

CASE STUDY OF TARANAKI PRE-HEARINGS

BRIEF DESCRIPTION OF ALTERNATIVE DISPUTE RESOLUTION PROCESS:

- A series of 8 pre-hearing meetings for a large and complex proposal; meetings were used to inform and reduce the issues in dispute between the parties; additional consultation was undertaken with each hapu in the locality and continued after submissions were lodged

SUMMARY OF SITUATION:

Taranaki Regional Council and New Plymouth District Council received the proposal for development of the Pohokura Gas Field in March 2002. The development comprises up to three platforms, wells and pipes located offshore, an onshore production station near Motunui, onshore pipelines, and storage facilities at Omata near Port Taranaki. The development requires a total of 39 resource consents.

The dispute resolution process should be viewed in the context of the management of consents on the whole project over a full year. Applicants are encouraged to consult before lodging an application and are advised of Council's policies on pre-hearing meetings and mediation. During that time Council staff took part in and/or staff took part in and/or called more than 50 meetings including extensive consultation with tangata whenua before and after the notification.

PROCESS USED IN NARROWING THE ISSUES IN DISPUTE

The applicant undertook consultation which included setting up workshops with residents and other interested parties. The working party was chaired by an independent person until the time the applications were lodged. Notification took place in April 2002 with submissions closing in May.

In all 85 people and organisations submitted on many aspects of the proposal. Their concerns ranged from noise and contamination of the air through to damage to waahi tapu sites. The submissions were sorted into location categories:

- Offshore wellhead platforms and associated pipelines and temporary construction jetty
- Onshore processing plant
- Lower Otaraoa Road wellsite
- Onshore pipeline between Motunui and Omata and LPG storage facilities

Between 33 and 46 submitters had submitted on each part and were invited to take part in at least one of pre-hearing meeting series. A Taranaki Regional Council leaflet explaining pre-hearing meetings accompanied the letter of invitation. Some submitters attended more than one of the series of pre-hearing meetings, depending upon the nature of their submission.

Pre-hearing meetings started in July and continued into September. Two meetings were held for each topic and participants knew that there would be more than one opportunity to discuss concerns prior to the hearing. The first meetings were used to:

- outline the proposal
- answer questions from submitters and staff
- expand explanations
- understand submitters concerns
- identify outstanding matters which would need to be answered later

The applicant at these meetings undertook to look at other options to solve some of the problems which had been identified by submitters and staff. The council staff indicated that they would draft and circulate some possible conditions for discussion ahead of the next meeting.

At the second meetings the applicant brought forward some modifications to the proposal which would address some of the concerns raised. The draft conditions were discussed and the applicant and a few submitters indicated that they would be satisfied for the conditions to be recommended to the hearing committee. No submitters withdrew.

Concurrently the councils continued to consult with the two hapu most affected by the proposal. The Regional Council engaged a consultant to advise them on the spiritual and cultural values. Consultation included staff attending hui at marae, meetings at the resource centres, and an on-site meeting which included the applicant's representatives. It was at this meeting that the application decided to shift a section of the pipeline route between Motunui and Omata in order to avoid urupa and other waahi tapu sites.

Hapu representatives also took part in the pre-hearing meetings. Some breakthroughs were made during the second meeting which in part satisfied submitters.

OUTCOME

The pre-hearing meetings resulted in changes to the application. Among the changes were:

- an 80 metre shift in the location of the offshore processing plant,
- a shift in the route of the pipeline to avoid urupa and other waahi tapu sites,
- agreements on the timing of when construction of the pipeline would take place along streams and rivers so to avoid disturbance of native and exotic fisheries
- a complete review of the product storage at the Omata tank farm as a result of further information being sought through the New Plymouth District Council. This application will now be heard separately.

There were no formal withdrawals of submissions. However, the number of submitters who chose to make presentations at the hearing reduced from 73, who originally indicated they wished to be heard, down to 19. Decisions were released on 26 November 2002 and to date 3 appeals have been lodged with the Environment Court. Staff are hopeful that these are matters which can be settled through consent orders.

FACTORS CONTRIBUTING TO SUCCESSFUL REDUCTION OF ISSUES THROUGH ADR

- ✓ The pre-hearing meetings were divided into a series based on the primary locational features of the proposal
- ✓ The facilitator who is a regional council staff member planned at the outset to have at least two meetings per topic area. Participants were advised by mail on how the meetings would be approached.
- ✓ The facilitator managed the process but did not engage in evaluations of the consents
- ✓ All meetings took place at times and places convenient for the submitters. Most took place in the evenings.
- ✓ The applicant was flexible enough to make changes to the proposal at an early stage. Those changes did not necessitate a re-notification as they were assessed by council staff to not prejudice other potential submitters