

The Resource Management Act 1991: enabling new infrastructure development?

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Introduction

- The scenario – a major offshore gas find
- Does the RMA enable new infrastructure development?
- Are the negative stories a reality?
- How can risks be addressed and overcome?



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What is the problem?

- RMA not a barrier, but it is a hurdle
- How high the hurdle is can be influenced, sometimes dramatically, by the applicant
- Early planning and investment is the key
- The time that the process takes is the main issue
- The RMA won't go away – burying your head in the sand will only make things worse



Bigger picture issues

- Major problems would need to be identified to bring about significant changes to the RMA
- Still opportunities to influence the RMA in the longer term
- PEPANZ the appropriate vehicle to pursue any concerns



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Issues for new infrastructure

- RMA not the only relevant legislation, but is the key hurdle
- Extent of RMA's jurisdiction to 12 mile limit
- A public participatory process, no need to establish standing
- Maximum duration of consents
- Types of consents required



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Minimising risk – early stages

- Scoping of project, identifying issues
- What is the gas going to be used for?
- Does the best commercial or technical solution give rise to RMA problems?



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Consultation

- Very wide definition of “effects” in RMA
- Consultation not mandatory, but is essential from a practical perspective
- Consultation is one of the most effective ways of identifying problems and developing solutions
- Can also be used to emphasise the positive aspects of a project



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Likely considerations

- Fishing industry
- Maori interests
- Conservation groups
- Recreational interests
- Statutory bodies – other approvals and possible implications for the RMA process



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Effective use of the RMA process

- Call-in or direct referral for nationally significant projects
- Enlisting assistance and support through consultation process
- Government policy
- Use of effective experts and consultants



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Examples of successful projects

- Submarine cables
- Pohokura
- Major public works projects – roads, landfills, prisons
- Lessons to be learned



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Conclusion

- Work with the RMA process, not against it
- Plan well in advance
- Take advice from experts
- Consult – early, widely, and openly
- Confront issues
- Set realistic timeframes and allow for slippage
- Be patient



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