

# Resource Consent Consultation Guidelines



The guidelines provide information about consultation as part of the resource consent process.

## The importance of consultation

When making a decision on a resource consent application, Environment Bay of Plenty is required to consider how a proposed activity may affect other people. It is an important consideration when we make a decision whether or not to notify an application and the type of conditions that may be imposed on a resource consent.

One of the best ways to determine how other people are affected is to go and talk with them about your proposal. It is in your best interest to talk to people early in the process to help you put together your assessment of environmental effects, as this includes effects on other people.

Taking the time to consult before we receive your application can save you time and money. It can help avoid the need for notification, pre-hearing meetings, hearings and appeals.

## What is consultation?

Consultation is a two-way process. It involves talking to the people and finding out how your proposal may affect them. Consultation may uncover information that you were not aware of. You may then need to consider ways the proposal can be changed to meet such concerns. Sufficient time must be allowed and a genuine effort should be made to consult.



## Do I have to consult?

No. Consultation is not mandatory for a resource consent application but it is considered good practice. Having written approvals from potentially affected people increases the chances of having your application non-notified. Section 36A of the RMA specifically states that neither the applicant nor the consent authority has a duty to consult about resource consent applications.

The Fourth Schedule of the RMA states that an Assessment of Environmental Effects (AEE) should include:

- A statement that identifies those persons interested in or affected by a proposal.
- Details of any consultation undertaken.
- Any response to the views of those consulted.

Therefore, although you don't have to consult, if you do, you should report on the outcomes of it in your AEE when you apply for a resource consent.

## Who to consult

Affected people may include:

- Landowners or neighbours.
- Other users of the resource, e.g. downstream users of a river you wish to take water from or discharge contaminants into.
- Iwi groups, local Maori (tangata whenua).
- The Department of Conservation.
- Fish and Game.
- Environmental groups, e.g. Royal Forest and Bird Protection Society.
- District or city councils.
- The NZ Historic Places Trust.
- Any other people who are likely to be affected by your project.

If you are unsure who to consult, contact us for advice.

## Written approvals

While some people and organisations may have an interest in a resource consent application and should be consulted, they may not necessarily be adversely affected by the proposed activity and written approvals may not be needed.

Feel free to contact a Consents Officer if you need help in deciding who may be affected and whether written approvals are required.

## Will there be a cost?

In some circumstances there may be a cost for consultation. To avoid confusion, ask about possible costs before you start.

## How to consult

There are no set rules regarding consultation and the process of consultation may vary between parties. However, as a general guide:

1. Make contact with the people or organisation you wish to consult with. The best way to start is with a phone call.
2. Agree on the method/process of consultation.
3. Provide the parties with all relevant information on your proposal.
4. Follow up with a phone call to confirm that the information has been received and considered.
5. If appropriate, arrange to meet.
6. Identify concerns and develop options that address these concerns.
7. Seek mutual agreement on the best practicable option to address concerns and aim to incorporate this into your proposal.
8. Keep written records of the consultation including; people you have talked to, the dates, topics discussed, concerns raised, your response to their concerns and how you plan to meet those concerns in your proposal.
9. Obtain written approvals, where necessary (affected person forms are available from our website or Environment Bay of Plenty offices).
10. Submit your consultation records and written approvals with your resource consent application to Environment Bay of Plenty.

Where concerns are raised you should try to ensure that:

- Concerns are clearly described and are relevant to the proposal.
- Options are developed to address such concerns, giving appropriate weight to the concerns of other affected parties.

Consultation does not require agreement. It allows you and Environment Bay of Plenty to be informed about the views of potentially affected parties. If concerns cannot be resolved and you still want to proceed with your application, then it is imperative that you have made a genuine attempt to consult in an open and honest manner, so that the views of potentially affected parties are recorded and can be taken into consideration by Environment Bay of Plenty staff.

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If at any stage during the consultation process you need advice, feel free to contact the Environment Bay of Plenty Consents team.

