

# Engaging with Tangata Whenua during the resource consent process



**Do you have an idea that may require consent?**

**Contact Toi Moana Bay of Plenty Regional Council Consents Team for free initial pre-application advice. Council will:**

- Explain process and suggests a course of action
- Explain the sorts of cultural effects that might be expected
- Provide contact details for relevant iwi/hapū
- Provide links to iwi/hapū management plans
- Direct applicant to existing resource consents for information: [consent.queries@boprc.govt.nz](mailto:consent.queries@boprc.govt.nz)
- Set expectations around cost and timeframes

*Applicant contacts tangata whenua*

Applicant prepares a draft application including statement of their understanding of cultural values and effects based on iwi/hapū management plans and previous consent comments and sends separately to all relevant iwi/hapū groups. The proposal should be open to change based on responses received.

*Applicant doesn't contact tangata whenua*

Only tangata whenua can identify with their ancestral lands, water, sites, wāhi tapu and other taonga. Applicant to provide summary of relevant planning provisions, iwi/hapū management plans, and comments on previous applications.<sup>5</sup>

Response received from tangata whenua?<sup>2</sup>

Keep trying once per week for a month

*Still no response?*

Tangata whenua and applicant agree on process, cost and timeframe?<sup>5</sup>

Council considers whether information provided is adequate or if more information is needed. How much effort has been put into engagement will also be considered.

*Application returned as incomplete or further information requested*

**Tangata whenua provide cultural effects assessment to appropriate level, with suggested mitigation if relevant.**

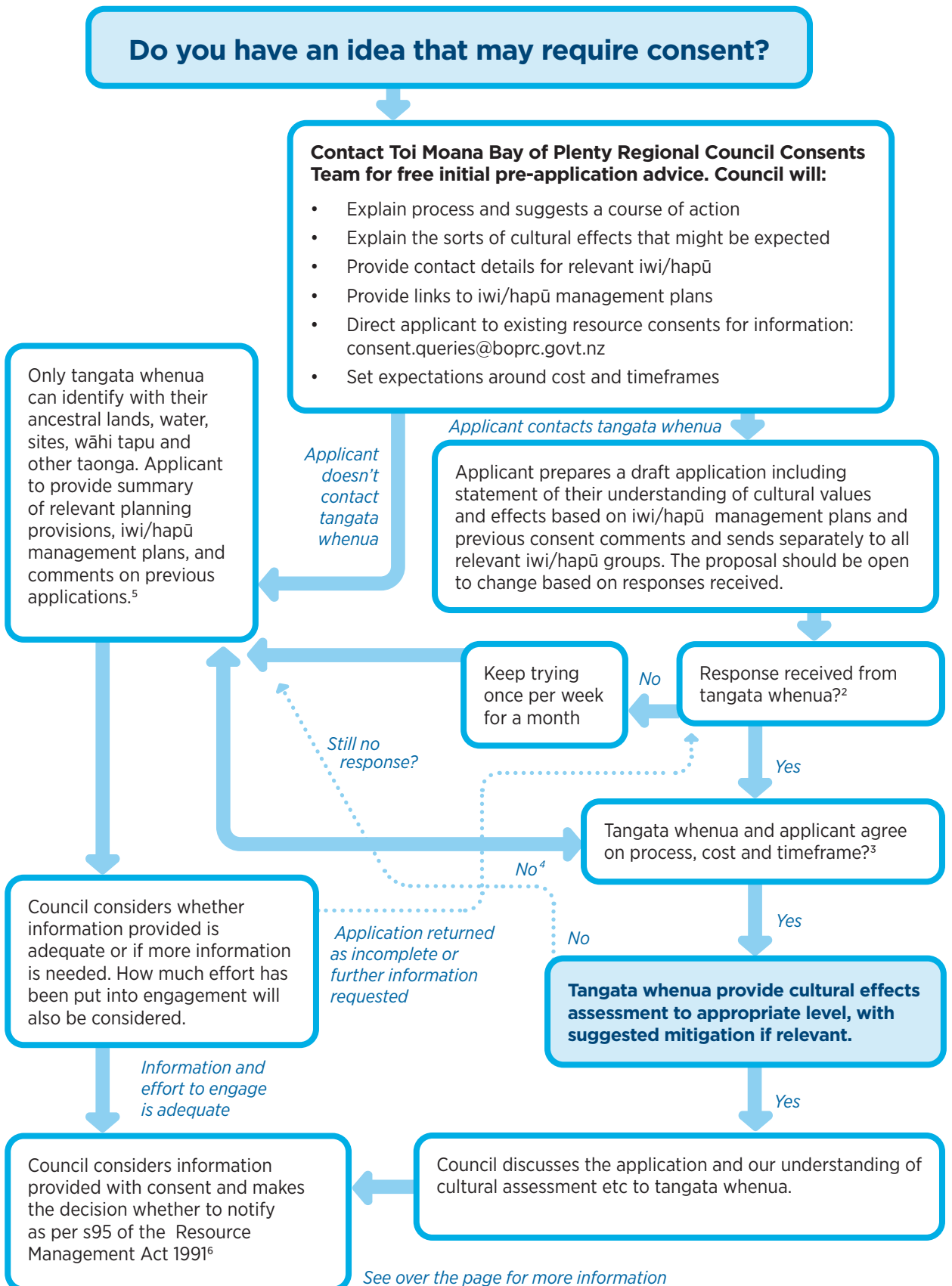
*Information and effort to engage is adequate*

Council considers information provided with consent and makes the decision whether to notify as per s95 of the Resource Management Act 1991<sup>6</sup>

Council discusses the application and our understanding of cultural assessment etc to tangata whenua.

*See over the page for more information*

**Tangata whenua are welcome to provide direct feedback to council at any stage.**



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## Guidance Notes

1. We strongly recommend a pre-application phone call with our duty planner and for more complex projects a meeting with relevant council staff and experts. Advice on a cultural effects assessment can be given at this stage. When you're ready call 0800 884 880 or email [consents.queries@boprc.govt.nz](mailto:consents.queries@boprc.govt.nz) to arrange a meeting with our Duty Consents Officer.

In only a very limited number of cases consultation with tangata whenua will **not** be required.

While s36A of the Resource Management Act states that neither an applicant nor the local authority have to consult with anyone about a consent application, there is a requirement to consider cultural effects (Schedule 2) as part of an Assessment of Environmental Effects. Policy IW 2B(b) of the Bay of Plenty Regional Policy Statement effectively requires tangata whenua consultation in order to complete a cultural effects assessment by stating that *"only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga"*.

2. Applicants should allow up to 20 working days for a response from tangata whenua reps but should try to make contact weekly during that time. Tangata whenua reps are under demand and often carrying high workloads.
3. Applicants should consider the supply of cultural advice as a professional service much like getting an ecologist, engineer, or farm consultant to have input on the consent application. Tangata whenua have to be able to cover their costs of operating which are the same as for any other business. You should expect to pay anywhere from \$75 - \$160/hr for cultural advice. We consider it best practice for tangata whenua groups to provide the applicant with an estimate of what their input will cost, how long it will take, and what form it will take.

4. If applicants and tangata whenua can't agree on scope, timeframe and cost to supply cultural effects assessments applicants should get in touch with the Consents Team as we may be able to help. If we think that the applicant has turned down a reasonable offer of service we may deem it appropriate to limited notify the consent application.
5. Note that if the applicant opts not to include an assessment of cultural effects in their application it will be returned as incomplete under s88 of the RMA.
6. The decision on whether to notify the consent due to cultural effects will be influenced by the level of input from tangata whenua. If an application has been provided without direct input from tangata whenua it is much more likely that the application will be notified to the relevant tangata whenua.

## Pros & Cons of a notified application

Many applicants try to avoid notification and hearings but they have some distinct advantages. When an application is limited notified Council sends the application to the relevant parties (in this case tangata whenua) and asks for a response. Section 97 of the RMA sets a time limit of 20 working days for submissions on notified applications to be received by Council.

For more information visit  
[www.boprc.govt.nz/consentprocess](http://www.boprc.govt.nz/consentprocess)

