

Council's costly blunders

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Ratepayers shoulder the burden

By AMY JACKMAN

Wellington City Council's recent court case losses have cost ratepayers more than \$340,000 in legal and consultants' fees.

The council lost cases in the Environment Court and the High Court in April.

The Environment Court case was about Variation 11 of the council's District Plan. The proposed variation set the maximum dimensions for three building sites on the waterfront.

The court ruled that Variation 11 was poorly drafted and breached statutory requirements.

Consultants' fees for the case were \$110,341 and legal fees were \$126,836.

The High Court case was taken by the Creswick Valley Residents Association, which believed the council had not properly consulted on planning changes to Curtis St.

The judge ruled the residents

were not fully informed on the impact of the changes and that the council needed to do better.

The total legal fees for the proceedings were \$94,472. Consultants' fees were \$9760.

The developers have appealed the High Court decision. The council will have to be a party to the appeal, probably at more cost to ratepayers.

The total amount spent on legal fees and consultants for the two cases was \$341,411, according to information obtained under the Official Information Act.

The cases were only two of 80 Environment Court appeals lodged since 2005 about changes to the District Plan.

The Wellingtonian put several questions to council chief executive Garry Poole about the cost of the two court cases.

We wanted to know if he felt the council had wasted money, whether councillors knew that

much money was going to spent on the court cases and whether the money spent was related to recent high-level job losses among council officers.

The response came from council spokesman Richard MacLean.

He said legal proceedings often cost a lot of money and because of that council went to court as rarely as possible.

He said out of the 80 Environment Court appeals, 51 were resolved without the need for a court hearing, five were heard in the Environment Court and one was heard in the High Court.

"The council's preferred approach is to avoid appeals going to court by using formal and informal mediation to resolve matters.

"We estimate about 85 per cent of appeals are resolved without the need for court hearings."

Mr MacLean said there was no link between the money spent on court cases and council job losses.

The two cases

Variation 11

Variation 11 set the maximum dimensions for three building sites at North Kumutoto, an eight-hectare piece of land between Queens Wharf and Wellington railway station.

Prospective developers could have built up to 30 metres in height without public consultation.

The decision:

The Environment Court ruled that Variation 11 was poorly drafted by council planners and breached statutory requirements relating to the protection of heritage, open space and pedestrian access.

The decision also reduced the maximum dimensions for future buildings and said one site should remain open space.

Curtis St

Creswick Valley Residents Association believed the council had not properly consulted the public about planning changes to 55-85 Curtis St.

The council rezoned the address to Business 2, which meant that it was able to be developed for heavy industrial use.

When the case went to court, a developer was applying for consent to build a Mitre 10 Mega store on the site.

The decision:

The judge ruled the council material about the change was misleading and that the rezoning of the site did not meet the council requirements, and that the council did not identify who was directly affected.