

Resource Management Act national consenting process - Questions & Answers

What is the new national consenting process?

In 2009 the Government strengthened provisions in the Resource Management Act 1991 to streamline processes for decision-making on matters of national significance.

The national consenting process is where the usual two-step process for major projects (i.e. a council hearing, followed by an Environment Court hearing) is replaced with either one hearing before a Board of Inquiry, or a direct referral to the Environment Court. Public rights to submit and participate remain unchanged under this process.

The applicant (in this case NZTA) will lodge its application with the newly formed Environmental Protection Authority, who in turn will make a recommendation to the Minister for the Environment on whether and how the application should be considered under the national consenting process.

Why use the national consenting process?

The Minister for the Environment is able to refer a matter to a board of inquiry or the Environment Court that is or is part of a proposal of national significance. The national consenting process offers a focused and certain process that will deliver nationally significant benefits in a timely manner.

Who are the decision-makers on the national consenting process under a board of inquiry?

The Minister for the Environment appoints an independent board to consider the matter. The board will consider all submissions, hold a hearing, and make a final decision on the matter.

The board runs its own process and makes a decision independently of the Environmental Protection Authority (EPA) and the Minister. In appointing a board the Minister for the Environment asks the relevant local authorities for suggestions for appointments to a board. However, the Minister ultimately decides who is appointed to a board of inquiry.

When appointing members to the board the Minister will consider the need for members to have knowledge and skills relating to the local community, the RMA, issues relevant to the matters the board will be considering, and tikanga Māori.

A board of inquiry must have between three and five members, with the chair being a current, former or retired Environment Judge or retired High Court Judge.

What is the timeframe for a decision?

All decisions by a board of inquiry are required to be made within nine months of the date of public notification of the matter.

This means a board must consider an application, hold hearings, consider the matter and make a decision within nine months. However, under the RMA the Minister does have power to extend this timeframe in special circumstances.

What are the benefits for NZTA in using the national consenting process?

Under the national consenting process the improved certainty as to timeframes for receiving a decision helps NZTA deliver on its responsibilities to plan, budget for and develop New Zealand's transportation network.

Will NZTA be seeking to use the national consenting process for all of the roads of national significance?

Some of the roads of national significance already have substantial parts of their route designated for state highway. As these require only relatively straightforward resource consents, or may entail minor adjustments to the extent of the designation, the conventional RMA consenting process will be used.

Why seek to use the national consenting process for the Waterview Connection?

As the Government has identified the Western Ring Route as one of seven 'roads of national significance' in New Zealand and the national consenting process offers a focused and certain process that will deliver nationally significant benefits in a timely manner.

When will an application be lodged for the Waterview Connection?

NZTA anticipates formally lodging an application with the EPA in the second quarter of 2010.

Why not just use the usual consenting processes under the RMA for the Waterview Connection?

Given the scale and range of interests in the Waterview connection, the national consenting process avoids the need for all parties to go through the hearings process twice – first at council hearing, and then before the Environment Court. It also gives greater certainty to all parties as to the timetable for a decision.

Will NZTA continue to consult with affected communities under the national consenting process?

The approach to consultation remains the same under the national consenting process. NZTA has committed to a comprehensive program of community interaction and engagement and use of the national consenting process does not alter this.

How do I make a submission to the Environmental Protection Authority?

After an application has been lodged with the Environmental Protection Authority (EPA), and the EPA has made its recommendation to the Minister for the Environment, the Minister may choose to refer the matter to a board of inquiry, or the Environment Court.

The matter is then publicly notified by the EPA and a call for submissions is made. Any person is able to make a submission to the EPA on the matter.

Writing a submission

Under the Resource Management Act 1991 (RMA), submissions must be served on the EPA within 20 working days after the Minister's direction is notified. The closing date for submissions will be stated in the public

notification and on the EPA website. Submissions must be made in writing and the EPA will provide submission forms for this purpose.

Hearings

Hearings will be held in public as near as practicable to the affected area. The applicant and submitters have the right to make a statement and present evidence at the hearing. Information on the procedures for these hearings is available from the EPA website.

Where can I find more information on the national consenting process?

More detail on the process can be found on the Environmental Protection Authority's website at:

<http://www.epa.govt.nz> or 0800 CALLEPA (0800 22 55 372)