

Consents, certainty and compliance costs under the RMA

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Abstract

Taranaki is the lead region for oil and gas exploration and production in New Zealand. The Taranaki Regional Council [the Council] implements legislation that governs aspects of the environmental performance of the oil and gas industry of which the principal statute is the Resource Management Act 1991 [RMA].

The Council has now completed the development of a Regional Policy Statement for Taranaki and a suite of four regional plans under the Resource Management Act - these being the Regional Soil Plan, Regional Fresh Water Plan, Regional Air Quality Plan and Regional Coastal Plan. With these plans now in place, we have developed a comprehensive and integrated consent processing, compliance monitoring and reporting regime. This regime has been drawn on extensively by other regions in New Zealand.

The paper addresses the policy framework and consents procedure under the RMA, in Taranaki, as it affects the oil and gas and associated downstream industries. The paper details the gains, both in certainty and in reduced compliance costs, arising from the implementation of the RMA over previous statutes.

The Taranaki oil and gas industry

The Taranaki Basin is New Zealand's major hydrocarbon producing area. The Kapuni, and the much larger offshore Maui field, contribute the major part of New Zealand's natural gas resources, supplying gas for domestic and industrial use throughout the North Island as well as for locally based electricity generation and petrochemical industries. Other smaller fields produce crude oil or gas or both gas and condensate.

Oil and gas facilities in the Taranaki region include the gas treatment plants at Oaonui and Kapuni, production stations at McKee, Kaimiro and Waihapa, tank farms for hydrocarbon product storage at Port Taranaki and Omata, and a network of pipelines to transport the product throughout Taranaki and the North Island. Major petrochemical processing industries in Taranaki include the methanol plants at Motunui and Waitara, and the ammonia-urea plant at Kapuni.

The region's current major oil and gas reserves are forecast to decline from early this century. However, the prospects of the Taranaki Basin for further oil and gas discoveries seem good, certainly the Taranaki Regional Council is noting that exploration in Taranaki is going through an upsurge, with 26 exploration wells drilled in 2000, and 16 in 2001 and more than 12 already proposed for 2002.

The drilling programmes adopted by the various companies in recent years have resulted in four significant finds in the Taranaki Basin. In 1997 the Mangahewa onshore gas and condensate field was discovered. The Maari offshore field was discovered in 1998 and in 1999 the Rimu onshore field

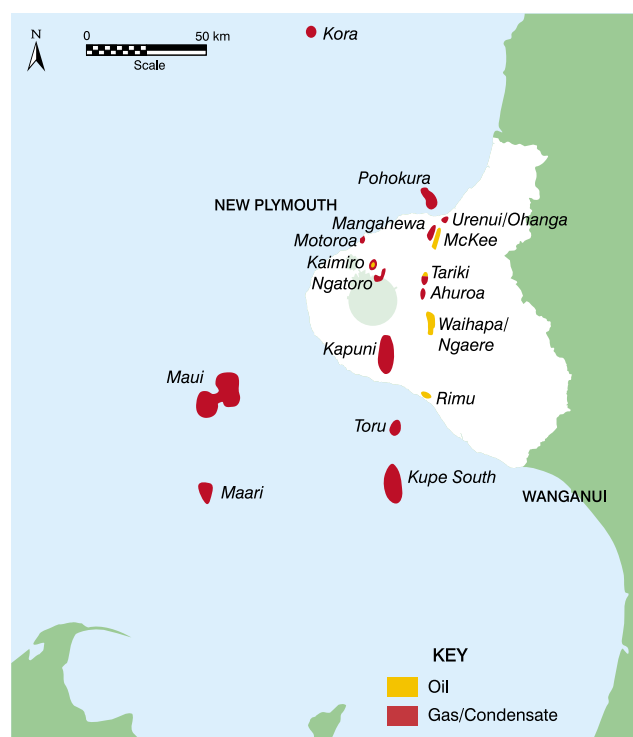


Figure 1: Main oil and gas fields in Taranaki.

in south Taranaki was discovered. The Pohokura offshore gas field in north Taranaki, possibly the largest gas and condensate find in 30 years, was discovered in 2000.

The Taranaki Regional Council anticipates and welcomes continued high exploration interest in Taranaki, the development of production facilities and associated

downstream industries. Oil and gas exploration, production and associated support and downstream industry have been part and parcel of the Taranaki environment for more than a generation. The value of our dual mainstays being white gold (milk) and black gold (oil and gas) are well recognised by our community.

Resource Management Act 1991

The Taranaki Regional Council and its predecessors have been addressing the environmental effects arising from oil and gas exploration and production activities for more than 30 years. These effects have been addressed under the Resource Management Act since its promulgation in 1991.

From the introduction of the Resource Management Act, the Taranaki Regional Council in conjunction with the oil and gas industry and the community, has developed a policy framework within which environmental issues arising from oil and gas exploration and production activities are addressed. This work has culminated in the preparation and adoption of the Council's Regional Policy Statement for Taranaki in 1994 and the subsequent completion of a suite of four regional plans.

Regional Policy Statement for Taranaki

The Regional Policy Statement for Taranaki provides an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.

Issues of particular relevance to the oil and gas industry in Taranaki, which are dealt with in the Regional Policy Statement, include discharge of contaminants to air, point source discharges to water, water use and protection of instream values, soil contamination, landscape, heritage and amenity issues, greenhouse gases, energy efficiency, effects on the coastal environment, protection of wahi tapu and recognition of the cultural and spiritual values of tangata whenua.

For each of these issues, the Regional Policy Statement contains objectives and policies and methods to implement the policies. Not all issues are necessarily to be addressed by the Council and where appropriate, the relevant lead agency is identified for the purposes of certainty and clarity and to promote integrated management. For some issues such as protection of important landscapes and heritage values, the Regional Policy Statement identifies district councils as having lead responsibility in the region. For other issues such as greenhouse gases and energy efficiency, the Regional Policy Statement identifies the need for coordinated and integrated strategies delivered at the national level.

The Regional Policy Statement also identifies specific actions that the Taranaki Regional Council will undertake to implement policies in the Regional Policy Statement. In this way the Regional Policy Statement identifies regionally significant issues and clarifies, the roles and responsibilities of parties for addressing them. This clarification of roles and responsibilities has stood the test of time. In an interim review conducted in 1999, halfway through the 10-year life

of the Regional Policy Statement, Council determined that no formal review of the document was required. The Regional Policy Statement will be formally reviewed in 2004.

Included in those methods identified in the Regional Policy Statement is the need for the Council to prepare regional plans.

Regional plans

The Taranaki Regional Council now has a complete suite of four operative plans, namely, the Regional Air Quality Plan, Regional Coastal Plan, Regional Fresh Water Plan and the Regional Soil Plan. The purpose of these plans is to assist the Council to carry out its functions under the Resource Management Act to promote the sustainable management of the coast, fresh water, soil and air resources of the Taranaki region.

The plans identify how the effects of the use of the resources of the region are to be managed. This is done by identifying important issues relating to the use, development and protection of the resources of Taranaki. Objectives, policies and methods are set out for addressing these issues. In particular, the methods may contain regional rules, which categorise activities into different classes with different standards, terms or conditions that apply to them - depending on the effects on the environment of that activity.

The rules class activities as either:

Permitted: activities that are allowed without a resource consent through a rule in the plan, subject to their compliance with any conditions prescribed in the rule;

Controlled: activities that, through a rule in the plan, are allowed by way of a resource consent that must be granted by the Taranaki Regional Council, subject to the activity complying with standards and terms set out in the rule;

Discretionary: activities that, through a rule in the plan, are only allowed with a resource consent. The Council has the discretion to grant or decline the consent application, and depending upon the rule, impose conditions on the consent;

Prohibited: activities that the plan expressly prohibits;

For the purposes of this paper I will focus on two of the regional plans of particular importance to this industry: the Regional Air Quality Plan and the Regional Fresh Water Plan.

Regional Air Quality and Fresh Water Plans for Taranaki

The Regional Air Quality Plan became operative in 1994 after the extensive and inclusive consultation as required by the Resource Management Act. Eight air quality issues are identified in the plan, two of which address emissions from industrial and trade premises and the effects of the emission of greenhouse gases. For each of the eight issues, objectives, policies and methods of implementation are identified and,

for six of the eight issues, regional rules apply. The rules as noted permit, control, make discretionary or prohibit air discharge activities depending upon scale and significance of the adverse effects associated with particular activities and the need to ensure measures are adopted to avoid or minimise those effects of concern.

For example, discharges to air from flaring associated with exploration activities or gas treatment at a gas treatment plant, are controlled activities. While a resource consent is required, consent is guaranteed provided the standards and terms set out in the rules can be met. The rules set out the matters over which the Taranaki Regional Council has limited its control and these include such things as the duration of flaring, performance of combustion equipment and the setting of conditions on amenity and other effects. Of note is that the matters over which the Council has retained control specifically do not include greenhouse gases. In fact there are no rules in the Air Quality Plan that deal specifically with the effects of greenhouse gases on global climate change. The Plan reflects the stance adopted in the Regional Policy Statement that the issue should be addressed at a national level.

The Regional Fresh Water Plan was made operative in October 2001 (following a two-year delay in the Environment Court for a single submitter whose reference was eventually struck out). As was the case with discharges to air, prior to the Plan, all discharges to water and the taking, use, damming and diversion of water and the use of water and lake beds required consent as a discretionary activity. Since the preparation of the Plan, all major industrial, trade and agricultural activities involving the use of water, beds of rivers and lakes and discharges of contaminants to land or water have been addressed through regional rules. Again, depending on the scale of effects, different standards, terms and conditions are applied. For example, the taking and use of small volumes of surface water and groundwater are now permitted activities. Discharges of stormwater, surplus drill water and production water from exploration activities and the discharge of drilling muds and cuttings to land are controlled activities and require consent. Again, however, as a controlled activity, the consent must be granted provided certain standards set out in the rules can be met. The level of certainty with respect to consent requirement has been significantly improved with the use of the regional plans.

Advantages of plan implementation

Prior to the above regional plans becoming operative, all resource use activities undertaken by industrial or trade premises, by law, had to be treated as discretionary activities and be authorised by obtaining a resource consent. The Taranaki Regional Council had discretion to grant or decline a consent application and the application generally needed to be publicly notified.

Since the preparation of the regional plans, many activities that would have previously required resource consent have been defined as 'permitted' without the requirement (and cost) to obtain a consent. Of 87 rules in the Regional Fresh Water Plan, 35 rules are permitting activities. Further

activities have been made controlled activities, 17 rules in the Regional Fresh Water Plan are for controlled activities. In these circumstances, consent will be guaranteed, provided the conditions specified in the rule are met.

There are of course still some activities that have the potential for large-scale effects. These are still classified as discretionary and are dealt with on a case by case basis in accordance with policies in the Plan.

The development of the regional plans has assisted in providing certainty and has 'streamlined' the consents process reducing costs to both the Taranaki Regional Council and the industry. These advantages are not limited to just the Regional Fresh Water and Air Plans. In 2000, under the Regional Coastal Plan, Fletcher Challenge was able to obtain all its consents required to drill the offshore exploration wells associated with the Pohokura discovery as controlled or non-notified discretionary activities.

The Taranaki Regional Council does recognise that the resource based regional plans can be difficult to interpret. In recognition of this, the Council produces guides to the four regional plans for particular industries.

Guide to regional plans

In 2001, following the completion of all four regional plans, the Taranaki Regional Council with the assistance of the industry and the Petroleum Exploration Association of New Zealand, produced 'A guide to regional plans in Taranaki for oil and gas exploration and production activities'. The guide sets out the common activities of the industry, the classification of the activity under the relevant plan and whether or not a consent is needed. The guide also includes good practice guidance for site earthworks, riparian management, flaring and disposal of drilling wastes and production water.

The guide is not a substitute for the regional plans, but it does provide a starting point for those both involved and interested in the industry to gain an understanding of how the various plans might affect particular activities within the industry.

The Taranaki Regional Council notes however, that life does not stand still and oil field practice, technology and community expectations are constantly changing. One aspect of the industry that the Council is currently re-examining is the disposal of drilling muds.

The disposal of drilling muds and waste in the Regional Fresh Water Plan is a controlled activity subject to entry conditions. These entry conditions include the use of 'Best Practice Guidelines.' The Taranaki Regional Council has begun to draft appropriate guidelines for use in Taranaki. These guidelines should assist all parties to understand both the issues and the practices that will result in appropriate waste disposal.

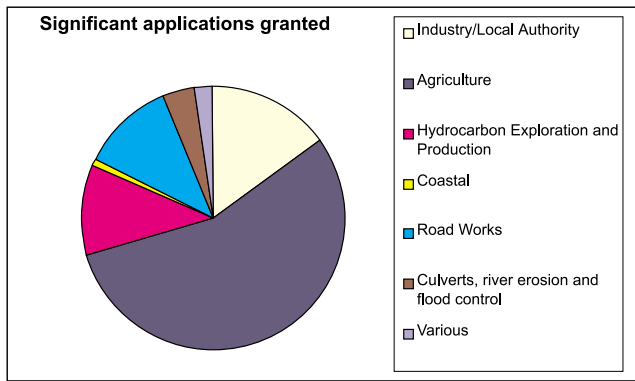


Figure 2: Significant applications granted

Resource consent processing

This section of the paper looks to focus on the advantages of regional plans for resource consent processing.

By way of background, during the 2000/2001 year, the Taranaki Regional Council granted 422 consents, an increase of 30% on the previous year driven largely by a strong local economy. Of the consents granted, approximately 10% were for activities associated with hydrocarbon exploration and production (see figure 2).

Of the total consents granted, 94% (395) applications were non-notified in accordance with a relevant plan and/or because there were minor adverse environmental effects and/or because affected party approvals had been obtained. A far cry from 1991/1992 when only 25% were non-notified.

A comparative example is as follows:

In early August 1992, Petrocorp Exploration Ltd applied for consent to discharge up to 5.2 litres/second of stormwater/wastewater into a stream from the Kaimiro C well site. With no plan in place it had to be dealt with as a discretionary activity under section 15 of the Resource Management Act and the consent application was publicly notified. Five submissions were received, taking two months to resolve through the pre hearing process. Consent was granted in late December 1992. Application and Council processing costs totalled \$2443.

In December 2000, Fletcher Challenge Energy applied for a similar but much more significant consent to discharge up to 56 litres/second of stormwater/wastewater into a stream from the Te Popo-C well site. The Proposed Regional Fresh Water Plan allowed the consent to be processed as a controlled activity (as the activity did not meet all the conditions of the permitted rule). The consent was processed on a non-notified basis as the effects were considered to be minor, and written approvals were obtained from affected parties. The consent was granted well within the requested 20 working days at a cost of \$724.

The comparison between these consents granted in 1992 and 2000 clearly identify the advantages provided by the regional plans.

Notification of consent applications

One of the most significant benefits to arise out of the Resource Management Act itself and the regional plans has been the ability to publicly notify resource consent applications of significance but equally, to non-notify consents of minor effects or where affected parties agree to the activity. Regional plans have provided a framework within which the applicant and affected or interested parties can have greater certainty as to which path will be utilised. This has achieved significant savings to the community and the applicants with respect to the time taken and hence the costs associated with processing resource consent applications.

By way of example, the debates on issues that were resolved during the preparation of the Regional Air Quality Plan have resulted in regional rules that have removed the need for the community to reconsider or effectively re-litigate issues already determined and have minimised the Taranaki Regional Council's need to publicly notify air discharge permit applications. As indicated in Figure 3 below, the proportion of air discharge permits non-notified has increased significantly over time. In 1991/1992, 100% of air discharge permit applications were notified. As consenting systems and processes were improved, (particularly applicants to obtaining the agreement of affected parties), the proportion of applications non-notified increased to 30% in the year immediately preceding the Regional Air Quality Plan for Taranaki becoming operative (1995/96). However, since then the proportion of permits non-notified has further increased so that in 2000/2001, 91% of air discharge permits were non-notified.

The implications of whether an application is notified or non-notified are significant for air discharge applications. The average Taranaki Regional Council cost to an applicant for processing a non-notified air discharge permit is \$400. However, the cost charged to an applicant for a notified air discharge permit is generally significantly more and has in the past three years ranged from approximately \$700 to \$23,000. The added costs are to some extent due to the greater complexity of the issues related to the air discharge permit, but perhaps more significantly are related to submitters' concerns and the consequent need for pre hearing process and hearings.

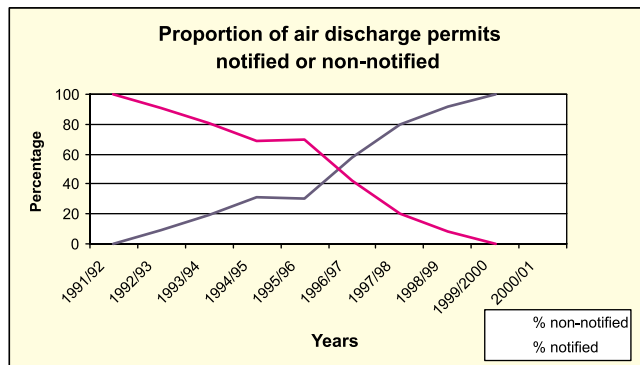


Figure 3: Proportion of non-notified air discharge permits granted per annum

Certainty of outcomes

Since the adoption of the regional plans, resource users have also benefited through enhanced certainty as to the outcome of their resource consent applications. Prior to the preparation of the plans, most resource use or discharge activities were discretionary activities whereby consent applications were considered on a case by case basis with no certainty as to whether the Taranaki Regional Council would grant or decline the application or of the conditions or standards that might be imposed. With the adoption of the plans and the inclusion of regional rules specifying those activities to be controlled activities, there is enhanced certainty.

This has resulted in applications and associated Assessments of Environmental Effects that are focused on those matters that the Council has limited its control or discretion to. Companies have designed or even modified existing equipment to meet those specified standards, for example, increasing stack heights. Nor is it limited to air or freshwater discharges. In 2000, Fletcher Challenge Energy, when applying for consents for offshore exploration, noted the deeply held concerns of the tangata whenua with respect to the discharge of even treated sewage into the coastal waters and modified the Ensco rig, containing the effluent for disposal on-shore to ensure no such discharge to coastal waters occurred.

Statutory timeframes

Further demonstrating the benefits of a more streamlined resource consents process that has arisen from the development of the regional plans is the Taranaki Regional Council's improved performance in the processing of resource consents within statutory timeframes. The Resource Management Act sets down prescriptive timelines under which councils should process applications for consents. The statutory timeline for processing a non-notified consent is 20 working days. For notified applications without a hearing it is 50 working days. For notified applications with a hearing, it is 70 working days¹.

There has been an increasing level of performance over the last seven years as shown in Figure 4.

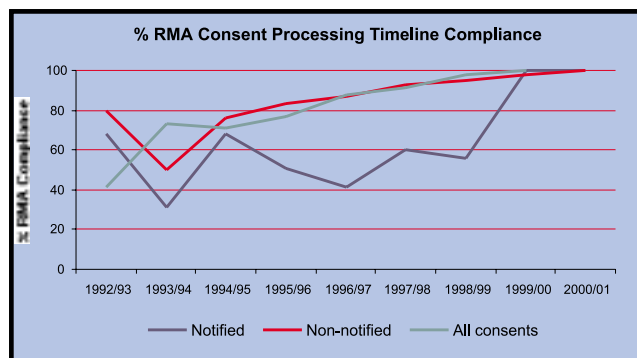


Figure 4: Trends in consent processing timeline compliance (%)

¹ These times can be extended for further information [section 92], waiting for affected parties' approval [section 94], and/or other reasons [sections 37(1) and 37(5A)], with or without the approval of the applicant.

The overall compliance with timelines has continued to increase with 100% compliance being achieved in 2000/2001. While that performance measure may be difficult to maintain it is unlikely the figure will drop below 98%, indeed that is now the Council's performance measure in its annual plan.

Of note, is that the average time experience for consent applications by Fletcher Challenge Energy in Taranaki in 1992/93 was 37.5 days compared with 9 days in 1999/2000.

Consultation

Recent Environment Court cases relevant to consent practice have signalled the onus is now on the applicant to consult with affected parties particularly tangata whenua, and if practicable reach agreement before consent application. Good consultation can frequently make the difference between a notified or non-notified consent.

In the eighteen months between June 2000 and January 2002, Swift Energy applied to the Taranaki Regional Council for 56 controlled and discretionary consents for various activities associated with hydrocarbon exploration. These included eight wells and one production station. For all 56 consents Swift Energy consulted extensively with iwi, landowners and occupiers, neighbouring landowners and occupiers and appropriate government and non-government organisations. The Council was involved in the processes only sufficiently to ensure that the approvals were gained using good practice. The consultation resulted in all consents being processed on a non-notified basis. Swift Energy has accordingly established an excellent track record of effective consultation and strong links with the local community that has resulted in significant benefits of a much broader nature than simple reductions in compliance costs.

There will of course be consent applications (currently 5% or 27 applications in 2000/2001 that inevitably have significant potential effects for which notification as a full discretionary activity is necessary and appropriate, and these applications for which affected parties will not give agreement for non-notification. These 'big' consents are considered to be the 'game-breakers' and have the ability to hold or delay projects.

In situations where notified consent applications have attracted submissions, the Taranaki Regional Council uses the pre-hearing process to try to reach agreement between parties.

Pre-hearing meetings

The pre-hearing process set out in Section 100 of the Resource Management Act is an excellent tool and a considerable advance on previous legislation. Both before and after the adoption of the regional plans, the Taranaki Regional Council, as a matter of consent processing policy, has fully utilised the pre-hearing provisions of the Resource Management Act. A pre hearing process is undertaken to either resolve issues to the extent that it is not necessary to hold a hearing or to clarify issues so as to reduce hearing

time. Council charges to the applicant for a hearing are currently approximately \$5000 per day.

In 2000/2001, 21 of 27 notified resource consent applications received submissions in opposition. The Council held pre-hearing meetings for all 21 such consents. In 18 (86%) of those applications, submitters' concerns were resolved to the extent that no formal hearing was necessary.

An example of the continued effectiveness of pre-hearing meetings, not necessarily in resolving issues, but perhaps in clarifying them, is the recent Stratford Power Station consents. In 2001, Stratford Power Limited applied for multiple discharge consents relating to water and air for a new gas fired power station to be constructed adjacent to their existing site. Seven of the applications were notified and attracted 15 submitters wanting to be heard. Four pre-hearing meetings each lasting about two and a half hours were held within one month, resulting in 11 submitters, whose concerns were largely water-related, withdrawing their right to be heard. Of the four submitters remaining, only two gave evidence at the hearing, both regrettably on greenhouse gas issues. The hearing lasted four hours, compared to 11 days for the applications for the original power station.

This example demonstrates the continued value of focused pre-hearing meetings. However, the Taranaki Regional Council recognises that there are times when the applicant has conducted extensive pre-application consultation and due to the strongly held views of the submitters, pre-hearing meetings may be inappropriate and there is a need to hold a hearing as promptly as possible. This occurs occasionally on issues of greenhouse gases, climate change and Maori sovereignty.

As a result of pre-hearing meetings only one hearing for three consent applications was held in 2000/2001 resulting in no appeals. A summary of pre hearing resolution of submissions and hearings and appeals is presented in Table 1. Of further note is that no decision by the Council has been successfully appealed to date.

Greenhouse gases

The development of both the Regional Policy Statement and regional plans provided an opportunity for the issue of

greenhouse gases and global climate change, and the role of the Taranaki Regional Council on this issue to be widely debated. The Council has determined that greenhouse gas issues are a national issue and that it was not appropriate to utilise the consent process on an *ad hoc* site-specific basis to address what is a national and indeed global issue. Rather the Council's policy is to strongly advocate for a nationally coordinated and consistent approach towards the development of a strategy to avoid, remedy or mitigate the effects on the environment of the discharge of greenhouse gases.

This stance has been supported by the Government. The Ministry for the Environment, through the Ministerial Group on Climate Change produced in 2001, a Consultation Paper on Climate Change. The Group indicated that [*“there has been uncertainty about the role of the Resource Management Act in addressing greenhouse gas emissions for climate change reasons.”*] They state that [*“While the Government has not yet taken a decision on the role of the RMA, it does want to clearly signal...that it does not see RMA controls and mechanisms as being cost-effective for managing greenhouse gas emissions. Climate Change is an international issue, and should therefore be dealt with consistently on a national level.”*]

Despite the Taranaki Regional Council's proven policy position, submissions are regrettably still received on greenhouse gases and climate change. The Taranaki Regional Council is supportive of legislative change to the Resource Management Act to clarify in law the role of local government in addressing greenhouse gas issues.

The second issue that can frustrate is that of Maori sovereignty.

Maori Sovereignty

The requirement for effective consultation with the iwi of Taranaki in respect of consent applications affecting their rohes is a matter of law. The requirement for such consultation was recognised and the processes developed through out the 1980s during energy development period and the results of the failure to adequately consult emphasised by the findings of the Waitangi Tribunal in respect of the Motunui claim in 1983.

Table 1: Pre-hearing meetings, hearings and appeals 1992/1993 - 2000/2001

	Year				
	92/93	94/95	96/97	98/99	00/01
Submitted on	77	53	25	23	21
Pre-hearing resolution	67 (87%)	42 (79%)	24 (96%)	15 (65%)	18 (86%)
Hearings (applications)	3 (10)	4 (11)	1 (1)	4 (8)	1 (3)
Appeals (applications heard)	0	2 (14)	0	1 (2)	0

² Ministry for the Environment, 2001. *Kyoto Protocol Ensuring our Future Climate Change Consultation Paper.*

Our consents procedures manual directs applicants to consult with relevant hapu and iwi (the Council will advise and assist if required). We have worked closely with hapu and iwi to ensure appropriate contacts. Applicants must note that failure to effectively consult will result in delays to consent processing while Council officers rectify any omission. We have also worked to ensure that all appropriate information is made available to hapu and iwi and that there is an opportunity for an understanding of the information to be developed. We have not always met with success, but certainly met with far more success in the early 1990's prior to the beginning of the Treaty of Waitangi settlement process.

The Treaty settlements' process has moved into high gear in Taranaki, and this has occurred co-incidentally with an increase in Resource Management Act-related problems. There is an obvious cause and effect relationship. The settlements process is significant in Taranaki. The stakes are high and it would have been unrealistic not to have expected some spillover into Resource Management Act processes. However, Resource Management Act processes have on occasion, been manipulated by parties addressing sovereignty issues with little direct relationship to the environmental issues that are the matters in question. Quite simply, the Council (and the Environment Court) have no jurisdiction in such issues.

In a recent case involving references on the Taranaki Regional Council's Regional Fresh Water and Soil Plans and appeals on a resource consent application, the Environment Court stated:

"...We must make abundantly clear at the outset that the jurisdiction of the Environment Court is set by statute and we have no power to make decisions and/or declarations concerning issues of sovereignty, constitution and land rights. This has already been dealt with in the case of Te Ohu O Ngai Taonga Ngati Maru vs Stratford District Council (Marabella Enterprises) (W5/00).

The Environment Court went on to say that *"it (the references and appeals) is also frivolous and vexatious in the sense that it attempts to re-litigate matters already dealt with in the case involving the same appellants, to which we have already referred, namely, the Maori sovereignty issues"*.

Such cases are very much in a minority and often detract from the very real knowledge and deeply held environmental concerns hapu and iwi bring to the planning and consent process. The Council's willingness and commitment to working with iwi to address their concerns is evidenced by our ability to process consents largely within timeframes and without the need for formal hearings. We will continue to require applicants to and indeed will ourselves work closely with affected hapu and iwi. The manner in which the Environment Court has dealt clearly and decisively with this issue is welcomed. Council believes further positive progress will be made through urgency in the Treaty settlement process particularly providing hapu and iwi with access to and control of independent resourcing. Council has congratulated both Ngati Ruanui and Ngati Tama on

their recent settlements and looks to even more effective partnerships in the future.

Resource consent applicants survey results

Recently the Taranaki Regional Council has undertaken a survey of the applicants who were granted consents between 1 July 2000 and 30 June 2001 to gauge the level of service the Council was providing. A total of 318 survey forms were sent out.

The questionnaire included 17 questions. Topics covered included clarity of application forms, information required, effectiveness of pre-hearing meetings, the hearing process, Council decisions made, consent condition and the time frames for processing consents. Participants were required to answer on a scale from one to five, one meaning they *"Strongly Disagreed"* and five meaning they *"Strongly Agreed"*.

It was pleasing to note that in regard to consent decision's and consent conditions, responses indicated that applicants agreed (average 3.7) that the decisions made were reasonable and strongly agreed (average 4.2) that they understood the consent conditions.

When asked about the overall level of service they had received, most applicants agreed that the level of service from the Taranaki Regional Council was very good (see figure 5).

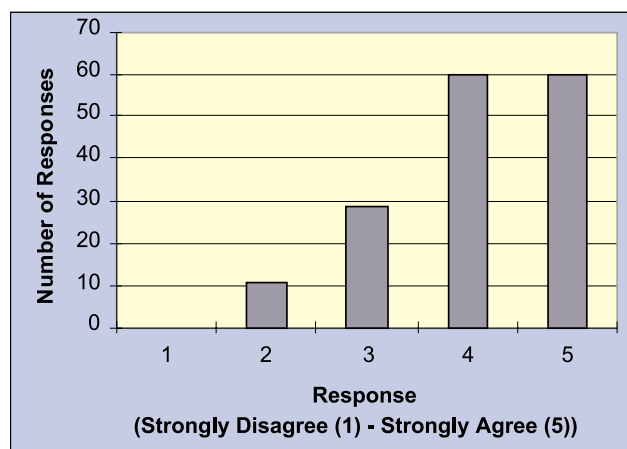


Figure 5: Overall level of service

While not definitive, the survey has provided the Taranaki Regional Council with useful and pleasing feedback on the applicants' perceptions of the consent process run by the Council.

Conclusion

The petroleum industry is for the Taranaki community part and parcel of life. The industry seems poised for further exploration and subsequent developments.

The Taranaki Regional Council's role is the management of the environmental effects arising from the industry's

activities. That role is primarily delivered through the Resource Management Act 1991. An innovative statute now 10 years old.

The Council is convinced that with the assistance of the industry and the community, it has developed a package of policies and practices that allow it to effectively manage the use and protection of our valued sustainable resources. The Resource Management Act's hierarchy of the Act itself, Regional Policy Statement and Regional Plans are now in place in Taranaki and are working well. While the methods of implementing policies are wide under the Resource Management Act, attention perhaps all too often focuses, as this paper has, on the consents process. Council's consents policy and procedures are clearly set down and have proved to be increasingly effective over that decade. In particular:

- Regional Plans have allowed many activities to be permitted where previously consents were required.
- The wide use of controlled activity categories have increased certainty for all parties.

- Regional Plans have allowed some 95% of consent applications to be non-notified.
- Consent procedures are now seeing 100% compliance with legislated timelines.
- Where consents are notified and submissions received, pre-hearing meetings are continuing to prove successful in resolving and clarifying issues (86% resolution in 2000/2001).
- An average of only 3 formal hearings required a year.
- An average of less than 1 unsuccessful appeal each year.

Criticism has been levelled recently at the Resource Management Act with respect to compliance costs. This paper has looked at the policy framework and its effects on the consents process. The evidence is clear, compliance costs, have probably never, both in terms of time and charges, been lower in relative terms.

Author

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