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Late action catches council by surprise

# Injunction threat hits stadium

By ALLISON RUDD  
and ELSPETH MCLEAN

IN an 11th-hour bid to derail Otago stadium construction plans, the Stop the Stadium group late yesterday sought a High Court injunction barring the Dunedin City Council from next week signing a construction contract.

The council was expected to sign the contract at an extraordinary meeting on Monday morning, but the group says the financial parameters of the project have changed so much the council should be restrained from signing until it has consulted afresh with ratepayers.

The court action has thrown plans for Monday's meeting into disarray. Council chief executive Jim Harland last night said the city solicitors, Anderson Lloyd Lawyers, would examine the papers in detail at the weekend and would brief councillors about options at the start of the meeting. The briefing would be confidential.

Asked how long the briefing might take, Mr Harland said he did not know. Nor did he know whether the council would be able to debate signing the stadium construction contract.

The court action had come as a surprise, Mr Harland said. He said he rang the city solicitor at 5.03pm and was told no papers had been filed with the court. Not long afterwards, he was told that had changed.

"I'm disappointed . . . it has come so late. I understand people have concerns [about the stadium] and have the right to exercise their legal rights. But happening at the end of the business day before the meeting makes it awkward for everyone."

## The STS injunction notice

Wants the High Court to declare it would be unlawful for the DCC to resolve to proceed with the stadium before its 2009-18 long-term council community plan (LTCCP) is adopted.

Wants a High Court injunction restraining the DCC from signing a construction contract until after the LTCCP is adopted.

Wants a High Court order made quashing any DCC decision to proceed with the stadium before the LTCCP is adopted.

Says the cost of the stadium to ratepayers has altered so significantly the DCC should complete a special consultative process as part of the LTCCP before deciding whether to proceed.

DCC has 25 days to file a statement of defence.

It is not known when the application will be heard by the High Court.

Some councillors might read about the pending legal action in the *Otago Daily Times*, Mr Harland said.

"I'm emailing them all tonight, but I can't guarantee they will read it before the morning," he said.

Stop the Stadium president Bev Butler said last night the paperwork was filed with the court about 4.30pm.

As well as the main document, there were supporting affidavits from herself and accountant and university lecturer Nicola Holman.

Ms Butler said the documents were filed upon their completion.

The group was waiting to hear what the response would be from the council.

If the matter proceeded to a hearing, Ms Butler expected it might be a week before it would be heard in the High Court at Dunedin.

The council has up to 25 days (from yesterday) to file its statement of defence.

In her affidavit supporting the review application and interim injunction, Ms Butler gave the background of Stop the Stadium's opposition to the stadium and outlined her concerns about lack of consultation.

Ms Holman's affidavit concentrated on the financial aspects of the stadium proposal.

She considered changes made to the long-term council community plan to be both material and significant in terms of generally accepted accounting practices and that the stadium represented in the long-term plan draft was not substantially the same as that in the current annual plan.

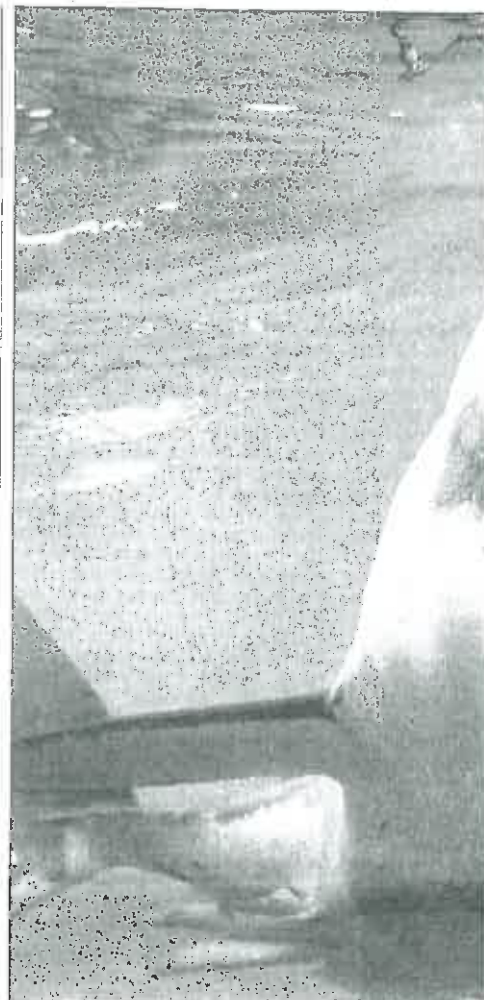
The application document listed the differences as the \$10 million increase in the cost of the project, the \$3 million reduction in the contribution from the Community Trust of Otago, the "external contribution" of \$15 million being recorded without explanation of its source, the \$22.8 million increase in the bridging loan requirement, a budget based on \$165.4 million in construction costs not previously specified and private funding of \$45.5 million, which had changed significantly.

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Hell's teeth . . . A white pointer shark approaches the shark cruises past (top right of photo).

## Jaws playin

By STEPHEN JAQUIERY

YOU can dive into shark-infested waters and retain all your arms and legs, but for insurance you should be enclosed in a cage and have a strong heart.

Dunedin fisherman Peter Scott, who last year built a 2m-high, 100kg aluminium cage which he suspends off the back of his Bluff-based fishing boat, has been attracting great white sharks to the *Lady Anna*, in Foveaux Strait. While cage diving with sharks is a popular tourist attraction in other parts of the world, Mr Scott's operation is available only for researchers and documentary-makers.

Department of Conservation marine ecologists first used the cage in April last year to tag great whites, not far from where Bluff oysters are dredged. A succession of documentary film-makers have followed, capturing on film this



impressive natural environment.

An invitation to Stewart Island under way quickly accepted them. *Jaws* rang in headed from inflatable boat.

Its crew had way by tipping oil into the white pointers boat as we ap

## Downturn minor at Mt Pisa vehicle

SOUTHERN Hemisphere Proving Grounds' international vehicle and tyre testing facility, on the Pisa Range, has automotive clients booked throughout the winter season and remains fully staffed, despite the woes of the global car industry and New Zealand's

Otago's rural areas are being hit by the recession, but it is not all gloom. As **Simon Hartley** discovered, the automotive testing facility on top of Mt Pisa has many international clients booked. His article is part of a detailed look at how Central Otago and the Lakes district is coping. Other reports: Pages 15 and 16.

making cars. We are at full strength, compared to last year, but there have been a couple of cancellations and some scaling back," Mr Elworthy said.

The highly secretive proving ground caters for the world's premier vehicle and tyre manufacturers, offering northern

Most of the this year spent and three weeks facility, attend staff, including employees.

The debt-ridden motor industry

