

CASE STUDY ON COMMUNITY ADVOCACY: SH1 WAIOURU INTERCHANGE PROJECT

BRIEF DESCRIPTION OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

- Transit NZ funded a community advocate, a planning consultant, to assist affected parties to make written submissions to Council in response to its proposal for a motorway interchange in Auckland. The group of submitters who were being assisted by the consultant continued to work together after the funding ceased and have now reached an agreement with TNZ.

SUMMARY OF SITUATION

SH1 Waiouru Interchange Project is to provide a new interchange onto the Southern Motorway which connects directly to a part of East Tamaki called the Waiouru Peninsula. This new interchange would affect well-defined part of Otara called Wymondley. The project also involves upgrading/reconstructing the existing Otahuhu Interchange, being the next interchange to the north, and adding an extra two lanes to the motorway between the two interchanges. The upgrading and widening also have impacts on a part of Otahuhu, which is in Auckland City.

PROCESS USED TO NARROW ISSUES AND SETTLE THE DISPUTE

Over the six-year period during which the project was developed and designed, the people in the two communities were involved in some consultation. However, by the time the Notice of Requirement was served, there was some confusion among the affected residents about how the proposal would affect them.

Two community advocates were appointed, one for each side of the motorway. This study follows the process which started with the appointment of a community consultant for the Otahuhu community. By this stage the community no longer trusted Transit's consultants who were seen to be representing Transit's interests. Residents were also sceptical about the impartiality of the local authorities because of their involvement in local roading linkages.

The following process was followed:

1. The consultant contacted the community by letterbox drop, newspaper articles, and contact with existing community leaders. People were invited to ring and the consultant undertook to visit them to talk about the project.
2. Residents were able to discuss the project on a one-to-one basis with the consultant. This helped to crystallise individuals' concerns and clear away any misapprehensions. At this stage the consultant felt hampered by the illustrative material available to describe the project.
3. The consultant met with about 60 people individually, visited the Sikh Temple, and held two open days at the local Town Hall.
4. The second part of the brief was then to help people with preparing and lodging submissions. Initially we thought of helping people prepare their own submissions, but found it more straightforward to act as a true

consultant and prepare and sign submissions as the agent for the various individuals, and provide our address as the address for service. We did go through a process of discussion, making sure that each individual's concerns were reflected in individual submissions, and getting each person to read and agree to the submission before lodging.

5. The consultant advised that there was a reasonably high chance that the project was going to go ahead and submitters should give some consideration to how they might best live with it. Some sought mitigation of noise, visual effects and construction effects, so that they could live with the thing, and where acquisition was concerned, to help them into an equivalent or better property somewhere else with as little pain as possible.
6. In the end, the consultant lodged 40 submissions on behalf of affected people. The consultant also helped others with the wording of their submissions and did a template for a bulk submission run for the Sikh congregation.
7. Where people's properties were required, and where the consultant was invited, the consultant introduced the affected people to members of the Transit NZ property acquisition team and sat in on their first meeting. These meetings discussed the process and what can and cannot be done for the affected people. It was then left up to the people concerned as to whether to take up negotiations.
8. The consultant was not funded to give evidence at the hearings. Few submitters turned up to represent themselves. Hearings took place during work time some 10 km away from their homes.
9. The decision was to confirm the requirement.
10. Appeals were lodged with the help of a community law office and pro bono work by the consultant.
11. A group formed called "Keep Otahuhu Safe and Healthy" (KOSH), an incorporated society set up by one energetic resident. Six appeals were lodged by individuals and KOSH came in under a s274 notice.
12. The group obtained funding from MfE and retained a lawyer. The group were advised by both the consultant and the lawyer that it would be very unlikely to have the project overturned by the Court. They then commenced negotiations.

OUTCOME

KOSH managed to convince the Transit Board that splitting the project into two stages would mean that the Waiouru Interchange part could be done first. Because this part of the project delivers most of the benefits and costs around 60% of the total project cost, it would be possible for it to go back up the priority list for funding. Only minimal works would need to be done at Otahuhu. Transit could still have its designation at Otahuhu so that directly affected property owners would still have the ability to get Transit to acquire their properties at a time convenient to the owners. Stage 2, the Otahuhu section, would need to be separately justified for funding.

At the same time, KOSH also had a project protocol drawn up, which gave KOSH the ability to participate in design details of the project should it go ahead.

LESSONS LEARNT

- ✓ People's responses are much more reasoned and reasonable if they understand the project. Getting this understanding requires more than giving people a long report and a set of drawings. One-on-one discussion with visual aids is much better.
- ✓ The submission and hearing process is intimidating. Community consultants can help redress that.
- ✓ It is very difficult to overturn a requirement once the process has started. Community consultants have a duty to point that out. The project may be mitigated. In this case, the submitters group recognised an opportunity for the main purpose of the project to move higher up the funding priorities and for the parts of the project which involved them to move further down the list.
- ✓ The best community consultant is no substitute for a committed person within the community, although the consultant may have to provide that person with periodic reality checks as part of the negotiation coaching.
- ✓ The community consultant has to establish in his or her mind that the community is the client - and the outfit paying the bills is not.

CONTACT FOR FURTHER INFORMATION

This case study is based on a summary written by Duncan Mackenzie whose firm were the consultants appointed to represent the Otahuhu Community. For more information is email is: Duncan@remltd.co.nz.