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## The carrot and the stick

### Young lawyer treats council to plates of humble brussel sprouts

BY GORDON BROWN    Last updated 11:04 01/05/2009

Everynow and again the New Plymouth District Council gets a jolly good telling off.

Sometimes they deserve it too and Tuesday night's council meeting was one of those occasions.

For the second time this year a smart young lawyer turned up and quoted all sorts of legal stuff and in the process pointed out bits and pieces that the council had got wrong.

On the first occasion it was pointed out that chicken poo smells and funeral services at the proposed new cemetery weren't perhaps the best mix, so that was put on hold and 'a review by the officers' ordered.

This week it was the Battiscombe Tce encroachments, to put it into council bureaucratese.

By now pretty much everyone will be aware of the basic problem. A few residents from the aforementioned Battiscombe Tce whose properties back on to the reserve park were using a little bit of the land on which grow veges.

In responding to a request to beef up security at the park to stop hoons joyriding etc, the council decided to put an end to it.

Official notices were served, warnings issued and the council's crack commando team, the SAS (Save A Spud) was poised to pounce under the cover of darkness.

Structures, small as they were, were going to come down and the land reclaimed, just in case somebody wanted to walk along the reserve on those exact spots.

Naturally the good folk of Battiscombe Tce were not happy about this and started to fight back.

The SAS were put on standby mode as successive operations were put on hold and on Tuesday it all came to a head, maybe broccoli. Nah, just kidding.

At the meeting a deputation from Batt Tce (for brevity's sake) turned up. Spokeswoman Debbie Chamberlain was to speak, but she cunningly arrived with a chap called Grant McLachlan.

He told the council he was a planner by profession. You could see the concern on their faces. Not the councillors, the staff. Then he also mentioned in the next breath that he is an enrolled barrister and solicitor of the High Court. Concern all round.

But there was more.

Young Grant is a former policy advisor to Parliament drafting amendments to bills, including ones called the Local Government Act, the Property Act, the Resource Management Act and the Public Works Act.

Concern had translated into fear.

How dare these Batt Tce people find a darned expert.

Smart young lawyer chappie Grant, who travelled all the way from Hawke's Bay free of charge simply because he didn't like what was happening, proceeded to pull the council's actions to pieces, bit by bit.

Did you know, for instance, that if the council writes to you threatening action it is supposed to quote under which authority it is acting? Aha, that gives paying my next rates bill a whole new dimension.

There was more tricky stuff. Turns out that if the gardens were in place at the time the Waitara Harbour Board passed the land on to the council, they may well be legal.

And under the Fencing Act, not the swords, but the No 8 wire type, the residents may well have a case.

Smart young lawyer chappie Grant was unfailingly polite, but nonetheless to the point.

"The council may have unnecessarily put itself in a position that has compromised its impartiality as a lessor on one side of the fence (excuse the pun) and as a public body maintaining a reserve on the other."

After 15 minutes of having the council's position (precarious) politely being dismembered, you could almost see our Mayor, Sheriff Pete, reaching for a white flag.

There was much interest in what he had to say and short of the council getting a court order, nothing much was going to change.

So where to from here?

Our mayor responded in the way mayors the world over respond.

"There have been a number of issues raised, so we'll get a report into those from the officers."

Smart young lawyer chappie Grant had one more request.

"And any further action is suspended in the interim?"

"Yes," agreed Sheriff Pete, with a resigned look on his face, not that there has been any suggestion he should resign over the council's spud attack. Yet.

"I see the carrots have gone," he also noted.

"Well, it is winter," shot back Debbie the resident from Batt Tce.

A few much-needed laughs all round.

As is common these days, the deputations take longer than the meetings and the second deputation gave final confirmation, not that any was needed, on the effectiveness of Grant the smart young lawyer chappie.

It came from Rata Pue, well known for his forthright advocacy for things Maori and no great admirer of councils.

He had a series of issues, some of which had been going on for years, that he took up with the council.

At one stage Sheriff Pete told him off for daring to mention a council staff member by name and using the word "fibber" or something even stronger, to describe him.

Things got a bit heated and Rata ended up by despairing at the perceived lack of council action.

"Just nothing gets resolved. I'm becoming an old man waiting. If you don't get something done I'll hire that lawyer fellow who was up here before me; he seemed to know what he was talking about and will give you a hard time. And you'll have to pay my legal costs!"

An eloquent testimony if ever there was one.

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## Hawke's Bay battler for the little people

BY MATT RILKOFF    Last updated 05:00 30/04/2009

For Grant McLachlan, saving Battiscombe Tce's gardens is just one more battle in his campaign to stand up for the little guy.

The Hawke's Bay-based professional planner and qualified lawyer travelled to New Plymouth on Tuesday to make a submission against the removal of 12 gardens encroaching on New Plymouth District Council reserve land on Waitara's Battiscombe Tce.

The gardens had been due for removal yesterday.

Mr McLachlan's submission questioned whether the council had followed correct procedure for the removal and led to it ordering a report on the issue before taking further action.

The report, to be considered by the Waitara Community Board, could take up to two months to prepare.

"I was very badly bullied when I was young. When I see it happening I step in with a total lack of self preservation. It is a natural instinct to help people who have been backed into a corner and this is exactly what has happened here," he said.

For Mr McLachlan, 33, it was hearing a few words about the gardens' imminent removal on current affairs programme Campbell Live that brought him to Waitara.

"I heard them say the case was "clear cut" and I thought, hold on, nothing is ever that simple."

His submission at the council meeting was not his usual approach as he preferred to stay in the background, he said.

But for Battiscombe Tce residents' spokeswoman Debbie Chamberlain the free expertise was a lifeline.

"We didn't know what else we could have done and now we have two months' reprieve at this stage. He told us to wait and see what the council does first before we do anything else."

While the reprieve could let resident vegetable gardener Don Kirkwood, 77, keep his encroaching patch for up to two months, he said there was little he could grow in that time.

He had already removed all of his vegetables except a few silverbeet and a lettuce his neighbour used to feed her rabbit.

Meanwhile, the car-proof fence along the reserve in front of the encroaching gardens is due to be completed within the next week.

Residents' requests to fence the reserve to stop hoons driving their cars through it was the issue that initially brought the 12 encroachments to the council's attention.

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