

Questions for the Wellington City Council

 PETER JACKSON · FRIDAY, 19 APRIL 2019 · READING TIME: 23 MINUTES

Hi,

This won't be of interest to most of you, but I invite any New Zealanders, particularly Wellingtonians, to join me in the fight to save Shelly Bay.

I'm going to start posting emails between myself and Wellington mayor Justin Lester. Shelly Bay is part of the beautiful natural peninsula at the entrance to Wellington harbour. This fight, which is only going to get more ugly, is between a large group of local residents and the Wellington City Council. The WCC are doing anything they can to assist a private developer which plans to dump a lot of Soviet-style apartment blocks on a beautiful part of Wellington's coastline.

Normally these fights are hard to win - but let's see.

You'll see a lot more from me on this topic over the next few weeks.

Cheers,

Peter J

Hi Justin,

Thank you for your reply to my e-mail. However, I am a little confused as to why your reply was solely focussed on Mount Crawford, when all my questions related to Shelly Bay?

I look forward to your answers to my Shelly Bay questions.

On further matters - I was alarmed to see the report in Wednesday's DomPost, which stated that Kevin Lavery is urging councillors to stay silent over Shelly Bay. And later in the same story, WCC governance director, Haley Evans, makes a couple of references to "corruption".

Corruption is a serious matter, and you do have to wonder why the WCC governance director is even thinking in those terms?

New Zealanders take pride in our largely corruption-free country. It would be deeply concerning if Ms Evans is smelling smoke - as the fire is taking hold. In fact, it has been alleged the conduct of some WCC officers might be reminiscent of the unsavoury political practices normally found in countries like Albania (and that's with apologies to Albania).

To understand what Ms Evans might be worrying about, we should look at the 2.5km coastal road between Miramar and Shelly Bay, which requires major widening and strengthening if

the proposed Shelly Bay development happens ...

... and study how it's been dealt with internally at the WCC.

QUESTION: Does the WCC consider itself responsible for the cost of upgrading this coastal road, between Miramar and Shelly Bay - rather than the developer?

The current traffic flow using the Shelly Bay coastal road is approx. 1200 cars per day. The existing, crumbling road is approx. 6m wide.

However, if the Shelly Bay development goes ahead, your own studies say that the traffic flow will increase to approx. 4,700 cars per day. And this doesn't take into account the heavily laden trucks that will be using the road during the 13 years of construction.

The huge costs involved are obviously of concern to the WCC, because you had Calibre Consulting produce a report on the impact this massive increase in traffic will have on the existing coastal road.

Given the increased traffic flow caused by the proposed development, your report concluded that the coastal road will need to be widened - from the existing 6m ... to 14m!

In addition, Calibre recommended an additional 8m of width to allow for pedestrians/cycles/parking.

That's a 14m + 8m wide road ... for the 2.5km between Miramar and Shelly Bay.

It seems apparent that the developer has no intention of covering the cost of widening the road to his cluster of Soviet-style apartment blocks. And it seems equally apparent that the WCC is not wanting the Wellington ratepayers to know the reality of this mammoth cost that might be coming our way.

Internal emails suggest that your WCC executive and various officers are colluding with the developer to conceal the size of the infrastructure cost - not only from the ratepayers, but from your own councillors, until the development gets through the council approvals process, and past the point of no return.

It seems that although some WCC officers are fully aware that the current 6m road width will not accommodate this huge increase in traffic flow, they are going to pretend that it will.

They probably assume that if Wellington ratepayers were aware of the actual cost of this roading, it would create a lot more opposition to this development, than currently exists now. Better to keep the ratepayers in the dark about the financial hit coming their way, get the Greta Point From Hell development underway ... and forever contaminate what is currently one of our last precious undeveloped sections of Wellington harbour.

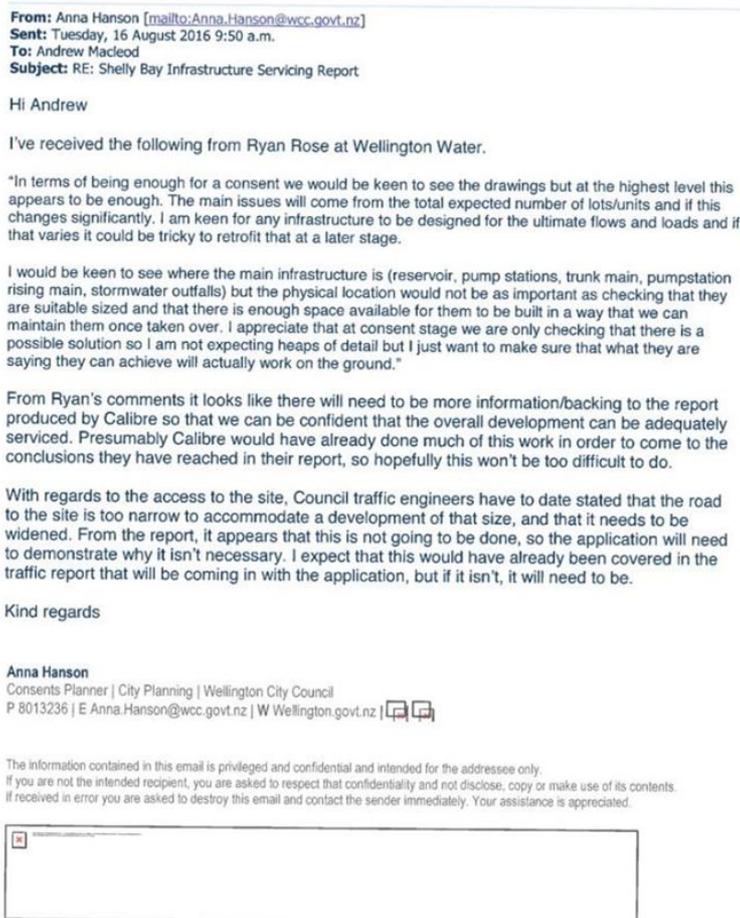
QUESTION: Are you aware that officers are saying that a 6m Shelly Bay Road is adequate (plus 1.5m for a combined footpath/cycleway)?

Presumably at some later date, another WCC roading report will state that 6m + 1.5m is not in fact adequate after all. This "surprise news" will result in a massive budget blow-out that

gets automatically passed onto the ratepayers (when nobody is able to object).

It really feels like several people within the WCC are representing the interests of the developer, and not the Wellington ratepayers. In my opinion, this is totally unacceptable behaviour by your officers, Justin (it's actually quite disgusting).

But don't take my word for it:



Let's break down that last paragraph into a couple of sections:

1/ "With regards to access to the site, Council traffic engineers have to date stated that the road to the site is too narrow to accommodate a development of this size, and it needs to be widened".

Council staff are clearly in a dilemma - the road needs to be widened and no one wants to pay for it. Their solution appears to be to sweep the truth under the carpet and let Wellington ratepayers pick up the bill ... at some later date.

Your officers appear to be twisting themselves into knots in order to justify approving a road that has been declared wholly inadequate by both Calibre Consulting and the WCC's own traffic engineers.

2/ "From the report, it appears that this isn't going to be done, so the application will need to demonstrate why it isn't necessary. I expect this will be covered in the traffic report that will be coming in with the application, but if it isn't, it will need to be".

In other words, "despite our own report that indicates a 14m + 8m road widening is necessary, we'll need to generate some bogus roading nonsense that tricks the councillors into giving their support to this development". That indicates that your councillors actually view themselves as serving the best interests of their ratepayers ... this must piss off some of your officers and executive, Justin.

The willingness of your staff to serve the developer's needs, with a total disregard for the cost to ratepayers, points to a very warped and dangerous attitude that seems to have embedded itself with your team, Justin.

In case anyone thinks the current WCC executive is holding this developer accountable, look no further than Andrew McLeod's reply to Ms Hansen, to understand the reality.

Andrew McLeod has worked for the WCC, but he's now a key consultant to this property developer (as National Planning Manager of The Property Group). You only have to see the tone of his email, and what is, in my opinion, clear "between the lines" innuendo, and it seems pretty obvious where the true power lies:

From: Andrew Macleod [<mailto:AMacLeod@propertygroup.co.nz>]
Sent: Tuesday, 16 August 2016 10:11 a.m.
To: Anna Hanson
Subject: RE: Shelly Bay Infrastructure Servicing Report

Thanks Anna for this feedback.

With regards the road width it would be appreciated if you could confirm with Soon Tek Kong as soon as possible what road width he is likely to require / recommend. I have met with Soon (+ Geoff Swainson and David Chick) and there has been some confusion around road width with regards to a sensible base level road width vs. what he regards is a "nice to have" width which aligns with unofficial Council policy. It was agreed at the meeting that it is not an option for Soon to require a more generous width based on unofficial policy. Of course Council, as the infrastructure provider, may decide on a discretionary basis to pursue a wider road but that is separate to a base regulatory requirement. I think Soon understands this and on this basis we are expecting a narrower rather than wider requirement, but I would appreciate if you could liaise with Soon and lock down where he has landed.

I look forward to your response on this matter. If it would help I am very happy to discuss (021598511)

Many thanks,

Andrew

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 National Planning Manager



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In my opinion, Mr McLeod is giving the WCC officers clear instructions about how to deal with the road width problem, and the developer expects them to comply.

It seems apparent that Mr McLeod wields a good deal of power over your staff, Justin:

1/ "... there has been some confusion around road width with regards to a sensible base level road width vs what he regards as is a "nice to have" width which aligns with unofficial council policy".

The WCC's roading report clearly states that the coastal road width needs to be 14m + 8m.

QUESTION: Why is this suddenly "confusing"?

QUESTION: And how can a WCC report, delivering a clear recommendation, be magically transformed into "unofficial council policy".

An "expert recommendation" has nothing to do with "council policy", even if this development consultant seems is trying to re-label, and therefore minimise, it.

The WCC Traffic Engineer is Soon Tek Kong, and Mr McLeod sure has a message for him:

2/ "...it is not an option for Soon to require a more generous width based on unofficial policy".

Wow ... that sounds like a line from The Sopranos.

It seems like Mr McLeod is still his boss - maybe that's also "unofficial" WCC policy too?

QUESTION: How does this outside consultant, working for the property developer, have the power to demand that WCC's traffic engineer ignore his roading requirements?

This consultant's use of terms such as "... nice to have ..." and "a more generous width", suggests that expert recommendations on vital issues such as the traffic flow and road safety along the coastal road, are now merely optional extras.

Talk about smoke and mirrors ...

QUESTION: How exactly does a recommendation produced by your own traffic engineers, and quoted by Ms Hansen as stating, "the road to the site is too narrow to accommodate a development of this size and it needs to be widened", become a "nice to have" but "unofficial" option?

QUESTION: Is this how the WCC regularly conducts itself when dealing with private property developers?

3/ "Of course, the Council, as the infrastructure provider, may decide on a discretionary basis to pursue a wider road but that is separate to a base regulatory requirement".

This is disingenuous in the extreme. "**The council ... may decide on a discretionary basis to pursue a wider road**" is tacitly admitting that a wider road is needed. A fact which is hard to deny, given the content of your own roading report.

The "nudge, nudge, wink, wink" tone of these remarks suggests there is an agenda to dump the undisclosed, astronomical cost of widening Shelly Bay Rd on to Wellington ratepayers...

at some later date.

And in case there's any future dispute about who's going to pay this enormous roading bill:

4/ "... the Council, as the infrastructure provider ..."

The Wellington ratepayers, of course ... who are currently drinking the "ratepayer funded infrastructure capped at 10m" Kool-Aid - unaware that the people who they trust to protect their interests, are actually doing the exact opposite.

Then Geoff Swainson, your WCC Transport Manager, weighs into the debate about falsifying the roading requirements. Perhaps Mr Swainson will be that rare WCC officer who protects the interests of Wellington ratepayers ...

... or maybe he won't:

Hayden Dempsey

From: Geoff Swainson
Sent: Monday, 29 August 2016 8:32 a.m.
To: Steve Spence; Anna Hanson
Cc: Soon Teck Kong; Stephen Harte; Paul Barker
Subject: RE: Shelly Bay Infrastructure Servicing Report

Follow Up Flag: Follow up
Flag Status: Flagged

Steve,

David has subsequently had a discussion with Andrew and Kevin and has softened his views so that he now agrees with the 6 +1.5 width accepting that in the longer term this is not going to be adequate.

I appreciate that this does cause us a problem, with perhaps the only mitigation being that for this particular development Council/ratepayers will end up paying under either the 6 + 1.5 scenario or any other option given that the development model is predicated upon Council funding the off-site infrastructure costs.

Accordingly I have been asked to come back and provide amended advice.

Perhaps a way of doing this would be:

"Having considered the implications of the Shelly Bay development on the road network it is our opinion that the 6 +1.5m width from Miramar Avenue and Shelly Bay is unlikely to be adequate in the longer term. Given that the Shelly Bay development is likely to be only one of a number of factors contributing to the demands on this route it will become incumbent upon Council to address capacity shortfall when that time arrives. In the interim, and only taking into account the Shelly Bay development, the 6+1.5m corridor can be considered adequate."

I suspect we would in reality make a pragmatic call on optimum width at the time consents are sought to give effect to the 6+1.5 option.

Like you all I am disappointed at the inconsistency of direction over this issue. I am also frustrated that the notion of "free and Frank" advice is yet again compromised.

I am happy to go back to Anna Harrison with subtly amended advice if that will ease the pain.

Regards

Geoff Swainson
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It's worth examining the comments made by Geoff Swainson, WCC's Transport Manager, in more detail:

1/ "David has subsequently had a discussion with Andrew and Kevin and has softened his views so that he now agrees with the 6m + 1.5m width, accepting that in the longer term this is not going to be adequate".

I'm assuming this refers to David Chick (WCC city planner) having "a discussion" with Andrew McLeod (the developer's "consultant") and then with Kevin Lavery (WCC Chief Executive).

QUESTION: Is that correct? Are those the correct surnames?

Based on the statement above, it would appear that Mr Chick maybe expressed concern over apparently falsifying the required width of Shelly Bay Road, but he was then pressured to "soften his views" by Lavery and McLeod.

QUESTION: Would this be an accurate interpretation?

I'm not certain, but I believe "softened his views" is another Sopranos line ... or maybe I saw it in The Guidelines for Albanian Local Government?

QUESTION: How can Mr Chick possibly reconcile the WCC's own report, stating a 14m + 8m road will be required to service this property development, with the 6m + 1.5M width that he actually signed off on?

This suggests Andrew and Kevin persuaded Mr Chick to endorse the 6m + 1.5 width of Shelly Bay Road – when all parties are in full knowledge that this road width will be inadequate.

QUESTION: Is this a fair assumption? If not, what else can "accepting that in the longer term this is not going to be adequate" possibly be referring to?

QUESTION: Do you consider this apparent deceit to be acceptable practice within council, Justin. Is this going to define the "Justin Lester legacy"?

QUESTION: Please detail the exact reasons why the "recommended" 14m + 8m road width, suddenly morphed to an "acceptable" 6m + 1.5m?

How can this happen? Did Mr Lavery and Mr McLeod provide Mr Chick with surprising new information, to cause him to cast aside the WCC's own road width recommendation?

Please explain this to me in some detail, Justin. I'm sure that every Wellington builder (and many home handymen) who would find themselves in court if they didn't abide by WCC regulations to the letter, would also love to know how to dodge the rules with this degree of ease.

QUESTION: Going back to Mr Swainson's email, what exactly does "in the longer term" mean in this context?

The WCC's City Strategy Committee Report (dated Sept, 2017) describes the condition of the Shelly Bay road as "poor". The existing road is crumbling - but the increase in traffic from 1,200 cars per day to 4,700 cars per day, on a coastal road that was never designed for heavy traffic, is not the worst of it ... how can it sustain two way, heavy load traffic?

Clearly, a wider and stronger road will be necessary to ensure the safety of the thousands of heavily laden trucks the Shelly Bay development will be using - over a 13-year construction

period. Serious roadworks must obviously happen before this construction work can begin ... so I imagine “in the longer term”, will very likely end up being “in the short term”.

QUESTION: Is this a fair comment?

QUESTION: Does the WCC consider that a 6m wide road (3m per lane) is adequate for dozens of heavily laden construction trucks passing each other in opposite directions, multiple times per day ... thousands of times, over 13 years?

I wouldn't be surprised if this heavy truck traffic trashes whatever road strengthening is done at the outset - so it has to be done all over again when the construction ends. But what does it really matter - the ratepayers are footing the bill.

QUESTION: Or does the WCC have an alternate route planned for heavy load traffic?

QUESTION: When will the true cost of Shelly Bay Road widening be revealed to councillors and the public?

QUESTION: What is the cost of upgrading 2.5km of sea wall, which has to be built to a future-proof (i.e. expensive) standard?

2/ "I appreciate this does cause us a problem, with perhaps the only mitigation being that for this particular development Council/ratepayers will end up paying under either the 6m + 1.5m scenario or any other option, given that the development model is predicated upon Council funding the off-site infrastructure costs".

“I appreciate this does cause us a problem”... ???

QUESTION: If WCC staff and officers are behaving in an honest and above-board manner, what exactly is the “problem” being referred to here? Can you please explain this, Justin?

Surely a problem only exists if the 6m + 1.5m road width is inadequate? At least Mr Swainson's thinking ahead - he knows it's coming. You might also have a problem when the public and your councillors learn that they have (yet again) been misinformed about true costs. Or worse ... knowingly deceived?

We're hearing a lot of hot air about how the WCC and the developer are sharing the “\$20m infrastructure costs” - with the WCC's share "capped at \$10m”.

But now Mr Swainson has provided us with the secret code: there's “infrastructure” ... and there's “off-site infrastructure”.

“Off-site infrastructure” identifies the grim reality for Wellington ratepayers, who I assume will be covering 100% of that huge bill ... and I bet there ain't no \$10m cap on the "off-site infrastructure” bill.

QUESTION: To be clear, am I correct in assuming that “off-site infrastructure” refers to all the ratepayer funded work that this Shelly Bay development will require?

In other words, it's work that would not have to be done, if Mr Cassels was not building his tower blocks at Shelly Bay.

So, the bulk of the real infrastructure cost required to transform Shelly Bay to Bombay, quietly sits outside your widely promoted \$20m "infrastructure" budget.

3/ "Council/ratepayers will end up paying under either the 6m + 1.5m scenario or any other option, given that the development model is predicated upon Council funding the off-site infrastructure costs".

QUESTION: Does "any other option" refer to the 14m + 8m road width, the WCC knows is required?

QUESTION: What does "given that the development model is predicated upon Council funding the off-site infrastructure costs" actually mean?

This is a private property development, and I assume the WCC is treating The Wellington Company no differently to any other property developer seeking council consent - a healthy practice, otherwise known as "being impartial".

However, "the development model is predicated upon Council funding the off-site infrastructure costs" **suggests** the WCC is behaving in a less than impartial manner. It suggests that the WCC can only be concealing the true "off-site infrastructure" cost, because it knows the developer isn't paying, and the ratepayers won't want to pay - should they learn the reality up front.

QUESTION: Why is the WCC is misleading the people of Wellington, citing nonsense infrastructure costs with the skill of a snake oil salesman?

It is interesting to note there is no suggestion of the developer adjusting his business model. On the contrary, it appears incumbent on the WCC to find a way to make the developer's model work. You could even offer up some of your team, Justin - maybe they could do a bit of painting or wallpapering for Mr Cassels in their spare time.

4/ "Given that the Shelly Bay development is likely to be only one of a number of factors contributing to the demands on this route, it will become incumbent upon Council to address the capacity shortfall when the time arrives".

My translation of this double speak is: "When we have to reveal the true cost of widening the coastal road to the public, we'll find something else to blame it on - anything, except the private development that we're attempting to fast-track through the approvals process ..."

This is despite the WCC knowing full well that any coastal road widening (as opposed to maintaining the existing road) is exclusively to service the proposed Shelly Bay development.

QUESTION: Is this a fair comment?

QUESTION: Please describe what the "other factors" might be (beyond the increase from 1,200 cars per day, to 4,700 cars per day) that will suddenly require the coastal road to be

widened beyond the 6m + 1.5m width?

The 6m + 1.5m road width was presented to councillors as a fact - so why would it suddenly need to be wider? I imagine your team must be putting some thought into this problem right now - it's best to figure out the spin ahead of time.

Here's my suggestion: an unexpected onslaught of the incredibly rare 25 tonne penguin (Councilphala bullshitis) is about to swarm onto our shores, and start nesting on the verge of Shelly Bay Road - necessitating an extensive and very expensive, carriageway upgrade. Sound plausible?

QUESTION: Should Wellington ratepayers be concerned that the WCC seems intent on concealing off-site infrastructure costs by burying them in pre-existing budgets?

QUESTION: Have council staff discussed concealing other Shelly Bay off-site infrastructure costs, such as water supply, storm water outfall, pump stations etc., within existing Eastern Suburbs budgets? Any examples you could share with us?

5/ "In the interim, and only taking into account the Shelly Bay development, the 6m + 1.5m corridor can be considered adequate".

QUESTION: What does "In the interim" and "can be considered adequate" actually mean, in this context?

Does it mean: "Even though we all know that 6m + 1.5m is inadequate for the increased traffic flow, let's just say whatever we need to, in order to dupe councillors into giving our property developer friend the votes he needs? After all, what councillor is going to think a recommended 6m + 1.5m road width is anything but truthful, coming from our own officers?"

When the news of a massive Shelly Bay budget blow-out eventually hits the media, we'll find a way to blame it on some other coastal activity.

QUESTION: Is this a fair interpretation of your officer's intent?

6/ "I suspect we would in reality make a pragmatic call on optimum width at the time consents are sought to give effect to the 6m + 1.5m option".

QUESTION: In this context, does "make a pragmatic call on optimum width" mean deliberately misleading councillors and the public, about the true road width required to service this proposed development?

This suggests that despite saying publicly: "the 6m + 1.5m corridor can be considered adequate", council staff are well aware that the road width is not remotely adequate and that "in reality" it will require significant additional public expenditure. However, in order to facilitate the WCC consents that are needed by the developer, WCC staff are prepared to attest the 6m + 1.5m road width is "adequate", in the full knowledge that it is not.

QUESTION: Could this be the "corruption" Ms Evans has alluded to?

7/ “Like you all I am disappointed at the inconsistency of direction over this issue. I am also frustrated that the notion of “free and frank” advice is yet again compromised”.

For Wellington ratepayers, that is one hell of a scary statement ... and not what we should expect to hear from within our city council.

QUESTION: Does “the notion of “free and frank” advice is yet again compromised” mean that the WCC regularly conducts its business in an underhand manner?

QUESTION: For instance, has your Chief Executive ever told councillors to keep their mouths shut?

In my opinion, public officials in positions of power must be held accountable for their actions, because this is an issue of public trust. It is the duty of the WCC to serve the interests of all Wellingtonians in an open and transparent manner.

Wielding power in covert ways, misleading the public and threatening your councillors reflects very poorly on your executive.

People are saying that there has been a marked deterioration of trust in local government - under your leadership, Justin. As Mr Swainson states: "I am also frustrated that the notion of “free and frank” advice is yet again compromised”. The words “yet again” point to a pattern in behaviour.

I have lived in this city all my life and I have never before seen the citizens of Wellington treated with such contempt. This view is shared by Mau Whenua (of Taranaki Whanui) whose land has been illegally sold from under their feet, with the blessing of your executive.

There is no doubt in my mind that certain members of the WCC have prioritised the needs of a property developer (at enormous cost to ratepayers), ahead of their duty to the people they are supposed to represent.

The entire manner in which the WCC has conducted itself in regard to Shelly Bay merits further inquiry.

The public has a right to transparency.

Why is that so hard?

I have asked this question before, but thus far, an honest explanation has not been forthcoming...

Justin, I am aware you are an enthusiastic supporter of the Shelly Bay “masterplan” but when your own officers are prepared to compromise good practice - and effectively mislead the public and city councillors, there is something very, very wrong.

You have boasted in interviews about the integrity of council planning processes - if this is your idea of integrity then God help the people of Wellington. It begs the question how many

times in the past, your staff have ignored guidelines, skirted around regulations and actively misled the public in order to fast track approval for a favoured project?

Wellington ratepayers deserve to know the real cost of the proposed Shelly Bay development. It is beholden on you and your officers, to provide us with the facts.

QUESTION: Please provide a full breakdown of all infrastructure costs (and off-site infrastructure costs), including storm water, trunk main, pump stations, new reservoir, hill stabilisation, electricity and telecommunications, 2.5km of coastal road widening to 14m + 8m, building a robust seawall for 3.5km, the cost to repair/remove the rotting wharf, and anything else that I've not referenced.

QUESTION: Please identify the source of these costings.

That the WCC is prepared to ignore the advice of its own experts is deeply concerning, but it comes as a shock to see the ease that Wellington ratepayers are thrown under the bus (assuming there is actually a bus service operating at the time). And why should they care? There's no accountability, and the council appear to have a well-oiled practice of slipping huge budget blow-outs through the system with minimal public outcry. I suspect that this is not the first time it's happened.

However, there is a rare opportunity for the public to object to the Shelly Bay proposal - before getting hit with the true cost of servicing this private development, when it's past the point of no return.

Justin, it is astounding your own officers appear to be working against the best interests of the people they are paid to serve. It's doubly astounding that these same officers think it's perfectly fine to keep Wellington city councillors and ratepayers in the dark about the true cost of the Shelly Bay development. They appear to have no qualms obfuscating the truth - nor do they give consideration to the future law suits that will likely occur in the longer term.

Take for example, sea level rise.

A 2013 Tonkin and Taylor report, commissioned by the WCC, refers to "areas that are temporarily affected by coastal storms at present (that) will become permanently inundated".

The 2017 City Strategy Committee Report states:

"In recent years both Kapiti Coast District and Christchurch City Council have attempted to indemnify themselves to future liabilities caused by sea level rise on private land; both cases were problematic".

LGNZ is convening a Steering Group to provide advice on climate mitigation and adaptation. As well the Ministry for the Environment is preparing guidelines for Local Government in part to address this challenge..."

In terms of Shelly Bay, the Southern Bay is only 1.6 metres above high tide. In 2017 government warned local councils **not to build or approve developments lower than 1.9 metres above high tide - because of the threat of rising sea levels.**

Some buildings in the proposed Shelly Bay development plan may well be in breach of that already.

QUESTION: What is the WCC's legal exposure if the Shelly Bay development proceeds?

Perhaps Ms Evan's fears of "corruption" may have some basis in truth. After all, three "independent commissioners" were recommended by the Court of Appeal - which now becomes a very important test of council's "best practices."

Independent Commissioners

Although the Court of Appeal proposed that the WCC should engage "independent commissioners" to review any future HASHAA application related to the Shelly Bay development, a much wider brief must now apply.

QUESTION: What are the names of the independent commissioners that have been appointed?

QUESTION: Who appointed them?

Given that a number of Council officers have been "encouraged" by the executive to "soften their views" and lend their "support" to this private development, it would be prudent to ensure that the way in which these independent commissioners are chosen is completely transparent. It would be highly questionable, for example, if yourself or Kevin Lavery had any involvement whatsoever in appointing them. From the outset, the process will be seen to be tainted.

Clearly, any WCC officer who has a perceived conflict of interest, or who has been actively involved in the Shelly Bay development, should not participate in the appointment of the independent commissioners - who are tasked with reviewing it.

QUESTION: Please confirm this is the case.

To refresh your memory of the summary of the court's recommendations on this matter, please see the attached excerpt from the Enterprise Miramar media release:

3. The effect of the Court's judgment is that the Council must reconsider the application for resource consent afresh. The Court has ordered that the Council should consider whether or not to appoint independent commissioners to perform that task, given the extent to which the Council has defended its original decision in this litigation.

QUESTION: In selecting the independent commissioners, were the city councillors (who in my opinion, have not been well served by their executive) involved in the final sign off?

QUESTION: The court recommended one of the commissioners be of iwi descent - has this recommendation been followed? It concerns me when your city planner, Mr Chick, states: "The Council intends to provide to the Commissioners a planning report under s 42A and a

planner who was not involved in the earlier decision has been identified to complete that report”.

QUESTION: No matter how well intentioned this WCC “planner” is, what is to stop him having "his views softened” by others? It has happened before.

QUESTION: How can WCC planners and consultants “advise” the independent commissioners, in what is supposed to be an impartial review? I don’t know how that works.

Given the WCC’s recent history of budget blow-outs, and the perception that your staff are less than fiscally responsible, the public has a right to expect transparency in all matters relating to Shelly Bay.

In light of this, the commissioners must be free to engage independent consultants and planners (to advise on parking, traffic impact etc.) because there is clearly a culture in the WCC of ‘leaning’ on officers to deliver mandated outcomes.

I thank you in advance, for your answers.

Cheers,

Peter J

2.4K

469 comments 526 shares

Most relevant



Kenney Jean Thank you Peter. On behalf of mau whenua. Xxxx

20w

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John Keogh Give this man a beer !! What a toxic environment this council is creating , all for what ? To allow a developer to make money at the expense of the wellington ratepayers !!! Let them factor in the cost of adequate infrastructure and see what the bottom line looks like then !! I'm all for PJ to be one of the independent commissioners!! He has done 90% of the work already !! Well done !!

20w

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1 reply



Clare Hazlewood Don't vote Lester in next election

20w

22

4 replies



Anne Anglim Hello Peter thankyou for your leadership and integrity in the fight 2 save Shelly Bay. This bay is a jewel in the crown for all Wellingtonians and their visitors. As a Miramar resident for 15 years I would like to see it developed along the lines of th... [See more](#)

20w

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Sophia Lewis Thankyou Peter for sharing your questions to the Mayor and I'm very keen to see what the responses are. There looks to be an enormous disconnect between how regular ratepayers are expected to meet a high bar of regulations for changes to their homes but it is another rule for a favorite WCC project.

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Carolyn Anderson Hi Peter Great to see you are so wholeheartedly against this Shelly Bay development proposal!!!The area does need some minor improvements but it needs to remain a green recreational area for all to enjoy - along the lines of lovely 'Days Bay' - it's iconic Wellington scenery and an integral part of our renowned scenic drive!!!... [See more](#)

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4 replies