

Schedule E

AUTHORISED CUSTOMARY ACTIVITIES - RESERVES, LAKES & STREAMS

Waikato-Tainui and Waikato District Council

This schedule applies to authorised customary activities on reserves, lakes and streams within that part of the Waikato River Catchment area for which Waikato District Council ('Council') is the administering body.

This schedule is in 5 parts.

Part 1 of this schedule provides a process for the participation of the Waikato Raupatu River Trust ('Trust') in the development, review, and amendment of a reserve management plan for reserves 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 s 62(2) of the Settlement Act as it relates to authorised customary activities and permits or other authorisations granted under the Reserves Act 1977. In particular, Part 2 of the Schedule provides for the process set out in section 58(3) (a), (b) and (c) of the Settlement Act. A list of the authorised customary activities as set out in the **Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010** has been included as appendix 1.

Part 3 of this schedule addresses the requirements of s 62(9) of the Settlement Act in relation to the development of protocols for placing raahui (restriction) on reserves, lakes and streams within that part of the Waikato River Catchment area for which Council is the administering body under the Reserves Act 1977.

Part 4 of this schedule deals with Section 62(3) of the Act which requires the inclusion of a process for the parties to explore the matters set out in that section.

Part 5 discusses annual review of the schedule.

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

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PART 1- DEVELOPMENT, REVIEW, AND AMENDMENT OF RESERVE MANAGEMENT PLANS

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 will be outlined at the time of notification of intention to develop, review, or amend a reserve management plan. 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 s 41 of the Reserves Act 1977 for the purpose of developing, reviewing and amending reserve management plans.

	Step	Timeframe
1	Council will inform the Trust of its intention to develop, review, or amend a reserve management plan at the earliest possible time.	As soon as practicable and prior to any substantive drafting
2	Staff from Council and the Trust will meet to discuss the scope of the preparation, review, or amendment of the reserve management plan and timeframes.	As soon as practicable
3	As an outcome of the meeting, Council staff 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
4	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 plan. 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.
5	In accordance with s41(5)(c) of the Reserves Act 1977, Council will prepare a draft reserve management plan. When preparing the draft plan, Council will give full consideration to	In line with agreed timeframes.

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

PART 2 – NEW AND EXISTING PERMITS AND AUTHORISATIONS – ISSUE, REVIEW AND RENEWAL

Part 2 of this schedule addresses the requirements of s62 of the Settlement Act as it relates to authorised customary activities and applications for new permits or other authorisations and renewal of existing permits on reserves, lakes and streams administered by the Council under the Reserves Act 1977.

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

1. On or before *30 June* each year, the Trust will ensure that it gives Council's General Manager, Water and Facilities and General Manager, Regulatory, formal notification of the annual schedule of the authorised customary activities that are intended to occur with the Waikato District Council in the 12 month period starting 1 January of the following year and the likely dates and locations of those activities.
2. In accordance with s 58(2) and (3) of the Settlement Act, if Council receives an application for a new permit or renewal of an existing 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:
 - 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 decided what the effects are and whether they could have a significant effect on the authorised customary activities; and
 - b. Decide whether conditions could prevent any significant adverse effects and what the conditions would be; and
 - c. Advise the Trust in writing of Council's assessment of the effects and any conditions that would prevent any significant adverse effects; and
 - d. Following giving advice under notice (c) above, give the Trust at least 7 business days by which it must advise Council whether or not it consents to the proposed activity.
3. Council will advise the Trust in writing of the grant or renewal of a permit or other authorisation which coincides with the carrying out of an authorised customary activity under Clause 1 above.
4. If a notified customary activity that is included on the annual schedule is NOT going to take place, the Trust will inform the Council of this not less than 10 days prior to the notified date of the activity.
5. Any request or application received by the Council for a customary activity that is not included on the schedule submitted by the Trust as described in Clause 1 above, will be considered in accordance with normal Council process.

PART 3 – RAAHUI¹

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, lakes and streams within that part of the Waikato River Catchment for which Council is the administering body under the Reserves Act 1977.

¹ A raahui is a sanctuary or restricted area, mainly through a breach of protocol or for replenishing of aquatic species.

1. The Trust and Council will co-ordinate with tangata whenua the establishment of a working party and development of protocols in relation to placing raahui on Council administered reserves.
2. The working party will provide recommendations in relation to:
 - Location of raahui
 - Possible reasons for raahui
 - Possible conditions that might need to be associated with raahui
 - Any other related matters

PART 4 – SECTION 62(3) MATTERS

Section 62(3) 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. 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 C.

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 ACTIVITIES²

² From the Waikato-Tainui Raupatu Claims (Waikato River Settlement Act 2010)

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.

Definitions:

Council	Waikato District Council
The Trust	Waikato Raupatu River Trust
Settlement Act	Waikato-Tainui Raupatu Claims (Waikato River Settlement Act 2010)
Staff	means technical officers employed or contracted by Waikato District Council or the Waikato Raupatu River Trust
Raahui	A raahui is a sanctuary or restricted area, mainly through a breach of protocol or for the replenishing of aquatic species.