

Guide to Consultation with Patuharakeke Te Iwi Trust Board (Inc) For Resource Consent Applicants in Patuharakeke Rohe

Need to Consult - Resource Management Act (1991)

The RMA establishes a set of principles. These principles recognise the importance of Maori interests in natural and physical resources. The process of granting resource consent requires Councils to consider:

- 1 The relationship of Maori, their culture and traditions with ancestral lands, water, sites, waahi tapu (sacred places) and other taonga (treasure);
- 2 Kaitiakitanga the exercise of guardianship over natural resources;
- 3 The principles of the Treaty of Waitangi.

Need to Consult - Historic Places Act (1993)

For work that may affect an archaeological site developers must obtain an archaeological authority from the Historic Places Trust before starting work. This could be earthworks for subdivision, forestry operations, mining, road construction, building, landscaping or fencing. Applications must include:

- A description of the activity that may affect the site
- A description of the archaeological site
- An assessment of the archaeological values of the site and the effect of the work on those values
- An assessment of any Maori values of the site and the effect of the work on those values
- A statement about consultation. If you have consulted with Tangata Whenua, what are their views? If you have not consulted, you must inform the Trust of the reasons why consultation has not taken place.

Information for External Agencies and Applicants

Within Patuharakeke Rohe/District there is one hapuu, Patuharakeke, which is represented in regard to all matters related to the RMA and HPA by Patuharakeke Te Iwi Trust Board (PTB). This document is a guide to the consultation process with PTB for all External Agencies and for Applicants in Patuharakeke rohe.

On receipt of a Resource Consents Application Northland Regional and/or Whangarei District Council will advise PTB in a letter addressed to the Chairperson, **Patuharakeke Te Iwi Trust Board (Inc), P.O. Box 557, Whangarei 0140**, noting the responsibility of Councils "under the Resource Management Act 1991 to ensure that adequate consultation with Tangata Whenua takes place and that sufficient information on Tangata Whenua values is provided". NB: Whangarei District Council has entered into a Memorandum of Understanding with PTB in regard to the RMA 1991.

On receipt of this letter PTB will respond in writing to Council(s), Historic Places Trust and Applicants as follows:

- *All applications for resource consent in Patuharakeke Rohe are significant for Patuharakeke Hapuu*
- *Resource management and historic places matters are administered by Patuharakeke Te Iwi Trust Board (Inc) (see attached Guidelines and Earthworks Protocols) in Patuharakeke rohe*
- *Please therefore take care to ensure that effective consultation is now engaged and maintained with the Board*

Initiation of Consultation by the Applicant

N.B. It is the responsibility of the Applicant to initiate the consultation by contacting:

- The Board Administrator, Juliane Chetham, Ph 437 7462 or email patu.tb@xtra.co.nz

PTB will respond to the Applicant's "contact" with a written invitation to meet with Board representatives, usually at the Board Office, Takahiwai Marae.

For this meeting the Applicant should provide the following documentation *in advance* to the Board Administrator:

- Applicant's name and subject site reference (location, description and site map);
- The name, position title and contact details (including email) of the individual responsible for engaging the consultation process with PTB on behalf of the Applicant;
- Copies of all relevant material to facilitate the consultation including an archaeological assessment report if this has been undertaken;
- Ideas for the Consultation Plan (see Stage 1 below) bearing in mind the size of the subject site and likely impacts.

Schedule of Fees

Consultation Costs and Conditions

Component	Rate	Description	Comments
Consultation Meeting	\$350.00 +gst	Appointment at monthly meeting, or Appointment with relevant Sub-Committee at a mutually agreed venue	Board meetings are held on the first Monday of every month except Dec & Jan
Special Consultation Meeting	\$700.00 +gst	Full Board meeting at a date other than regular monthly meetings	
Research	\$120.00 +gst per/hour	Review application, CIA research	Collation, report writing.
Site Visit	\$135.00 +gst per/hour per /person	Site research, archaeological protection	Protection of cultural values
Cultural Onsite Monitoring	\$60.00 +gst per/hour	Monitoring of sites of significance	Searching for new archaeological sites.
Administration	10% of total application	Copying, printing, photography costs.	
Mileage	70 cents per km	As per the most current IRD rates.	

Venue (unless otherwise advised): the PTB Office, Takahiwai mare, Takahiwai Road, Takahiwai/Ruakaka.

Date: the FIRST Monday of the month except December and January

Special Meeting: In the event that an Applicant is unable to attend a monthly meeting of the Board then the Applicant will be responsible for the travel costs (and accommodation costs where necessary) of the Board members to attend a Special meeting in order that Consultation can take place.

Charge: \$700 plus GST per Special Meeting

N.B. It is the primary responsibility of the Applicant to ensure that Consultation between the Applicant and PTB are time, cost and outcomes efficient.

Terms Of Agreement: Once this guide is signed and accepted a Terms Of Agreement can be drafted outlining the appropriate schedule of fees for each application.

Late Payment Fees: Clients will be liable for collection fees, late payment fees etc if they do not pay within the specified time. (An invoice issued on the 15th of April will be due for payment on the 20th of May)

Basis of the Consultation

The consultation process has four stages:

- Stage 1: Establishment of the Terms of Agreement between PTB and Applicant
 Stage 2A: Endorsement of the documented Agreement in a regular PTB meeting **AND**
- Stage 2B: Letter of support for the Application provided to the Applicant and copied to Whangarei District Council, Northland Regional Council, the Historic Places Trust Office, including the conditions of the consent.
- Stage 2C: Submission in opposition to the agreement made directly to authorising Council(s) and Historic Places Trust, copied to the Applicant for reasons (a) there is no Agreement because the Board is in fundamental disagreement with the application or (b) as follows:

PTB opposes the application on the grounds that no / inadequate consultation with Tangata Whenua (meaning PTB in Patuharakeke rohe) took place and no / insufficient information on Tangata Whenua (Patuharakeke Hapuu) values was provided.

Stage 1 (Establishment of the Terms of Agreement) will be based on a consultation plan, which will be established between an Applicant and PTB. The plan will include (but is not limited to) any or all of the following:

1. Archaeological Assessment

- An archaeological assessment -
- The Applicant will commission a HPT registered archaeologist to carry out an assessment and prepare a report;
- Statement of adherence to the report with its recommendations is included in the Agreement;
- The report is included in the Agreement documentation for Stage 2A endorsement;
- All related costs are at the expense of the Applicant.

NB: In most circumstances an archaeological assessment is a not-negotiable requirement.

A) S11/12 Application to HPT to Modify/Destroy Middens

- An S11/12 application to HPT is furnished where, arising from the Archaeological Assessment, the Applicant is seeking authority for such action
- The S11/12 is included in the Agreement documentation for Stage 2A endorsement;
- All related costs are at the expense of the Applicant.

NB: An S11/12 application is always required where there is intent to modify / destroy

B) Cultural Mitigation Plan

- The Applicant will preparation of a Cultural Mitigation Plan by PTB to provide clarification on how negative consequences of the development can be avoided/mitigated and facilitate the Boards duty of Kaitiakitanga;
- Statement of adherence to the CMP is included in the Agreement;
- The CMP is included in the Agreement documentation for Stage 2A endorsement;
- All related costs are at the expense of the Applicant.

NB: A Cultural Mitigation Plan is always required.

A) PTB Protocols Relating to Archaeological Sites, Waahi Tapu and Koiwi

- Statement of adherence to the Protocols is included in the Agreement;
- The Protocols are included in the Agreement documentation for Stage 2A endorsement;
- All related costs are at the expense of the Applicant.

NB: Adherence to the Protocols is always required. Protocol is attached to this document as Appendix 1 .

3. Cultural Impact Assessment Report

- A Cultural Impact Assessment Report is included in the Consultation Plan -
- PTB commissions a Report Writer and negotiates a writing fee to be paid by the Applicant;
- Applicant and PTB agree a commissioning fee to be paid by the Applicant to the Board;
- A timeline and process for completion is agreed between PTB, the Applicant and the Report Writer including:
 - A) A first draft copy is provided to PTB and the Applicant and based on feedback;
 - B) A revised draft copy is provided to PTB and the Applicant and based on feedback
 - C) A final version is provided to PTB for sign-off;
 - D) The Cultural Impact Assessment Report is provided to the Applicant by PTB;
 - E) The Applicant acts on the Report as agreed.

4. Memorandum of Understanding

- A Memorandum of Understanding is included in the Consultation Plan -
- A draft MoU is developed with ideas and clauses contributed to the draft by the Applicant's and PTB representatives charged with responsibility for the drafting;
- Ongoing discussion, both face-to-face and electronic continues until there is mutual agreement by PTB and the Applicant on the draft MoU;
- Final version is agreed by PTB and the Applicant;
- MoU is signed for PTB by all Board members;
- PTB and Applicant act in accordance with the Memorandum as agreed;
- All related costs are at the expense of the Applicant.

NB: Only ever required for extraordinary projects.

For Stage 2A (Endorsement of the Documented Agreement in a Regular PTB meeting) the following applies:

- A) The Applicant will provide hard copies of the following material collated into a single document times seven (7) for presentation to the agreed meeting:
- Cover letter with appropriate requests for Board decision-making / support which can be taken from the list provided below, signed by appropriate Applicant authoriser with marked space for the signature of the Board Chair
 - Copy of Cultural Mitigation Plan including all required statements of adherence
 - Copy of Archaeological Assessment
 - Copy of S11/12 application where required
 - Copy of PTB Protocols Relating to Archaeological Sites, Waahi Tapu and Koiwi
 - Copy of Cultural Impact Assessment
- AND (where required)
- Copy of signed Memorandum of Understanding.

Stage 2B / C (Letter of support provided to the Applicant and copied to WDC and / or NRC, HPT Archaeologist)

- A) Where the Board has voted to support the decision a letter of support with copies of the documented Agreement will be dealt with as follows:

Signed Copies	For
1	Applicant
2	WDC
3	NRC
4	HPT
5	HPT
6	Board Archives
7	Cultural Monitoring

Requests for Board Decision-making / support for Resource Consent Application – examples that can be used:

Applicant recommendations contained in letter to the Board “covering” Cultural Mitigation Plan, copy of Archaeological Assessment Report and PTB and Project Companies Protocols Relating to Archaeological Sites, Waahi Tapu and Koiwi.

- A) That Patuharakeke Te Iwi Trust Board (Inc) approves the Cultural Mitigation Plan prepared by (*APPLICANT*) and authorise the Chair to sign it on behalf of the Board.

IF ARCHAEOLOGICAL SITES ARE FOUND

- B) That the Board support (*APPLICANT*) intent to complete destruction of the midden (*NUMBERED*) and to relocate archaeological material from the midden into a marked landscaping feature within a covenanted reserve

- C) That subject to adherence to the Boards *Protocols Relating to Archaeological Sites, Waahi Tapu and Koiwi* and the Cultural Mitigation Plan and noting B) above that the Patuharakeke Trust Board support this application in writing to (*APPLICANT*) copied to Whangarei District Council, Northland Regional Council and Historic Places Trust.

OR: IF ARCHAEOLOGICAL SITES ARE NOT FOUND

- D) Noting that the archaeological assessment undertaken found no archaeological sites in the project area that: subject to adherence to the Boards *Protocols Relating to Archaeological Sites, Waahi Tapu and Koiwi* and the Cultural Mitigation Plan that the Patuharakeke Trust Board support this application in writing to (*APPLICANT*) copied to Whangarei District Council, Northland Regional Council, HPT Archaeologist and Historic Places Trust.

Ray Wassell
Acting Chair

Board Members: Jared Pitman, Ani Pitman, Gilbert Paki

Juliane Chetham
Secretary

Patsy Heperi
Treasurer

The Applicant to sign:

I / We _____ agree to abide by the requirements set out in the above Consultation Guidelines

Signed

Applicant

Patuharakeke Te Iwi Trust Board (Inc)

Chairperson

PLEASE BRING A SIGNED COPY WITH YOU