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Public input missing from planning process

The hearing processes before the Independent Hearings Panel for the Proposed Auckland Unitary Plan have been an interesting experience

First and foremost, the Proposed Auckland Unitary Plan (PUAP) and hearings process is enormous. Simply getting the proposed plan to this stage shows much credit to the Auckland Council. The pressure on the politicians, planners and administration staff at the council must have been, and remains, immense. Much credit to them.

Credit must also go to the central government for establishing the legislation which has required the Auckland community to get to the hearing stage so quickly. While there are downsides, and I will come to these, tight deadlines can be great incentives to get things done. This is the case in Auckland.

As a professional planner, I have experienced the process leading up to a hearing before the panel on several occasions now. The mediation processes have generally been useful, at least in arriving at areas which are agreed between the parties and those that are not.

The actual hearings, preceded by the evidence in chief and rebuttal evidence, have been refreshing and elucidating. While no party will know the outcome of the hearings until the middle of 2016, I feel that the independent panel has evidenced great appreciation of the issues, and has maintained an engaging approach to the submitters and issues. My clients feel they have 'had their day in court'.

The downsides of the whole hearing process have been, from my observation, the limited involvement of the Auckland public. This is not a criticism of any party, but a function of the scale and speed of the process. Even as an experienced professional I find the process challenging, and I know this applies equally to many of the professionals involved in the process.

A key issue, given the absence of large sectors of the Auckland community, will

be how the panel can craft a document which is generally acceptable to the community in the absence of their voice on many of the issues. It is worth noting that the independent panel's decisions are a recommendation to the Auckland Council. This will be provided to the council in the middle of 2016, a few months prior to the local government elections in October. The council has a month to initiate changes to the panel's recommendation, followed by a process leading to the Environment Court.

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Possible participation

While I have significant respect for the capability of the panel to interpret community aspirations, it is likely that some parts of the Auckland community may find its voice through the lead-up to the election. I am not against this at all, it is part of a democratic society, but it could make for some interesting political debates in the latter part of next year.

My concern always is that District Plans, Unitary Plans, Regional Policy Statements and similar planning documents are, within the parameters of the law, reflective of input from the wider community. Such documents cannot be made by and in the interests of professionals, or of the powerful institutions or corporates.

Planning documents, which legally define community and individual property rights, are essentially a 'compact' between the governed and the governors. The documents, in their final form, need to have

general community acceptance that they are fair and equitable, and that the general interests of people and the community are taken into account.

Taken too far away from broad acceptance inevitably leads to agitation to change the law, the documents or the politicians who are ultimately held responsible by the public, and the process begins all over again. Hence the challenge of the Independent Hearings Panel, and the Auckland Council in its response to the recommendations of the panel.

Having said all this, I have confidence that the process will land in a generally good space. At this stage however, I do worry about the level of regulation that many of the institutional parties are advocating. I think many in the Auckland community would be surprised at the level of regulation that is being advocated.

Indeed, I think many central and local government politicians would also be surprised at the level of intervention that is being suggested. The response of course is a matter for the Independent Hearings Panel to adjudicate upon.

However, in my opinion, too much regulation will stifle the general wellbeing of Auckland. Likewise it will put at risk the 'compact' I referred to earlier. Sustainable management is a balancing act of the economic, social, cultural and environmental well-beings.

The challenge for Auckland is to get the 'right balance', sufficient to allow innovation and entrepreneurial spirit while protecting our environment. That is the hope.

Leigh Auton is a Director of Auton & Associates and has 35 years' local government experience. He is a chairman/director/trustee on several boards and provides consulting advice to public and private sector companies