



THE WAIKATO RAUPATU RIVER TRUST

and

WAIPA DISTRICT COUNCIL

## **JOINT MANAGEMENT AGREEMENT**

27 September 2013



## **PURPOSE**

- 1 The purpose of this agreement is to provide for an enduring relationship between the parties through the shared exercise of functions, duties and powers and to give effect to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

## **BACKGROUND**

- 2 The Waikato Raupatu Claims Settlement Act 1995 gave effect to certain provisions of the deed of settlement between Her Majesty the Queen in right of New Zealand (“the Crown”) and Waikato dated 22 May 1995 and settled certain Raupatu claims made to the Waitangi Tribunal by Robert Te Kotahi Mahuta, the Tainui Maaori Trust Board, and Ngaa Marae Toopu (Wai 30). The 1995 Act expressly excluded certain historical claims, including the claim to the Waikato River.
- 3 In the spirit of co-operation, compromise and good faith, and as foreshadowed in the 1995 Deed, Waikato-Tainui and the Crown entered into negotiations in respect of the claims of Waikato-Tainui concerning the Waikato River.
- 4 On 22 August 2008, Waikato-Tainui and the Crown signed the Deed of Settlement in Relation to the Waikato River (“2008 deed”), which was directed to a new era of co-management over the Waikato River with an overarching purpose of the settlement to restore and protect the health and wellbeing of the Waikato River for future generations.
- 5 Pursuant to agreements in the 2008 deed, a committee known as the Waikato River Statutory Board Establishment Committee (SBEC) was established with representatives from Waikato-Tainui and local authorities including Waipa District Council. The purpose of the SBEC was to consider functions under the Resource Management Act 1991 and Local Government Act 2002 and explore whether those functions could be transferred or delegated to, or shared with Waikato-Tainui.
- 6 The SBEC recommended:
  - (a) the establishment of joint management agreements in relation to relevant functions under the Resource Management Act 1991; and
  - (b) an ongoing commitment exploring the potential for transfers, delegations and sharing of relevant functions under the Resource Management Act 1991 and Local Government Act 2002.

- 7 In 2009, with agreement of Waikato-Tainui, the Crown conducted a review of the 2008 deed and as a consequence Waikato-Tainui agreed to renegotiate the settlement with the Crown with a view to enhancing the delivery of the outcomes under the settlement.
- 8 That renegotiation led to the agreement of a new deed of settlement (“deed of settlement”) which includes new provisions related to joint management agreements.
- 9 The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was enacted to give effect to the deed of settlement.
- 10 This joint management agreement is entered into pursuant to the deed of settlement and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.
- 11 The Parties will establish a Joint Committee which will be made up of equal numbers of representatives from the Council and the Trust.
- The purpose of the Joint Committee is to meet annually to discuss processes and actions in order to achieve the purpose of the JMA.
  - There will be co-chairs presiding over the meeting.
  - Each of the Parties will elect a co-chair to represent the Council and the Trust.
  - Staff members may be invited to attend the meetings for technical support.
  - Any decision made at a meeting will be made at the highest level of good faith and by way of a consensus approach.
  - For the avoidance of doubt, the Committee is not a subcommittee of Council under the Local Government Act 2002 and its decision making cannot bind Council.

## **PRINCIPLES UNDERLYING THIS AGREEMENT**

- 12 It was agreed by Waikato-Tainui and the Crown that the deed of settlement would be interpreted in a manner that best furthers the principle’s set out in the Kiingitanga Accord, which are described in Schedule 1 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.
- 13 This agreement which is made pursuant to the deed of settlement and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 will also be

interpreted in a manner that furthers the principles set out in the Kiingitanga Accord.

- 14 The Waikato Raupatu River Trust and Waipa District Council agree that, in working together under this agreement, they will:
- (a) give appropriate weight to the relevant matters and documents provided for under the deed of settlement and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, including:
    - (i) the overarching purpose of the settlement to restore and protect the health and wellbeing of the Waikato River for future generations;
    - (ii) the vision and strategy;
    - (iii) the integrated river management plan; and
    - (iv) the Waikato-Tainui environmental plan.
  - (b) respect the mana whakahaere rights and responsibilities of Waikato-Tainui;
  - (c) act in a manner consistent with the principles of the Te Tiriti o Waitangi/the Treaty of Waitangi;
  - (d) recognise the statutory functions, powers and duties of the Waipa District Council under legislation; and
  - (e) recognise that nothing in this JMA derogates from the Trust's rights to participate as tangata whenua, an iwi authority, or submitter (in circumstances where this may be appropriate).
- 15 In working together under this agreement, the Waikato Raupatu River Trust and the Waipa District Council will:
- (a) commit to work together in good faith and in a spirit of cooperation;
  - (b) commit to open, honest and transparent communication;
  - (c) recognise and acknowledge that the parties will benefit from working together by sharing their respective vision, knowledge and expertise;
  - (d) ensure early engagement;
  - (e) recognise that the relationship between the two parties will evolve;
  - (f) recognise that co-management operates within statutory frameworks that must be complied with;
  - (g) commit to meeting statutory timeframes, and minimising delays and costs associated with those statutory timeframes.

## **RESOURCE CONSENT PROCESSES**

- 16 The Resource Consent schedule, attached as Schedule A, will apply to applications to Waipa District Council for resource consent for the use of, or activities on, the surface of water in the Waikato River.

## **DISTRICT PLANS**

- 17 The District Plan Review schedule, attached as Schedule B, will apply to the preparation, review, change or variation of a Waipa District Council District Plan to the extent to which those processes relate to the Vision and Strategy.

## **MONITORING AND ENFORCEMENT**

- 18 The Monitoring and Enforcement schedule, attached as Schedule C, will apply to monitoring and enforcement activities undertaken by, or on behalf of Waipa District Council in relation to the Waikato River and activities within its catchment affecting the Waikato River.

## **CUSTOMARY ACTIVITIES**

- 19 The Reserves and Customary Activities schedule, attached as Schedule D, will apply to authorised customary activities undertaken on reserves covering part of the Waikato River which are administered by Waipa District Council.

## **OTHER AGREED PROCESSES**

- 20 The Waikato Raupatu River Trust and Waipa District Council may extend the Joint Management Agreement to cover other duties, functions, or powers they agree on, in accordance with section 52 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.
- 21 Notwithstanding the above, the Parties recognise that other Treaty of Waitangi settlements may lead to the extension of components of this Agreement to include additional parties. The Parties to this JMA therefore wish to acknowledge and make provision for any such changes, subject to the following condition:
- (a) Any extension to this Agreement will be by mutual agreement between the Council and Waikato-Tainui, and in accordance relevant legislation.

## **INFORMATION SHARING**

- 22 The parties recognise the benefit of mutual information exchange.
- 23 Where appropriate and in accordance with Waipa District Council's legal obligations, Waipa District Council may make available to Waikato-Tainui official information held by, or reasonably accessible to, Waipa District Council where that official information is requested by Waikato-Tainui for the purposes of assisting them to exercise their mana whakahaere in respect of the Waikato River and enabling Waikato-Tainui to exercise their rights fully under this agreement.
- 24 The Waikato Raupatu River Trust may make available to the Waipa District Council information where appropriate, requested by Waipa District Council to enable it to fulfil its statutory duties and obligations under this agreement.

## **COMMUNICATION BETWEEN THE PARTIES**

- 25 The Waipa District Council and Waikato-Tainui will use their best efforts to establish and maintain effective and efficient communication with each other on a continuing basis by:
- (a) Waikato-Tainui providing, and Waipa District Council maintaining, contact details for the Waikato-Tainui personnel responsible for engagement under this agreement;
  - (b) Waipa District Council providing, and Waikato-Tainui maintaining, contact details for the Waipa District Council personnel responsible for engagement under this agreement;
  - (c) providing reasonable opportunities for relevant personnel from both parties to meet with each other, including arranging meetings to discuss and (if possible) resolve any issue when required; and
  - (d) identifying staff who will be working closely with staff of the other party, and informing those staff of the contents of this agreement and their roles and responsibilities under it.

## **RESOLUTION OF ISSUES**

- 26 The parties agree and acknowledge that for co-management to be effective, the parties must address the resolution of issues between them in a constructive, co-operative and timely manner consistent with the principles underlying this agreement.

- 27 The parties have agreed that the Chief Executives of Waipa District Council and the Waikato-Tainui Te Kauhanganui Incorporated will jointly agree on the appointment of a person who will act as a decision maker if required under clause 30 (c) of this agreement.
- 28 Where either party is concerned over an issue arising under this agreement, that concerned party must give notice to the other party as soon as is practicable, and the parties will engage on how any issues of concern may be addressed.
- 29 If, following the engagement under clause 28 of this agreement, either party considers that there are issues that still require resolution, that party may give notice in writing under this clause, that the process under clause 30 of this agreement is to be followed.
- 30 The following process will apply where notice is given by either party under clause 29:
- (a) within 10 business days of the date upon which notice is given under clause 29, the relevant representative of each party will meet to work together in good faith to resolve the issue;
  - (b) if the issue has not been resolved within 20 business days of receipt of the notice referred to in clause 29, the Chief Executives of each party will meet to work together in good faith to resolve the issue;
  - (c) if the issue has not been resolved within 40 business days of receipt of the notice referred to in clause 29, the Chief Executives of each party will meet to determine the person identified under clause 27 and the matter will be referred to that person. That person will make a recommendation on the issue and provide that recommendation and reasons to the parties;
  - (d) the recommendation under clause 30(c) will be made and provided to the parties no later than 10 business days after referral under clause 30(c);
  - (e) if within 10 business days of receiving a recommendation under clause 30(d) the parties have not resolved the issue, the recommendation becomes binding and the parties must give effect to it; and
  - (f) at any point during the issue resolution process the parties may appoint a facilitator or take any other action considered appropriate to promote the resolution of any issues.
- 31 Despite the fact that the parties are working together to resolve any issue in relation to this agreement, the parties will use their best endeavours to ensure that this agreement as a whole continues to operate effectively.

## REVIEW AND AMENDMENT

- 32 The parties agree that the Joint Management Agreement is a living document which may be reviewed and amended as circumstances require.
- 32 The Chief Executives of Waipa District Council and Waikato-Tainui Te Kauhanganui Incorporated agree to meet at least every 2 years to review the operation of the Joint Management Agreement. At that meeting, the Chief Executives will jointly determine if there is a need to undertake a review of the Joint Management Agreement.
- 33 Any amendments to the Joint Management Agreement will be undertaken in accordance with section 53 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

## DEFINITIONS AND INTERPRETATION

- 34 The provisions of this agreement shall be interpreted in a manner that best furthers the purpose of this agreement and is consistent with the principles set out in clauses 12 to 15 of this agreement.
- 35 In this agreement, unless the context requires otherwise:

|                       |                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>Council</b>        | means Waipa District Council                                                                                                |
| <b>The Trust</b>      | means Waikato Raupatu River Trust                                                                                           |
| <b>Settlement Act</b> | means the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010                                                 |
| <b>Staff</b>          | means the technical officers employed or contracted by either the Waipa District Council or the Waikato Raupatu River Trust |
| <b>Raahui</b>         | means a sanctuary or restricted area, mainly through a breach of protocol or for the replenishing of aquatic species.       |
| <b>Waikato River</b>  | has the same meaning as set out in section 6 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010       |

**SIGNED** as a Joint Management Agreement

**SIGNED** for and on behalf of **Waipa District Council:**

\_\_\_\_\_

**Mayor Alan Livingston**

\_\_\_\_\_

**Chief Executive – Garry Dyet**

In the presence of:

Witness \_\_\_\_\_

**SIGNED by WAIKATO-TAINUI TE KAUHANGANUI INCORPORATED**, in its capacity as trustee of the **WAIKATO RAUPATU RIVER TRUST:**

\_\_\_\_\_

**Chair Rahui Papa**

\_\_\_\_\_

**Chief Executive – Parekawhia McLean**

In the presence of:

Witness \_\_\_\_\_

**DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2013**

**SCHEDULE A**  
**RESOURCE CONSENTS**  
**Waikato-Tainui and Waipa District Council**

This schedule is in two parts, and shall apply to all resource consent applications to the Waipa District Council (including applications pursuant to section 127 the Resource Management Act 1991) for the use of, or activities on the surface of the water in the Waikato River.

The timeframes identified in this schedule recognises that these are “ideal” timeframes. The parties to this agreement will aim to achieve the specified timeframes. Each party recognises that flexibility to achieving each separate step may be required; however Council has an overarching responsibility to meet timeframes specified in the Resource Management Act 1991 (RMA) for processing and determining resource consents.

Of particular relevance is the timeframe within which a notification decision must be made, being 10 working days from receipt of an application at Council (unless the time to process the application has been “stopped” pursuant to a provision of the Resource Management Act 1991).

**The key contact persons for the purpose this schedule (or their nominees) are:**

**Waikato Raupatu River Trust (*Trust*)**

*General Manager*  
Private Bag 3344  
Hamilton 3204



*Environmental Manager*  
Private Bag 3344  
Hamilton 3204



**Waipa District Council**

*Manager Planning and Regulatory*  
Private Bag 2402  
Te Awamutu

## PART 1

### Provision of information and process for engagement on matters related to section 47 of the Settlement Act

This section describes how the Council and the Trust will work together pursuant to section 47(2)(a), (b) and (c) of the Settlement Act.

|   | Step                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Timeframe                                                                                                                                                                                               |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <p>Before a determination is made under section 95A to 95C of the RMA, the Council will provide the Trust a copy of the full resource consent application.</p> <p>The information shall be:</p> <ul style="list-style-type: none"> <li>(a) The same as would be given to affected persons through limited notification under section 95B of the RMA 1991 or</li> <li>(b) The information that the Council and the Trust agree on.</li> </ul>                                                                                                                                                                                                                                                                                                                                              | Within 1 working day of lodgement at Council (or as soon as reasonably practicable)                                                                                                                     |
| 2 | The copy of the application, the name of the Council Planner and the lodgement date of the application will be sent via email to the Waikato-Tainui Environmental Manager.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Within 1 working day of lodgement at Council (or as soon as reasonably practicable)                                                                                                                     |
| 3 | <p>The Trust will review the application and complete Council's response form to formally advise the Council Planner of the following options:</p> <ul style="list-style-type: none"> <li>(a) That they have no concerns with the application; or</li> <li>(b) Subject to the detail/information of the option being a matter within the jurisdiction of the RMA and relevant to the application, that: <ul style="list-style-type: none"> <li>▪ The Trust requests further information from the applicant or requests a report to be commissioned (via s.92 of the RMA); or</li> <li>▪ The Trust request that the applicant seeks the written approval of the tangata whenua (via s.95 of the RMA) and/or requests a meeting between the Trust and the applicant.</li> </ul> </li> </ul> | As soon as possible, but no later than 2 days prior to the time period allowed under section 95 of the RMA (within which the notification decision on the consent application must be made by Council). |
| 4 | <p>If no advice is received from the Trust in relation to the application, as per clause 3 above, and prior to the expiry of the notification decision timeframe; the Council Planner will contact the Trust by telephone to follow up on the email.</p> <p>If there is no response from the Trust within 5 working days from the date the Trust receives the application, the Council Planner will continue to process the application having consideration for the Waikato-Tainui Environmental Plan – Tai tumu, Tai pari, Tai ao.</p>                                                                                                                                                                                                                                                  | <p>Days 5-8</p> <p>Days 5-6</p>                                                                                                                                                                         |

|   | Step                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Timeframe |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 5 | <p>Should further information be requested as per clause 3 above, upon receipt to Council of the further information, the Council Planner will provide a copy of the further information to the Trust.</p> <p>The Trust shall consider the information and formally advise the Council Planner via email and/or letter confirming the Trust's position being:</p> <ul style="list-style-type: none"> <li>▪ No issue;</li> <li>▪ Support the application;</li> <li>▪ Opposed unless certain conditions are met; or</li> <li>▪ Full opposition to the application.</li> </ul> <p>The advice shall also include the name and contact details of the Trust representative responsible for the statement and the reasons for the Trust's position.</p> <p>The advice may include:</p> <ul style="list-style-type: none"> <li>▪ Recommendations (if any) and reason(s); and/or</li> <li>▪ Suggested pathway forward if there are outstanding matters; and/or</li> <li>▪ The Trust's views on notification and the reason(s) for its views.</li> </ul> |           |
| 6 | <p>If no advice is received from the Trust in relation to the further information, as per clause 5 above, and prior to the expiry of the notification decision timeframe; the Council Planner will contact the Trust by telephone to follow up on the email.</p> <p>If there is no response from the Trust within 2 working days from the date the Council Planner contacts the Trust, the Council can consider that the Trust has no further interest in the application and will proceed on this basis.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |
| 7 | <p>If advice from the Trust is received in accordance with clause 5 above, the Council Planner shall formally acknowledge receipt of the Trust's comments, and shall advise the Trust of the process from here.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |           |
| 8 | <p>After taking into consideration the views of the Trust, Council will make a decision regarding notification of the application.</p> <p>The Council's Planner will specifically address the question of whether the Trust is to be considered an affected party by the proposal in the notification report (pursuant to s95 of the RMA).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |

## PART 2

### Additional Procedures

The JMA partners agree to the following additional processes regarding the procedures listed in the table below. These additional processes are matters of extension pursuant to section 52 of the River Settlement Act and the provisions of section 52(3) to (6) apply.

|   | Procedure                                                                                                          | Process                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Pre-application meetings for resource consents (including s.127 applications)                                      | <p>Where a pre-application meeting request is received by Council for a resource consent within the scope of this schedule, the Council Planner will contact the Trust to advise them of the request.</p> <p>In all cases the Trust would like to participate in pre-application meetings where the Council aims to guide and/or direct applicants on proposed development.</p> <p>If no meeting is held, the Trust would like Council to ensure the applicant will be asked to specifically address the Vision and Strategy for Waikato River as part of their resource consent application.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2 | Requests to Council that resource consent applications are determined by the Environment Court rather than Council | <p>Where a request is made by the applicant (in accordance with the RMA), that request will be forwarded to the Trust.</p> <p>Council will consult with the Trust before determining whether to accept or decline the request. The Trust will adopt the same criteria Council will use in making their decisions under Section 87E of the RMA, however the Trust does not have to agree with Council in its decision.</p> <p>If it is jointly agreed by Council and the Trust to grant the request, the Trust will provide support to Council for its report pursuant to Section 87F(4) of the RMA.</p> <p>Where the applicant lodges a notice of motion to the Environment Court pursuant to section 87G of the RMA, once received by Council, the Trust will be sent a copy of the notice and the supporting affidavit for their records. Any relevant correspondence between the Council and applicant must also be copied to the Trust.</p> <p>Alternatively, should Council proceed to determine the application as a result of the applicant not lodging a notice of motion with the Environment Court as described in section 87(I) of</p> |

|   | Procedure                                                                                                                                | Process                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                                                                                                                          | <p>the RMA, the Council shall advise the Trust accordingly, and thereafter provide the trust with a copy of its decision.</p> <p>Should the applicant lodge a notice of motion with the Environment Court to Council's decision to decline the request, if the Trust jointly developed the decision, the Council shall notify the Trust as soon as reasonably practicable. The Trust will provide support to the Council, should it be required, in responding to the notice of motion.</p>                                                                                                                                                                                                                                                                                                                                                                               |
| 3 | Incomplete resource consent applications (including s.127 applications)                                                                  | <p>Should Council determine a resource consent application is incomplete (and subsequently formally reject it), because it does not contain sufficient information for Council to properly assess the effects of the proposal on the environment (particularly as the application relates to the Waikato River and activities within its catchment affecting Waikato River), a copy of the letter to the applicant outlining the reason for the decision will be sent to the Trust.</p> <p>Should the applicant object to the reasons, with specific reference of that objection to the assessment of effects on the Waikato River and its catchment, Council must communicate and correspond with the Trust as soon as reasonably practicable. The Trust will provide support to the Council, should it be required, in considering and/or hearing of the objection.</p> |
| 4 | Deferral of resource consent applications pending additional resource consents being required for activities on the surface of the water | If Council's Planner determines within the first 5 working days of their assessment that additional consent(s) will be required in respect of a proposal, the Council shall provide the Trust with a copy of the notification to the applicant (s91 letter) for their records.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 5 | Requests by Council to an applicant for further information                                                                              | If Council determines at any stage of the resource consent process that further information relating to the application is required (that was not specifically requested by the Trust), a copy of the request shall be sent to the Trust for their records.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6 | Review of resource consent conditions (s.128 RMA)                                                                                        | Council will consult with the Trust before commencing a review of consent conditions for any resource consent within the scope of this schedule.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

### **Development of criteria to assist local authority decision-making**

The WDC and the Trust shall jointly develop and agree criteria to assist WDC decision-making under the following processes or sections of the Resource Management Act 1991:

- Best practice for pre-application processes;
- Section 87E (request that an application be determined by the Environment Court rather than the consent authority);
- Section 88(3) (incomplete application for resource consent);
- Section 91 (deferral pending additional consents);
- Section 92 (requests for further information);
- Section 95 to 95F (notification of applications for resource consent);
- Section 127 and 128 (change, cancellation, or review of consent conditions).

The criteria developed and agreed pursuant to the above:

- Are additional to, and must not derogate from, the criteria that the local authority must apply under the Resource Management Act 1991; and
- Do not impose a requirement on a consent authority to change, cancel, or review consent conditions.

**SCHEDULE B**  
**DISTRICT PLAN REVIEW SCHEDULE**  
**Waikato-Tainui and Waipa District Council**

This schedule (in two parts) applies to the preparation, review, change or variation of a Waipa District Council District Plan (“Plan”) carried out under Schedule 1 of the Resource Management Act 1991 (RMA) to the extent that they relate to the achievement of the Vision and Strategy for the Waikato River as defined by Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“the Act”).

**The key contact persons for the purpose of this schedule (or their nominees) are:**

**Waikato Raupatu River Trust (*Trust*)**

*General Manager*  
Private Bag 3344  
Hamilton 3204  
[REDACTED]

*Environmental Manager*  
Private Bag 3344  
Hamilton 3204  
[REDACTED]

**Waipa District Council**

*Manager Strategy*  
Private Bag 2402  
Te Awamutu

*Manager Planning and Regulatory*  
Private Bag 2402  
Te Awamutu

## PART 1

Part 1 of this schedule sets out the steps that apply to the preparation, review, change or variation of a Waipa District Council District Plan carried out by the Council under Schedule 1 of the Resource Management Act 1991 (RMA), in accordance with section 46(1) and 46(2) of the Act

|   | Step                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Timeframe                                                          |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 1 | <p>Council staff will contact Trust staff at an informal level, to discuss the need for a review of a Waipa District Council planning document. If Waipa District Council determines that a review is required, the relevant staff members of both organisations will:</p> <ul style="list-style-type: none"> <li>▪ Discuss the process for the review, and</li> <li>▪ Discuss the scope of the review.</li> </ul>                                                                                                                                                                                                                                    | As soon as practicable                                             |
| 2 | <p>Initial contact shall occur via a letter to:</p> <ul style="list-style-type: none"> <li>▪ <i>Chair of Waikato-Tainui Te Arataura</i><br/>P.O. Box 648<br/>Hamilton</li> </ul> <p>A copy of the letter shall also be sent to the Trust key persons for the purpose of this schedule.</p>                                                                                                                                                                                                                                                                                                                                                            | As soon as practicable                                             |
| 3 | The Trust will immediately acknowledge receipt of the letter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>As soon as received</p> <p>OR</p> <p>Within 10 working days</p> |
| 4 | <p>Prior to the preparation, review, change, or variation commencing in respect of an RMA planning document, representatives from the Trust and the Council will convene a joint working party, which shall consist of at least the key persons (or nominee) identified in this schedule, to meet at an appropriate time to determine the most effective process. The process shall be based on the principle of co-management, which includes:</p> <ul style="list-style-type: none"> <li>▪ Highest level of engagement;</li> <li>▪ Effective and efficient engagement; and</li> <li>▪ Appreciation of regulatory and tribal obligations.</li> </ul> | Within 10 working days of initial contact                          |
| 5 | <p>Engagement between the Trust and the Council should also provide for the following:</p> <ul style="list-style-type: none"> <li>▪ Ensuring appropriate time for engagement with tribal members</li> <li>▪ Have regard to relevant sections of the Waikato-Tainui Iwi Environmental Plan</li> <li>▪ The relevant provisions of the <i>Waikato Raupatu Claims (Waikato River) Settlement Act 2010</i>, in particular the</li> </ul>                                                                                                                                                                                                                   |                                                                    |

|   | Step                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Timeframe    |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
|   | <p>Vision and Strategy for the Waikato River.</p> <p>The parties acknowledge that the matters set out in this section will be considered in the preparation of a section 32 analysis of the RMA planning document.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |
| 6 | <p>Following due process in sections 1-5 of this table, the joint working party must decide jointly on:</p> <ul style="list-style-type: none"> <li>▪ a recommendation to Council on whether to commence a review of, or amendment to, a Plan; and</li> <li>▪ a recommendation to Council on the content of a Plan prior to its notification under clause 5 of Schedule 1 of the RMA.</li> </ul> <p>The working party must discuss the potential for the Trust to participate in making decisions on an RMA Planning Document under clause 10 of Schedule 1 of the RMA.</p> <p>Should either party not agree in whole or part with the draft planning document in respect of the interests of Waikato-Tainui, or lack thereof, a formal letter from the respective party, i.e. the chairman and/or the mayor, shall be addressed to the other party to outline their concerns and issues.</p> <p>This formal letter will acknowledge and prompt the draft planning document or parts of the planning document to be reconsidered in so far as it relates to the matters contained within this Joint Management Agreement and under the Settlement Act.</p> <p>[The parties acknowledge that the process described in the preceding paragraph is a matter that falls within the provisions set out in section 52 of the Settlement Act.]</p> <p>The provisions contained in the <b>RESOLUTION OF ISSUES Section</b> of the Joint Management Agreement will apply when agreement on a recommendation cannot be reached.</p> <p>Once notified Waikato-Tainui acknowledges the legislated timeframes Council is required to work within as prescribed by the Resource Management Act.</p> | To be agreed |

## PART 2

### Requests for Private Plan Changes

Part 2 of this schedule applies to requests made to Council to make changes to the Waipa District Plan (Private Plan Changes) to the extent to which these processes relate to the vision and strategy for the Waikato River, with the following additional procedures:

Council acknowledges that nothing in this part of the schedule derogates from the Trust's rights to participate as tangata whenua, an iwi authority, or a submitter on private plan change requests in circumstances where this may be appropriate.

|   | Procedure                   | Process                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Pre-request meeting         | Should an applicant ask to meet with Council before a private plan change request is lodged, the Trust will be informed by Council, and invited to participate in that meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2 | Private plan change request | Council shall send a copy of the request to the key person of the Trust, identified in this schedule.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3 | Further information         | <p>The Trust shall provide support to Council, if required, in determining whether further information is required.</p> <p>Council shall provide the Trust with any additional information provided by the applicant.</p> <p>Council shall inform the Trust, as soon as reasonably practicable, if the applicant of the private plan change declines to provide any further information requested by Council or refuses to agree to the Council commissioning a report.</p>                                                                                                                                                                                                                         |
| 4 | Consideration of request    | <p>Council shall advise the Trust of the statutory timeframes in relation to the application, and identify dates for reporting and decision making.</p> <p>Prior to any consideration of the request under clause 25 of Schedule 1 of the RMA, Council shall make provision within the statutory timeframe for the Trust to provide:</p> <ul style="list-style-type: none"><li>(a) Guidance on whether the private plan change will impact on the mana whakahaere of Waikato-Tainui;</li><li>(b) Guidance on whether the private plan change is consistent with any provision developed and enacted as a result of the Settlement Act;</li><li>(c) Assistance on whether the private plan</li></ul> |

|   | Procedure                                   | Process                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                             | <p>change has given regard to the Waikato-Tainui Environmental Management Plan; and</p> <p>(d) Assistance on consideration of matters under sections 6, 7 and 8 of the RMA (in the context of the Vision and Strategy).</p>                                                                                                                                                                                                                                                                                                        |
| 5 | Incomplete requests                         | <p>The Trust shall provide support to Council, should it be required, in developing a written response outlining the reasons why a request is rejected, if those reasons relate to the Vision and Strategy for the Waikato River.</p> <p>The Council and the Trust may inform the Waikato River Authority of the Council and Trust position on any matter that they agree the Authority should be informed on.</p>                                                                                                                 |
| 6 | Determination of Requests (Adopt or Reject) | <p>Council staff shall advise the Trust as soon as reasonably practicable on the Council's decision to adopt, accept or reject the private plan change request.</p> <p>If the request is rejected based on reasons relating to the Vision and Strategy for the Waikato River, the Trust shall provide support to the Council, should it be required, in developing a written response outlining the reasons why the request is rejected.</p>                                                                                       |
| 7 | Considerations                              | <p>If the Trust agrees with Council's recommendation to notify the private plan change, the Trust will support Waipa District Council in its public release.</p> <p>Alternatively, should the Trust not agree with the notification of the private plan change then the Trust Chairman may write a formal letter to the Council outlining its concerns and issues.</p> <p>Once notified Waikato-Tainui acknowledges the legislated timeframes Council is required to work within as prescribed by the Resource Management Act.</p> |

## SCHEDULE C

### MONITORING AND ENFORCEMENT Waikato-Tainui and Waipa District Council

This schedule shall apply to monitoring and enforcement related to the Waikato River and activities within its catchment affecting the Waikato River as required by s45 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 ('the Act'). In accordance with section 45 of the Act, "Waikato River" has the meaning set out in section 6 "Waikato River" – subparagraph (c).<sup>1</sup>

The timeframes identified in this schedule recognises that these are "ideal" timeframes. The parties to this agreement will aim to recognise that flexibility may be required.

**The key contact persons for the purpose this schedule (or their nominees) are:**

**Waikato Raupatu River Trust (*Trust*)**

*General Manager*  
Private Bag 3344  
Hamilton 3204  
[REDACTED]

*Environmental Manager*  
Private Bag 3344  
Hamilton 3204  
[REDACTED]

**Waipa District Council**

*Manager Planning and Regulatory*  
Private Bag 2402  
Te Awamutu

*Manager Strategy*  
Private Bag 2402  
Te Awamutu

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<sup>1</sup> **Waikato River** (c) in section 35 to 38, 40, **42, 45, 47, 56 to 64**, 66, 69, 72, 80, and 93 and Schedule 7, means – (i) the body of water known as the Waikato River flowing continuously or intermittently from Karapiro to the mouth of the Waikato River shown as located within the area marked "A" on SO plan 409144; and

(ii) all tributaries, streams, and watercourses flowing into the part of the Waikato River described in subparagraph (i), to the extent to which they are within the area marked "A" on SO plan 409144; and

(iii) lakes and wetlands within the area marked "A" on SO plan 409144; and

(iv) the beds and banks of the water bodies described in subparagraphs (i) to (iii).

### **Monitoring Programme meeting**

Council and the Trust agree to meet at least twice a year to discuss and agree on the priorities, extent and methods for monitoring the:

- State of the environment of the district that is appropriate to enable Council to effectively carry out its functions under the RMA; and
- Efficiency and effectiveness of the policies, rules and methods in the District Plan; and
- Exercise of any functions, powers, or duties delegated or transferred by Council; and
- Exercise of resource consents that have effect in the district.

In addition, Council and the Trust will discuss the potential for the Trust to participate in the monitoring of those matters above.

A protocol or work program that acknowledges and confirms the priorities and methods discussed at these meetings will be jointly developed and presented to each party's respective Council and Board for information purposes.

The protocol or work program may include (but not be limited to) the following:

- Purpose
- Engagement principles
- Composition of monitoring team
- Process
- Identified priorities and methods
- Intended outcomes
- Timeframe
- Resourcing

The first meeting shall be convened by the Trust at a date of their choosing. The next meeting shall be convened by Council no less than 6 months following. Thereafter the Trust and Council will alternate hosting the meetings.

### **Monitoring review meetings**

Council and the Trust agree to meet at least twice a year to review the monitoring undertaken and to discuss appropriate responses to address the monitoring outcomes. Those responses may include:

- The potential for review of the District Plan
- Enforcement under the RMA, including developing criteria for the commencement of prosecutions, applications for Enforcement Orders and the service of Abatement Notices and/or Infringement Notices.

The parties will also:

- Discuss the potential for persons nominated by the Trust to participate in enforcement action under the RMA; and
- Agree appropriate procedures for reporting back to the Trust on the enforcement action taken by Council; and
- Discuss and agree the role of the Trust in the 5-yearly review of the monitoring results of the efficiency and effectiveness of policies, rules and methods of the District Plan.

A record of these meetings will be taken and reported to each parties respective Council and Board for comment and information purposes.

The first meeting shall be convened by the Council at a date of their choosing, but at least 6 months after the first monitoring programme meeting. The next meeting shall be convened by the Trust no less than 6 months following. Thereafter, Council and the Trust will alternate hosting meetings.

**SCHEDULE D**  
**RESERVES AND CUSTOMARY ACTIVITIES**  
**Waikato-Tainui and Waipa District Council**

This schedule shall apply to authorised customary activities on reserves for which Council is the administering body. Authorised customary activities are defined in Schedule 3 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“Settlement Act”).

‘Waikato River’ has the same meaning as that set out in section 6 of the Settlement Act, as it relates to section 62 (Joint management agreement must include processes relating to customary activities).

This schedule is in 5 parts:

**Part 1** of this schedule provides a process for the participation of the Trust in the development, review and amendment of a reserve management plan for reserves covering part of the Waikato River for which Council is the administering body, as required by s62(7) of the Settlement Act.

**Part 2** of this schedule addresses the requirements of s62(2) of the Settlement Act as it relates to authorised customary activities and permits or other authorisations granted under the Reserves Act 1977.

**Part 3** of this schedule addresses the requirements of s62(9) of the Settlement Act in relation to the development of protocols for placing raahui on reserves covering part of the Waikato River for which Council is the administering body, as required by s62(7) of the Settlement Act.

**Part 4** of this schedule addresses the requirements of s62(3) of the Settlement Act in relation to exploring a process between the Council and the Trust whether other customary activities could be carried out on the Waikato River as a permitted activity.

**Part 5** of this schedule addresses the review process for matters under this schedule.

The key contact persons for the purpose this schedule (or their nominees) are:

**Waikato Raupatu River Trust (*Trust*)**

*General Manager*

Private Bag 3344

Hamilton 3204



*Environmental Manager*

Private Bag 3344

Hamilton 3204



**Waipa District Council**

*Manager Community Facilities*

Private Bag 2402

Te Awamutu

## PART 1

The timeframes for developing, reviewing and amending reserve management plans are dependent on review periods, Council meeting schedules and consultation periods. Timeframes for the completion of reserve management plans will be outlined at steps 1 and/or 2 identified in the table below. The parties to this agreement will aim to achieve the agreed specified timeframes. Each party recognises that flexibility to achieving each separate step may be required.

The parties recognise that Council has an overarching obligation to follow the process and to meet the timeframes specified in s41 of the Reserves Act 1977 for the purpose of developing, reviewing and amending reserve management plans.

|   | Step                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Timeframe                                                     |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| 1 | Council shall inform the Trust of its intention to develop, review or amend a reserve management plan at the earliest practicable time.                                                                                                                                                                                                                                                                                                                                                                                                  | As soon as practicable                                        |
| 2 | Initial contact shall occur via a letter to: <ul style="list-style-type: none"> <li>▪ <i>Chair of Waikato-Tainui Te Arataura</i><br/>Private Bag 542<br/>Ngaruawahia</li> </ul> A copy of the letter shall also be sent to the Trust key persons for the purpose of this schedule.                                                                                                                                                                                                                                                       | As soon as practicable                                        |
| 3 | Representatives from the Trust and the Council will meet to discuss the scope of the preparation, review or amendment of the reserve management plan and timeframes.                                                                                                                                                                                                                                                                                                                                                                     | As soon as practicable                                        |
| 4 | As an outcome of the meeting, the Council will provide written documentation outlining the scope of the reserve management plan being prepared, reviewed or amended in relation to authorised customary activities.                                                                                                                                                                                                                                                                                                                      | As soon as practicable and prior to any work being undertaken |
| 5 | In accordance with s41(5)(a) and (b) of the Reserves Act 1977, Council will give public notice of its intention to prepare, review or amend the reserve management plan, and will invite persons and organisations to provide Council with written suggestions on the proposed reserve management plan.<br><br>It is noted that public notification will not be required where Council passes a resolution that written suggestions would not materially assist in its preparation, review, or amendment of the reserve management plan. | In line with agreed timeframes.                               |
| 6 | In accordance with s41(5)(c) of the Reserves Act 1977, Council will prepare a draft reserve management plan.                                                                                                                                                                                                                                                                                                                                                                                                                             | In line with agreed timeframes.                               |

|    | Step                                                                                                                                                                                  | Timeframe                                                         |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
|    | When preparing the draft plan, Council will give full consideration to the feedback received from the Trust and any comments received following public notification.                  |                                                                   |
| 7  | Council and the Trust will provide each respective Board and Council committee with a copy of the reserve management plan for comment.                                                | In line with agreed timeframes.                                   |
| 8  | In accordance with s41(6) of the Reserves Act 1977, Council shall give public notice that the draft plan is available and will invite objections to or suggestions on the draft plan. | Not less than 2 months after public notification                  |
| 9  | Council shall provide the Trust with details of the objections to or suggestions received on the draft reserve management plan and to request the Trust's feedback.                   | As soon as practicable (in line with agreed timeframes.)          |
| 10 | The Trust shall provide feedback on how the objections or suggestions may affect authorised customary activities.                                                                     | 20 working days after receipt of the objection/suggestions letter |
| 11 | In accordance with s41(6)(d), Council may convene a hearing to provide every person who lodged an objection or submitted any comment on the draft plan the opportunity to be heard.   | As soon as practicable (in line with agreed timeframes.)          |
| 12 | Council shall give consideration to the Trust's feedback, and to any objection or comments submitted to Council (if a hearing is held), when finalising the reserve management plan.  | As soon as practicable (in line with agreed timeframes.)          |
| 13 | Council shall provide the Trust with a copy of the final reserve management plan.                                                                                                     | As soon as practicable (in line with agreed timeframes.)          |

## PART 2

Part 2 of this schedule addresses the requirements of s62(2) of the Settlement Act as it relates to authorised customary activities and applications for resource consent or permits or other authorisations for an activity (on reserves administered by Council under the Reserves Act 1977) that:

- Would have the effect of preventing an authorised customary activity specified in the notice occurring at the location and on the date specified in the notice; or
- Would have a significant adverse effect on the carrying out of an authorised customary activity specified in the notice at the location and on the date specified in the notice.

Council will seek to avoid conflicts between notified authorised customary activities and other activities on reserves by following the process below:

|   | Step                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Timeframe                      |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 1 | The Trust shall ensure that it provides Council's Manager Community Facilities formal notification of the annual schedule of the authorised customary activities that are intended to occur within Waipa District in the 12-month period starting 1 January of the following year, and the likely dates and locations of those activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | On or before 30 June each year |
| 2 | <p>In accordance with s58(2) and (3) of the Settlement Act, if Council receives an application for a permit that would prevent an authorised customary activity from occurring at the specified location and date, or would have a significant adverse effect on an authorised customary activity at the specified location and date, Council will:</p> <p>(a) Assess the effects of the proposed activity on the authorised customary activity and seek and have particular regard to the Trust's views before deciding what the effects are and whether they could have a significant adverse effect on the authorised customary activities; and</p> <p>(b) Decide whether conditions could prevent any significant adverse effects and what the conditions would be; and</p> <p>(c) Advise the Trust in writing of Council's assessment of the effects and any conditions that would prevent any significant adverse effects; and</p> <p>(d) Following giving notice under (c) above, given the Trust at least 7 working days by which it must advise Council whether or not it consents to the proposed activity</p> | As soon as practicable         |

|   | <b>Step</b>                                                                                                                                                                                                                                                                                    | <b>Timeframe</b>             |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 3 | Council will advise the Trust in writing of the grant of a permit or other authorisation which coincides with the carrying out of an authorised customary activity notified under clause 1 above.                                                                                              |                              |
| 4 | Further to issuing the annual schedule of authorised customary activities under clause 1, the Trust must give written notice of an intended authorised customary activity being carried out. The notice must include the location and precise dates on which the activity will be carried out. | No less than 20 working days |

### PART 3

Part 3 of this schedule addresses the requirements of s62(9) of the Settlement Act in relation to the development of protocols for placing raahui covering part of the Waikato River administered by Council under the Reserves Act 1977.

|   | Step                                                                                                                                                                                                                                                                                      |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | The Trust and Council will meet and establish a working party for the development of protocols in relation to placing raahui on Council administered reserves.                                                                                                                            |
| 2 | <p>The working party should be tasked to report on:</p> <ul style="list-style-type: none"><li>▪ Location of raahui</li><li>▪ Possible reasons for the raahui</li><li>▪ Possible conditions that might need to be associated with the raahui</li><li>▪ Any other related matters</li></ul> |

#### **PART 4 – SECTION 62(3) MATTERS**

Section 62(3) of the Settlement Act requires that the Joint Management Agreement include a process for the parties to explore:

- (a) Whether other customary activities could be carried out by Waikato-Tainui on the Waikato River without the need for a statutory authorisation from the local authority; and
- (b) In particular, whether other customary activities could be provided for as permitted activities in relevant regional or district plans.

The Trust and Council will convene a working party for the purpose of discussing the matters set out in section 62(3)(a) and (b) of the Settlement Act. The working party shall consist of the key persons named in this schedule OR their nominees. The timeframe for this working party to be convened is to be agreed.

The working party will make recommendations for consideration by the Joint Committee to be established by the parties.

After consideration of those recommendations, the Joint Committee will confirm its position to the Joint Working Party.

If it is determined that certain customary activities could be provided for as permitted activities in relevant district plans, this shall be addressed through the joint working party pursuant to Schedule B.

## **PART 5 - REVIEW**

This Schedule will be reviewed annually on a date to be agreed, to identify any deficiencies or areas where the Schedule needs to be amended or other changes required whether statutory or otherwise and to ensure that the Schedule remains a relevant, workable, living document.

## **APPENDIX 1: CUSTOMARY ACTIVITIES**

### *1 Waka or kohikohia*

The launching and use of waka and support craft and the erection and use of associated temporary structures (including barges and temporary jetties) on the Waikato River for ceremonial, customary, recreational, competition, and sporting purposes, including—

- (a) waka taua (ceremonial canoes) at significant tribal events, including —
  - (i) the annual Ngaaruawaahia Regatta; and
  - (ii) the annual Koroneihana (celebration of the coronation day of the Kaahui Ariki); and
- (b) waka ama, waka haurua and waka kopapa (racing canoes) and waka tete (river canoes) at tribal events, including—
  - (i) the annual Ngaaruawaahia Regatta; and
  - (ii) the biennial Tainui Games; and
  - (iii) other Tribal Regatta and Waikato-Tainui Marae Games.

### *2 Tangohia ngaa momo takawai*

The collection of river stones, shingle, and sand from the Waikato River for the purposes of customary practices, including—

- (a) the building of a tuahu (altars); and
- (b) carvings; and
- (c) the preparation of hangi.

### *3 Waioranga*

The use of the Waikato River for customary practices relating to the physical health and wellbeing of persons including bathing and cleansing.

### *4 Wairua*

The use of the Waikato River for customary practices relating to spiritual and cultural health and wellbeing of persons and the tribe including baptisms and other traditional ceremonies.