

Auckland City Council Best Practice Example

Plan Modification 84 – Sandringham Road

Source of further information

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Description of Best Practice Example

Plan Modification 84 – Sandringham Road to the Auckland City District Plan Isthmus Section 1999 related to the stopping of a short section of Sandringham Road, Sandringham, Auckland and the consequent zoning of the land as Business 2. This section of road was an anomalous situation arising from historic subdivision and did not form part of Sandringham Road.

The practical effect of the road stopping was to increase the size of the immediately-adjacent, privately-owned property, thus transferring significant economic benefits to the landowner.

While the Council recognised the practical and administrative desirability of stopping the subject section of Sandringham Road, the promotion of a plan change by the Council (relating to the zoning of the area of surplus road in question) might have prompted community criticism that the Council was pivotal in transferring public benefits to a private individual. Accordingly, a private plan change was requested by the adjoining landowner, thus removing from the Council any responsibility for either the concept or the practical outcome of the plan change. This left the Council only with the task of processing the change and eliminated the possibility of accusations of poor governance or the poor administration of public law.

Method

The establishment of a Review Group of Council Officers to assess matters of propriety and ethics was critical in this matter of the surplus road. Even though, in physical terms, the scale of the proposal was modest, there was the potential for significant financial and, therefore, equity implications.

Early identification by the Review Group of public/private good implications of an otherwise straightforward and commonplace technical exercise ensured that technical and administrative merits were identified and separated from political or ethical considerations.

Lessons Learned

The merits of and responsibilities for changes to district plans that will result in the transfer of a public good to a private good need to be carefully assessed by territorial authorities. While the merits of such a plan change can be technically evident and, thus, meritorious, the responsibility for the initiation and support for such a change may be less clear.

Administrative propriety in the sustainable use and development of natural and physical resources land use planning is fundamental. This is necessary in order to ensure confidence by the community in the technical and administrative functions of the Council. Transparency is critical to ensure this outcome.

Benefits

The benefits of this example lie in the establishment and conduct of a transparent resource management process. Prompted by a private plan change application, the matter of the stopping of a public road and the effective transfer of the benefits of this property holding was handled in an objective and disinterested manner by the Council. In this way, no justifiable criticism could be levelled at the Council for having proactively dispensed with a public resource to the sole benefit of one member of the community.

Costs

No costs other than the understandable and justifiable costs for the processing of the plan change request were incurred.