

Open Meeting

To	Policy and Regulatory Committee
From	Tony Whittaker General Manager, Strategy and Support
Date	24 November 2015
Prepared By	Marae Tukere
Chief Executive Approved	Y / N
DWS Document Set #	
Report Title	Joint Management Agreement with Waikato Tainui: Approval of Schedule F - Management of Maaori Sites of Significance

1. Executive Summary

Schedule F is the final schedule to the Joint Management Agreement with Waikato-Tainui that requires adoption.

A councillor's workshop was held on 17 March and Council had given approval for the wording in the Schedule. However, Waikato-Tainui felt that the clause relating to private land (Clause 9) was not acceptable and suggested further clarification to the wording.

As per the agreed Council process, Tompkins Wake have provided feedback on the Schedule , and have suggested that further amendments should be made to Clause 9. Waikato-Tainui have approved these amendments.

Schedule F to the Joint Management Agreement with Waikato-Tainui: Management of Maaori Sites of Significance is now submitted to the Policy and Regulatory Committee for referral to Council for approval.

2. Recommendation

THAT the report of the General Manager , Strategy and Support – *Joint Management Agreement with Waikato Tainui: Approval of Schedule F - Management of Maaori Sites of Significance* - be received;

AND THAT the Schedule be referred to Council for approval so that it can be adopted by the Joint Committee with Waikato-Tainui.

3. Background

Waikato District Council signed a Joint Management Agreement with Waikato Tainui in March

2010. The objective of the agreement is to work together to restore the health and wellbeing of the Waikato River and its catchment. Under the Joint Management Agreement there are seven schedules which set out the detail of how implementation of the agreement will work. Schedule F is the final schedule to be drafted and is non-mandatory. This schedule has been included in the Joint Management Agreement because council have agreed that the processes described in the schedule will add value to the relationship between Waikato District Council and Waikato Tainui and also to the way these matters are carried out in Council.

4. Discussion and Analysis of Options

4.1 Discussion

During the development of Schedule F, Councillors requested that a specific clause in relation to private land be included. This was duly drafted and accepted by the Council's Policy and Regulatory Committee. The agreed process is that all amendments must be agreed by both parties. In an email dated 25 March, Council was advised by Waikato-Tainui that they had concerns with the additional clause, clause 9:

“This schedule does not apply to sites located on private land, except where the owner of the land has agreed to work with the parties to achieve the objectives set out in this schedule”.

Given the concerns, staff continued to work on wording of the Schedule, and Waikato-Tainui have indicated that they are comfortable with the following amended clause in relation to private land:

“Where Maaori Sites of Significance have been identified on private land, the co-operation and agreement of the land owner will be sought before any of the processes described in this schedule are implemented. The intention is to identify and where possible protect these sites; not to restrict development”.

An agreed part of the Council process in relation to approval of JMA Schedules, is to ask Tompkins Wake for a legal overview. Commentary has been provided in the attached analysis report, and they have recommended further amendments (as per additions in RED) to Clause 9, as follows:

*Where Maaori Sites of Significance have been identified on private land, the co-operation and agreement of the land owner **will must** be sought before any of the processes described in this schedule are implemented **in respect of that private land. If the agreement of the land owner is not obtained, this Schedule will not apply to that private land.** The intention is to identify and where possible protect these sites; not to restrict development.*

This amendment has been approved by Waikato-Tainui (email dated 24 November 2015).

4.2 Options

- a) Receive this report and adopt Schedule F – Maaori Sites of Significance - **This is the preferred option**, or
- b) Not approve Schedule F and provide staff with further direction.

There is no reason why the Schedule should not be approved.

5 Considerations

5.1 Financial

There are no financial considerations.

5.2 Legal

Legal considerations have been considered by Tompkins Wake and are provided in the Analysis Report.

5.3 Strategy, Plans, Policy & Partnership Alignment

The Schedule aligns with Strategy, Plans, Policy and Partnership.

5.4 Assessment of Significance & Engagement

The required engagement has been completed due to the significance of the Schedule.

6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		Yes	Internal
		No	Community boards/Community committees
		Yes	Waikato-Tainui/Local iwi
		NA	Households
		NA	Business
		Nil	Other Please Specify

Comment (if any):

7. Conclusion

There are no further issues in relation to this matter and no reason why the Committee should not refer the Schedule to Council for approval.

8. Attachments

i. Analysis Report

ii. Schedule F to the Joint Management Agreement with Waikato-Tainui: Management of Maori Sites of Significance