

SCHEDULE A

MONITORING AND ENFORCEMENT

This schedule shall apply to monitoring and enforcement requirements exercised under the Resource Management Act 1991 that affects the Waikato River and its catchment (*definition provided in the Waikato Raupatu claims (Waikato River) Settlement Act 2010*).

Sections of the Resource Management Act 1991 relevant to this schedule (but not limited to) are sections 31, 35 and 38.

Purpose:	KAUPAPA
<ul style="list-style-type: none">➤ To give effect to the Vision and Strategy➤ To enable Waikato-Tainui to exercise its mana whakahaere within its Rohe➤ To promote the principle of co-management➤ To enable the Waikato District Council to conduct its statutory duties under the Resource Management Act	

Time Frames:

The timeframes identified in this schedule recognises that the parties to this agreement will, in their best endeavours; aim to achieve each provision within the timeframes provided. Each party recognises that flexibility to achieving each separate provision may be required. If the Trust cannot meet the statutory timeframes, it may be necessary that Council proceeds with its processes where these are based on statutory time frames.

The key positions for the purpose of this schedule are:

Waikato Raupatu River Trust ('Trust')

- *General Manager*
Private Bag 3344
HAMILTON 3204

- *Environment Manager*
Private Bag 3344
HAMILTON 3204

Waikato District Council ('Council')

- *General Manager Regulatory*
Private Bag 544
Ngaruawahia 3720
- *Monitoring, Bylaws & Civil Defence Manager*
Private Bag 544
Ngaruawahia 3720

Process A - Resource Consents and Designation Decisions

This process captures two possible scenarios:

1. Resource Consent and Designation Decisions where the Waikato Raupatu River Trust have participated in the assessment of the application, and
2. Resource Consent and Designation Decisions that were granted or issued prior to the enactment of the joint management agreement.

Both scenarios will follow the process outlined in the table below.

	Consent Monitoring	Timeframe	Comment
1	<p><u>First point of contact</u> Once a resource consent has been granted, or a decision on a Notice of Requirement is issued that the Trust participated in, Or, When Council plan to monitor a resource consent or designation decision with conditions identified in Appendix A,</p> <p>Council will contact the Trust to confirm the Trust's:</p> <ul style="list-style-type: none"> • level of involvement, • number of meetings • participation in site visits • reporting, and • any other matters both parties would like to discuss, clarify and confirm <p>Progress forward on the monitoring of resource consents or designation decisions, will be determined after this initial contact.</p>	Ongoing, with initial contact by email or telephone from Council	
2	<p>Management Plans Any management plans that are</p>	As Required	

	<p>required under either scenario identified in Process A of this schedule,</p> <ol style="list-style-type: none"> I. Will be forwarded to the Trust for comment with Council advising the Trust their timeframes and when Council would like to receive comments. II. The Trust to provide comment on management plans to Waikato District Council by email, letter or meeting III. Waikato District Council to liaise with Applicant where information is deficient or further information is required for the provision of a satisfactory Management plan IV. Initial approval to given jointly by Waikato District Council and The Trust as required by any consent condition. 		
3	<p>Review of Consent Conditions or Management plans</p> <ol style="list-style-type: none"> i. Where a consent condition enables a s128 review and that is proposed to be undertaken, the Waikato District Council will advise the Trust that a review is to commence. ii. Where an Applicant requests a review of a Management plan the Waikato District Council will advise the Trust that a review is to commence. iii. Where a review takes place the results of that review are to be actioned as required 	As Required	Initially contact by email with a view to including as an Agenda item for joint weekly meeting with the Trust
4	<p>Any information provided by Waikato District Council may be via email or other means to:</p> <p><i>Waikato-Tainui Environment Manager</i></p> <p>Any information provided by the Waikato River Raupatu Trust may be via</p>		

	email or other means to: Waikato District Council's Monitoring, Bylaws & Civil Defence Manager		
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Process B - Enforcement

	Process	Timeframe	Comment
1	<p>Waikato District Council is to advise the Trust of any enforcement action on resource consent and designation non-compliance breaches that is of interest by the Trust.</p> <p>Inclusive of the two scenarios described in Process A of the schedule, effects on the Waikato River and its catchment, qualify as that interest.</p>	Notify as soon as practicable after enforcement action is decided.	
	Where the Trust expresses an interest to participate in the enforcement in any particular offence, the Trust and Waikato District Council will primarily work together with the intent to work towards an agreed enforcement action.	As Required	

Process C - District Plan effectiveness and suitability monitoring and reporting (State of the Districts Environment report)

	Process	Timeframe	Comment
1	<p>To undertaken jointly as set out in the Proposed Waikato District Plan Sections 1.12 and 1.12.1</p> <p>To undertake joint review of Franklin District Council Plan</p> <p>Identification of appropriate targets and identification of doing things better.</p> <p>Agree priorities.</p> <p>Gather and share information between the parties.</p> <p>Review the results of plan monitoring together.</p>	As Required and To Be Agreed	<p>WDC daily gather information as to compliance issues, lack of rules, policy areas as per its Manual</p> <p>The Trust to review Iwi Management Plan (IMP)</p> <p>Joint Quarterly meeting to review log of areas, provisions, or issues that require consideration ✓ Identify targets</p>

	<p>Agree effectiveness of monitoring methods and plan provisions.</p> <p>Ensuring appropriate time for engagement with tribal members.</p> <p>Incorporation of relevant sections of the Waikato-Tainui Iwi Management Plan.</p> <p>Data gathering and storage for tribal knowledge and application.</p> <p>Any other subsequent points identified and agreed by both Council and Trust staff.</p>		<p>✓ Agree priorities</p> <p>Joint review of results of monitoring</p> <p>Workshop effectiveness of plan provisions, IMP integration and monitoring methods</p>
2	<p>The sharing and gathering of information and the environment reporting should demonstrate that the points outlined in the above table have been duly considered.</p> <p>Following due process, the environmental report will be presented to each respective Trust Board/Council Committee for approval prior to public release.</p> <p>Any further comments provided will be discussed at a meeting between the respective key personnel of this schedule.</p>	To Be Agreed	

Process D - District Plan compliance monitoring

	Process	Timeframe	
1	<p>When Council plan to monitor an environmental incident (CRM) that is of interest to the Trust, Council shall notify the Trust via email.</p> <p>Where any effect on the Waikato River and/or its catchment, as well as activities listed below, qualify as that interest.</p> <p><u>Activities</u></p> <ul style="list-style-type: none"> • Activities within 20m of a known archaeological site • Activities close to sites of significance • Activities that may affect authorised 	As Required	

	<p>customary activities</p> <ul style="list-style-type: none"> • Stormwater related incidents <p>Progress forward on the monitoring of resource consents or designation decisions, will be determined after this initial contact.</p>		
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Bi-Annual and Quarterly Meetings

- **Quarterly Meetings**

The Waikato District Council and the Waikato Raupatu River Trust will meet a minimum of four times in a calendar year, to:

- Review the identified resource consent and designation decision conditions described in Appendix A of this schedule
- Process for warranting candidates recommended by the Trust for monitoring and enforcement
- Monitoring programmes and monitoring reports
- Review of the schedule's processes (Process A-D)
- State of the Environment reporting of the district
- Participation in future initiatives/committees/projects/reporting/programmes for monitoring of the environment and Council enforcement
- Any other matters arising from the enactment of this schedule

- **Bi-Annual Meetings**

The Monitoring and Enforcement unit is subject to a bi-annual meeting, together with the Consent Planning and Policy units, to meet with the Waikato Raupatu River Trust to discuss and determine whether there is a need for a Plan Change or Variation.

For efficiency and management, these bi-annual meetings may tag on after a quarterly meeting.

The process for both meetings is:

- Call for agenda items, two weeks prior to the meeting date.
- Agenda pre-circulated.
- Minutes to be kept.
- Action points to be recorded and reported back to at the next meeting.
- The Trust and Council to alternate the hosting of the meeting.

Statutory Limits

To the extent that this Joint Management Agreement schedule extends beyond the statutory minimum pursuant to section 52 of the Settlement Act, no such extension can go beyond the limits established by the Resource Management Act 1991 and Council, as consent authority, cannot delegate its powers and functions beyond the extent allowed under the Resource Management Act 1991.

Non-Agreement Resolution

Where the staff of the parties cannot agree on the action to be taken, then both parties shall separately prepare a paper regarding the issue and outcome(s) that each party considers the best practical option.

The papers are to be considered concurrently by the co-chairs of both parties who will advise on the appropriate policy direction for resolution of the matter.

The staff of the parties will caucus the matter further with a view to resolution of the area of non-agreement.

If the matter cannot be agreed to then position papers are to be prepared for consideration by the Joint Committee. The Joint Committee's decision is final.

Notwithstanding the above and clauses 33-40 of the Joint Management Agreement, if Council wishes to terminate any aspects of the Joint Management Agreement which go beyond the statutory minimum under section 52(4) of the Settlement Act, while it shall first attempt to resolve its concerns under the agreed dispute resolution process, failing agreement, Council reserves the right to make its own decision regarding termination.

Review

The review is to determine the Schedule's:

- ❖ Relevance to the JMA and Vision and Strategy
- ❖ Appropriateness for implementation of the JMA and Vision and Strategy
- ❖ Comprehensiveness with respect to Council's functions, the JMA and the Vision and Strategy, and
- ❖ Responsiveness to the issues raised in the Vision and Strategy

The review process is to identify any deficiencies or areas where the Schedule needs to be amended to reflect the above or other changes whether statutory or otherwise, to ensure that the Schedule remains a relevant workable living document.

Definitions:

Appointed officer of Waikato-Tainui	Name Position
Day/Days	Working Day
IMP	Iwi Management plan
Party/Parties	Either or Both Waikato District Council or Waikato-Tainui
Resource consent	Land use, subdivision, section 127 change of conditions,
The Trust	The Waikato Raupatu River Trust

Key contact persons (@ November 2011):

Waikato Raupatu River Trust ('Trust')

- *General Manager*
Donna Flavell
Private Bag 3344
HAMILTON 3204
donnaflavell@tainui.co.nz
- *Environment Manager*
Tim Manukau
Private Bag 3344
HAMILTON 3204
[timm@tainui.co.nz](mailto:timmanukau@tainui.co.nz)

Waikato District Council ('Council')

- *General Manager Regulatory*
Nath Pritchard
Private Bag 544
Ngaruawahia 3720
nath.pritchard@waidc.govt.nz
- *Monitoring, Bylaws & Civil Defence Manager*
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Private Bag 544
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