

Stakeholders' influence on the impact assessment and decision-making for infrastructure projects: The New Zealand context

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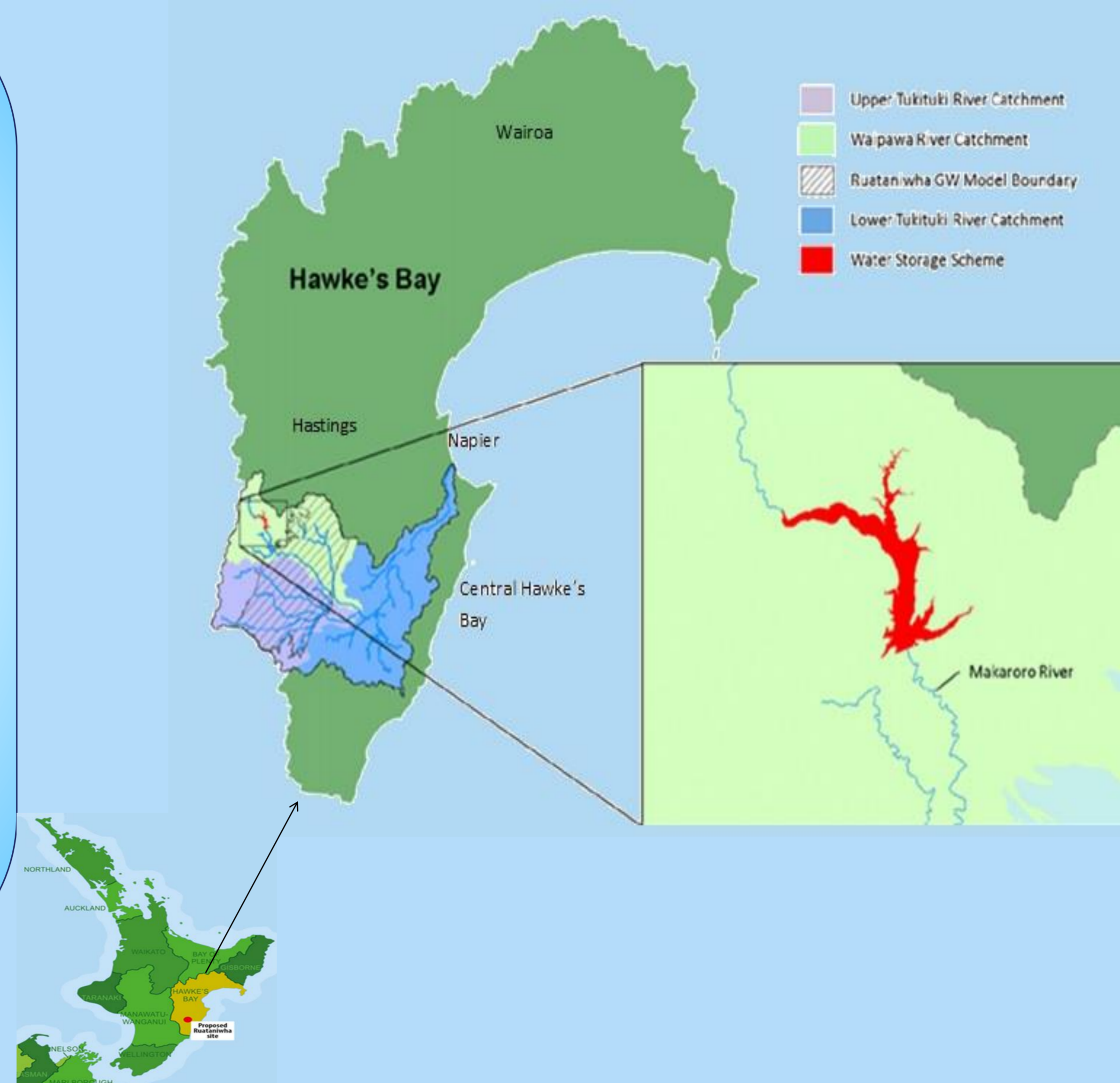
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Background

Despite more than four decades of practice and international experience, questions are increasingly raised as to whether environmental impact assessment is achieving its intended purpose¹. The debates about the effectiveness of impact assessment instruments highlight the concern about the dominance of the rationalist approach and the need for alternative approaches that can recognise the political realities of the decision permitting infrastructure projects². Hence, the notion of politics as the possession of 'power' or 'who gets what, when and how' needed to be taken into account, in theory, and in practice, in order to better understand the practice and potential of impact assessment instruments. However, impact assessment approaches are still predominantly tailored from the rationalist perspective³.

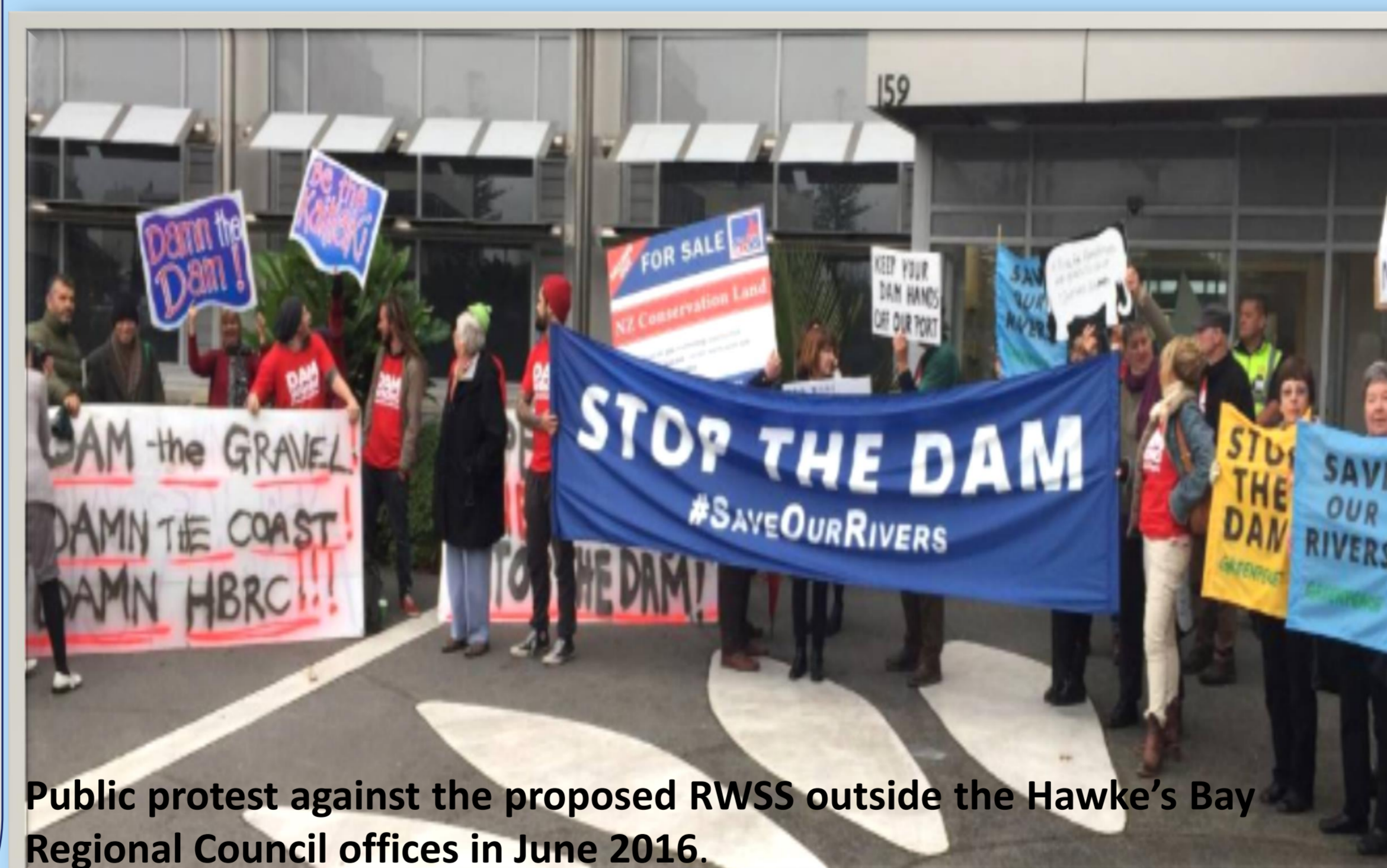
Taking New Zealand's Ruataniwha Water Storage Scheme (RWSS) as a case, this study aims to find out how power dynamics enables and constrains stakeholders' influence on the impact assessment and decision-making for infrastructure projects.



Ruataniwha Water Storage Scheme

The Council investment arm, Hawke's Bay Regional Investment Company (HBRIC) submitted applications for resource consents and a notice of requirement for RWSS to the EPA in May 2013. The proposal involved construction, operation and maintenance of a 90 million cubic metre reservoir and associated irrigation system. The proposed dam would have a height of 83 metres and was to be located on the upper Makaroro River in Central Hawke's Bay. The reservoir was intended to have the capacity to irrigate 25,000 hectares of land, primarily in the Ruataniwha Plains area of Central Hawke's Bay District.

The Board of Inquiry granted the resource consents and confirmed the notice of requirement for the scheme. The scheme did not proceed only because of a successful legal action against the Department of Conservation's decision to revoke the Conservation Park status of the land required for the dam construction.



Public protest against the proposed RWSS outside the Hawke's Bay Regional Council offices in June 2016.

Methods

1. Document Analysis

The applicant's Assessment of Environmental Effects (AEE), the submissions, the hearing transcripts and the Board of Inquiry report and decisions were critically examined to assess stakeholders' influence on impact assessment and decision-making for the RWSS.

2. Electronic Survey

The survey was divided into two sections. The first section sought respondents' views on stakeholders' influence on impact assessment and decision-making for large-scale infrastructure projects in New Zealand in general, while the second section focused on the RWSS.

The survey was sent to 165 participants: expert witnesses, legal counsel, submitters, environmental consultants, Hawke's Bay Regional Council staff and elected members, and HBRIC board members. A total of 69 (41.8%) responses were received.

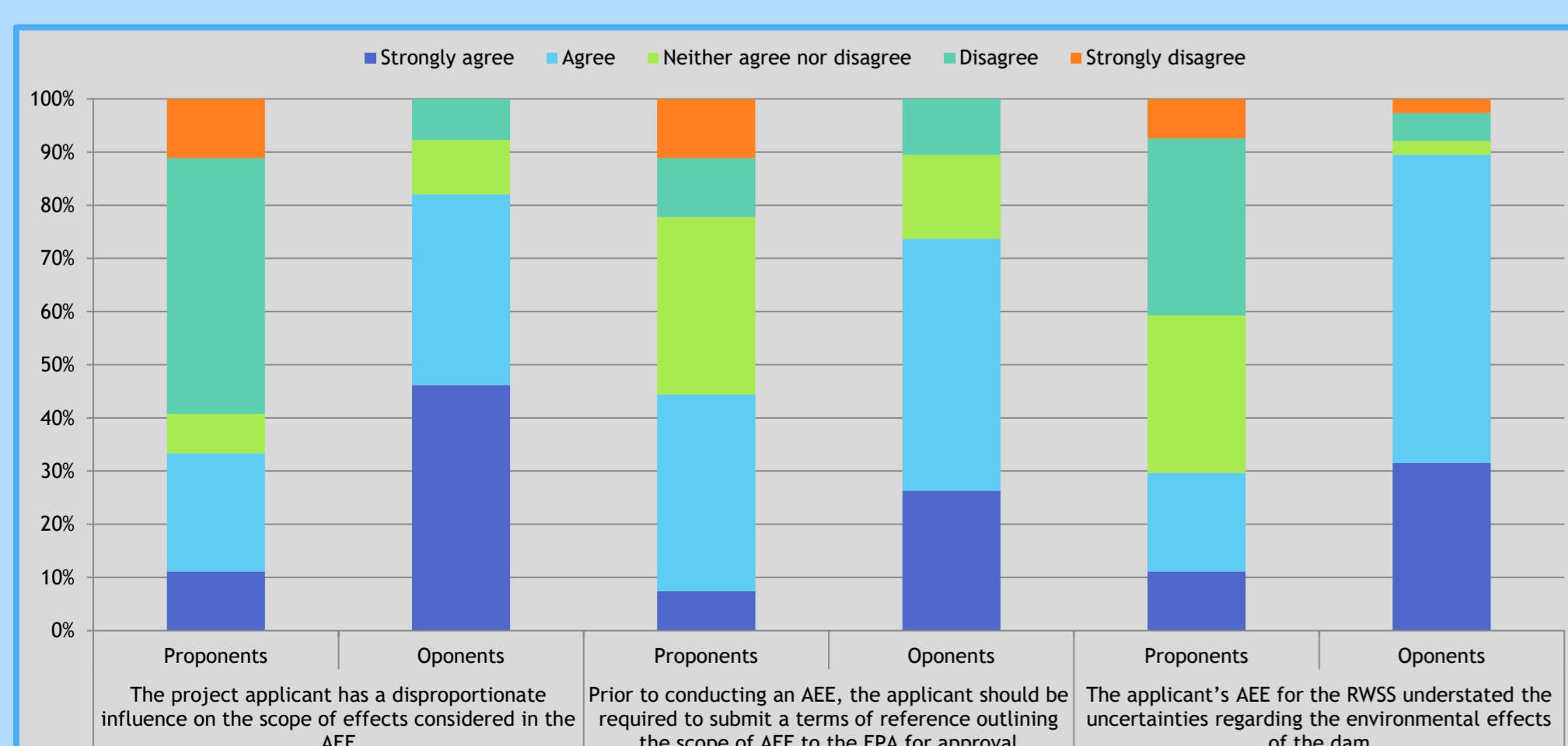
Findings

The predicted environmental effects of the scheme and the proposed mitigation measures were deeply contested between environmental groups and the project proponents. The document analysis highlighted significant deficiencies in nutrient modelling, addressing risk and uncertainty, and practicability of proposed mitigation measures.

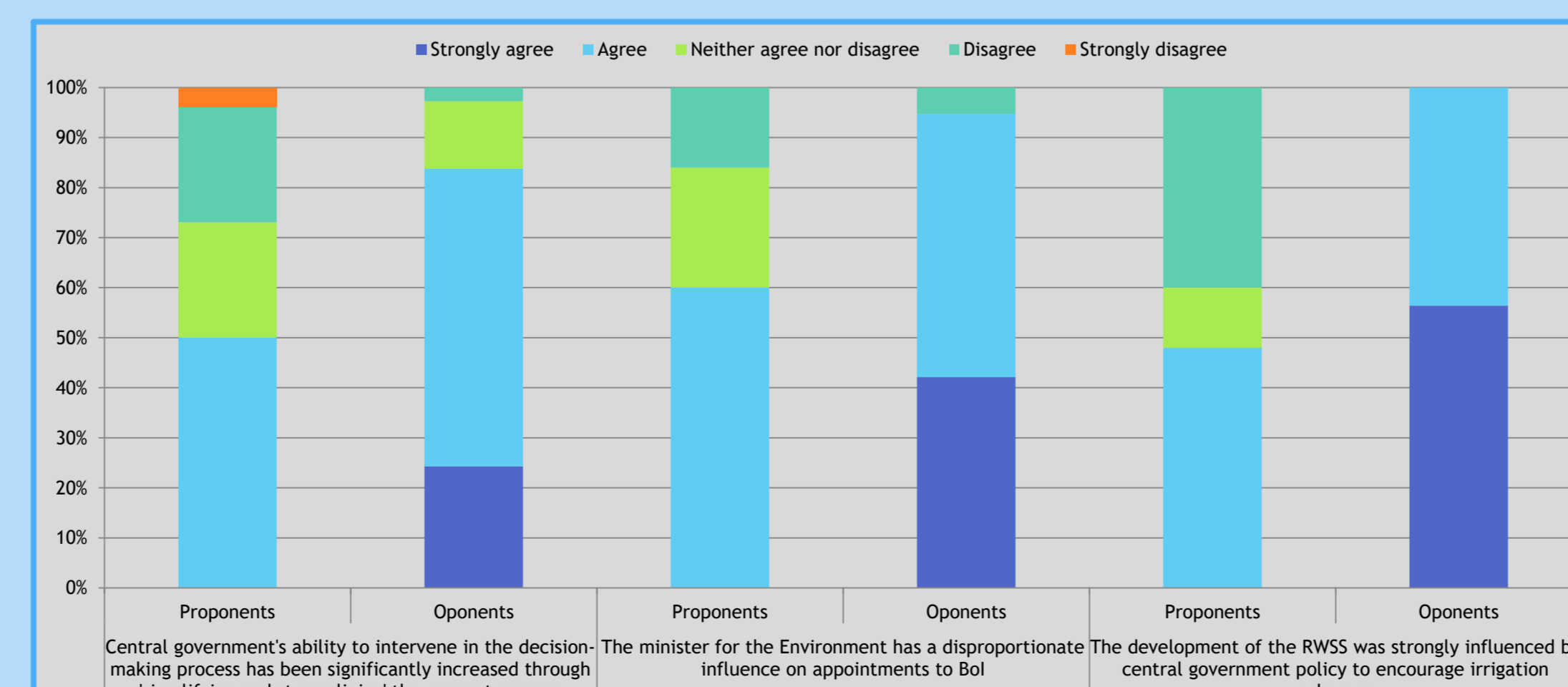
The views of the survey respondents suggest that applicants' impact assessment has a greater influence on the outcomes of nationally significant proposals. The survey results also indicate that the ability of central government to influence environmental decision-making process has been significantly increased with streamlining and stratifying the consent process in 2009. Consequently, the decision-making under the RMA, particularly for large-scale infrastructures is becoming more politicised. The survey responses suggest that the opinions of the participants are largely grounded in their stance to the RWSS. However, key points on which most of the respondents agreed can be summarised as:

- To minimise the applicants' influence on impact assessment for large-scale infrastructure projects, the applicant should be required to submit terms of reference outlining the scope of the AEE to the EPA for approval.
- The tight timeframe for Board of Inquiry process is limiting the ability of interested groups and individuals to participate in the decision-making process effectively.
- Boards of Inquiry for nationally significant proposals have been dominated by legal experts and have not had sufficient scientific expertise.

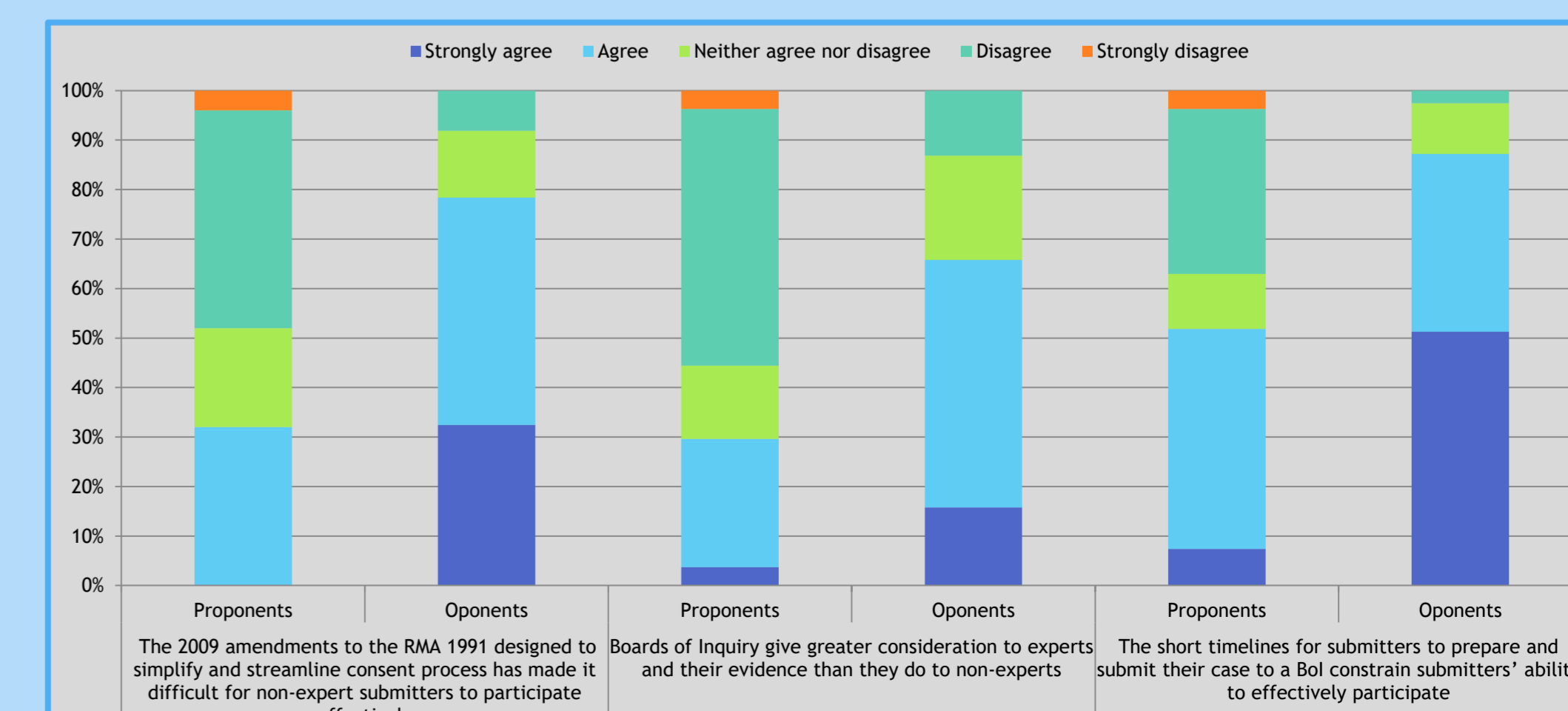
Applicants have disproportionate influence on impact assessment



Central government's influence on the environmental decision-making increased after the 2009 amendments to the RMA



The Board of Inquiry process put further constraints on public participation



References

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