letter is available if needed. The reality is that the pile depth is mentioned in the specifications many times, nominally 30 feet.

24 March 2014

Letter from Eric Davy: "re Trafalgar Centre - Your repeated requests for information on the above project from council officers, the contacting of councillors and attendance at Council public forums refer. Your concerns have been taken cognisance of and treated with seriousness and added to the total information Councillors have had. Your interest in the above project is noted, but I advise that this council has a robust process in place to process information that will guide council in their decision making on the future of the Trafalgar Centre. We have the utmost faith in the process and advice to date. I respectfully request you to allow this

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

process to take its course without further adding another layer of complexity to this process which your constant questions are creating. Yours sincerely, Councillor Eric Davy".

By this stage it was very clear that all the reports were flawed and that the legal opinion that was responsible for the Trafalgar Centre closure had misrepresented the situation. Eric's response did nothing more than seriously affect relationships.

A phone call from drilling contractor, Doug Wilson, saw me make arrangements to collect photos of his involvement in the investigation of the Trafalgar Centre site prior to design work commencing. These photos are on the Residents' Association website with a brief description of what was involved. The process produced core samples and penetrometer testing over the entire site, the results of which dictated the required depth to withstand the eventual load. The ground under each pile had to withstand a specified load of 49 tons. The building is supported on 5 rows of piles, some single, some double and in the case of the main load bearing zones, triple piles were installed, the total number being approximately 97. The pile plan is identified on Sheet 1 and Sheet 28. Please note: There is no pile depth on sheet 28 – all depths are in the specifications. Doug suggested that DSIR in Lower Hutt would have been involved as they were often present on sites in that era.

I rang the City Council to inform the administrator that I wished to speak during the public forum period of the full council meeting of 27 March 2014 with the view of presenting the final production of the Responses Document. At 4 p.m. of the same day, the Mayor rang me, pleading that I withdraw my request. This request concerned me but not wanting to make things any more difficult than I could see they were getting, I obliged with the proviso that I be given the opportunity to present the final Responses Document to her.

I accept that the position she is in put many demands on her time but my very firm plea saw her make time for me on Tuesday, 25 March 2014 when I asked (not unreasonably in light of the magnitude of the issue we were dealing with) that the document be received at the full council meeting on 27 March 2014. At this meeting, the document was recognised by the Mayor who undertook to have it accepted as a submission to the Annual Plan.

In view of the nature of the document I felt that the Annual Plan process was not the appropriate place for it but as I had by now encountered many road blocks, I accepted that an around-the-table discussion with all those responsible for the sorry saga was not going to happen.

28 March 2014

I picked up Mike Hislop at 12.50pm and drove down to the Trafalgar Centre where people with varying interests were removing their belongings and this enabled us to gain entry, as was the case with the Mayor's visit earlier. After a very brief look

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

around, Mike later undertook a very complex and detailed assessment of both the Trafalgar Centre and Saxton Stadium. It was revealed that many safety issues pertaining to the Saxton Stadium were identified and a statement made regarding the Trafalgar Centre in another report produced by Alan Bickers from Tauranga were able to be addressed in a thorough manner. Mike's reports hopefully will be available for public use in the near future but a lack of response from the CEO, Clare Hadley, and others is hampering the process.

April 2014

Referring back to the Trafalgar Centre piles investigation, nearly a month had passed since the job was done and in spite of several enquiries nothing was being said, so once again I undertook to put pressure on in the form of waiting at the entrance to the council chamber with the intention of asking Eric Davy, before the 9am full council meeting of 17 April 2014, where he was expected to make a statement on the issue. I stood waiting with the record of the March meeting in my hand that authorised the investigation. When he finally appeared and rushed past me, I said, "Are you going to be man enough to address this today?" He never stopped but did say, "Nope". By this time he had entered the chamber and I was close behind with the comment, "I didn't think you were." He took it as it was meant and spun around, put his finger on my chest and told me to "Back off".

In view of all the time, energy and money I had spent on exposing all the wrongs that had occurred, this experience threw me into a state ranging between embarrassment and rage – particularly embarrassment due to the gallery being quite full and in earshot. I would be interested in Ali Cook's account of this encounter if she noticed. My reaction was swift and went something along the lines of, "Don't you ever try that again." Eric went to his seat and I took up a seat in the gallery alongside Stuart Walker. Stuart has practical wisdom and is very astute, attributes that are not in abundance around council tables hence the reason for so many projects nationwide not having the control that should be applied. Stuart quickly understood that assumption rather than fact was controlling the Trafalgar Centre fiasco and he therefore threw himself into the issue by making a very detailed submission to the Annual Plan process. Stuart's input started early in the year.

His in-depth and detailed submission to the City Council's Annual Plan process and his very witty spoof piece published in the Nelson Mail's "Voices" column, can together be viewed on the Nelson Residents' Association website, www.nelsonresidents.co.nz.

I must take this opportunity to express my gratitude to Stuart for his readiness to act on the facts and his focus on one thing – getting the Trafalgar Centre open.

The meeting started and went for a period until a short break. Eric Davy, who must have observed that I was not happy, took the chance to try and recover his indiscretion by coming up to me and asking if I had cooled down. My reaction was probably not wise but in view of the circumstance I have no regrets. I said, "Davy, you think you know everything about the Trafalgar Centre. You know nothing – you're just a

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

mouth for Louverdis.” Eric looked stunned for a while then returned to his seat. I can’t remember much of the next hour of the meeting but eventually the Trafalgar Centre was mentioned and it was clear that there would have been scant comment if it had not been for Ian Barker asking the question of the Mayor, “When are we going to hear of the report on the piles?” The Mayor said she didn’t know and turned to Davy and asked the question to which Davy replied, “The piles are 11 metres deep.” There was a muffled reaction around the table but nothing else was said. Stuart and I glanced at each other in amazement, each knowing that events leading up to this point had not given reason to be confident that the truth was at last to be stated. This was a critical defining moment – it was official confirmation that the Trafalgar Centre foundations had been wrongly assumed to be only 3 metres deep by all the engineers and peer reviewers concerned.

It was about this time that we learnt of another lawyer being brought into the arena, Grant Cameron from Christchurch. At this point in time we are not sure what his input into the proceedings is but Ross Wylie, who has also put a lot of effort into identifying the many flaws in the reports, failed in the first instance to get a response from the CEO but is currently pursuing the details via the Ombudsman. City Councillors had removed the embargoed status of the Cameron report but the CEO has refused to release it to the public.

In amongst all this was a desire by a group of supporters to do something about the lack of maintenance on the grounds surrounding the Trafalgar Centre. Leaves were piling up in the courtyard zone and the grass had not been mown for a distance of approximately 15 metres from the building. The alcoves in the southern end were being used by vagrants and were very untidy and there was a clear impression that the council had abandoned the building. I emailed the council for a key to enter the courtyard area and it was apparent that this set up a series of reactions. There was a polite response at first, thanking the group for bringing the situation to the council’s attention then we found that the grass was cut the next day, the leaves were removed the following day and large temporary gates were installed across the alcoves. The reason the grass had not been cut was subsequently revealed. Apparently Nelmac had ordered their staff to stay 15 metres away from the building because of the earthquake prone notices festooning all entrances to the Trafalgar Centre.

Of a more serious nature, it was discovered some time after the closure that the security company had also instructed their staff to not enter the building during their night patrol as they had been contracted to do. This may seem reasonable under the circumstances but, again, apparently the council had not been notified. All of this came about because a lawyer was asked in 2013 whether the Nelson City Council had a liability based on Louverdis’s deduction as per the minutes from unsubstantiated reports.

Another person who showed up around April and gave a few pertinent comments on the Trafalgar Centre at a city council meeting was Mike King, a geotechnical engineer from Christchurch. Two weeks before he was to arrive I happened to meet a local

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

architect, David Jerram. David informed me that he was involved in getting Mike to Nelson and that he would let me know the date. In this knowledge, I emailed the Responses Document to David. Mr King arrived, unbeknown to me, and addressed a gathering of several interest groups from the area. When I discovered that this meeting had already occurred I immediately rang David for an explanation. Initially he tried to plead ignorance but finally, because of my heated state, he spluttered out that the reason why I wasn't invited was due to Clare Hadley stating that if Kerry Neal was to be invited there would be no meeting. Funny things happen on the way to forums. I immediately contacted Mike King to express my disappointment at not having had a chance to bounce a few things off him. Since then Mr King and I have spoken by phone whereby I invited him to look up Nelson Residents' Association website to view all the information and technical details on the Trafalgar Centre. A follow-up call confirmed that he had indeed seen the information and although he understandably was guarded with his comments, he displayed deep interest and courtesy. Many local engineers have responded similarly.

The month of May brought more drama:

May 2014

5 May 2014

The Responses Group, Ian Hatton, David Brathwaite, Mike Hislop and I met with Mayor Rachel Reese, Clare Hadley and Eric Davy. The hope was that at last the facts would get through and that a round table meeting of appropriate people would be arranged. The attitude from everyone certainly gave that impression. Unfortunately this did not happen. What did happen sent me on a campaign to clear Ian Hatton's name.

You will recall me mentioning a letter handed to me from Ian Barker back in February which had been mischievously interpreted by some as Ian Hatton being responsible for making the statement that the piles were 3 metres deep. This matter surfaced again and the Mayor put on the table the date and times that Tonkin & Taylor and Brian Riley from Arthouse Architecture had rung Ian Hatton asking what he knew and she also presented the report with the reference to Ian's involvement. Luckily I was able to instantly extract from my files the same report and stated that nowhere did it claim that Ian Hatton was responsible for all the confusion. This action took the heat out of the issue and the meeting finished amicably.

Typically Ian did not outwardly display any annoyance at this development but a page 3 Nelson Mail report of 30 September 2014 certainly showed up the effect it was having on him. Incidentally, Eric Davy apologised twice to me for his indiscretions. Expediency persuaded me to receive them. However, before the meeting closed I did take the opportunity to explain the level of engineering that was employed in the construction of the northern wall of the main stadium.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

In light of the stigma that had been placed on the Trafalgar Centre and a public statement made previously by the Mayor that in a moderate earthquake the stadium's north wall would collapse and block any escape, a clear explanation was necessary. This wall is engineered, as shown on sheet 10 of the engineering plans, as follows: "The vertical columns of varying length are precast/pre-stressed concrete. The verge beam (rafter) is made up of reinforced/precast concrete sections." These sections also have a duct, centrally installed, that when all in their correct position had cables inserted that eventually were tensioned (post tensioned). Because of the stock response by people fighting for credibility is usually along the lines of "well things are done better these days"

I also took the precaution of introducing a Technical Guidance document on structural and geotechnical issues, dated May 2012, that was co-produced by one of the consultancies responsible for investigating the Trafalgar Centre – Holmes Consultancy, from Christchurch. In the technical guidance paper they quote as follows: "Few buildings in Christchurch have been founded on driven piles larger than 150mm square section in the last 15 years due to Resource Consent issues to do with noise and vibration during driving. This document was whisked away for copying by Clare Hadley and returned to me. Clearly her action strongly indicated that she recognised its importance.

Incidentally, at the above meeting I also tabled photographs that Stuart Walker had taken of the investigation process on the condition of the piles. These photos had been taken one night before the exploratory excavation was back-filled. Although photos weren't going to prove anything, they did clearly show the reinforcing steel and concrete to be in a very good condition. On the 23 September 2014, after many attempts to get a copy of the pile investigation, I received the report.

This report, known as "Investigation of Pile Concrete and Reinforcement at Trafalgar Centre, Nelson" can now be viewed on the Nelson Residents Association website, www.nelsonresidents.co.nz.

In it is stated that the results of testing proved the concrete to be significantly stronger than that which is shown on the drawings. It also refers in the last paragraph of the report that the original document was assumption based.

When I arrived home after the 5 May 2014 meeting, I immediately contacted Ian Hatton and asked if he could send me his recall of the phone conversations he had had with Tonkin & Taylor and Brian Riley. His reply is as follows: "My reply to anyone who asked about the depth of the piles was that I did not know but said from memory that the gravels the piles were driven into were approximately 3 metres below the surface. They have interpreted this to mean the piles were founded on the gravel.

It would be reasonable to expect Brian Riley to explain to the community now as to how much influence he might have had in respect to the assumed pile depth. The pile

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

depth is not the only critical factor that needs to be readdressed, but it is the most significant.

7 May 2014

A meeting costing \$45,000, was called of all authors of the reports plus three additional experts. Those in attendance were:

- Allan Bickers (Facilitator)
- Council Officers (Group Manager, Infrastructure and Project Manager) not named
- Brian Riley (Arthouse Architects)
- Mark Whiteside (Holmes Consulting – Structural Consultant)
- Stuart Palmer and Dan Andrews (Tonkin & Taylor – Geotechnical Consultants)
- Adam Thornton (Dunning Thornton – Structural Peer Reviewer)
- Don Smith (Novare Design – Independent Structural Engineer)
- Dr Ka-Ching Cheung (Gaia Engineering – Independent Geotechnical Engineer)
- Julian Ironside (Fletcher Vautier Moore – NCC Legal Counsel)
- Jeff Swanney (Geotechnical and Civil Engineering)

The purpose of the meeting, which was chaired by Alan Bickers, was to reassess their position but the record of the meeting is alarming – it is little more than a support of all the flawed reports from the original professionals with one critical exception, **that no work was needed to be done below the ground of the main stadium and the northern end.** Because of my concern I rang Bickers and stated that I was disappointed to find that there was little recognition of the inaccuracies in the reports and due to that fact, perhaps he had not been given the Responses Document to consider. He responded that because he was employed by the Nelson City Council he would have to terminate our conversation, and he did.

Because I felt that Bickers may not have seen the Responses Document, I sent it to him with a covering letter advising him that it is an important document and in addition suggested he look at the Residents' Association website and view all the information backing up the exposure of all the inadequacies in all that had gone before and should have advised the council accordingly instead of covering for the guilty.

21 May 2014

The public was allowed to have access to Bicker's full report which focussed mainly on the southern end and included an unconvincing report on the council's certification

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

of the southern extension, claiming that their systems, processes and procedures did not expose any risks or deficiencies. Mike Hislop's research suggests otherwise.

Knowing there was to be a Governance Committee meeting the following morning to receive the Bickers report, and because I felt compelled to act, I rang the Chairman, Ian Barker, and told him of my concern, stating that because of the belief that Bickers could not have been made aware of the flaws in the reports, the committee would be unwise to receive it. His reply was astonishing, quote: "But we've paid for it" to which I replied, "Well, ask for the money back." This response did not get any support but he did agree to allow me to speak to the report.

22 May 2014

9 a.m., Tahuna Conference Centre

This meeting commenced with Pam and Fred Frahm, Stuart Walker, Gary Ward, Seddon Marshall, Ian Kearney and several others, representing other interest groups, were in attendance. The first few minutes were taken up by councillors vying with each other to see who had the most academic qualifications. I was then invited to address the committee. I started by commenting on the positive aspects of the Bickers report and was about to comment on the doubtful accuracy of some of it when it occurred to me that Kate Davidson, the Nelson Mail reporter, was sitting just to my left. She had bitterly disappointed me previously with her reluctance to comment on the facts of why the Trafalgar Centre reports were only assumption based and not factual so while I held the floor I turned to her and said, "Kate, stop continually reporting on the Trafalgar Centre in such a negative way." I was immediately hit with a barrage of condemnation from Council committee members for my action. Once the uproar subsided I carried on with my attack by stating that her approach was very detrimental to our city. I then proceeded with addressing the Bickers report. It was very disappointing to witness Davy, later in the meeting, moving acceptance of the report and firmly stating that Alan Bickers had convinced him that Nelson City Council had done nothing wrong.

The meeting adjourned for morning tea and I took the opportunity of discussing with Luke Acland some points regarding correspondence we had been exchanging. Luke didn't wait for me to say anything – he got in first saying, quote: "I am sick of you harping on about the same thing all the time." My reaction was to suck it in and wait until later when I reminded him that he had campaigned on the principle of including the people and that he would be advised to adhere to that principle. That night he sent me quite a nice email but the damage was done. The body language was extraordinary. There was quite a long table set up in the foyer of the conference centre to cater for approximately 20 - 30 people. I was at one end with two acquaintances and the councillors and administration staff found comfort in huddles at the other end. There was an awkward tension in the air which Paul Matheson obviously recognised. He broke ranks and came and had a chat. It was appreciated.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

Being ostracised for exposing glaring failures is not comfortable but one has to accept it when challenging an institution like local government that has allowed a culture to develop whereby accepting blame or recognition of fault is unacceptable. Generally, in the first instance, it ignores morality and frequently uses the public treasure against the people. The situation regarding the Trafalgar Centre is rapidly threatening to travel down that typical line. Councillors have the power to change course if they have the will.

27 May 2014

This saw the start of the submission deliberation meetings which, from the city council website, indicated that the document had not been included in the list of submissions. This gave me great cause for concern as to why such an important document and issue should once again be sidelined to the point that I rang the Mayor's PA and asked if she could help identify where the document might be. At 11.30 on the morning of 27 May 2014, an administrator from the council rang me, apologised for the omission but that although councillors had started the deliberation process, she would see that the document would be included.

There are many loyal, dedicated and efficient people on the staff of the Nelson City Council and this one was no exception. This person then said to me that the main reason for ringing was to say that page 4 was missing from the document and was there any reason for this? I replied that there was no reason that I could think of as the documents had been supplied by me to the Council in its entirety but if it suited, I would copy the page and have it in the foyer by mid-day. When I returned home I took time to look at page 4 and noticed that a comment that could be construed as a criticism of Alec Louverdis may have been the reason for its removal. It also gave a degree of clarity to a phone call I had received from Clare Hadley in May informing me that she expected me to see that criticism of Alec be eliminated from correspondence and that as she was his employer, any criticism of staff in the future was to be directed in the first instance to her.

June 2014

The frenetic pace subsided but then the Council decided to appoint another tier of consultants in the form of a Project Manager to see "the way forward" to the reopening of the Trafalgar Centre. This was mildly encouraging but because the terms of reference suggested that the original findings, that had created such chaos, were likely to be the basis of an engagement, concern was again mounting. I, along with all those who had been keenly involved to date, did not have to wait long before the next shock occurred.

The full council meeting of 19 June 2014 saw no hope of public admission of error by councillors, except for one, that the closure of the centre was a major mistake. Calling it a major mistake can very positively be backed up by facts:

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

- 1) The lawyer addressed a draft interim document
- 2) Nelson City Council staff attached notices to the Trafalgar Centre entrances that were incorrect and out of date.
- 3) The peer reviewers did not question the lack of details in the interim report
- 4) Nobody researched the specifications to find answers to their assumptions
- 5) Nobody involved in the deliberations leading up to the closure thought to question the obvious anomalies. They simply knee-jerked in response to so-called professionals and in the process badly maligned our civic centre. To make matters very much worse, people in the gallery, who had done so much to educate and inform councillors on details of the Trafalgar Centre, had to sit there and listen to the Chair, in effect, heaping praise on councillors for saving the Trafalgar Centre from the wreckers ball!

It is sad to have to say it but unless those responsible for this sorry saga accept responsibility and do the decent thing, the stigma will remain. What is the decent thing? Authors and their associates who wrote the engineering reports need to refund their ill-gotten gains, top Nelson City Council staff need to resign and those councillors who are responsible for persuading new councillors not to break ranks should either resign or sign a letter of apology to the ratepayers of Nelson, The bill so far for all this is in excess of \$2M and climbing, not to mention the original, unsubstantiated, \$27M figure for the perceived remedy of structural deficiencies Often I have had the vision of councillors behaving like kids in a sandpit. They simply throw the toys aside and run to the next exciting entertainment. The following paragraph is an example.

The 19 June 2014 full Council meeting eventually got round to the Trafalgar Centre item and the following is an extract: “Moved that council approve up to \$450,000 to appoint a project manager who will drive the investigation process necessary to inform the preparation of concept design and deliver first iteration plans to council.” Carried.

It is true that because of the difficult task for councillors to operate within the current structure of local government, the above extract is a way out of their self-made mess, but a simple rescinding of the motion to close the Trafalgar Centre would have been acceptable to the community with the understanding that if improvements are required, that they be undertaken accordingly.

On my way to the lift to attend the above meeting I happened to meet journalist, Bill Moore. As I had sent Bill information on the Trafalgar Centre issue sometime earlier, I was keen to take the opportunity to briefly comment on it. Bill was in a hurry and was clearly not wanting to communicate but in light of the fact that my team had never been approached by any media to learn the facts on such an important issue, I pointed out that it would have been nice to have had the same sort of coverage as Peter Olerenshaw’s front page article and photograph the previous day on the wood-burner smoke issue.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

Bill's response, complete with expletives, was extraordinary. I hope one day I may have a chance to understand from him just what I said that so offended him. Mind you, it really wasn't much more than the sort of treatment that I had received from others which makes it difficult to not think that an unwritten agenda against the Trafalgar Centre has been running to denigrate it to the extent it would be demolished and a new performing arts centre be its replacement..

A lot of people, including Councillor Matt Lawrey, supported the demolition of the Trafalgar Centre. A phone conversation with me confirmed that fact.

August, 2014

The Project Manager's tender documents became available. They stated as follows:

- 1) The Project Manager to familiarise him or herself with the project and provide initial concepts to the Council by December 2014.
- 2) That plans and consents to be submitted to councillors by June, 2015
- 3) That the re-opening to take place no later than February, 2016.

(The tender document stated that the work to be done would only be disclosed once the successful person had been appointed!)

This timeline was depressing enough but in the knowledge that the contract documents did little more than describe the condition of the building as sub-standard, I immediately, again, wrote to Alan Bickers in Tauranga and expressed my concern. He wrote back on 25 August 2014 and I quote: "I am not prepared to accept phone calls or emails from you as my client is the Nelson City Council. Any emails from you will be blocked. Alan Bickers, Director, Jayal Enterprises Ltd" He describes himself on his website as a disputes resolution consultant.

Having had a career in the construction industry, responses like the above are nothing new but I was left with a feeling akin to what little Johnny must have felt like when he rushed to his mother, saying, "Mummy, Mummy, the house is on fire" and mother said, "Don't interrupt. I'm on the phone talking to someone important."

In the period while waiting for the Project Manager to be selected, no direct contact has been made regarding the Trafalgar Centre, between anyone from the City Council and me. However I have had contact with a City Council staff member who is responsible for road access into the Trafalgar Centre. On request, he forwarded a modified roading layout to me which showed the width of the road access in part would be down to only 5.6 metres. Why? It is because the new Maitai walkway has been allowed to drastically encroach on to the roadway. To exacerbate this situation, we now find that the Highland Pipe Band room is not intended to be removed in the immediate future and has already been earthquake strengthened. This situation, coupled with a report from a Greypower meeting with the Mayor stating that the Trafalgar Centre will be reopened by Christmas 2014, does not engender confidence.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

For the record, in addition to the account you have just read, many additional contacts were made between myself, City Council staff and elected representatives, including the Mayor, but their contents do not warrant inclusion in this chronicle. Suffice to say that in the main they displayed a worrying trend towards protecting the guilty.

October 2014

However, Pete Rainey's public admission on a radio broadcast of 9 October 2014, when he was discussing the closure of the School of Music and the Trafalgar Centre, tends to indicate that at last there is recognition that things haven't been handled responsibly: Quote: "Well, I agree the timing hasn't been too flash and the closure of those buildings coming sort of one after the other, was pretty tough to take. I don't want to tell you but I've lobbied for some years for the city to come up to speed with its entertainment venues. Quite frankly, it's not good enough the way we have approached this." End quote. I guess one can extract what one likes out of the above quote but the reference to "the timing not being too flash" tends to suggest that he, at least, recognises the error of his ways.

There will undoubtedly be more drama to be recorded from here on but due to most councillors and some staff's intransigence and unwillingness to accept facts pertaining to why the Trafalgar Centre does not need to be closed, they must be made accountable. Dereliction of duty in the knowledge of proven reasons as to why they should be acting to recover costs is tantamount to negligence. They have also been negligent in authorising the illegal transfer of money (\$600,000) from the Trafalgar Centre Capital Expenditure Account to modify Saxton Stadium as a substitute for the centre, ignoring the fact that their actions were based on flawed documents and in the process allowed the building to be maligned and stigmatised. The bill to date for consultants, setting up Saxton Stadium, loss of income, reviews of flawed reports and legal charges is exorbitant and now the appointment of a Project Manager, who has been given the authority by Councillors to spend another large sum, is alarming particularly when no work as yet has been done.

Of perhaps equal disappointment is the lack of interest in the facts that the Nelson Mail has displayed in this saga. The headline of 14 December 2013 was ambiguous and clearly designed to catch attention. The connotation is "Closed For the Good" and has to date been more in line with its reporting on the Trafalgar Centre. As of 29 September 2014, it is still clinging to its original negative position regardless of the facts provided to it that discredited its original misguided stance.

On the lighter side, I recently located, in the archives at Isel Park, 60 pages of architectural plans of the Trafalgar Centre, drawn by Alex Bowman. These plans are a good record of the details of the building from the ground up but are typically not to be confused with the engineering plans.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

However, the magnitude of the Trafalgar Centre saga is not to be under-estimated. It goes way beyond this specific melee. It has exposed a culture in local government that has to be modified. Reducing the virtual autonomy of CEOs would be a good start.

The injustices that I have experienced are indelibly printed on my mind and as the intention initially was, and still is, to be positive and get wrongs righted, and in the process allow the Mayor and Councillors to regain a semblance of credibility, the substantial team that I am involved with will not let up until justice is done.

A very broad cross-section of the community has repeatedly asked as to what is happening regarding the Trafalgar Centre and what is likely to happen next. In an attempt to create a picture for them, my usual response is, "Well, we've secured the ground at Guadalcanal but it's a long way to Tokyo." On that basis there is bound to be more to come.

I can't leave this saga without recognising other valuable people. The committee of Nelson Residents' Association has never wavered in its support for helping to expose the facts through their website. Deserving of particular recognition is NRA's unbelievably dedicated secretary, Ken Meredith. Whatever time of the day or night, when information or action was needed, Ken is always there. His sometimes 2 a.m. communications and a second room in his house now threatening to be taken over by archival files, attests to that. Having said that, his snooker and cat feeding sometimes interrupts the process. What a guy.

Of course, as is always the case, someone has to spend hours on the keyboard pounding out the printed word. Perhaps the biggest challenge in this is the constant need to update, insert items in the right place as they constantly crop up and accommodate many factors that continually require adjustment to ensure continuity as best as possible. This extremely valuable person is my wife, Pam. Although Pam would rather write less contentious stories she never hesitated to respond when asked to ensure that accurate information regarding the Trafalgar Centre fiasco is where it should be – out there.

In conclusion, I leave you with the following points to consider.

- 1) The decision to close the Trafalgar Centre was based on a legal opinion.
- 2) That legal opinion was based on flawed engineering reports.
- 3) The earthquake prone notice served on the Trafalgar Centre was incorrect. It has since been corrected.
- 4) At no time did any notice state that the building had to close.
- 5) Those responsible have failed to recognise that the law pertaining to percentages of New Building Standards had been changed in October 2013
- 6) The reports on the condition of the Trafalgar Centre, costing many hundreds of thousands of dollars, \$340,000 actually, were fallacious.

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

- 7) Not one of those involved in the reports recognised that all their calculations had been done in the misguided belief that the foundations were founded in totally unsatisfactory material and only 3 metres deep..
- 8) The facts have now proved how badly the Nelson City Council has handled this sorry saga. The Council had the chance, starting back in February 2014, to rein in the irresponsible behaviour that has caused such angst. They failed to do so.
- 9) In simple terms, the usual tactic of Councillors hiding behind “legal privilege” when things go wrong, and covering for professional ineptitude, has created mayhem. This common problem must be addressed by Local Government New Zealand.
- 10) Relying on academic impractical advice only, when a vast amount of experience in the community is available, as the Trafalgar Centre saga has demonstrated, will continue to discredit elected representatives which, in turn, will see a continuation of brief tenures.
- 11) Exposure of the fact that the consultants’ calculations on the bearing capacity (strength) of the ground under the Trafalgar Centre were woefully inaccurate. Their calculations were 13 times less than the proven true bearing capacity.

The following quote would appear to be appropriate:

WHY PEOPLE BELIEVE WEIRD THINGS

“Humans have evolved with a brain, with a superb ability to make sense of incomplete data.

We are very good at recognising patterns, reaching conclusions and making decisions fast.

The problem is, we are sometimes driven to make conclusions, even when there is nothing in the data to support them.

We then sort through the evidence, keeping stuff that confirms our beliefs and throw away the rest.

Smart people are very good at defending beliefs arrived at by un-smart means.”

THE TRAFALGAR CENTRE : CHRONICLE OF A FIASCO

FOR REFERENCE

Nelson City Councillors:

Rachel Reese	Mayor
Paul Matheson	Deputy Mayor
*Luke Acland	Governance Deputy Chair
Ian Barker	Governance Chair
Ruth Copeland	Regional Transport Deputy Chair
Eric Davy	Works and Infrastructure Chair
Kate Fulton	Planning and Regulatory Deputy Chair
* Matt Lawry	Works and Infrastructure Deputy Chair
* Brian McGurk	Planning and Regulatory Chair
*Gaile Noonan	Community Services Deputy Chair
Pete Rainey	Community Services Chair
* Tim Skinner	Works and Infrastructure Committee
Mike Ward	Community Services Committee

* Denotes new first-term Councillors whose “baptism of fire” was the Trafalgar Centre fiasco.

POSTSCRIPT:

On Labour Weekend of 2014, by chance, two people became known to me, who had direct contact with installing the lateral ties at ground level under the Trafalgar Centre main stadium. Barry Scott and Paul Sheridan worked for Stresscrete in Tahunanui at the time of the Centre’s construction in 1971. They had no hesitation in describing the standard method to ensure ties (cables) are protected for the long term. Their knowledge is shaping up to be of considerable importance.