

TECHNICAL NOTE

TAKING THE COMMUNITY WITH YOU

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ABSTRACT

This paper reports on planning for a project to improve the standard of a section of SH1 just north of Dunedin for motor vehicles as well as pedestrians and cyclists. It focuses on the benefits of using multi disciplinary teams to successfully deliver technically sound projects where social, environmental and cultural issues have been identified and addressed through effective consultation. From a transportation perspective, it appeared a simple realignment and intersection improvement would remedy a crash problem on an out of context section of highway. It would also eliminate the existing segregation of a shop from the majority of the township by SH1. Investigation and consultation identified a number of conflicting social, environmental and cultural issues which introduced constraints on the project. This included strong community inputs about the effects of the realignment on the shop and wider community. These issues threatened delivery of a technically sound solution. An interdisciplinary team approach and stakeholder consultation resulted in development of a technically sound project where the effects were identified and addressed. Ongoing consultation resulted in the project successfully going through the RMA process with no appeals. The experience on this project is discussed and is applicable to successful project delivery on other projects.

INTRODUCTION

Delivery of safe journey promises includes investigating crash problems, developing technically sound remedial works, effective consultation and planning. MWH NZ Ltd was commissioned by the NZ Transport Agency (NZTA) to investigate an out of context section of SH1 north of Dunedin at Waitati. The commission included option development, consultation, reporting and obtaining consents and approvals. The consents and approvals required included a notice of requirement to designate land, resource consents, an archeological authority and approval to alter a QEII covenant. This paper will focus on the contribution that consultation and a multi discipline approach can make to successful project outcomes.

BACKGROUND

The NZTA identified that a section of SH1 just north of Dunedin at Waitati was in need of improvement. This section of SH1 is approximately 1km long with a 100km/hr speed limit and includes a series of out of context curves with a major intersection on the outside of the curves and a general store and a few houses on the inside of the curves. The general store is the only shop of this kind in Waitati township, it incorporates the post shop and provides services to locals and visitors alike. The main part of the Waitati township is on the opposite side of the highway from the store beyond the Harvey Street intersection. There are pedestrian movements between the main Waitati township and the store. The store services passing traffic on the highway as well as the local community. Sight distance is restricted and there is a crash history.

INVESTIGATIONS

A multi disciplinary approach to the investigation and project development was taken which included inputs from a number of disciplines and people including designers, traffic engineers, geotechnical engineers, structural engineers, archaeologists, landscape architects, acoustic engineers, planners, the design consultant leader, the clients property agent and the client manager. The investigations identified a number of site constraints including QEII covenanted land, protected trees, archaeological sites, Maori interests, potentially contaminated land, geotechnical issues and proximity to the main trunk railway and the coast.

Early in the investigation process a geometrically sound alignment in context with the adjacent sections of SH1 was developed. This alignment would directly affect the store as well as other residential properties. It was thought that the store could relocate to Harvey Street, potentially to one of the vacant commercial buildings in the main part of Waitati township. Strategic land purchases meant that no residential buildings were directly affected and the number of properties with residences on the route had been reduced. The design would eliminate the out of context curve on the state highway, reduce the number and severity of crashes, improve the Harvey Street intersection, eliminate or improve the accesses and reduce the number of pedestrians crossing SH1.

Early in the consultation process it was clear that this early design did not enjoy universal community support. The issues were identified through the consultation process and the multi discipline team developed a design with improved community support. The design for

the notice of requirement and resource consent application avoided or mitigated a number of effects and minor modifications were made through the submission and hearing process. This design enables the relocation of the store to the Waitati township side of the highway and incorporates a temporary and permanent store site which will enable the ongoing operation of the store during the construction period. The store will be located on the same side of SH1 as the main Waitati township, the access is off Harvey Street and the site provides for truck parking. This design received improved community support.

While the design encroached on to land with a QEII covenant intended to preserve native vegetation, the Landscape Architect identified that the vegetation on the land affected was generally low quality introduced species which included pest species such as gorse. Mitigation planting with native species was incorporated into the design on land adjoining the remaining QEII covenanted land and consultation was undertaken with the QEII Trust and the landowner. The designer avoided effects on the protected tree by incorporating a retaining wall and safety barrier into the design. When the acoustic engineer advised the realigned curve would result in noise effects on a residence, the owner was consulted and the design incorporates the acoustic treatment option preferred by the owner. An archaeological assessment was undertaken and an archaeological authority obtained from the NZ Historic Places Trust.

The ongoing consultation and multi discipline team approach enabled the Resource Management Act process to progress smoothly with a positive outcome.

CONSULTATION STRATEGY

A consultation strategy was developed early in the investigation process and set out the particular consultation tools and approaches to be used on this project and identified the consultative materials to be developed and the key stakeholders that would need to be involved in the consultation process.

The consultation strategy was informed by the Environment Court's statement of principles for consultation:

- i. The nature and object of consultation must be related to the circumstances.
- ii. Adequate information of the proposals is to be given in a timely manner so that those consulted know what is proposed.
- iii. Those consulted must be given a reasonable opportunity to state their views.
- iv. While those consulted cannot be forced to state their views, they cannot complain, if having had both time and opportunity, they for any reason fail to avail themselves of the opportunity.
- v. Consultation is never to be treated perfunctorily or as a mere formality.
- vi. The parties are to approach consultation with an open mind.
- vii. Consultation is an intermediate situation involving meaningful discussions and does not necessarily involve resolution by agreement.
- viii. Neither party is entitled to make demands.
- ix. There is no universal requirement as to form or duration.
- x. The whole process is to be underlain by fairness.

CONSULTATION

Consultation commenced early in the project and as the project progressed, the consultation strategy was updated to take account of the effects and additional stakeholders identified during the consultation and design process.

One on one consultation commenced early with directly affected owners and occupiers of land. This was followed by adjacent landowners, key stakeholders such as Tangata Whenua and the QEII Trust, and the wider community. The consultation process was ongoing through to the end of the designation process.

Early in the consultation process it became clear that there was strong community support for the store, the role it played in the wider Waitati community and for its ongoing operation and viability. Any proposal that didn't enable the continuous operation and viability of the store would not be well received by the directly affected parties and the wider community and would not have a smooth path through the Resource Management Act process.

The multi discipline team approach to the project resulted in the development of an option that enabled the relocation of the store to a temporary site during construction and to a new site towards the end of construction. This option avoided or mitigated a number of effects as discussed earlier in this paper. However some concerns around safety, public transport and ride sharing facilities, noise, landscaping, visual, night sky and natural hazard effects including global warming and sea level rise, fault lines and liquefaction were raised by affected parties.

DESIGNATION AND RESOURCE CONSENT

Submissions both in opposition and in support of the notice of requirement for the designation and for the resource consent to enable the relocation of the store to a temporary and permanent site were received.

Consultation by way of informal dialogue, including one on one meetings with submitters, was conducted outside the formal process. This continued through to the notice of requirement and resource consent hearing. Through this process the submitters and NZTA representatives gained a better understanding of the other's position. Materials such as plans and technical data were provided to submitters that enabled a better understanding of the proposal and the effects from their perspective. Modifications to the project continued to be made in order to mitigate effects. Often minor changes to the project resulted in submitters concerns being met.

The final design provides for public transport and ride sharing facilities to pick up and drop off from Harvey Street, therefore eliminating the need for the majority of pedestrians to cross SH1. One submitter had considerable landscaping expertise and minor changes to the range of species proposed for landscaping eliminated his concerns with this aspect of the proposal.

The site is adjacent to Blueskin Bay and the surrounding community values the rural outlook across the Bay and the night sky. There was concern expressed that the intersection lighting would detract from this because of horizontal and upward spill of light. The lighting expert was able to confirm that the lighting design and the type of fittings to be used would mitigate night sky effects and once this information was discussed with the submitter he was satisfied that the lighting was necessary and the effects mitigated. The provision of information about

the elevation of the site in relation to sea level satisfied the potential concern about sea level rise. While the site is on a fault line and there is the potential for liquefaction to occur, the topography means that relocation of this section of SH1 is not a practical. In the event of damage arising from a major seismic event, this section of road could be reinstated relatively quickly.

Where any of the requested changes would compromise the project, the issue was explained to the relevant submitter and this resulted in them being informed, and most people accepted that the requested change to the proposal would not be made.

The outcome of the designation and district council resource consent process was successful with no appeals lodged.

KEY FINDINGS

A number of conclusions can be drawn from experience during this project that has wide applicability to other projects.

Multi discipline teams

A multi discipline team approach enables successful delivery of technically sound projects where social, environmental and cultural issues have been identified and addressed through effective consultation. Seemingly minor changes to a proposal can be the difference between community support or acceptance and widespread opposition.

Principles of consultation

Consultation should adhere to the general principles which include:

- Both parties have a duty to act reasonably and in good faith
- A requirement to be reasonable, fair, open minded, free from demands, and be available for consultation
- Consultation is about listening and not just providing information
- The quality of the information provided is more important than the quantity

Key reasons to consult

There are two key reasons why a project proponent should consult about a project:

- To understand effects, and
- Minimise opposition

To understand effects

Through proper consultation you can:

- Help people to understand the problem, the project and address misinformed perceptions
- Understand the effects that people consider the project will have on them
- Hear people's concerns and fears about the project first hand
- Gain local knowledge about the site and the wider environment that you may not be aware of
- Work with people to develop measures that will avoid, remedy or mitigate the effects of concern to the people affected

Minimise opposition

A collaborative and transparent consultation process:

- Lessens the possibility of people becoming suspicious and concerned that things about the project are being hidden from them
- Can develop trust between the community and the project team
- Opposition can be minimised and the community may support the project.

Consultation is one possible method to gather the views of affected parties so they can be taken account of in the decision making process. There is an obligation to ensure RMA decision makers have sufficient information available to make the necessary decisions about Part 2 matters (which include Tangata Whenua values).

Getting the best out of the consultation process

The vast majority of projects will attract some form of opposition and in some cases, the opposition will be significant. Where the people being consulted are opposing a project, they may not play by the rules, play fairly, may refuse to engage in consultation and use any means to stop a project. The following are some of the tools and approaches that have been gained from collective experience and successfully used when consulting on contentious and unpopular projects elsewhere. These tools and approaches have wide applicability and some were used on this project:

- Identify key supporters and opponents and work together to develop common interests, identify and where possible avoid, remedy or mitigate the reasons for opposition;
- Identify any high risk opponents (retired transport engineers, lawyers, politicians) and develop strategies to manage risk;
- Identify ways to involve those in the community who support the project to facilitate positive engagement with those in opposition;
- Work proactively with the local media - spend time helping reporters understand the project, provide regular updates and information, but remember and understand that the media are not always your friends and are often more interested in a good story than the (boring) facts.
- Understand the opposition - anticipate their concerns, issues and fears and raise them first along with well reasoned responses.
- Involve Community Board Members and Councillors - invest time in helping them understand the project, use them to facilitate positive engagement with their communities, but beware of political opportunists.
- Don't underestimate the power of the social media - it is a very effective tool to whip up opposition to a project, use this very effective tool in a transparent and positive way – choose your words carefully and make sure you deliver a consistent message.
- Don't lose sight of what you are trying to achieve with your project, utilise multi discipline teams and don't design a pig instead of a road.
- When people refuse to engage with you, ensure you record all attempts to contact, meet, provide information etc.

REFERENCES

Quoted in paragraph 104 of *Horahora Marae v Minister of Corrections* A085/2004, which specifically cites the earlier decision in the *Land Air Water Association and Others v Waikato Regional Council* A110/2001 (paragraph 453).

Consultation for resource consents, Principles of consultation
<http://www.qualityplanning.org.nz/consents/consultation>

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