

Chapter XX: Waikato River
Outstanding Cultural Landscape and
activities in the Waikato River
Catchment

Provisions for Hearing 21b: Landscapes

1. Objectives

- a) The values of the Waikato River Outstanding Cultural Landscape are recognised and enhanced as part of the land use, subdivision and development.
- b) The cultural significance of the Waikato River Outstanding Cultural Landscape to Waikato-Tainui is recognised and Waikato-Tainui are able to exercise kaitiakitanga and undertake customary uses in accordance with tikanga.
- c) That development in the Waikato Catchment contributes to the restoration and protection of the health and wellbeing of the Waikato River.

2. Policies

- a) Recognise and identify the values of the Waikato River Outstanding Cultural Landscape in **Schedule 30.X**, including:
 - i. The Mauri of the Waikato River
 - ii. Te Ao Maaori, te kawai runga me te kawai raro
 - iii. Taha wairua
 - iv. Rangatiratanga
 - v. Tohu
 - vi. Ngaa taniwha me ngaa tipua
 - vii. Waahi tapu
 - viii. Wai
 - ix. Ngaa koorero me ngaa mahi
 - x. Waiata me ngaa karakia
- b) Ensure that the values of the Waikato River Outstanding Cultural Landscape are enhanced and restored during subdivision, land use and development by;
 - i. Engaging Waikato-Tainui prior undertaking activities or applying for resource consent;
 - ii. Recognising historic and contemporary Waikato-Tainui customary uses and values;
 - iii. Enhancing opportunities for customary use and access;
 - iv. Managing land uses or activities on the surface of water or adjoining the Waikato River do not adversely affect taonga species or Waikato-Tainui customary uses;
 - v. Protecting significant sites and waahi tapu; and,
 - vi. Enhancing flora, fauna and sites of significance.
- c) Manage activities on the surface of water to ensure they do not compromise the values of the Waikato River Outstanding Cultural Landscape.
- d) Enable Maaori customary uses of, and associated with, the Waikato River Outstanding Cultural Landscape including:
 - a. Surface water activities
 - b. Access to and along the River for customary use including mahinga kai
 - c. The exercise of kaitiakitanga including through conservation activities

- f) Enable activities that provide for the safe navigation of the Waikato River.
- g) Subdivision, land use and development requiring consent within the Waikato River Catchment occurs in a manner that addresses restoration and protection of the health and wellbeing of the Waikato River.

3. Rules

(1) The following symbols are used in the tables:

- (a) PER Permitted activity
- (b) RDIS Restricted discretionary activity
- (c) DIS Discretionary activity

3.1 Land Use - Activities

3.1.1 Permitted activities

(1) The activities listed below are permitted activities if they meet all the activity-specific conditions.

Activity		Activity specific conditions
PER1	Non-commercial and recreational activities on the surface of the Waikato River.	(a) Nil.
PER2	Navigational aides, and surface safety structures on the surface of the Waikato River.	(a) Nil.
PER3	Customary activities and cultural events within the Waikato River Outstanding Cultural Landscape.	(a) Nil.
PER4	Conservation activities within the Waikato River Outstanding Cultural Landscape.	(a) Nil.
PER5	Emergency services training and management activities within the Waikato River Outstanding Cultural Landscape.	(a) Nil.
PER6	A temporary event within the Waikato River Outstanding Cultural Landscape.	(a) The event occurs no more than 6 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am to 8:30pm Monday to Sunday; (d) Temporary structures are: (i) erected no more than 2 days before the event occurs; (ii) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no more than 3 days after the end of the event; (f) There is no direct site access from a national route or regional arterial road.
PER7	Farming within the Waikato River Outstanding Cultural Landscape.	(a) Is a permitted activity in the underlying Zone.

3.1.2 Restricted Discretionary activities

(I) The activities listed below are restricted discretionary activities.

RDIS1	(a) Commercial activity on the surface of the Waikato River. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none">(i) Whether Waikato-Tainui have been consulted, the outcome of that consultation and whether the activity responds to, or incorporates the outcome of that consultation;(ii) The effects of the proposed activity on the tangible and intangible values of the Waikato River Outstanding Cultural Landscape as set out in Schedule 30.X and the appropriateness of any restoration, enhancement and mitigation measures;(iii) Whether a cultural impact assessment has been undertaken;(iv) Effects on matters of cultural value identified through any cultural impact assessment by Waikato-Tainui;(v) The extent to which the proposal has addressed the Waikato-Tainui Environmental Plan.
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3.1.3 Discretionary activities

(I) The activities listed below are discretionary activities:

DIS1	Any activity within the Waikato River Outstanding Cultural Landscape that does not comply with the activity specific conditions of a permitted activity or restricted discretionary activity.
DIS2	Any activity not listed as permitted activity or restricted discretionary activity within the Waikato River Outstanding Cultural Landscape.

3.2 Subdivision

3.2.1 Discretionary activities

DIS1	Subdivision within the Waikato River Outstanding Cultural Landscape
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Matters of control and restricted discretion for activities otherwise requiring consent as a controlled or restricted discretionary activity within the Waikato River catchment:

- (i) Whether Waikato-Tainui has been consulted, the outcome of that consultation and whether the development or activity responds to, or incorporates the outcome of that consultation;
- (ii) Whether a cultural impact assessment has been undertaken and the matters addressed in the cultural impact assessment;
- (iii) Effects on sites of cultural value and the protection of sites of cultural values;
- (iv) The effects of the proposed activity on Waikato-Tainui values and the appropriateness of any mitigation and enhancement measures;
- (v) Effects on mahinga kai and other customary uses;
- (vi) Whether wastewater disposal and stormwater management systems recognise the cultural significance of the Waikato River; and
- (vii) The extent to which the activity contributes to enhancing and restoring the Waikato River.

Definition:

Waikato River Outstanding Cultural Landscape: means the area on the planning maps shown as the Waikato River Outstanding Cultural Landscape and as listed in Scheduled 30.X. It includes the Waikato River and its margins extending landward 37m.

Waikato River Catchment: means the the areas marked “A” and “B” on SO plan 409144 in part 12 of the schedule to the Waikato-Tainui Dead of Settlement in Relation to the Waikato River as referenced in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and as further identified as the Waikato River Catchment on the planning maps.