# Schedule B

## RESOURCE CONSENTS
## Waikato-Tainui and Waikato District Council

This schedule applies to applications to the Waikato District Council (Council) for resource consents for the use of or activities on the surface of the water in the Waikato River. The schedule includes a process for engagement on these matters and ability to review the schedule to extend the matters that may be considered.

**The key persons pertaining to the contents of this schedule (or their nominees) are:**

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

- *General Manager*
  Private Bag 3344
  HAMILTON 3204
  [redacted]

*Environment Manager*
Private Bag 3344
HAMILTON 3204
[redacted]

***Waikato District Council***

- *General Manager, Customer Support*
  Private Bag 544
  Ngaruawahia
  [redacted]

*Consents Manager*
Private Bag 544
Ngaruawahia
[redacted]

**PART 1- Provision of Information and process for engagement on matters relating to section 47 of the 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.

| | **Process** | **Timeframe** |
|---|---|---|
| **1.** | Council staff will provide Trust staff with a full copy of an application which falls within the scope of this schedule, within 1 working day of receipt or as soon as possible. The copy of the application together with the name of the council staff member dealing with it, and the date upon which it was officially received will be sent via email to:<br><br>Environment Manager<br>Private Bag 3344<br>HAMILTON 3204<br>[redacted]<br><br>*NB: Copy of the application can be sent electronically if file size is* | **1 working day after receipt.** |

| | | |
|---|---|---|
| | *less than 7 MB. If file is bigger, then the copy will be couriered to the Trust.* | |
| **2.** | The information shall be:<br>a) The same as would be given to affected persons through limited notification under section 95B of the RMA 1991 or<br>b) The information that the Council and the Trust agree on.<br><br>In relation to (b) above, the parties have agreed the following process for the provision of additional information:<br><br>c) The Trust shall advise the Council by email within 2 working days if it wishes to request additional information;<br>d) The Council staff member dealing with the application will consider the request and provide such further information as is agreed with the Trust. | **The information must be provided as soon as reasonably practicable after the application has been received and before a determination is made under sections 95A to 95C of the RMA.** |

**Part 2 - Provision of information and process for engagement on matters outside the scope of the Act**

The guiding principles of the Joint Management Agreement with Waikato Tainui specifically state that Council and the Trust will:

- Work together to achieve the overarching purpose of the settlement
- Recognise and give effect to the vision and strategy for the river
- Act in a manner consistent with the principles of the Tiriti o Waitangi
- Commit to work together in good faith and with a spirit of co-operation
- Commit to open, honest and transparent communication
- Commit to participate effectively in co-management
- Recognise and acknowledge that the parties will benefit from working together by sharing their respective vision, knowledge and expertise
- Ensure early engagement and a 'no surprises' approach
- Recognise that the relationship between the parties will evolve

With these guiding principles in mind, this section of the schedule sets out a process for information sharing on resource consent matters in which the Trust may have an interest. The parties acknowledge that such resource consent matters are outside the scope of activities set out in

section 47(1)(b) and are outside the scope of the Act. Nevertheless, the parties have agreed to record the proposed process as part of this schedule to the Joint Management Agreement.

The parties have further agreed that the matters set out in Part 2 of this schedule shall be subject to the provisions of section 52 of the Act (Extension of the Joint Management Agreement).

It is noted that Council currently sends a weekly list of all resource management applications received to iwi management groups with the Waikato district. The Trust is one of the recipients on this list and therefore, has an awareness of all applications received by the Council, including those that fall outside the scope of the Act.

| | **Process** | **Timeframe** |
|---|---|---|
| **1.** | The following process shall apply where an application is received that is outside the scope of section 47(1)(b) and the Act but Council's consenting staff consider that the Trust may have an interest in the application. Examples might include an application is:<br>- Close to a site of tribal significance and/ or<br>- Adjacent to a Marae or other tribal venue and / or<br>- Unusual or extraordinary (i.e. in size or purpose) and / or<br>- May possibly have impacts on current or future tribal initiatives, activities or plans.<br><br>If that is the case, then the Council staff member dealing with the matter may notify the trust via email to:<br><br>*Environment Manager*<br>Private Bag 3344<br>HAMILTON 3204<br>[redacted]<br><br>within 3 working days of receipt of the application. Note this notification will be in addition to the weekly schedule. | **3 working days** |
| **2.** | If there is no response from the Trust within 2 working days, then the Council staff member will continue to process the application as per the normal process. | **2 working days.** |

**Part 3 – Development of decision making criteria under section 47(2) of the Act and possible extensions to this schedule.**

Council and the Trust need to work together to develop criteria to assist Council with decision making under the following processes or section of the RMA:

i. Best practice for pre-application processes;
ii. Section 87E (request that an application be determined by the Environment Court rather than the consent authority)
iii. Section 88(3) (incomplete application for resource consent)
iv. Section 91 (deferral pending additional consents)
v. Section 92 (requests for further information)

vi. Sections 95 to 95F (notification of applications for resource consents)
vii. Sections 127 and 128 (change, cancellation or review of consent conditions).

The development of the criteria will be achieved as follows:

| | **Process** | **Timeframe** |
|---|---|---|
| **1.** | The Council and the Trust will nominate relevant staff to a joint working party to develop the decision making criteria.<br>To achieve this outcome the working party will:<br>- Review the practical application of this schedule<br>- Discuss any issues that have arisen with the implementation of the schedule<br>- Make recommendations for amendments to the processes described in this schedule<br>- Review the applications that have been dealt with jointly as a result of this schedule<br>- Review the applications that have been notified to the Trust, that fall outside the requirements of the Act<br>- Undertake any other action or review that may assist in the development of the decision making criteria.<br><br>The working party will meet 12 months following the implementation of the schedule, and then as agreed after that.<br><br>The criteria developed and agreed under this schedule:<br>- Are additional to and must not derogate from the criteria that Council must apply under the Resource Management Act 1991 and<br>- Do not impose a requirement on Council to change, cancel or review consent conditions. | 12 months after the implementation of this schedule. |
| **2.** | Following the first meeting and consideration of the matters outlined in step 1 above, the working party will produce jointly agreed decision making criteria in draft for further consideration by the key persons named at page 1 of this schedule. | As agreed by the working party but **at least** 6 weeks following the first meeting of the working party |
| **3.** | Following consideration of the draft criteria described in step 2 above, the Joint Working Party shall convene a further meeting for the purposes of finalising the agreed criteria. Council and the Waikato Tainui Executive will consider and agree to the criteria with final approval required from the Joint Committee. | To be agreed. |
| **4.** | The working party will also provide recommendations to the Council and Waikato Tainui Executive for approval by the Joint Committee, in regard to possible extensions to this schedule, pursuant to section 52 of the Act. | As above. |

**Part 4 – Ability to request a meeting for the purpose of discussing resource consent matters**

In the spirit of the guiding principles of the Joint Management Agreement set out in Part 2 above, either partner may request that a meeting be held for the following purposes:

- A general discussion on resource consent matters, including the processes set out in this schedule;
- A specific resource consent matter that is covered by section 47 of the Act;
- An RMA matter as set out in Part 3 above;
- A matter related to the joint development of the decision making criteria described in part 3 above;
- A specific resource consent matter outside the scope of the Act;
- Any other related matter.

The request for a meeting should be made through the key persons named at Page 1 of this schedule or their nominees.