



5. Engaging with Tapuika

5.1 VALUE OF CONSULTATION

Tapuika values consultation as it enables the awareness and understanding of Tapuika issues and values. It also builds relationships. This in turn, recognises the rights of Tapuika under the Treaty of Waitangi to be actively involved in the exercise of kaitiakitanga (guardianship).

The essential elements of consultation with Tapuika is as follows:

- ▶ That engagement is early and meaningful

- ▶ That face to face / kanohi ki te kanohi contact is encouraged
- ▶ That relevant and sufficient information is provided to make informed decisions
- ▶ That sufficient time is provided to enable effective participation
- ▶ That silence is not be taken as approval or lack of interest

5.2 CONTACT DETAILS FOR CONSULTATION

The Tapuika Iwi Authority is the mandated body for Tapuika. Representatives will liaise directly with relevant hapū members.

Tapuika Iwi Authority will ensure that information is provided on their website (www.tapuika.iwi.nz) in relation to consultation processes (e.g. information requirements, cultural impact assessments). This will also include a fees schedule for resource consent consultation processes, which will be reviewed annually by the Board of Trustees for the Tapuika Iwi Authority.

All notices and documents are to be served by email and by post or fax.

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Tapuika Iwi Authority Trust
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5.2 CONSULTATION PROTOCOL: RESOURCE CONSENT & CONCESSION APPLICATIONS

5.2.1 WHEN IS CONSULTATION NEEDED?

The priority issues of significance to Tapuika are summarised in Chapter 2. Consultation is required when a proposal has the potential to affect ancestral land, water, sites of significance and coastal areas within Te Takapū o Tapuika.

TAPUIKA CONSIDER THEMSELVES TO BE AN AFFECTED PARTY to a resource consent or concession process when the application relates to:

- ▶ Any activity within, adjacent to, or directly affecting a Statutory Acknowledgement Area
- ▶ Any activity within a Deed of Recognition (DOC Concession Applications only)
- ▶ Any activity within 150m of a Scheduled Site of Significance
- ▶ Development, including earthworks, at Te Tumu
- ▶ Discharges of contaminants to air, freshwater or coastal water
- ▶ The taking of water from rivers, streams and aquifers.

As stated in Section 35(2) of the Tapuika Claims Settlement Act 2014, consent authorities must have regard to a Statutory Acknowledgement Area when deciding if Tapuika has "Affected Party Status" under Section 95E of the RMA.

5.2.2 CONSENT AUTHORITIES: ADDITIONAL MATTERS

In relation to cultural heritage sites, archaeological reports should not be the sole source of technical information in relation to the value of a site or area. If a site or feature does not have archaeological value, it cannot be assumed that there is no cultural value. Only consultation with Tapuika can determine the cultural value of a site or area.

The Tapuika Accidental Discovery Protocol is provided in Appendix 2. It is expected that this protocol, or similar, will be imposed as a consent condition for land or coastal disturbance activities (e.g. earthworks).

5.2.3 CONSENT & CONCESSION APPLICANTS: ADDITIONAL MATTERS

Information required for a consent or concession application includes, at a minimum:

- ▶ A summary of the proposal, including methodology and timing of works
- ▶ Measures proposed to avoid, remedy or mitigate effect

Depending on the type and scale of the activity, a site visit may be arranged to discuss the proposal onsite and face-to-face.

Like any expert providing technical advice, a consultation fee may be incurred. This will be discussed at the time of enquiry.

5.4 CONSULTATION PROTOCOL: COUNCIL AND CENTRAL GOVERNMENT PROCESSES

Relevant legislation that direct Councils and Central Government to implement the principles of the Treaty of Waitangi include, but are not limited to:

- ▶ Resource Management Act 1991 (RMA)
- ▶ Local Government Act 2002 (LGA)
- ▶ Land Transport Management Act 2003 (LTMA)
- ▶ Conservation Act 1987 (CA)

Examples of when consultation with Tapuika will be required:

Central Government Initiatives	Regional and District / Local-level Plans and Strategies	Any project / programme that occurs within an area that has a:
<ul style="list-style-type: none"> ▪ Further amendments to the RMA (MfE) ▪ Development of National Policy Statements (MfE) ▪ Development of National Environmental Standards (MfE) ▪ 	<ul style="list-style-type: none"> ▪ Regional Policy Statement (Regional Councils) ▪ Regional and District Plans (All Councils) ▪ Ten Year Plan and Annual Plans (All Councils) ▪ Regional Land Transport Strategy (Regional Council) ▪ Conservation Management Plan / Strategy (DOC) ▪ Freshwater Fishery Management Plan (DOC) 	<ul style="list-style-type: none"> ▪ Statutory Acknowledgement ▪ Deed of Recognition ▪ Whenua Rahui (Ōpoutihi) ▪ Co-Governance Arrangement (Kaituna River)

5.5 REPRESENTATION

MĀORI CONSTITUENCIES: Tapuika supports the concept of Māori constituencies as a means of direct representation for Councils. It is fully supportive of Māori voting for Māori Councillors on the basis that this is true partnership as envisaged by the Treaty of Waitangi and the latest amendments to the Local Government Act.

LOCAL MĀORI REPRESENTATIVE COMMITTEES: Tapuika supports the establishment of local Māori representative committees to provide advice and counsel to Councils on issues of common concern and relevance. Examples of this include:

- ▶ Māori Committee – Regional Council
- ▶ Te Komiti Māori (under review) – Western of Plenty District Council
- ▶ SmartGrowth Combined Tangata Whenua Forum

Such committees provide a good source of Māori input and knowledge and can only assist Councils to make better informed decisions.

PROJECT-BASED KAITIAKI ADVISORY GROUPS: Tapuika supports the continued use of kaitiaki advisory groups (e.g. Waiari kaitiaki advisory group) as a means of maintaining project-based relationships.

5.6 RELATIONSHIP AGREEMENTS

Relationship agreements aim to establish and strengthen relationships between Tapuika and external agencies. A Memorandum of Understanding defines the relationship at a governance level, while protocols establish the relationship at an operational level.

Relationship agreements currently in place or in development:

Type of Agreement	Agency
Memorandum of Understanding	Rotorua District Council Fish and Game New Zealand Otanewainuku Kiwi Trust Kaharoa Kokako Trust
Protocol Agreement	Tauranga City Council
Crown Minerals Protocol	Ministry of Business, Innovation and Employment (former Ministry of Economic Development)
Fisheries Protocol	Ministry of Fisheries
Taonga Tūturu Protocol	Ministry for Culture and Heritage
Conservation Relationship Agreement	Department of Conservation