The National Consenting Process: The Waterview Experience from the Three Professional Perspectives

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Overview of Presentation

1. Waterview Connection
2. The National Consenting Process
3. NZTA Perspective
4. Project Management Perspective
5. Planning Perspective
6. Lessons learnt
Project Overview

WATERVERVIEW CONNECTION
Consenting:
- 6 NORs (3 alterations and 3 new designations)
- 55 Consents (land use, water, air, discharge and coastal)
National Consenting Process

THE PROCESS
How has the RMA been “streamlined”?

- Resource Management (Simplifying and Streamlining) Amendment Act 2009
- Part 6AA Proposals of National Significance
- Lodge directly with the EPA (new consenting body)
- Minister decides whether project is of “national significance” to be considered by a Board of Inquiry or Environment Court
- Decision within 9 months of notification
Why “streamline” the RMA?

The National Consenting Process Aims to:

- Improve timeframes
- Reduce (time delays) and costs
- Provide a level of certainty
- Give a consistent approach
- Independent decision makers
9 month timeframe

- Decision to be made within 9 months
- Can be extended (to 18 months) by Minister, only under special circumstances
- Provides certainty to applicants on when they will get a decision
- A number of challenges .....
The Programme

- **Notification / Evidence / Caucusing (Sept – Jan 2011)**
  - 4 months

- **Pre-lodgement (Nov 2009 – Aug 2010)**
  - 9-12 months – design and assessments

- **Draft and Final Decision Report (June 2011)**
  - 3 months

- **Interim Report (April 2011)**
  - 2 months

- **Hearing (Feb/March 2011)**
  - 2 months

- **4 months**
Waterview Connection Project
– Scale of Application

Lodgement – 9 months
- 3 volumes AEE
- 31 technical reports

Notification – 1 month
- 252 submissions
- 183 wish to be heard
- 24 major groups
- 12 groups had legal counsel

Hearing Preparation
- 37 Evidence in Chief – 1 month from close of submissions
- 34 Rebuttal – 6 weeks (INCLUDING XMAS)
The Documents as Lodged…
Role in Project

Project Manager:
- Working with the NZTA to manage programme, and risks, and cost control
- Coordination of the Team through the Scheme design phase

Design Manager
- Managing design resource, brought together from several different organisations
- Delivery of Design for Assessment by specialists
Design Process

- Multiple options evaluated, dating back to 2000
- Final Option evaluation early 2009, with ‘combined surface tunnel’ confirmed as preferred
- Design developed with a focus on:
  - Programme (BoI timeframes fixed)
  - Effects based design
  - Value Management
  - Establish early Monitoring (groundwater, air and water quality, etc)
Pre Lodgement Design Process
Tools and Lessons

- Need to document option development and value management
- Identify where design detail is required to inform effects.
- Management Plans can be used to provide flexibility
- Less opportunity to build in flexibility where submissions are made
- Programme driven design
  - Regular integrated team meetings
  - Co-ordinated design development
  - Scope review/ challenge
Deepak Rama

CLIENT’S PERSPECTIVE
NZTA Strategic Priorities

- Delivering & planning Roads Of National Significance
- Improve the road system
- Improving efficiency of freight movements
- Improving customer service
- Improving effectiveness of public transport
Criteria for a Project of National significance

- Generates widespread public interest
- Significant use of natural or physical resources
- Network utility operation extending over more than one district
- Project provides wider regional and national benefits
Why Did the NZTA take Waterview to the EPA?

— Improve timeframes

— Provide a level of certainty – procurement processes

— Cross boundary consistencies
Amelia Linzey

THE PLANNERS ROLE
How does this differ from the conventional consenting process?
Manage the logistics…

- **KNOW YOUR DOCUMENTS AND YOUR TEAM!**
- Plan early and be ready to be the ‘hub’ of the experts’ information
- **Integration of design, planning and legal teams**
- **Structured review process**
- **Cut-Off dates for design and designation**
Manage the logistics…

- Think of new and speedy ways for document transfer
- Printing and distribution can represent 10% of your programme!
- Importance of technology
  - Website (Ebooks and pdfs)
  - iPads for document records
  - Visual aids – flythrough, visualisations, process schematics
Getting the Conditions Right…

- Conditions will establish the ‘box’ which the construction team can work within

- Important to manage this for both risks and opportunities
  - Liaison with technical and client team to confirm acceptability of conditions
  - Ability to scope the engineering, cost and planning implications of conditions as the process progresses
Who are the decision makers?

- **Conventional consenting process**
  - Local Authority or Requiring Authority
  - Local knowledge and ability to engage directly with applicant and submitters
  - Question of independence, consistency, resources

- **National Consenting process**
  - Independent decision maker BUT
  - No ability to directly engage with stakeholders except in hearing
  - No certainty that agreed outcomes between parties would be taken through by Board/ Environment Court
Some other Lessons learnt ....

- No guarantee agreements made prior to hearing will be carried through to decision report
- No time once in the process for design solutions – need to have done the work before lodgement
- Local Authority still has a significant role in process (seen as community advocate) but need to be up skilled again as compliance officers post the process
- Emphasis on social (vs. environmental / technical issues)