

Schedule C
Preparation, Review, Change or Variation of a
Resource Management Act 1991 (RMA) Planning Document
Waikato-Tainui and Waikato District Council

Section 43(b) of the *Waikato Raupatu Claims (Waikato River) Settlement Act 2010* ('Settlement Act') requires that the Joint Management Agreement ('JMA') signed between the Waikato District Council (Council) and the Waikato Raupatu River Trust (Trust) must provide for a means to work together in carrying out the duties, functions and exercising powers in the Resource Management Act 1991 ('RMA') in relation to the preparation, review, change, or variation of an RMA planning document. Section 46 of the Settlement Act sets out the detail of what the JMA must provide for respect of those processes.

This schedule addresses the matters set out in section 46 of the Settlement Act and shall apply to the preparation, review, change or variation of an RMA Planning Document that determines policies and rules on the Waikato River and activities within its catchment affecting the Waikato River as defined in the *Waikato Raupatu Claims (Waikato River) Settlement Act 2010* to the extent to which those processes relate to the Vision and Strategy.

The RMA planning documents include the Waikato District Plan (and subsequent Plans, including the Franklin District Plan that forms part of the Waikato District) and any other RMA planning document that is administered by the Council.

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

Waikato Raupatu River Trust

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| <ul style="list-style-type: none">• <i>General Manager</i>
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HAMILTON 3204
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Waikato District Council

- *Planning and Strategy Manager*
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NGARUAWAHIA 3720
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- *Strategic Planning and Resource Management Team Leader*
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	Provision	Timeframe
1	<p>Council staff will contact Trust staff at an informal level, to discuss the need for a review of a Waikato District Council planning document. If Waikato District Council determines that a review is required the relevant staff members of both organisations will:</p> <ul style="list-style-type: none"> • Discuss the process for the review, and • Discuss the scope of the review. 	As soon as practicable
2	Council staff shall inform Trust staff of a Waikato District Council Strategy and Finance Committee resolution supporting the investigation, the process for, and scope of a review of a Waikato District Council planning document.	As soon as practicable
3	<p>Initial contact shall occur via a formal notice/letter to:</p> <ul style="list-style-type: none"> • <i>Chair of Waikato-Tainui Te Arataura</i> Private Bag 542 NGARUAWAHIA <p>A copy of the letter shall also be posted or e-mailed to the key persons named in this schedule.</p>	As soon as practicable
4	The Trust will acknowledge receipt of the letter within ten working days.	Within ten working days
5	<p>Prior to the preparation, review, change, or variation commencing in respect of an RMA planning document, Council and Trust staff shall convene a Joint Working Party (which will include but is not limited to the Waikato-Tainui Environment Manager – or nominee; and the Waikato District Council Planning and Strategy Manager – or nominee) to discuss and recommend to the Waikato District Council:</p> <ul style="list-style-type: none"> • The process to be adopted when preparing, reviewing, changing or varying a Resource Management Act 1991 planning document; and • The general form and content of any document to be drafted for the purposes of consultation or notification under clause 5 of Schedule 1 of the RMA. <p>The process shall be based on the following principles of engagement:</p> <ul style="list-style-type: none"> • Highest level of engagement; • Effective and efficient management; • Appreciation of regulatory and statutory obligations; and • Appreciation of tribal obligations. <p>An agreed timeframe shall be developed and presented to the Board and Council for their information and comment and/or to any other co-management group identified in the JMA.</p>	As soon as agreed by both parties
6	<p>Joint working party engagement should recognise and, where appropriate, provide for the following matters:</p> <ul style="list-style-type: none"> • An appropriate time frame to enable meaningful engagement with tribal members; • Consideration of relevant sections of the Waikato-Tainui Iwi Environmental Management Plan; and • The relevant provisions of the <i>Waikato Raupatu Claims (Waikato River)</i> 	To be agreed

	<p><i>Settlement Act 2010</i> , in particular the 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>	
7	<p>The working party must decide jointly on the final recommendation to the Council on whether to commence a review of, and whether to make an amendment to, an RMA Planning Document</p> <p>The working party must decide jointly on the final recommendation to the Council on the content of an RMA Planning document that is to be notified under clause 5 of Schedule 1 of the RMA.</p> <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.</p> <p>The provisions contained in RESOLUTION OF ISSUES SECTION 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

Requests for Private Plan Change

Section 46(3) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 also requires the provision of a mechanism for the Trust to participate in processes under Part 2 of Schedule 1 of the Resource Management Act 1991. Part 2 applies to requests for changes to policy statements and plans.

This part of the schedule addresses those private plan changes that determine policies and rules on the Waikato River and activities within its catchment affecting the Waikato River (definition provided in the Waikato Raupatu Claims (Waikato River) Settlement Act 2010) to the extent to which those processes relate to the Vision and Strategy.

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.

1	If a meeting is sought with Council staff before a plan change request is lodged, Trust staff will be informed and invited to participate in that meeting.	As soon as practicable
2	If a request is made in accordance with clause 21 of Schedule 1 a copy shall be provided via a formal notice/letter to the Waikato Raupatu River Trust Environment Manager.	Within 3 working days of receiving the request
3	<p>Should it be requested, the Trust will provide support to Council, in determining if further information is required.</p> <p>The Trust will advise Council if the Trust requires further information from the applicant.</p> <p>The Council shall provide the Trust with any additional information provided in support of any request or advise the Trust if the applicant declines to provide any additional information.</p>	As soon as practicable
4	Waikato District Council will advise the Trust of the statutory timeframes in relation to the request and identify dates for reporting and decision making.	As soon as practicable
5	<p>Prior to any consideration of the request under clause 25 of Schedule 1, Waikato District Council shall make provision within the statutory time frame for the Trust to provide:</p> <ul style="list-style-type: none"> • Guidance on whether the plan change will impact on the mana whakahaere of Waikato-Tainui, • Guidance on whether the plan change is consistent with any provision developed as a result of the Settlement Act, • Assistance on whether the plan change has given regard to the Waikato-Tainui Environmental Management Plan, and • Assistance on section 6, 7 and 8 matters of the RMA¹ <p>The Trust may provide a position paper on the request to Council, particularly where the Trust has specific concerns or issues that it wishes to raise, in relation to the Vision and Strategy for the Waikato River.</p>	In accordance with the relevant timeframes advised as part of four above.
6	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.	
7	Should it be required, the Trust will provide support to the Waikato District Council, in developing a written response to the applicant, outlining why a request is rejected.	As appropriate

¹ See Appendix 1

8	Waikato District Council will provide to the Trust a copy of any decision and the reasons for that decision made under clause 25 of Schedule One of the Resource Management Act.	At the same time as notification is made to the person making the request.
9	<p>If the Board agrees with the plan change and Council's recommendation to notify, the Trust will support Waikato District Council in its public release.</p> <p>Alternatively, 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>Once notified Waikato-Tainui acknowledges the legislated timeframes Council is required to work within as prescribed the Resource Management Act.</p>	

DEFINITIONS:

"Trust" means Waikato Raupatu River Trust

"Board" means the governance board of the Waikato Raupatu River Trust

"Council" means Waikato District Council Councillors

"Staff" means technical officers employed or contracted by Waikato District Council or the Waikato Raupatu River Trust

"Authority" – means Waikato River Authority

"Draft planning document" means a document prepared under the Schedule 1 of the Resource Management Act 1991 and includes the Waikato District Plan (and subsequent Plans, including the Franklin District Plan that forms part of the Waikato District) and any other plan administered by the Waikato District Council.

Appendix 1:

Sections 6, 7 and 8 of the Resource Management Act

6 Matters of national importance

- In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:
 - (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
 - (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
 - (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
 - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
 - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
 - (f) the protection of historic heritage from inappropriate subdivision, use, and development:
 - (g) the protection of protected customary rights.

Section 6(f): added, on 1 August 2003, by [section 4](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 6(g): substituted, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

7 Other matters

- In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—
 - (a) kaitiakitanga:
 - (aa) the ethic of stewardship:
 - (b) the efficient use and development of natural and physical resources:
 - (ba) the efficiency of the end use of energy:
 - (c) the maintenance and enhancement of amenity values:
 - (d) intrinsic values of ecosystems:
 - (e) *[Repealed]*
 - (f) maintenance and enhancement of the quality of the environment:
 - (g) any finite characteristics of natural and physical resources:
 - (h) the protection of the habitat of trout and salmon:
 - (i) the effects of climate change:
 - (j) the benefits to be derived from the use and development of renewable energy.

Section 7(aa): inserted, on 17 December 1997, by [section 3](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 7(ba): inserted, on 2 March 2004, by [section 5\(1\)](#) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Section 7(e): repealed, on 1 August 2003, by [section 5](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 7(i): added, on 2 March 2004, by [section 5\(2\)](#) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Section 7(j): added, on 2 March 2004, by [section 5\(2\)](#) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

8 Treaty of Waitangi

- In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the [Treaty of Waitangi](#) (Te Tiriti o Waitangi).