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**ENVIRONMENTAL DISPUTE RESOLUTION
AND CONSULTATION WITHIN THE RMA
- A CASE STUDY -**

THE FITZHERBERT AVENUE, CROSS RIVER
TRANSPORTATION DISPUTE.

A thesis presented in partial fulfilment of a Master of Philosophy
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ABSTRACT

This thesis examines how democratically described new and revolutionary ideas came to be elucidated in the resource and environmental management framework provided within the Resource Management Act, 1991, and considers how they are given effect in current planning practice. The research focuses on consultation which seeks to resolve environmental disputes not only to achieve sustainable environment outcomes in an ecological sense, but also to give greater expression to democratic principles.

This research undertaking is in response to a continually reiterated need to evaluate the effectiveness of planning practice in achieving its aims, together with a necessity to then take appropriate responses to the results of the evaluation, for instance as found within the Resource Management Law Reform reports of the 1980's, in planning publications, as well as in the Resource Management Act, 1991, itself.

This thesis identifies the principles and objectives intended and anticipated to be realized through public participatory planning and environmental dispute resolution processes. It provides a theoretical framework for consideration of consultation and environmental dispute resolution processes, as it explores theory informing the characteristics of environmental disputes, and also the different types of consultation process able to be utilized for dispute resolution.

The efficacy of resource and environmental management in achieving the principles underpinning, and objectives of, public participation in EDR processes is evaluated by consideration of *participant perspectives* of consultation processes. This research identifies and analyzes the benefits and strengths, problems and limitations experienced by participants in a variety of EDR processes that were employed to resolve a particular dispute - the '*Fitzherbert Avenue - cross river transportation dispute*' - in Palmerston North, as a case study.

An analysis between *expectations* and *experience* is extrapolated into an indicator of whether these EDR processes are achieving the RMA's intentions, in terms of the principles and objectives which necessitate public consultation. This research also provides some explanation for the experiences of participants, thereby indicating how and why the underlying principles and objectives are or are not being met.

The research conclusions address the question, '*how well were the principles and objectives of consultation, within the context of the RMA, given effect or realised in practice?*'. In drawing conclusions this thesis explores the uniqueness of a case study, but also identifies RMA implementation issues of more general relevance and interest.

Analysis of generic RMA implementation issues describes consistent themes that indicate more needs to be done to effectively achieve the objectives of the RMA, as there are concerns about the abilities of planning practice and those responsible for implementing the Act to realise all its intentions. Concerns of relevance to consultation processes are discussed and suggestions for improving practical implementation of the RMA are made.

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ABBREVIATIONS USED

AEE	Assessment of Environmental Effects
CBA	Cost Benefit Analysis
CRT	Cross river transportation
CRTLГ	Cross River Transportation Liaison Group
CRTSG	Cross River Transportation Staff Group
CRTWP	Cross River Transportation Working Party
EATG	Environmental Administration Task Group
ETG	Environmental Task Group
G&SC	Goals and Strategies Committee
IEM	Integrated environmental management
LGNZ	Local Government New Zealand (organisation)
LTDP	Long Term Development Plan for Fitzherbert Avenue (1988)
MfE	Ministry for the Environment
NGO	Non-government organisation
NZ	New Zealand
NZPI	New Zealand Planning Institute
PCE	Office of the Parliamentary Commissioner for the Environment
PDP	(Palmerston North City Council's) Proposed District Plan
PEFWP	Post Environmental Forum Working Party
PNGHS	Palmerston North Girls High School
RMA	Resource Management Act, 1991
RMLA	Resource Management Law Association
RMLR	Resource management law reform (process)
RMLRWP	Resource Management Law Reform Working Papers
TDP	(Palmerston North City Council's) Transitional District Plan
UNCED	United Nations Committee on Environment and Development