

**IN THE MATTER** of the Resource Management Act  
1991  
**AND**  
**IN THE MATTER** of Hearing Submissions and Further  
Submissions on the Proposed Waikato District Plan

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**JOINT MEMORANDUM BY COUNCIL AND TE WHAKAKITENGA O TAINUI, ON BEHALF OF  
TANGATA WHENUA WORKSHOP PARTICIPANTS, TO HEARING COMMISSIONERS RELATING TO  
TOPIC 4: TANGATA WHENUA, WHAANGA COAST AND MAAORI FREEHOLD LAND  
DATE 25 JUNE 2021**

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**May it please the Hearing Commissioners:**

1. The purpose of this memorandum is to present the revised version of the recommended provisions associated with Hearings Topic 4: Tangata Whenua, Whaanga Coast and Maaori Freehold Land.
2. This follows workshops held on 21 September 2020, 18 November 2020 and 19 April 2021. The workshops were prompted by discussion at Hearing 4 on 18 November 2019 and a subsequent Direction issued by the Panel on 20 November 2019.
3. The workshops were facilitated by Dr Phil Mitchel, Paul Cooney and Linda Te Aho.
4. All submitters and further submitters to Chapter 2 of the Proposed Plan were invited to participate in the workshops. The submitters who elected to participate in the workshop and/or received the workshop material are listed in Appendix 1.
5. Further input following the final workshop on 19 April 2021 was received from Karen Paekau on behalf of Te Kopua 2B3 [Submitter 925], Angeline Greensill on behalf of Tainui o Tainui [Submitter 942], and Hillary Walker and Laura Jefferies on behalf of Federated Farmers of New Zealand [Submitter 680].
6. The provisions attached to this memorandum were drafted on behalf of the workshop attendees. Notably, Federated Farmers [Submitter 680] has indicated support for the majority<sup>1</sup> of the drafting, on a without prejudice basis, but has one item to highlight to the Panel in regard to the proposed application of MV-R1 (discussed further later in this memorandum). It is understood that the drafting attached to this memorandum represents an agreed position for the remainder of the workshop attendees.
7. This memorandum has been signed by Will Gauntlett on behalf of Council and Giles Boundy on behalf of Te Whakakitenga o Tainui [Submitter 286] to highlight the joint-lead role these parties had in the preparation of the recommended revised provisions; in effect 'holding the pen' on the drafting on behalf of the workshop attendees.

**Overview**

8. The matters arising from Hearing Topic 4 and resulting workshops culminate in recommended amendments to the Tangata Whenua Chapter, the provisions relating to the Whaanga Coast Development Areas (notified section 22.7), and the following three recommended additional chapters:
  - a. Maaori Land Chapter
  - b. Maaori Values and Maatauranga Maaori Chapter
  - c. Te Ture Whaimana - Vision and Strategy Chapter
9. For ease of reading and end use Appendix 3 contains the recommended provisions in a clean (unmarked) version.
10. Those chapters contained in Attachment One are further reproduced in Appendix 4 with mark-ups as follows:
  - a. Black text – Content from the proposed district plan as notified.

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<sup>1</sup> ML - Maaori Land, SASM – Sites and Areas of Significance to Maaori, TTW – Te Ture Whaimana – Vision and Strategy, TW – Tangata Whenua, PREC3 – Whaanga Coast development precinct.

- b. ~~Red Underline/Strikethrough~~ – Additions and deletions from the s42A report relevant to these chapters (or, in the case of the Whaanga Coast precinct, represent consequential changes from the draft conversation to the National Planning Standards format).
- c. ~~Blue underline /Strikethrough~~ - Additions and deletions up to and as presented at the third workshop on 19 April 2021<sup>2</sup>.
- d. ~~Green underline/Strikethrough~~ - Additions and deletions following the third workshop on 19 April 2021.

### National planning standards

11. As a matter of course, and to the preference of the hearing panel<sup>3</sup>, the recommended new chapters and recommended revised Tangata Whenua Chapter are produced in a manner consistent with the National Planning Standards. The following table indicates the proposed home for chapters in line with the National Planning Standards.

Part	Heading	Chapter
PART 1 – INTRODUCTION AND GENERAL PROVISIONS	TANGATA WHENUA/MANA WHENUA	TW - Tangata Whenua
PART 2 – DISTRICT-WIDE MATTERS	STRATEGIC DIRECTION	TTW – Te Ture Whaimana – Vision and Strategy
PART 2 – DISTRICT-WIDE MATTERS	HISTORICAL AND CULTURAL VALUES	SASM - Sites and Areas of Significance to Maaori
PART 2 – DISTRICT-WIDE MATTERS	GENERAL DISTRICT-WIDE MATTERS	ML - Maaori Land
PART 2 – DISTRICT-WIDE MATTERS	GENERAL DISTRICT-WIDE MATTERS	MV - Maaori Values and Maatauranga Maaori

12. Under the National Planning Standards, a district plan must include a chapter titled tangata whenua/mana whenua (or another appropriate title agreed on with iwi) in Part 1 – Introduction and General Provisions. Planning Standard 6. *Introduction and General Provisions* (Directions 25-28), sets out requirements for provisions that relate to tangata whenua/mana whenua. In accordance with Direction 25, the recommended Tangata Whenua chapter only contains background information such as context and process-related provisions. Content recognising the history of tangata whenua in the district, their relationship to the Waikato River and the environment, iwi governance, and local authority relationships has thus been moved from Chapter 1 and 2 to the new Tangata Whenua chapter. These matters have been organised under the sub-headings and suggested structure as per Direction 28.
13. The District-wide Matters Standard, Directions 1, requires that issues and objectives which address key strategic or significant matters for the district and guide decisions at a strategic level must be located under the Strategic direction heading. Te Ture Whaimana is the primary direction-setting document for the Waikato River and activities within the catchment, hence the recommended new Te Ture Whaimana – Vision and Strategy chapter has been located in Part 2 under the under the Strategic direction heading.

<sup>2</sup> These suggested changes were distributed to parties involved in this topic via emails on 18 December 2020 and 21 December 2020.

<sup>3</sup> In the backdrop of the hearing panel direction relating to the National Planning standards.

14. The District-wide Matters Standard, Direction 17, sets out that if descriptions of and provisions for sites and areas of significance to Maaori are included, these must be located in the Sites and areas of significance to Māori chapter (SASM). The same applies to the inclusion of a schedule or schedule(s) that list the location of sites/areas, however, this may be cross-referenced in an appendix. Within the District Plan Structure Standard this chapter is located in Part 2 – District-wide matters under the Historical and cultural values heading.
15. For completeness and to avoid the potential of creating orphaned content in the process, the provisions of the Proposed District Plan contained in Chapter 2 Tangata Whenua and throughout the relevant zones relating to Maaori Sites of Significance and Maaori Areas of Significance are recommended to be brought across into a new chapter termed “Sites and Areas of Significance to Maaori”. The recommended new Sites and Areas of Significance to Maaori chapter includes objectives, policies, rules for the management of such sites/areas and cross-references the Schedules 30.3 and 30.4 in which the sites and areas of significance are listed.
16. We note however that this has been a consequential task and it is our expectation that the substantive content of the SASM - Sites and Areas of Significance to Maaori Chapter, including the naming of this very chapter, will be decided on based on the matters at hand for Hearing Topic 20: Maaori Sites and Areas of Significance which has been heard separately.
17. Under Direction 38 of the District-wide Matters Standard, any additional chapters to address district-wide matters are to be included under the General district-wide matters heading. In absence of a more detailed direction otherwise requiring or indicating the location of a Maaori Land chapter and Maaori Values and Maatauranga Maaori chapter or equivalent, given both their significance and application across the district, these are recommended to be located in Part 2 under the General District-wide Matters.
18. An alternative location for the Maaori Values and Maatauranga Maaori chapter is under the Historical and cultural values heading (District-wide Matters Standard, Direction 18). This poses a risk of the content becoming buried within the Plan. Furthermore, locating such provisions under the ‘Historical and cultural values’ could see cultural values being more colloquially pigeonholed under the banner of ‘heritage’. Including the Maaori Values and Maatauranga Maaori chapter under the Historical and cultural values heading is not recommended.

### **Tangata Whenua Chapter**

#### Overview

19. The Tangata Whenua Chapter was revised to primarily contain background information and context and process-related provisions. The iwi and hapuu who have mana whenua in the Waikato district are briefly introduced along with an account of their migration and settlement of the district, relationship with the Waikato River and the wider environment.
20. Further, the recommended chapter summarises tangata whenua relationships with local authorities as formalised through Joint Management Agreements, Memoranda of Understanding and Memoranda of Agreement. Distinct from the notified Tangata Whenua chapter, and the notified introduction chapter, the notified sections that were simply restating the RMA and Te Ture Whaimana have been deleted. The recommended new chapter briefly states the status of iwi management plans under the RMA alongside their purpose, and lists iwi plans in the district.

21. The majority of content is recommended to be retained from the notified Chapter 1: Introduction and Chapter 2: Tangata Whenua and updated with regard to Maaori terms used and iwi authorities. Where background information was duplicated in the notified Chapters 1 and 2, for instance on iwi management plans, this content has been replaced by a succinct summary within the proposed Tangata Whenua chapter. Whereas the notified Chapter 1 describes relationship agreements in detail, this information has been simplified to a list consistent with the National Planning Standards.

*Changes since the workshop on 19 April 2021*

22. Since the workshop on 19 April 2021 feedback has been received from Keren Paekau [Submitter 925] which has been incorporated into the marked-up version. These changes are shown in green font in Appendix 4.

**Chapter 22.7 Whaanga Coast**

23. A specific conversation was had between Council staff and Ms Greensill on 29 April 2021 to discuss how the recommended changes to the Maaori Freehold Land rules affect the Whaanga Coast Development Cells in the notified plan.
24. This conversation has resulted in a marked-up version of section 22.7 being created and circulated to Ms Greensill and Ms Karen Paekau. This has since been translated into the National Planning Standards draft structure that Council released and that is the version attached.
25. It is considered important that the Whaanga Coast Development Areas remain as a special area in the plan and that the Development Cells remain intact. These are recommended to be managed as a precinct under the planning standards. It is recommended that the Whaanga Coast rules are updated to align with the recommendations rules for Maaori Land in general. It is recommended to exchange P1 (PREC3-R2 in the draft planning standards version) with the ML-R1 and to remove P2 (PREC3-R3), P3 (PREC3-R4) and P6 (PREC3-R7) as they are picked up in the recommended new definition of Maaori Purpose Activity.
26. The bulk and locations rules for the Whaanga Coast were also discussed and these are considered to be appropriate.
27. There needs to be a corresponding reference in the Maaori Land chapter indicating that the Whaanga Coast Development Areas are managed under the precinct provisions rather than the Maaori Land provisions.
28. The Panel may be minded to consider further integration of these provisions in order to simplify the plan but the recommendation is to keep the Whaanga Coast Development Areas as specifically identified areas in the plan with their own provisions that apply over and above the provisions for Maori Land.

**Maaori Land Chapter**

*Overview*

29. The recommended approach for the management of Maaori Freehold Land is contained within a new district wide chapter called 'Maaori Land – ML'. The primary focus has been to shift content from Chapter 1 and 2 and the respective zone rules of the proposed plan as notified into a district wide Maaori land chapter. The proposed Maaori Land chapter clearly defines the types of land titles to which it applies. Distinct from the notified plan, the recommended Maaori Land rules are in a district-wide chapter to apply to Maaori freehold land, Maaori customary land, Maaori reservations and Treaty settlement land. With these

recommended to be collectively defined in the plan as 'Maaori land'. They are intended to add to the rules of the underlying zone and provide exemptions from certain effects and building rules of the underlying zone. Notably, this approach to exceptions has been adopted from the Proposed District Plan. Specific input was received on this aspect from Maia Wikaira of Whāia Legal for Te Whakakitenga o Tainui and Paul Beverly of Buddle Findlay for Council.

30. A key change recommended to the proposed plan involves removing the requirement for Concept Management Plans as a permitted activity standard for the development of Maaori land. Concept Management Plans were a matter addressed in the submission of Te Whakakitenga o Tainui who sought clarification of the requirements around concept plans. Upon further review, the proposed plan approach of concept plans and requiring approval or endorsement of these from the Maori Land Court was found to be problematic in a legal sense<sup>4</sup>.
31. Amendments reflecting this change were drafted by Waikato District Council and Waikato-Tainui planning representatives and circulated to the panel and submitters ahead of Workshop 2 on 18 November 2020.
32. Notwithstanding the removal of Concept Planning from rule framework, integrated management of Maaori land remains important given the ranges of uses anticipated and that these can occur over a wide temporal scale. Therefore, integrated management of Maaori land is instead proposed to be managed through an approach that sees Waikato District Council working with external agencies such as Waikato Regional Council and Te Puni Kookiri to support tangata whenua in the development of Maaori land, for instance, through promoting best practice guidance and toolkits and engaging early in development planning.
33. This approach is currently in practice at Waikato District Council but is not referred to in the plan. The proposed changes would support this work through the inclusions of non-regulatory policies and an advice note. While the support may include the promotion of concept planning, this sits best outside of the regulatory framework of the plan in a consenting or approval sense.
34. Two additional 'types' of Maaori owned land are recommended to be incorporated into this chapter, Treaty Settlement Land and Maaori Reservation land. Treaty Settlement Land was defined in order to integrate into the policy framework land that is returned to tangata whenua as a result of Treaty Settlement legislation and rights of first refusal or deferred selection processes. This land category is distinct from Maaori Freehold Land and Maaori Customary Land.
35. Maaori reservation land has also been added as these can be established on general land under section 338 of the Te Ture Whenua Maori Act 1993. Hence Maaori reservations are not limited to Maaori Freehold Land and would not be captured by a definition thereof. For completeness, initially reference was made to Maaori Communal Land, however the most appropriate terminology is Maaori Reservation Land in line with section 338. The recommended Maaori Land Chapter has been updated accordingly to reflect this reference.
36. Beyond the deletion of the concept management plan as a requirement, further key changes tabled the workshop on 19 April 2021 included:

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<sup>4</sup> As per advice from Buddle Findlay date 14 September 2020 and legal submissions from Waikato-Tainui for Hearing 4: Tangata Whenua.

- a. The Location of objectives, policies and rules within one chapter as per the National Planning Standards.
  - b. Inclusion of Maaori General Land (Maaori Reservations) and Treaty Settlement Land within the umbrella of Maaori Land.
  - c. The reframing of permitted activities under the umbrella definition of “Maaori Purpose Activity”.
  - d. A discrete objective and policy framework for enabling development of Maaori freehold land.
  - e. Specific permitted activity rules for the development of Maaori land at Riria Kereopa Drive, Raglan
37. The changes to the Maaori Land Chapter workshop on 19 April 2021 are shown in green font in Appendix 4 and include:
- a. Amendments to the overview content in (3) to reflect recent changes to Te Ture Whenua Maori Act 1993 regarding setting side Maaori Reservations.
  - b. Correction of simple wording error in 3(a) by replacing ‘culture’ with ‘cultural’
  - c. Amendments to the explanation text surrounding Treaty settlement land in (8) to replace ‘compensation’ with the more appropriate ‘redress’. Further amendments are included in (8) to refer to commercial redress to broaden the reference to financial redress.
  - d. Additional permitted activity rules specific to Maaori land at Riria Kereopa Drive, Raglan (ML-R3 and ML-R4) to carry forward the activities enabled under the Operative District Plan and otherwise not catered for under the Proposed District Plan or ML-R1 (Maaori Purpose Activities).
  - e. Replace the reference to ‘Maaori Communal Land’ as contained within the definition of Maaori Land with ‘Maaori Reservation’
38. Notably retained from the notified version are the following key aspects:
- a. Permitted activity rules that apply to all land in the district and which would not necessitate a Schedule 1 plan change should land be brought within the ambit of the Maaori Land Court as Maaori Freehold Land or Maaori Customary Land.
  - b. Permitted activity rules enabling a range of uses of Maaori Land, being captured now under the definition of Maaori Purpose Activity.
  - c. A reliance on the underlying effects zone rules as a tool to manage any adverse effects of landuse and development.
39. Therefore, in summary, the fundamental premise of the notified version provisions remain in the recommended amendment provisions – that being a focus on enabling the use and development of Maaori Land through a suite of permitted activities operating within the backdrop of standard zone ‘effects’ rules to manage any adverse effects of the use and development of land.
40. We note the alternative to a Maaori Freehold Land Chapter is the zoning of Maaori Freehold Land as Maaori Purpose Land as per the National Planning Standards. Whilst we note that

such an approach would be consistent with the direction of the National Planning Standards, it resembles a static approach which would necessitate a plan change for land which could be either set aside as a reservation or otherwise come under the administration of the Maaori Land Court as Maaori Freehold Land or Maaori Customary Land.

41. Most importantly in regards to implementing the National Planning Standards, and as noted above, the key objectives, policies and rules are recommended to be contained within one chapter. Notwithstanding that cross reference to the relevant underlying zone rules is necessary regarding effects and building rules.
42. For completeness, it is anticipated that, as part of integrating the plan into the National Planning Standards format, many of the Zone effects rules, such as those pertaining to earthworks, noise and vegetation clearance will be rehoused to a more appropriate location.

### **Maaori Values and Maatauranga Chapter**

43. The recommended new district wide chapter for Maaori Values and Maatauranga Maaori will better reflect the values addressed in chapter 1 of the proposed plan and will be further supported by the inclusion of mana whakahaere as a value. Regarding the application and administration of the District Plan, this chapter provides a clear line of sight from values through to objectives, policies and matters of discretion. Cross referencing the matters of discretion to rules elsewhere in the Plan also provides for effectiveness and efficiency in this regard.
44. Council commissioned Lisa Te Heuheu to prepare a report on Maaori values and maatauranga Maaori. This report is attached to this memorandum as Appendix 2. This identified a range of matters including a need to clarify with those participating in the process as to the appropriate reference to values and maatauranga. It further identified rules of the plan in which Maaori would have a greater interest. It further raised matters associated with the capacity of plan users and Maaori to engage should values and maatauranga be elevated in the plan. This report has assisted in both the consideration of values, maatauranga and when applying an implementation lens to the plan. Accordingly, the recommended matters of discretion are specifically attributed to particular rules of each zone and non-regulatory policies address the capacity and capability of plan users.
45. Since the last workshop, we have taken the opportunity to further consider this chapter through an implementation lens seeking inputs from Waikato District Council consent staff and Federated Farmers policy advisors.
46. In summary, the recommended changes to the Maaori Values Chapter since the workshop on 19 April 2021, are summarised as follows:
  - a. correction of minor errors, omissions, typos and formatting
  - b. inclusion of an introductory paragraph for the chapter
  - c. the general replacement of 'tangata whenua', and where necessary 'iwi' and 'hapu', with the more specific 'mana whenua'
  - d. amendments to assist in the implementation of policies
  - e. Inclusion of an additional non-regulatory policy relating to Guidance on understanding Maaori concepts and values.



- f. Simplification of the matters of discretion into one all-encompassing matter of discretion
  - g. Identification of the particular rules of the Proposed District Plan to which the matters of discretion are recommended to apply, rather than a general indicator of rule type.
47. So as to cover 'higher level' activity statuses, being Discretionary and Non-Complying, it is recommended that panel insert the matter of discretion of MV-R1(1)(a) into proposed plan section 12.3.1 (or at its eventual location in the plan) which relates to additional matters for consideration for Discretionary and Non-Complying activities. It is noted that, as the plan is integrated into planning standards through final decisions, the appropriate location of the reference is considered to be within the General Matters Chapter.
48. Federated Farmers outlined some concern with the drafting. This essentially relates to the application of the new matter of discretion on MV-R1. It is suggested by the other workshop attendees that this matter of discretion should apply to more activities on private land than was outlined in the notified plan. Federated Farmers, while supporting the engagement and involvement of mana whenua where activities will have an effect on Maaori and cultural values, considers there is potential to unreasonably prevent landowners undertaking and/or continuing legitimate use and development that is otherwise anticipated by the plan. The solution proposed by Federated Farmers is to apply the newly drafted matter of discretion to those rules with notified matters of discretion relating to effects on Maaori cultural values.
49. If the Panel have concerns with the breadth of the matters of discretion in regards to their application for *earthworks*, a separate matter of discretion for those rules could be included within the Maaori Values chapter which refers more succinctly to accidental discover protocols.
50. We are aware that there are submissions which seek the introduction of new zones within the plan. We recommend that in instances that the panel decide favourably on additional zones that they are further minded to include the matters of discretion on relevant rules which correlate with those referred to in MV-R1(1)(a).

#### **Te Ture Whaimana Vision and Strategy Chapter**

51. Tabled at the workshop on 19 April 2021 was a chapter drafted to address Te Ture Whaimana. This Chapter contains introductory context, adopted from the Proposed District plan and provides an objective and policy relating to the implementation of Te Ture Whaimana through the plan.
52. The intent of this Chapter is not to replicate the Vision and Strategy as per the Operative and Proposed District Plan. Rather, the amendments and additions to include an additional strategic direction chapter with an objective and policy provides more clarity to effectively and efficiently implement Te Ture Whaimana, the primary policy setting document for the Waikato River and its catchment. Put another way, the objective and policies of the new chapter focus on implementing Te Ture Whaimana. This is in contrast to the status quo approach which replicates the objectives of the Vision and Strategy.
53. A sole change has been made to this chapter following the 19 April 2021 workshop, being to include a reference to the review of Te Ture Whaimana and the particular requirement of council to consider the outcome of any changes to Te Ture Whaimana arising from a review as per section 13 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

54. The Panel's directions of 20 November 2019 suggested because the Vision and Strategy applied to the Waikato River catchment, rather than the Waikato District as a whole, that geographical distinction would need to be recognised in Chapter 2. If the spatial extent of the river catchment is needed, it can be obtained from the operative district plan spatial layers, but would be an information only layer, or simply be referred to in the Te Ture Whaimana chapter. Reference in the Te Ture Whaimana chapter could be achieved, for example, at 12 by adding "as shown on the planning maps". This would avoid any confusion with the hydrological catchment of the Waikato River. In this regard it is noted that the applicable catchment for –Te Ture Whaimana differs from the hydrological catchment in that it excludes much of the Hunua ranges (including the Mangatangi reservoirs).

Dated at Ngaruawahia this 25 day of June 2021



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**Will Gauntlett on behalf of Waikato District  
Council**



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**Giles Boundy on behalf of Te Whakakitenga  
o Tainui**



### Appendix 1: Participants in workshop and/or recipients of workshop material

Name	Representing	Submitter Number
Carolyn Mcalley Makere Rika-Heke Rebecca Vertongen	Heritage New Zealand	#559, #1323
Hillary Walker Laura Jefferies	Federated Farmers	#680, #1342
Angeline Greensill	Tainui o Tainui	#942
Maggie Burns Troy Urlich	Department of Conservation	#585, #1293
Gavin Donald Maia Wikaira Kahurimu Flavell Wikitoria Tane Giles Boundy	Waikato Tainui	#286, #1108
Keren Paekau	Te Kopua 2B3	#505
Rolande Paekau	Te Whaanga 2B3B2 & @B1 Ahu Whenua Trust	#152 & #300
Sheryl Tukiri	Herself	#188

**Appendix 2: Report from Lisa Te Heuheu**

# Discussion Paper Mātauranga Māori and inclusion in the Proposed Plan

Prepared by Lisa te Heuheu

*On the 21st September 2020, Waikato District Council (WDC), the Independent Hearing Panel (the Panel) for the Waikato District Proposed Plan (Proposed Plan) and submitters on the Tangata Whenua provisions met via Zoom to progress the Tangata Whenua provisions, including Chapter 2. One of the recommendations arising from the workshop was for a discussion paper to look at broad categories and principles for integrating Mātauranga Māori through the Proposed Plan.*

## 1. Mātauranga Maori and Cultural Values

This section looks at Mātauranga Māori as distinct from Cultural Values. There was concern from submitters that whilst some supported the inclusion of Mātauranga Māori others preferred the current wording of [cultural] Values as stated in Chapter 1, 1.6.4. This is a decision for the Panel to consider on the best way to represent the view of submitters, WDC and Tangata Whenua. To inform that view I have undertaken further analysis for consideration to inform the next phase of discussions.

### 1.1 Mātauranga Māori

As discussed in the Report<sup>1</sup>, Mātauranga can be described as the pursuit of knowledge and understanding of Te Taiao – the natural environment – following a systematic methodology based on evidence and incorporating culture, values, and world view. Mātauranga has its own unique characteristics which has validity alongside western science<sup>2</sup>.

Mātauranga pertains to universal phenomena of life experienced by all living beings, not only to knowledge specific to human beings. It makes no distinction between the spiritual and material worlds, which are conceived of as constantly interacting with one another.

Mātauranga has a strong oral tradition – it is transmitted in a variety of forms, including whakapapa, waiata, haka, whakataukī, pūrākau, korero tuku iho and whakairo. Whakapapa is a central principle that connects and orders the universe back to its origins.

Mātauranga Māori as a concept is being acknowledged within Central and Local Government processes. For example, the Environmental Protection Authority recently produced the EPA Mātauranga Framework to begin integrating Mātauranga Māori into their processes<sup>3</sup>. Also, within the National Policy Statement for Freshwater Management 2020 there is an enabling policy in regards to the application of Mātauranga Māori as a values and knowledge system<sup>4</sup>. Mātauranga

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<sup>1</sup> 20200831\_WDC\_IndependentAdviceReport\_v2.0

<sup>2</sup> EPA Mātauranga Māori Programme, 2020

<sup>3</sup> <https://www.epa.govt.nz/news-and-alerts/latest-news/new-epa-matauranga-framework-a-first-of-its-kind/>

<sup>4</sup> <https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/national-policy-statement-for-freshwater-management-2020.pdf>

Māori is being included to provide a platform for the sharing of Māori knowledge as different to and unique from Western Knowledge.

It is my opinion that the use of the term Mātauranga Māori will become common place within statutory and non-statutory documents in the years to come and whilst it may have intermittent application currently, this will change in the next 5 years. There is an opportunity to be forward-thinking and consider ways to integrate Mātauranga Māori into the district plan now even though there is uncertainty and there can be discomfort with trying new ideas and concepts.

## 1.2 Cultural Values

To understand Māori cultural values it is important to know their origins; and by understanding their traditions, the contexts in which they are being used in modern local or central government context. Māori values are largely based on traditional concepts, beliefs and values, and shape the thinking of many Māori. From whakapapa and through time Māori acquired knowledge, Mātauranga Māori; and from knowledge came Māori values<sup>5 6</sup>. It must be emphasised that for Māori this knowledge is still being created and is not just a remnant of the past.

Māori values form the basis for explaining the Māori world-view (Te Ao Māori), provide an intrinsic cultural basis for controlling or modifying human behaviour, determine issues and perspectives, and provide the concepts, principles and lore that Māori use to varying degrees in everyday life. They affect the interaction with others, govern responsibilities, establish the relationship with both the natural and spiritual environment, and form the basis for indigenous aspirations.

Māori values and concepts derived from traditional Māori values and commonly used by contemporary Māori organisations as an example<sup>7</sup>:

<b>Māori term, expression, concept</b>	<b>Common translation</b>
Whakapapa	Ancestral lineage, hereditary
Tino rangatiratanga, mana motuhake	Sovereignty, self determination, authority, independence, empowerment
Tikanga Values	customs, protocols, guides of behaviour, lore, framework, correct, correct way, the right way
Whanaungatanga, whānau	Family, extended family, relationships
Mana	Prestige, authority, status
Mana whenua	Sovereignty, prestige, responsibility, autonomy, status over land

<sup>5</sup> Barlow, C. 1993: Tikanga Whakaaro: Key concepts in Māori culture. Auckland, Oxford University Press.

<sup>6</sup> Mead, H. 2004: Tikanga Māori: Living by Māori values. Wellington, Huia Publishers and Te Whare Wananga o Awanuiarangi.

<sup>7</sup> Harmsworth, G. 2002. Indigneous concepts, values and knowledge for sustainable development: New Zealand case studies.7th Joint Conference on the Preservation of Ancient Cultures and the Globalization Scenario. India

Mana moana	Sovereignty, prestige, responsibility, autonomy, status over water, oceans, marine environment
Manaakitanga, manaaki	Looking after, caring, hosting, hospitality
Kotahitanga, whakakotahitanga	Unity, team work, consensus, working together
Awhinatanga, awhina Aroha, arohatanga	Care, love, respect, charity.
Tika	Truth, accurate, appropriate, correct, doing things the right way
Kaitiakitanga	Guardianship (environmental and cultural)
Mana Taiao	Caring for the environment, authority to care of the environment
Taonga tuku iho	Sustainable use and protection of treasures, resources, inter-generational equity
Whakapono	Trust, believe, honest, honesty
Ngākau pono	Sincerity, in good faith, loyalty
Mātauranga	Knowledge, traditional knowledge
Wairua, wairuatanga	Spiritual dimension, spirituality

WDC currently have the following Values of Importance within Chapter 1 of the Proposed Plan:

- 1.6.4.1 - Kaitiakitanga
- 1.6.4.2 - Manaakitanga
- 1.6.4.3 – Tikanga

Cultural Values on their own help to articulate a cultural perspective and how an activity may impact on those values and, in discussion with Tangata Whenua, mitigation or avoidance can be put in place to remedy the impact on those values. Values have also been an important part of the natural resources landscape. In particular, kaitiakitanga in Section 7(a) of the Resource Management Act 1991 (RMA) as another matter which persons exercising functions and powers under the Act must have 'particular regard to'. It is up to Submitters and WDC whether the concept of values are the appropriate expression for the relationship of Tangata Whenua with natural resources.

In my opinion there still maintains a very good argument for the inclusion of cultural values as long as those values are well expressed, defined and agreed to by Tangata Whenua.



### **1.3 Discussion Points for Mātauranga Māori and Cultural Values**

Key questions need to be considered:

Do values on their own within the plan adequately cover the way in which Tangata Whenua wish to engage and participate in WDC planning processes?

Or would the preference be to also include Mātauranga Māori as a broader concept of knowledge that Tangata Whenua feel better addresses their cultural perspective?

Also do the values as presented within the Plan adequately cover what Tangata Whenua view as their cultural values, and what they would like to see upheld within the District?

Based on the answer to these questions, wording will need to be reflected through the plan for consistency and it also needs to be well defined and agreed between each party.

## 2. Inclusion of Mātauranga Māori/ Cultural Values in the Proposed Plan

The purpose of this section is to discuss options for including Mātauranga Māori/ Cultural Values in the Proposed Plan. There are three questions being asked by both submitters and WDC and these are:

- Could Objective and Policies be the best way to include Mātauranga Māori/ Cultural Values and achieve integration through the Plan? and/or
- Could applying Mātauranga Māori/ Cultural Values in the assessment criteria be a better option to ensure integration through the plan and that the criteria are given effect to?

Currently the Plan discusses Cultural Values within Chapter 1, which is a chapter that focuses on the Description of the District. Cultural Values are also articulated through Objectives and Policies in Chapter 2 on Tangata Whenua. I have taken the approach to balance what is already in the plan and see where improvements could be made and I have provided text for consideration. In terms of assessment criteria, without prior knowledge to the preferences of Tangata Whenua, I have taken the existing activities and applied wording and hand picked activities that could be of more importance. Notwithstanding that this is my opinion alone, this work requires refinement and discussion between Tangata Whenua and WDC to take it to the next phase.

### 2.1 Objectives and Policies

The purpose of the district plan is to outline the objectives for the District, policies to implement the objectives, and rules (if required) to implement the policies<sup>8</sup>. From the discussion at the workshop on the 21<sup>st</sup> September one of the key areas of concern was whether the objectives and policies within Chapter 2 would provide the necessary trigger points in terms of other Chapters and the various activities within the Plan. For example, would an activity in the Rural Zone appropriately trigger a requirement to give effect to the cultural objectives and policies described in Chapter 2 or would this be missed? And if we can foresee that it would be missed what could be a way to structure objectives and policies through the plan or within the Tangata Whenua Chapter to give certainty to WDC, Submitters and plan users.

I am mindful that the structure of the Proposed District Plan will ultimately be converted to the National Planning Standards format. The options outlined below have been developed with this structure in mind where the objectives, policies and rules for each zone or overlay are grouped together rather than being split as they were in the notified version.

#### 2.1.1 **Option 1** – Duplicate existing Objectives and Policies from Chapter 2 through to the other Chapters within the plan.

There is an option to duplicate the objectives and policies (either wholly or in part) from Chapter 2 into the other Chapters in the plan. In particular the Rural Zone, Residential Zone and the Industrial Zone. The reason why this is suggested is when you read the Rural Zone Chapter there is little to signal a connection with Chapter 2. Therefore there are currently no triggers that provide for cultural perspective or input at the outset of an activity, or any explicit requirement to assess whether there is an impact on tangata whenua.

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<sup>8</sup> Section 75, of the Resource Management Act 1991

Advantages:

- connectivity through the Plan with the Tangata Whenua Chapter and objectives and policies
- clarity for Tangata Whenua, plan users and WDC on the implementation of cultural objectives
- provides a greater opportunity for collaboration between WDC, Submitters and plan users
- better integration of tangata whenua objectives and policies through the Plan
- greater prominence of tangata whenua objectives and policies

Disadvantages:

- the plan becomes repetitive and bulky in terms of content and would be unnecessarily long
- the objectives and policies may only be applicable in certain circumstances and we may be creating unnecessary resourcing issues for both Tangata Whenua, plan users and WDC
- there would need to be clear guidance developed to ensure a strong understanding for WDC, Submitters and plan users in how to apply the objectives and policies across different Zones
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2.1.2 **Option 2** – Develop tailored Objectives and Policies for other Chapters in the Plan that give effect to Chapter 2.

This option looks to create wording that captures the intent and purpose of Chapter 2 and is reflected through an Objective and Policy that is tailored to the appropriate sections of the Plan. I have crafted 3 different wordings as an example for the Mineral Extractive Industries Activity in the Rural Zone:

5.4 *Mineral Extractive Industries*

5.4.1 *Objective – Minerals and extractive industries*

*(a) Mineral resource use provides economic, social and environmental benefits to the district.*

5.4.3 *Policy – Effects on cultural relationship with ancestral lands, water sites, waahi tapu and other taonga are protected*

*a) Ensure activities<sup>9</sup> within the Rural Zone address the policies and objectives of Chapter 2*

**or**

5.4.3 *Policy – the role of Tangata Whenua as kaitiaki and the relationship they have with their land, natural resources, and sites of significance is recognised and protected*

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<sup>9</sup> refers it maybe necessary to be specific about activities, or areas, or status of an activity as Tangata Whenua may not want to have this applied to all activities

a) Ensure activities<sup>10</sup> within the Rural Zone address the policies and objectives of Chapter 2

**or**

5.4.3 Policy – Tangata Whenua

a) Ensure activities<sup>11</sup> within the Rural Zone address the policies and objectives of Chapter 2

I have no preference but I see value in a simple and easy to follow approach. There also needs to be feedback from WDC consents team on the ability to implement and whether these options create any issues. All three options take a different approach and it would depend on the intent of which WDC and Submitters wish to give effect to cultural objectives.

Advantages:

- connectivity through the Plan with the Tangata Whenua Chapter and objectives and policies
- clarity for Tangata Whenua, plan users and WDC on the implementation of cultural objectives
- Simplicity in approach and not over complicating the Plan
- the ability for Tangata Whenua to be more targeted on which activities cause concern and being able to input in a considered way
- can be replicated in different Chapters with little effort
- ability to tailor the objectives and policies for each zone

Disadvantages:

- the objectives and policies may only be applicable in certain circumstances and we may be creating unnecessary resourcing issues for both Tangata Whenua, plan users and WDC
- Activities would need to be well defined, this would not for example apply to Permitted Activities. It may also not be applicable for activities such as Signs, there would need to be some further forensics on what would be appropriate to apply this policy to.
- Policies will only kick in when a consent is required. Policies will also only apply to Discretionary and Non complying activities, although they may be used to guide Controlled and Restricted Discretionary activities
- there would need to be clear guidance developed to ensure a strong understanding for WDC, Submitters and plan users in how to apply the objectives and policies across different Zones
- there could be public issue with the inclusion of the policy and there would need to good evidence for its inclusion within various Chapters

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<sup>10</sup> refers it maybe necessary to be specific about activities, or areas, or status of an activity as Tangata Whenua may not want to have this applied to all activities

<sup>11</sup> refers it maybe necessary to be specific about activities, or areas, or status of an activity as Tangata Whenua may not want to have this applied to all activities

2.1.3 **Option 3** – Leave the Objectives and Policies as they are in their current state across all Chapters of the Plan

Advantages:

- There is no further work to be undertaken on the Plan in this regard
- Suggests that there is confidence with the current format of the plan to cover the concerns of Tangata Whenua
- WDC and Tangata Whenua can concentrate on formulating guidance for implementation
- Efficient approach in that the objectives and policies are in one central location in the Plan

Disadvantages:

- there would remain an uncertainty whether the Objectives and Policies within Chapter 2 would be correctly applied in other Chapters through the plan
- potential for the objectives and policies in Chapter 2 to be overlooked
- Tangata Whenua would need to work closely with WDC and users to ensure that their concerns are being met which would continue to be a reactive process rather than proactive
- continued lack of connectivity through the Plan with Chapter 2 objectives and policies
- no innovation or improvement to the way Tangata Whenua feel their issues could be represented and accounted for within the Plan

2.1.4 **Notes for Discussion:**

The Options as presented are a snapshot of what could be undertaken. There are some key issues that require further discussion that will need to be decided in tandem with developing a way forward:

- (a) Do the current Objectives and Policies adequately address the issues that Submitters are concerned about and do any of these need adjustments?
- (b) Cultural Values and Mātauranga Māori are not represented in all Objectives and Policies within Chapter 2, does this need to be amended?
- (c) There will need to be further work to appropriately apply a single policy/objective to other Chapters. Submitters and WDC need to be sure that they are not creating any resourcing issues for themselves and users of the Plan.
- (d) In developing this discussion paper, it has become apparent that it could be good practice to develop guidance material that sits alongside the Plan to assist users to work with the Tangata Whenua Objectives and Policies. This could be an innovative step between WDC and Tangata Whenua to build capacity of applicants, WDC staff and stakeholders across the District.
- (e) Further work needs to be undertaken to understand where Tangata Whenua have concerns in regards to activity, location, and discretionary and non complying status of activities to be able to reflect this through the Plan development.

## 2.2 Assessment Criteria

In the workshop on the 21<sup>st</sup> September 2020 as well as the submissions presented by Submitters, there was a desire by Submitters to look at the options of including Mātauranga Māori/ Cultural Values within the assessment criteria of activities.

Some RMA plans contain assessment criteria in regards to restricted discretionary and discretionary activities in their rules to guide or direct users towards considering specified environmental effects or issues. In terms of understanding the purpose of assessment criteria I have extracted some guidance from Quality Planning at the outset to frame the context of which I have presented my thinking

### ***“GOOD PRACTICE IN USING ASSESSMENT CRITERIA***

- *Incorporate assessment criteria into policies instead of rules where possible.*
- *Where assessment criteria are contained in objectives and policies, ensure there is a clear cross-referencing back to them from the rules that implement those objectives and policies.*
- *Where assessment criteria in controlled or restricted discretionary activities rules are intended to be (or have the effect of) matters over which the council intends to retain control or restrict its discretion, they should be expressed as such.*
- *Matters of assessment should relate back to effects the activity may have on the environment, or the aspect of non-compliance that has triggered the need for the resource consent.*
- *Write assessment criteria as 'inclusive ' statements (i.e. "...includes the following...").*
- *The following phrases can be used at the start of each assessment matter:*
  - *"The extent to which ..."*
  - *"The ability to..."*
  - *"The degree to which..."*
  - *"Whether the..."*

*In some cases such criteria would be better incorporated into the objectives and policies of plans, but there may be circumstances (such as when considering full discretionary activities) where the criteria may be of such detail that their incorporation into policy could result in overly long, complex, policies. If assessment criteria are used, care should be taken to ensure that they are directly related to the relevant objectives and policies, and do not provide any additional matters for consideration or leave gaps".<sup>12</sup>*

With this in mind, consideration needs to be given to the inclusion of an Objective and Policy on Tangata whenua matters in each Chapter of relevance, to provide the necessary link to any assessment criteria developed for specific activities. Or to develop a cross referencing to Chapter 2 within each Chapter to ensure that there is clear connection between the assessment criteria and the objectives / policy framework. Also in the framing of this discussion I have not included Permitted activities as Permitted activities are appropriate and don't cut across Mātauranga Māori/

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<sup>12</sup> <https://qualityplanning.org.nz/node/612>

Cultural values. The way that I have structured this section is firstly to provide Assessment Criteria options for Restricted Discretionary and Discretionary Activities; Secondly I have tried to identify key activities where Tangata Whenua may have concern; Lastly if there were no assessment criteria.

### 2.2.1 Restricted Discretionary Activity and Discretionary Activity Assessment Criteria

This would need to be applied to specific activities which Tangata Whenua think they will have a particular concern or has the potential to adversely affect their cultural objectives. It would not apply to every Restricted Discretionary or Discretionary activity as some activities would not be of interest to Tangata Whenua. The list of activities and the associated rules have been provided for in Appendix 1.

Possible wording for a matter for councils discretion could be –

“the extent to which any adverse effect on Tangata Whenua Mātauranga Māori/Cultural Values can be avoided, remedied or mitigated”

**or;**

“the extent to which any adverse effect on Tangata Whenua Mātauranga Māori/Cultural Values can be avoided, remedied or mitigated, and having regard to the objectives and policies of Chapter 2”

**or:**

“the extent to which the proposed use or development will adversely affect Tangata Whenua Mātauranga Māori/Cultural Values”

**or:**

“the extent to which the proposed use or development will adversely affect Tangata Whenua Mātauranga Māori/Cultural Values and having regard to the objectives and policies of Chapter 2”

### 2.2.2 Targeted Activities by Zone

All of these activities targeted within the various Zones have been chosen on the same set of inquiry principles:

- Could the activity be in the vicinity or near to a cultural site of significance to Tangata Whenua
- Could the activity have the potential to affect the relationship Tangata have with their land, natural resources or spiritual connection to a place
- Could the activity have an impact on cultural values and/or could it trigger the need for a cultural values impact report

#### 2.2.2(a) Residential Zone

Activities where Tangata Whenua could have the greatest concern which could require input:

- 16.2.4: Earthworks
- 16.2.5: Hazardous Substances
- 16.2.6: Notable Trees
- 16.2.8 Indigenous Vegetation Clearance inside an SNA

- 16.3.11: Historic Heritage
- 16.4: Subdivision
- 16.5: Te Kauwhata Precinct

#### 2.2.2 (b) Rural Zone

Activities where Tangata Whenua could have the greatest concern which requires input:

- 22.2.3: Earthworks
- 22.2.4: Hazardous Substances
- 22.2.5: Notable Trees
- 22.2.7: Indigenous Vegetation Clearance inside an SNA
- 22.2.8: Indigenous Vegetation Clearance outside an SNA
- 22.3.7.8: Heritage items
- 22.4: Subdivision
- 22.5: Specific Area – Agriculture Research Centres
- 22.6: Specific Area – Huntly Power Station – Coal and Ash Water

#### 2.2.2 (c) Industrial Zone

Activities where Tangata Whenua could have the greatest concern which requires input:

- 20.2.5: Earthworks
- 22.2.6: Hazardous Substances
- 20.3.5: Historic Heritage
- 20.4: Subdivision

#### 2.2.3 Notes for Discussion on 2.2.1 and 2.2.2

There are some key issues that require further discussion that will need to be decided in tandem with developing a way forward:

- (a) Further forensics needs to be undertaken to identify specific activities where Tangata Whenua have concerns.
- (b) The wording provided is just an example and whilst I have used the same wording across the zones, this is not concrete and Tangata Whenua and WDC will need to discuss what best suits their needs.
- (c) There could also be further Zones where Tangata Whenua may have concern outside what has been provided for in this paper, these will need to be included.
- (d) Tangata Whenua and WDC need to consider whether they want either:
  - objectives and policies, or;
  - assessment criteria, or;
  - a combination of objectives and policies, as well as assessment criteria



#### **2.2.4 No Assessment Criteria Applied**

WDC and submitters may wish not to include Assessment Criteria as part of this iteration of the Plan. If that is the case, and submitters however, still want recognition of cultural values/ mātaraunga māori then there would need to be a focus on strengthening the objectives and policies.

As outlined in the previous section 2.1 there are options for WDC and submitters to discuss and agree on for the Panel to make a decision about whether this is an appropriate option.

### 3. Recommendations

There are no recommendations as a result of this paper but the following questions are to assist with discussions at the next workshop:

#### 3.1 Objectives and Policies

- a) Do the current Objectives and Policies adequately address the issues that Tangata Whenua are concerned about and do any of these need adjustments?
- b) Cultural Values and Mātauranga Māori don't come through across all Objectives and Policies within Chapter 2, does this need to be amended?
- c) There will need to be further work to appropriately apply a single policy/objective to other Chapters. Tangata Whenua and WDC need to be sure that they are not creating any resourcing issues for themselves and users of the Plan.
- d) In developing this discussion paper, it has become apparent that it could be good practice to develop guidance material that sits alongside the Plan to assist users to work with the Tangata Whenua Objectives and Policies. This could be an innovative step between WDC and Tangata Whenua to build capacity across the District.
- e) Further work needs to be undertaken to understand where Tangata Whenua have concerns in regards to activity, location, status of activities to be able to reflect this through the Plan development.

#### 3.2 Assessment Criteria

- a) Tangata Whenua and WDC need to consider whether they want either:
  - objectives and policies, or;
  - assessment criteria, or;
  - a combination of objectives and policies, as well as assessment criteria,
- b) Further forensics needs to be undertaken to identify specific activities where Tangata Whenua have concerns.
- c) The wording provided is just an example and whilst I have used the same wording across the zones, this is not concrete and Tangata Whenua and WDC will need to discuss what best suits their needs.
- d) There could also be further Zones where Tangata Whenua may have concern outside what has been provided for in this paper, these will need to be included.



Appendix 1 – Residential Zone

Permitted	Controlled	Restricted Discretionary	Discretionary	Non – Complying	Prohibited
<p><b>16.1.2</b>  <b>P1</b> - Residential activity, unless specified below.  <b>P2</b> - A Marae Complex or Papakaaingā Housing Development on Māori Freehold Land or on Māori Customary Land.  <b>P3</b> - A new retirement village or alterations to an existing retirement village:  <b>P4</b> - Home occupation  <b>P5</b> - Temporary event  <b>P6</b> - Cultural event on Māori Freehold Land containing a Marae Complex  <b>P7</b> - Community activity  <b>P8</b> - Neighbourhood park  <b>P9</b> - Homestay  <b>P10</b> - Agricultural, horticultural and viticultural activities  <b>P11</b> - Neighbourhood centre  <b>P12</b> - Commercial activity  <b>16.2.1.1</b>  <b>P1</b> - Farming noise, and noise generated by emergency generators and emergency sirens.  <b>P2</b> - Noise measured within any other site in the Residential Zone must not exceed:  <b>P3</b> - (a) Noise levels shall be measured in accordance with the requirements of NZS</p>	<p><b>16.3.11.6 Heritage Precincts</b>  <b>C1</b> - Construction of a building in the Matangi or Huntly Heritage Precincts  <b>C2</b> - Alteration of a building in the Matangi or Huntly Heritage Precincts  <b>C3</b> - Attachment of an advertising sign(s) to a building or located within the 8m setback from road boundaries in the Matangi or Huntly Heritage Precincts  <b>16.4.5 – Boundary Adjust</b>  <b>C1</b>  Boundary adjustments must comply with all of the following conditions  <b>16.4.6 Sub, Cross lease and freehold</b>  <b>C1</b> - Conversion of a cross lease flats plan to a fee simple title.</p>	<p><b>16.1.3</b>  <b>RD1</b> - A Multi-Unit development that meets all of the following conditions:  <b>16.2.1.2</b>  <b>RD1</b> - (a) Construction noise that does not comply with Rule 16.2.1.2 PI.  <b>16.2.3</b>  <b>RD1</b> - (a) Illumination that does not comply with Rule 16.2.3 PI.  <b>16.2.4.1</b>  <b>RD1</b> - (a) Earthworks that do not comply with Rule 16.2.4.1 PI, P2 or P3.  <b>16.2.4.2</b>  <b>RD1</b> - (a) Earthworks within a Māori Site of Significance  <b>RD2</b> - (a) Earthworks within a Māori area of significance  <b>16.4.2.3</b>  <b>RD1</b> - (a) Earthworks that do not comply with Rule 16.2.4.3 PI.  <b>16.2.6.1</b></p>	<p><b>16.1.4</b>  <b>D1</b> - Any permitted activity that does not comply with a 'Activity-Specific Condition' in Rule 16.1.2.  <b>D2</b> - Any permitted activity that does not comply with the Land Use - Effects  <b>D3</b> - Any Multi-unit development that does not comply with Rule 16.1.3 RDI.  <b>16.2.1.1</b>  <b>D1</b> - Noise that does not comply with Rule 16.2.1.1 P2 or P3.  <b>16.2.2</b>  <b>DI</b> - The servicing and hours of operation of a commercial activity that does not comply with Rule 16.2.2 PI.  <b>16.2.4.3</b>  <b>D1</b> - Earthworks within an identified Significant Natural Area not provided for in Rule 16.2.4.3 PI or RDI.  <b>16.2.4.4</b></p>	<p><b>16.1.5</b>  <b>NC1</b> - Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.  <b>16.3.11.1 - Group A heritage item</b>  <b>NC1</b> - Demolition, removal or relocation of any Group A heritage item listed in Schedule 30.1 (Heritage Items)  <b>16.4.7 – Title Boundaries</b>  <b>NC1</b> - Subdivision that does not comply with Rule 16.4.7 RDI.  <b>16.4.8 title boundaries SNA</b>  <b>NC1</b> - Subdivision that</p>	<p><b>16.1.1</b>  <b>PR1</b> - Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour)</p>

<p><b>PI</b> - (a)Construction noise must meet the limits in NZS 6803:1999 Acoustics – Construction Noise;</p> <p><b>P1</b> - The loading and unloading of vehicles and the receiving of customers and deliveries associated with a <u>commercial activity</u></p> <p><b>16.2.3</b></p> <p><b>PI</b> - Glare and artificial light spill must not exceed 10 <u>lux</u> measured horizontally and vertically within any other <u>site</u>.</p> <p><b>16.2.4.1</b></p> <p><b>PI</b> - <u>Earthworks</u> (excluding the importation of <u>fill material</u>) within a <u>site</u> must meet all of the following conditions:</p> <p><b>P2</b>- <u>Earthworks</u> for the purpose of creating a <u>building platform</u> for residential purposes within a <u>site</u>, using imported <u>fill material</u></p> <p><b>P3</b> -<u>Earthworks</u> for purposes other than creating a <u>building platform</u> for residential purposes within a <u>site</u>, using imported <u>fill material</u></p> <p><b>16.2.4.3</b></p> <p><b>P1</b> - Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area</p>	<p><b>C2</b>- Amendment or update of a cross lease flats plan to include additions or alterations to <u>buildings</u>, and areas</p> <p><b>16.4.16 Sub of EPA</b></p> <p><b>C1</b>- <u>Subdivision</u> of land containing an Environmental Protection Area</p> <p><b>16.5.7.2 Earthworks general</b></p> <p><b>C1</b>- <u>Earthworks</u> that do not comply with Rule 16.5.7.2 PI</p> <p><b>16.5.9.1 Sub Lakeside</b></p> <p><b>C1</b>- <u>Subdivision</u> must comply with all of the following conditions:</p>	<p><b>RDI</b> - Removal or destruction of a notable tree identified in <u>Schedule 30.2</u></p> <p><b>16.2.6.2</b></p> <p><b>RDI</b> - The trimming of a notable tree that does not comply with Rule 16.2.6.2. PI.</p> <p><b>16.2.6.3</b></p> <p><b>RDI</b> - Any activity that does not comply with Rule 16.2.6.3 PI.</p> <p><b>16.2.7.1</b></p> <p><b>RDI</b> - A <u>sign</u> that does not comply with Rule 16.2.7.1 P2 or P3.</p> <p><b>16.3.4</b></p> <p><b>RDI</b> - Fences or walls that do not comply with Rule 16.3.4 PI or P2.</p> <p><b>16.3.5</b></p> <p><b>RDI</b> - A <u>building</u> that does not comply with Rule 16.3.5 PI.</p> <p><b>16.3.9.1</b></p> <p><b>RDI</b> - A <u>building</u> that does not comply with Rule 16.3.9.1 PI, P2 or P3.</p> <p><b>16.3.10 – Horotiu Acoustic Area</b></p>	<p><b>D1</b> - <u>Earthworks</u> that do not comply with Rule 16.2.4.4 PI.</p> <p><b>16.2.5</b></p> <p><b>D1</b> - The <u>use, storage</u> or disposal of any <u>hazardous substances</u> that does not comply with Rule 16.2.5 PI or P2.</p> <p><b>16.2.7.2</b></p> <p><b>D1</b> - Any <u>sign</u> that does not comply with Rule 16.2.7.2 PI.</p> <p><b>16.2.8</b></p> <p><b>D1</b> - Indigenous vegetation clearance in a Significant Natural Area</p> <p><b>16.3.1</b></p> <p><b>D1</b> - A <u>dwelling</u> that does not comply with Rule 16.3.1 PI.</p> <p><b>16.3.2</b></p> <p><b>D1</b> - A <u>minor dwelling</u> that does not comply with Rule 16.3.2 PI.</p> <p><b>16.3.3.1</b></p> <p><b>D1</b> - Any <u>building</u> that does not comply with Rule 16.3.3.1 PI.</p> <p><b>16.3.3.2</b></p> <p><b>D1</b> - A <u>building</u> in the battlefield view shaft that</p>	<p>does not comply with Rule 16.4.8 RDI.</p> <p><b>16.4.9 title boundaries MSAOS</b></p> <p><b>NC1</b> - Subdivision that does not comply with Rule 16.4.9 RDI.</p> <p><b>16.4.10 Sub of heritage items</b></p> <p><b>NC1</b> - Subdivision that does not comply with Rule 16.4.10 RD1.</p> <p><b>16.5.6 Nc Activ</b></p> <p><b>NC1</b> - A <u>CLDC</u> that does not meet the requirements</p> <p><b>NC2</b>- A <u>CLDC</u> that does not meet any of the parameters</p> <p><b>NC3</b>- Any activity that is not listed as a Permitted, Restricted Discretionary or</p>	
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<p><b>16.2.4.4</b>  <b>PI</b> - <u>Earthworks</u> for the maintenance of existing tracks, fences or drains within an identified Landscape or Natural Character Area and must meet all of the following conditions;</p> <p><b>16.2.5</b>  <b>PI</b> - The <u>use, storage</u> or disposal of any <u>hazardous substance</u></p> <p><b>P2</b>-(a)The <u>storage</u> or <u>use</u> of radioactive materials is:  (l) an approved equipment for medical and diagnostic purpose</p> <p><b>16.2.6.1</b>  <b>PI</b> - Removal or destruction of a notable tree identified in <u>Schedule 30.2</u></p> <p><b>16.2.6.2</b>  <b>PI</b> - The trimming of a notable tree identified in <u>Schedule 30.2</u> (Notable Trees) is either:</p> <p><b>16.2.6.3</b>  <b>PI</b> - Any activity within the <u>dripline</u> of a notable tree identified in <u>Schedule 30.2</u> (Notable Trees) must comply with all of the following conditions:</p> <p><b>16.2.7.1</b></p>		<p><b>RDI</b> - Construction, addition to or alteration of a <u>building</u> that does not comply with Rule 16.3.10 <b>PI</b>.</p> <p><b>16.3.11.3 – All Heritage Items</b>  <b>RDI</b> - Any activity that does not comply with Rule 16.3.11.3 <b>P1</b>.</p> <p><b>16.3.11.4 All heritage Items</b>  <b>RDI</b> - Any activity that does not comply with Rule 16.3.11.4 <b>P1</b>.</p> <p><b>16.3.11.5 All heritage items</b>  <b>RDI</b> - Any activity that does not comply with one or more conditions of Rule 16.3.11.5 <b>P1</b>.</p> <p><b>16.3.11.6 Heritage Precincts</b>  <b>RDI</b> - Construction alteration of to a building in the Matangi Heritage Precinct or the Huntly Heritage Precinct</p> <p><b>16.4.1 Sub general</b>  <b>RD1</b>- <u>Subdivision</u> must comply with all of the following conditions:</p> <p><b>16.4.2 Te Kauwhata Ecological res area</b>  <b>RD1</b>- Proposed <u>lots</u> in the Te Kauwhata Ecological Residential Area identified on the planning maps must comply</p> <p><b>16.4.3 Sub Te Kauwhata West res Area</b></p>	<p>does not comply with Rule 16.3.3.2 <b>P1</b>.</p> <p><b>16.3.3.3</b>  <b>D1</b>- A <u>building</u>, structure or vegetation that does not comply with Rule 16.3.3.3 <b>PI</b>.</p> <p><b>16.3.6</b>  <b>D1</b>- Total <u>building coverage</u> that does not comply with Rule 16.3.6 <b>PI</b>, <b>P2</b> or <b>P3</b>.</p> <p><b>16.3.7</b>  <b>D1</b>- A <u>living court</u> that does not comply with Rule 16.3.7 <b>PI</b> or <b>P2</b>.</p> <p><b>16.3.8</b>  <b>D1</b>- A <u>service court</u> that does not comply with Rule 16.3.8 <b>PI</b>.</p> <p><b>16.3.9.2</b>  <b>D1</b>- Any <u>building</u> for a <u>sensitive land use</u> that does not comply with Rule 16.3.9.2. <b>PI</b>.</p> <p><b>16.3.9.3 – Water Bodies</b>  <b>D1</b> - Any <u>building</u> that does not comply with Rule 16.3.9.3 <b>PI</b> or <b>P2</b>.</p> <p><b>16.3.9.4 – EPA</b></p>	<p>Discretionary activity.</p> <p><b>16.5.9.2 lakeside Comprehensive Sub</b>  <b>NC1</b> - A <u>CS</u> that does not meet the requirements of Rule 16.5.9.2 <b>RDI</b></p> <p><b>NC2</b>- A <u>CS</u> that does not meet any of the parameters for a discretionary activity outlined in Rule 16.5.9.2 <b>DI</b></p>	
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<p><b>P1</b> - A public information <u>sign</u> erected by a government agency.</p> <p><b>P2</b> - A <u>sign</u></p> <p><b>P3</b> - A real estate 'for sale' <u>sign</u> 16.2.7.2</p> <p><b>P1</b> - Any <u>sign</u> directed at road users must: 16.2.8</p> <p><b>P1</b> - Indigenous vegetation clearance in a Significant Natural Area</p> <p><b>P2</b> - Removal of up to 5m<sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment per year per property</p> <p><b>P3</b> - Indigenous vegetation clearance for building, access, parking and maneuvering areas in a Significant Natural Area</p> <p><b>P4</b> - On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area</p> <p><b>P5</b> - On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified</p> <p><b>P6</b> - Removal of up to 5m<sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment per year per property</p>		<p><b>RD1</b> - Proposed <u>lots</u> within the Te Kauwhata West Residential Area must comply 16.4.4 Sub multi unit dev</p> <p><b>RD1</b> - <u>Multi-Unit development</u> must comply 16.4.7 – <u>Title Boundaries</u></p> <p><b>RD1</b> - <u>Subdivision</u> of land containing <u>contaminated land</u>, notable trees, <u>intensive farming</u> and <u>Aggregate Extraction Area</u> must comply 16.4.8 title boundaries SNA</p> <p><b>RD1</b> <u>Subdivision</u> of sites containing a Significant Natural Area(s) 16.4.9 title boundaries MSAOS</p> <p><b>RD1</b> Subdivision of sites containing Maaori Sites of Significance and Maaori Areas of Significance 16.4.10 Sub of heritage items</p> <p><b>RD1</b> Subdivision of land containing a heritage item listed in Schedule 30.1 16.4.11 Sub Road Frontage</p> <p><b>RD1</b> Every proposed <u>lot</u> with a road <u>boundary</u></p> <p>16.4.12 Sub Building platform</p>	<p><b>D1</b> - A <u>building</u> that does not comply with Rule 16.3.9.4 PI. 16.3.11.2 – <u>Group B Heritage Item</u></p> <p><b>D1</b> - <u>Demolition</u>, removal or relocation of any Group B heritage item listed in Schedule 30.1 (Heritage Items) 16.4.1 Sub general</p> <p><b>D1</b> -Subdivision that does not comply with a condition in Rule 16.4.1 RDI. 16.4.2 Te Kauwhata Ecological res area</p> <p><b>D1</b> - <u>Subdivision</u> within the Te Kauwhata Ecological Residential Area that does not comply with Rule 16.4.2 RDI.</p> <p>16.4.3 Sub Te Kauwhata West res Area</p> <p><b>D1</b> - <u>Subdivision</u> within the Te Kauwhata West Residential Area that does not comply with Rule 16.4.3 RDI. 16.4.4 Sub multi unit dev</p>		
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<p><b>16.3.1</b>  <b>PI</b> - One <u>dwelling</u> within a <u>site</u>.</p> <p><b>16.3.2</b>  <b>PI</b> - One <u>minor dwelling</u> contained within a <u>site</u></p> <p><b>16.3.3.1</b>  <b>PI</b> - The maximum <u>height</u> of any <u>building</u> must not exceed 7.5m.</p> <p><b>16.3.3.2</b>  <b>PI</b> - The maximum height of a building, structure or vegetation within a battlefield view shaft</p> <p><b>16.3.3.3</b>  <b>PI</b> - A <u>building</u>, structure or vegetation must not protrude through any airport obstacle limitation surface.</p> <p><b>16.3.4</b>  <b>PI</b> - Fences and walls between the applicable <u>building setbacks</u></p> <p><b>P2</b>- Fences or walls between the applicable <u>building setbacks</u> under <u>Rule 16.3.9</u> on a <u>site</u> and along the northern boundary of the Residential Zone</p> <p><b>16.3.5</b>  <b>PI</b> - <u>Buildings</u> must not protrude through a <u>height control plane</u> rising at an angle of 37 degrees commencing at an elevation of 2.5m</p> <p><b>16.3.6</b>  <b>PI</b> - The total <u>building coverage</u> must not exceed 40%.</p> <p><b>P2</b>- Within the Te Kauwhata Residential West Area or the Te</p>		<p><b>RD1</b> Every proposed <u>lot</u>, other than one designed specifically for access</p> <p><b>16.4.13 Sub Creating Reserves</b>  <b>RD1</b> very reserve, including where a reserve is identified within a structure plan or master plan</p> <p><b>16.4.14 Sub of esplanade</b>  <b>RD1</b> subdivision of an esplanade reserve or strip at least 20m wide</p> <p><b>16.4.15 Sub mapped off-road walkways</b>  <b>RD1</b> <u>Subdivision</u> where walkways shown on the planning maps</p> <p><b>16.4.16 Sub of EPA</b>  <b>RD1</b> <u>Subdivision</u> that does not comply with a condition of Rule 16.4.16 C1.</p> <p><b>16.5.3 RD Activities</b>  <b>RD1</b> A <u>comprehensive land development consent</u></p> <p><b>16.5.7.1 Noise and Vibra</b>  <b>RD1</b>- Construction or alteration of a <u>building</u> that does not comply with Rule 16.5.7.1 PI.</p> <p><b>16.5.7.2 Earthworks general</b>  <b>RD1</b>- <u>Earthworks</u> that do not comply with 16.5.7.2 C1.</p>	<p><b>D1</b>- <u>Subdivision</u> that does not comply with Rule 16.4.4 RDI.</p> <p><b>16.4.5 – Boundary Adjust</b>  <b>D1</b>- <u>Boundary</u> adjustments that does not comply with Rule 16.4.5 C1.</p> <p><b>16.4.6 Sub, Cross lease and freehold</b>  <b>D1</b>- does not comply with Rule 16.4.6 C1 or C2.</p> <p><b>16.4.11 Sub Road Frontage</b>  <b>D1</b>- <u>Subdivision</u> that does not comply with Rule 16.4.11 RDI.</p> <p><b>16.4.12 Sub Building platform</b>  <b>D1</b>- <u>Subdivision</u> that does not comply with Rule 16.4.12 RDI.</p> <p><b>16.4.13 Sub Creating Reserves</b>  <b>D1</b>- <u>Subdivision</u> that does not comply with Rule 16.4.13 RDI.</p> <p><b>16.4.14 Sub of esplanade</b>  <b>D1</b>- <u>Subdivision</u> that does not comply with Rule 16.4.14 RDI.</p>		
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<p>Kauwhata Ecological Residential Area the total <u>building coverage</u> must not exceed 35%.</p> <p><b>P3</b> - Within the Bankart Street and Wainui Road Business Overlay Area as identified on the planning maps, total <u>building coverage</u> must not exceed 50%.</p> <p><b>16.3.7</b></p> <p><b>PI</b> - A <u>living court</u> must be provided for each <u>dwelling</u></p> <p><b>P2</b>- A <u>living court</u> must be provided for each <u>minor dwelling</u></p> <p><b>16.3.8</b></p> <p><b>PI</b>- (a)A <u>service court</u> must be provided for each <u>dwelling</u> and <u>minor dwelling</u>.</p> <p><b>16.3.9.1 – All boundaries</b></p> <p><b>PI</b> - A <u>building</u> must be set back a minimum of:</p> <p><b>P2</b>- A non-habitable <u>building</u> can be set back less than 1.5m from a <u>boundary</u></p> <p><b>P3</b> - A garage must be set back behind the front façade of the <u>dwelling</u>.</p> <p><b>16.3.9.2 – Sensitive land use</b></p> <p><b>PI</b> - Any new <u>building</u> or alteration to an existing <u>building</u> for a <u>sensitive land use</u> must be set back</p> <p><b>16.3.9.3 – Water Bodies</b></p>		<p><b>RD2</b>- <u>Earthworks</u> that do not comply with Rule 16.5.7.2 P2.</p> <p><b>16.5.8.1 Dwelling</b></p> <p><b>RD1</b>- Construction of more than one <u>dwelling</u></p> <p><b>16.5.8.2 height</b></p> <p><b>RD1</b>- Any <u>building</u> that does not comply with Rule 16.5.8.2 PI.</p> <p><b>16.5.8.3 Building coverage</b></p> <p><b>RD1</b>- Total <u>building coverage</u> on a <u>site</u> that does not exceed the maximum <u>building coverage</u></p> <p><b>16.5.8.4 Daylight Admission</b></p> <p><b>RD1</b> Any <u>building</u> which does not comply with Rule 16.5.8.4 PI or P2.</p> <p><b>16.5.8.6 Living Court</b></p> <p><b>RD1</b> - Construction or alteration of a <u>dwelling</u> which does not comply with Rule 16.5.8.6 PI or P2.</p> <p><b>16.5.8.7 Building setbacks</b></p> <p><b>RD1</b> - A <u>building</u> that does not comply with Rule 16.5.8.7 PI</p> <p><b>16.5.8.8 Fences</b></p> <p><b>RD1</b> A fence or wall which does not comply with 16.5.8.8 PI.</p>	<p><b>16.4.15 Sub mapped off-road walkways</b></p> <p><b>D1</b>- <u>Subdivision</u> that does not comply with Rule 16.4.15 RD1.</p> <p><b>16.5.4 D Activates</b></p> <p><b>D1</b> A <u>CLDC</u> that does not comply</p> <p><b>D2</b>- Any activity that does not comply with one or more of the activity</p> <p><b>16.5.7.2 Earthworks general</b></p> <p><b>D1</b> <u>Earthworks</u> that do not comply with Rule 16.5.7.2 P3.</p> <p><b>16.5.8.1 Dwelling</b></p> <p><b>D1</b> Construction of more than one <u>dwelling</u> on land</p> <p><b>16.5.8.3 Building coverage</b></p> <p><b>D1</b> Total <u>building coverage</u> that does not comply with Rule 16.5.8.3 PI, P2 or RD1.</p> <p><b>16.5.8.5 Non-res building</b></p> <p><b>D1</b> A non-residential <u>building</u> which does not comply with Rule 16.5.8.5 PI.</p> <p><b>16.5.9.2 lakeside Comprehensive Sub</b></p> <p><b>D1</b> A <u>CS</u> that does not comply with Rule 16.5.9.2 RD1</p>		
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<p>P1 - Any building must be setback a minimum</p> <p>P2- A public amenity of up to 25m,2 or a pump shed within any building setback identified in Rule 16.3.9.3 P1.</p> <p>16.3.9.4 – EPA</p> <p>P1 - A building must be set back a minimum of 3m from an Environmental Protection Area.</p> <p>16.3.10 – Horotiu Acoustic Area</p> <p>P1 - Construction, addition to or alteration of a building for a noise-sensitive activity within the Horotiu Acoustic Area</p> <p>16.3.11.3 – All Heritage Items</p> <p>P1 - Alteration or addition to of a heritage item listed in Schedule 30.1</p> <p>16.3.11.4 All heritage Items</p> <p>P1 - Maintenance or repair of a heritage item listed in Schedule 30.1</p> <p>16.3.11.5 All heritage items</p> <p>P1 - Development on a site containing a heritage item listed in Schedule 30.1</p> <p>16.5.2 Lakeside perminted active</p> <p>P1 - Any activity listed in Rule 16.5.2</p> <p>P2 (Residential Activity), P3 (Retirement Village) or P7 (Community Activity) below.</p> <p>P2- Residential activity</p> <p>P3- A new retirement village</p> <p>P4- Home occupation</p> <p>P5-Temporary event</p>		<p>16.5.8.9 Overlooking pub spaces</p> <p>RD1 Any dwelling or independent living unit within a retirement village</p> <p>16.5.9.1 Sub Lakeside</p> <p>RD1 Subdivision that does not comply with conditions in Rule 16.5.9.1 C1.</p> <p>16.5.9.2 lakeside</p> <p>Comprehensive Sub</p> <p>RD1 A Comprehensive Subdivision Consent (CS) that meets all of the following conditions:</p> <p>16.5.9.3 Sub for less than 5ha</p> <p>RD1 Subdivision on sites less than 5 ha that complies with the conditions as set out below:</p>			
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<p>P6- <u>Home stay</u>  P7- <u>Community activity</u>  P8- <u>Neighbourhood Park</u>  P9- <u>Grazing and pastoral farming</u>  P10- <u>Neighbourhood centre</u>  16.5.7.1 <u>Noise and Vibra</u>  P1 - <u>Construction or alteration of a building</u>  16.5.7.2 <u>Earthworks general</u>  P1 - <u>earthworks</u> necessary for the construction and maintenance of existing public roads  P2- <u>Earthworks</u> involving imported <u>fill material</u>  P3- <u>Earthworks</u> in a Flood Risk Area  16.5.8.1 <u>Dwelling</u>  P1- <u>One dwelling</u> within a <u>site</u>.  16.5.8.2 <u>height</u>  P1- The maximum <u>height</u> of any <u>building</u> must not exceed 8.0m.  16.5.8.3 <u>Building coverage</u>  P1- The total <u>building coverage</u> on a <u>site</u> must not exceed 40%  P2 - The total <u>building coverage</u> on a <u>site</u> must not exceed 65%  16.5.8.4 <u>Daylight Admission</u>  P1 - <u>Any Building</u> should not protrude through a <u>height control plane</u> rising at an angle of 45 of 2.5m above ground  P2 - <u>Any Building</u> should not protrude through a <u>height control plane</u> rising at an angle of 45 of 3.5m above ground</p>					
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<p><b>16.5.8.5 Non-res building</b></p> <p><b>P1</b> - A non-residential <u>building</u> provided that the <u>gross floor area</u> does not exceed 300m<sup>2</sup>.</p> <p><b>16.5.8.6 Living Court</b></p> <p><b>P1</b> - A <u>living court</u> must be provided for each <u>dwelling</u> in the Medium Density Precinct</p> <p><b>P2</b> - A <u>living court</u> must be provided for each <u>dwelling</u> in the High Density Precinct</p> <p><b>15.5.8.7 Building setbacks</b></p> <p><b>P1</b> A <u>building</u> must be set back a minimum of:</p> <p><b>16.5.8.8 Fences</b></p> <p><b>P1</b> Fences and walls between the applicable <u>building setbacks</u> under Rule 16.5.8.7</p> <p><b>16.5.8.9 Overlooking pub spaces</b></p> <p><b>P1</b> Any <u>dwelling</u> or independent living unit which fronts a street or public space</p>					
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Appendix 2 – Rural Zone

Permitted Activity	Controlled Activity	Restricted Discretionary	Discretionary Activity	Non-Complying Activity	Prohibited Activity
<p><b>22.1.2 Perm Act</b></p> <p><b>P1A</b> Marae Complex or Papakaiainga Housing Development on Maori Freehold Land or on Maori Customary Land.</p> <p><b>P2</b> A temporary event</p> <p><b>P3</b> Cultural event on <u>Maori Freehold Land</u> containing a <u>Marae Complex</u></p> <p><b>P4</b> A home occupation</p> <p><b>P5</b> Meremere Dragway Activity</p> <p><b>P6</b> <u>Afforestation</u> not in an Outstanding Landscape Area</p> <p><b>P7</b> Farming</p> <p><b>P8</b> Forestry</p> <p><b>P9</b> Produce Stall</p> <p><b>P10</b> Homestay</p> <p><b>P11</b> equestrian Centre</p> <p><b>P12</b> House training centre</p> <p><b>22.2.1.1 Noise</b></p> <p><b>P1</b> <u>Farming noise</u>, and noise generated by <u>emergency generators</u> and emergency sirens.</p> <p><b>P2</b> Noise measured at the <u>notional boundary</u></p> <p><b>P3</b> Noise measured within any <u>site</u> in any zone,</p>	<p><b>22.2.4 haz Substan</b></p> <p><b>C1</b> The <u>storage</u> of the following maximum volumes of fuel for retail sale within a service station:</p> <p><b>22.8.7 Subdivision – Lakeside general</b></p> <p><b>C1</b> <u>Subdivision</u> must comply with all of the following conditions:</p>	<p><b>22.1.3 RD Activ</b></p> <p><b>RD1</b> <u>Intensive farming</u> that meets all of the following conditions:</p> <p><b>RD2</b> <u>Rural Industry</u></p> <p><b>22.2.1.3 Noise Construction</b></p> <p><b>RD1</b> Construction noise that does not comply with Rule 22.2.1.3 PI.</p> <p><b>22.2.2 Glare</b></p> <p><b>RD1</b> Illumination from glare and artificial light spill that does not comply with Rule 22.2.2 PI</p> <p><b>22.2.3.1 Earthworks</b></p> <p><b>RD1</b> <u>Earthworks</u> that do not comply with Rule 22.2.3.1 PI, P2, P3 or P4.</p> <p><b>22.2.3.2 Earthworks MSMAOS</b></p> <p><b>RD1</b> Earthworks within a Maori site of significance</p> <p><b>RD2</b> Earthworks within a Maori area of significance</p> <p><b>22.2.3.3 Earthworks SNA</b></p> <p><b>RD1</b> Earthworks that do not comply with Rule 22.2.3.3 PI or P2.</p> <p><b>22.2.5.1 Notable trees</b></p> <p><b>RD1</b> does not comply with Rule 22.2.5.1 PI.</p> <p><b>22.2.5.2 Notable Trees</b></p> <p><b>RD1</b> does not comply with Rule 22.2.5.2 PI.</p>	<p><b>22.1.5 D Activ</b></p> <p><b>D1</b> Any permitted activity that does not comply with an activity specific condition in <u>Rule 22.1.2</u></p> <p><b>D2</b> Any permitted activity that does not comply with Land Use - Effects or Land Use - Building</p> <p><b>D3</b> Any activity that does not comply with (<u>Rule 22.1.3 RD1</u> or <u>RD2</u>)</p> <p><b>D4</b> A <u>waste management facility</u></p> <p><b>D5</b> <u>Hazardous waste storage</u>, processing or disposal</p> <p><b>D6</b> An <u>education facility</u></p> <p><b>D7</b> A <u>correctional facility</u></p> <p><b>D8</b> An <u>extractive industry</u></p> <p><b>D9</b> A <u>commercial activity</u>, excluding a <u>produce stall</u></p> <p><b>D10</b> An <u>industrial activity</u></p> <p><b>D11</b> <u>Travellers' accommodation</u> for more than 5 people.'</p>	<p><b>22.1.5 NC Activ</b></p> <p><b>NC1</b> Construction of a <u>building</u> located on an <u>indicative road</u>.</p> <p><b>NC2</b> An <u>extractive industry</u> located within all or part of any of the following:</p> <p><b>NC3</b> A <u>waste management facility</u> located within all or part of any of the following:</p> <p><b>NC4</b> Within the Urban Expansion Area, the following activities:</p> <p><b>NC5</b> Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.</p> <p><b>22.3.4.3 height Struc and Vege</b></p> <p><b>NC1</b> A <u>building</u>, structure or vegetation that does not comply with Rule 22.3.4.3 PI</p> <p><b>22.3.8.1 heritage A Demo</b></p> <p><b>NC1</b> Demolition, removal or relocation</p>	<p><b>22.1.1 Prohib Activ</b></p> <p><b>PR1</b> Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons</p> <p><b>22.4.1.1 Prohib Sub</b></p> <p><b>PR1</b> Any subdivision within the Urban Expansion Area involving the creation of any additional lot.</p> <p><b>PR2</b> Subdivision of a Record of Title issued prior to 6 December 1997</p> <p><b>PR3</b> Subdivision of a Record of Title issued after 6 December 1997</p> <p><b>PR4</b> Any subdivision where a lot has been created for the purpose of a transferable rural lot</p>

<p><b>P4</b> Noise levels must be measured in accordance with the requirements</p> <p><b>22.2.1.2 Noise Frost farms</b></p> <p><b>P1</b> Noise generated by a frost fan must not exceed 55dB</p> <p><b>22.2.1.3 Noise Construction</b></p> <p><b>P1</b> Construction noise generated from a construction <u>site</u> must meet the limits in New Zealand Standard</p> <p><b>22.2.2 Glare</b></p> <p><b>P1</b> Illumination from glare and artificial light spill shall not exceed 10 <u>lux</u></p> <p><b>22.2.3.1 Earthworks</b></p> <p><b>P1</b> Earthworks for farm quarry, Ancillary rural, construction, building platform</p> <p><b>P2</b> <u>Earthworks</u> within a <u>site</u> must meet all of the following conditions:</p> <p><b>P3</b> <u>Earthworks</u> for the purpose of creating a <u>building platform</u> for residential purposes</p> <p><b>P4</b> <u>Earthworks</u> for purposes other than creating a <u>building platform</u> for residential purposes</p> <p><b>22.2.3.3 Earthworks SNA</b></p>		<p><b>22.2.5.3 notable tree active dripline</b></p> <p><b>RD1</b> does not comply with Rule 22.2.5.3 PI</p> <p><b>22.2.6.1 signs</b></p> <p><b>RD1</b> does not comply with Rule 22.2.6.1 PI, P2 or P3.</p> <p><b>22.2.8 Indigenous Vege Clearance</b></p> <p><b>RD1</b> <u>Indigenous vegetation clearance</u> outside a <u>Significant Natural Area</u></p> <p><b>22.3.5 Daylight Admission</b></p> <p><b>RD1</b> does not comply with Rule 22.3.5 PI.</p> <p><b>22.3.7.1 Building setbacks</b></p> <p><b>RD1</b> A <u>building</u> that does not comply with Rule 22.3.7.1 PI, P2, P3 or P4.</p> <p><b>22.3.7.3 Te Kowhai noise buffer</b></p> <p><b>RD1</b> does not comply with Rule 22.3.7.3 PI</p> <p><b>22.3.7.4 Noise Sensitive Activites</b></p> <p><b>RD1</b> does not comply with a condition in Rule 22.3.7.4 .PI.</p> <p><b>22.3.8.3 All heritage</b></p> <p><b>RD1</b> does not comply with Rule 22.3.8.3 P1.</p> <p><b>22.3.8.4 all heritage Maintenance</b></p> <p><b>RD1</b> does not comply with Rule 22.3.8.4 P1</p> <p><b>22.3.8.5 Heritage Development</b></p> <p><b>RD1</b> does not comply with Rule 22.3.8.5 P1.</p>	<p><b>D12</b> Motorised recreation activity</p> <p><b>D13</b> <u>Transport depot</u></p> <p><b>D14</b> <u>Place of assembly</u></p> <p><b>D15</b> <u>Afforestation</u> of any part of an <u>Outstanding Natural Character Area</u> or <u>High Natural Character Area</u></p> <p><b>D16</b> A <u>boarding, breeding or animal training establishment</u></p> <p><b>22.2.1.1 Noise</b></p> <p><b>D1</b> Noise that does not comply with Rule 22.2.1.1 PI, P2, P3 or P4.</p> <p><b>22.2.1.2 Noise Frost farms</b></p> <p><b>D1</b> Noise generated by a frost fan that does not comply with Rule 22.2.1.2 PI.</p> <p><b>22.2.3.4 Earthworks landscape NCA</b></p> <p><b>D1</b> <u>Earthworks</u> within an identified Landscape or Natural Character Area that do not comply with Rule 22.2.3.4 PI.</p> <p><b>22.2.4 haz Substan</b></p> <p><b>D1</b> does not comply with Rule 22.2.4 PI, P2 or CI.</p>	<p>of any Group A heritage item</p> <p><b>22.4.1.2 General Sub NCI</b> does not comply with Rule 22.4.1.2. RDI.</p> <p><b>22.4.1.3 Sub of Maori freehold land</b></p> <p><b>NCI</b> <u>Subdivision of Maori Freehold Land</u> not provided for in Rule 22.4.1.3 DI.</p> <p><b>22.4.1.5 Hamlet</b></p> <p><b>NCI</b> does not comply with Rule 22.4.1.5 RDI.</p> <p><b>22.4.1.6 Conservation lot</b></p> <p><b>NCI</b> does not comply with Rule 22.4.1.6 RDI.</p> <p><b>22.4.1.7 Sub reserves</b></p> <p><b>NCI</b> does not comply with Rule 22.4.1.7 RDI.</p> <p><b>22.4.3 Title Boundaries SNA, Heritage,MSMAOS</b></p> <p><b>NCI</b> does not comply with Rule 22.4.3 RDI.</p>	
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<p><b>P1 Earthworks</b> for the maintenance of existing tracks, fences or drains</p> <p><b>P2</b> Filling using imported fill must not exceed a volume of 20m<sup>3</sup> and a depth of 1.5m.</p> <p><b>22.2.3.4 Earthworks landscape NCA</b></p> <p><b>P1 Earthworks</b> are for the maintenance of existing tracks, fences or drains</p> <p><b>22.2.4 haz Substan</b></p> <p><b>P1</b> The <u>use, storage</u> or disposal of any <u>hazardous substances</u> where:</p> <p><b>P2</b> The <u>storage</u> or <u>use</u> of radioactive materials if it is:</p> <p><b>22.2.5.1 Notable trees</b></p> <p><b>PI</b> Removal or destruction of a notable tree where certification is provided to Council</p> <p><b>22.2.5.2 Notable Trees</b></p> <p><b>PI</b> The trimming of a notable trees</p> <p><b>22.2.5.3 notable tree active dripline</b></p> <p><b>PI</b> Any activity within the dripline of a notable tree identified in <u>Schedule 30.2</u></p> <p><b>22.2.6.1 signs</b></p>		<p><b>22.4.1.2 General Sub</b></p> <p><b>RD1</b> <u>Subdivision</u> must comply with all of the following conditions:</p> <p><b>22.4.1.4 Boundary relocation</b></p> <p><b>RD1</b></p> <p>The <u>boundary relocation</u> must:</p> <p><b>22.4.1.5 Hamlet</b></p> <p><b>RD1</b> <u>Subdivision</u> to create a Rural Hamlet must comply</p> <p><b>22.4.1.6 Conservation lot</b></p> <p><b>RD1</b> The <u>subdivision</u> must comply with all of the following conditions</p> <p><b>22.4.1.7 Sub reserves</b></p> <p><b>RD1</b> <u>Subdivision</u> to create a reserve must comply with all of the following conditions</p> <p><b>22.4.2 Title Boundaries</b></p> <p><b>RD1</b> <u>Subdivision</u> of land containing any natural <u>hazard area</u>, <u>contaminated land</u>, <u>Significant Amenity Landscape</u>, notable trees, <u>intensive farming</u> activities or <u>Aggregate Extraction Areas</u> must comply with all of the following conditions</p> <p><b>22.4.3 Title Boundaries SNA, Heritage,MSMAOS</b></p> <p><b>RD1</b> The boundaries of every proposed lot must not divide any of the following:</p>	<p><b>22.2.6.2 Signs, effect on traffic</b></p> <p><b>D1</b> does not comply with Rule 22.2.6.2 P1.</p> <p><b>22.2.7 Vege Clearance in SNA</b></p> <p><b>D1</b></p> <p>Indigenous vegetation clearance in a Significant Natural Area</p> <p><b>22.3.1 No. of Dwellings</b></p> <p><b>D1</b> A <u>dwelling</u> that does not comply with Rule 22.3.1 P1.</p> <p><b>22.3.2 Minor Dwellings</b></p> <p><b>D1</b> A <u>minor dwelling</u> that does not comply with Rule 22.3.2.P1.</p> <p><b>22.3.3 Buildings and Structure</b></p> <p><b>D1</b> <u>Building</u> or structure located within any:</p> <p><b>22.3.4.1 Height general</b></p> <p><b>D1</b> Any <u>building</u> that does not comply with Rule 22.3.4.1 P1 or P2.</p>	<p><b>22.7.2.3 Whaanga Coast Development Area – NC Activity</b></p> <p><b>NCI</b></p> <p><u>Subdivision</u> of Maori freehold land not provided for in Rule 22.7.2.2 D2.</p> <p><b>22.8.5 Lakeside NC activities</b></p> <p><b>NCI</b> Construction of a <u>building</u> located on an <u>indicative road</u>.</p> <p><b>NC2</b> Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary.</p> <p><b>22.8.8 lakeside comprehensive sub consent</b></p> <p><b>NCI</b> A <u>CS</u> that does not meet the requirements of Rule 22.8.8 D1.</p>	
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<p><b>PI</b> A public information <u>sign</u> erected by a government agency.</p> <p><b>P2</b> A <u>sign</u> must comply with all of the following conditions:</p> <p><b>P3</b> A real estate 'for sale' <u>sign</u></p> <p><b>22.2.6.2 Signs, effect on traffic</b></p> <p><b>PI</b> Any <u>sign</u> directed at road users must:</p> <p><b>22.2.7 Vege Clearance in SNA</b></p> <p><b>PI</b> Indigenous vegetation clearance in a Significant Natural Area</p> <p><b>P2</b> Removal of up to 5m3 of manuka and/or kanuka</p> <p><b>P3</b> Indigenous vegetation clearance for building, access, parking and maneuvering areas</p> <p><b>P4</b> On Maori Freehold Land or Maori Customary Land</p> <p><b>P5</b> On Maori Freehold Land or Maori Customary Land</p> <p><b>P6</b> Removal of up to 5m3 of manuka and/or kanuka outside of the Coastal Environment</p> <p><b>22.2.8 Indigenous Vege Clearance</b></p> <p><b>PI</b> Indigenous <u>vegetation</u> clearance outside a <u>Significant Natural Area</u></p>		<p><b>22.4.4 Sub Road frontage</b></p> <p><b>RD1</b> Every proposed <u>lot</u> as part of the <u>subdivision</u> with a road <u>boundary</u></p> <p><b>22.4.7 Esplanade reserves and strips</b></p> <p><b>RD1</b> An esplanade reserve or esplanade strip 20m wide is required to be created and vested in Council from every <u>subdivision</u> where the land being subdivided is:</p> <p><b>22.4.8 Subdivision of heritage items</b></p> <p><b>RD1</b> Subdivision of land containing a heritage item listed in Schedule 30.1</p> <p><b>22.4.9 Sub Building platform</b></p> <p><b>RD1</b> <u>Subdivision</u>, other than an access or <u>utility allotment</u>, must provide a <u>building platform</u> on the proposed <u>lot</u> that</p> <p><b>22.5.4 Building Height – within campus</b></p> <p><b>RD1</b> does not comply with Rule 22.5.4 PI.</p> <p><b>22.5.5 Building coverage – within a campus</b></p> <p><b>RD1</b> does not comply with Rule 22.5.5 PI.</p>	<p><b>22.3.4.2 height Frost fans</b></p> <p><b>D1</b> Any frost fan that does not comply with Rule 22.3.4.2 PI.</p> <p><b>22.3.4.4 Height – view shaft</b></p> <p><b>D1</b> does not comply with Rule 22.3.4.4 PI.</p> <p><b>22.3.6 Building coverage</b></p> <p><b>D1</b> does not comply with Rule 22.3.6 PI.</p> <p><b>22.3.7.2 building setback sensitive land use</b></p> <p><b>D1</b> does not comply with Rule 22.3.7.2 PI.</p> <p><b>22.3.7.5 Building setbacks water bodies</b></p> <p><b>D1</b> does not comply with Rule 22.3.7.5 PI.</p> <p><b>22.3.7.6 Building setbacks EPA</b></p> <p><b>D1</b> does not comply with Rule 22.3.7.6 PI</p> <p><b>22.3.8.2 heritage B Demo</b></p> <p><b>D1</b> Demolition, removal or relocation of any Group B heritage item</p> <p><b>22.4.1.3 Sub of Maori freehold land</b></p>		
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<p><b>P2</b> On <u>Maaori Freehold Land</u> or <u>Maaori Customary Land</u>, <u>indigenous vegetation clearance</u></p> <p><b>P3</b> On <u>Maaori Freehold Land</u> or <u>Maaori Customary Land</u></p> <p><b>22.3.1 No. of Dwellings</b></p> <p><b>PI</b> One <u>dwelling</u> within a <u>lot</u> containing less than 40ha;</p> <p><b>22.3.2 Minor Dwellings</b></p> <p><b>PI</b> One <u>minor dwelling</u> not exceeding 70m<sup>2</sup></p> <p><b>22.3.4.1 Height general</b></p> <p><b>PI</b> The maximum <u>height</u> of any <u>building</u> must not exceed 10m.</p> <p><b>P2</b> <u>dwelling</u> or <u>building</u> must not exceed 7.5m in a <u>Significant Amenity Landscape</u>.</p> <p><b>22.3.4.2 height Frost fans</b></p> <p><b>PI</b> frost fan must not exceed 10.5m</p> <p><b>22.3.4.3 height Struc and Vege</b></p> <p><b>PI</b> A <u>building</u>, structure or vegetation must not protrude through any OLS</p> <p><b>22.3.4.4 Height – view shaft</b></p>		<p><b>22.6.6 Coal Stockpile</b></p> <p><b>RD1</b> do not comply with Rule 22.6.6 PI.</p> <p><b>22.6.7 ash disposal</b></p> <p><b>RD1</b> does not comply with Rule 22.6.7 PI.</p> <p><b>22.6.8 Energy Corridor</b></p> <p><b>RD1</b> does not comply with Rule 22.6.8 PI.</p> <p><b>22.8.3 Lakeside Restricted Discretionary Activities</b></p> <p><b>RD1</b> Intensive farming that meets all of the following conditions:</p> <p><b>RD2</b> Rural Industry</p> <p><b>22.8.6 lakeside Earthworks – General</b></p> <p><b>RD1</b> <u>Earthworks</u> that do not comply with Rule 22.8.6 PI.</p> <p><b>22.8.7 Subdivision – Lakeside general</b></p> <p><b>RD1</b> <u>Subdivision</u> that does not comply with conditions (a) to (k) in Rule 22.8.7 CI.</p> <p><b>22.8.8 lakeside comprehensive sub consent</b></p> <p><b>RD1</b> A <u>Comprehensive Subdivision Consent (CS)</u> that meets all of the following conditions:</p>	<p><b>D1</b> <u>Subdivision</u> for a full partition of <u>Maaori Freehold Land</u> under <u>Te Ture Whenua Maori Act 1993</u>.</p> <p><b>22.4.1.4 Boundary relocation</b></p> <p><b>D1</b> does not comply with Rule 22.4.1.4 RD1</p> <p><b>22.4.2 Title Boundaries</b></p> <p><b>D1</b> does not comply with Rule 22.4.2 RD1.</p> <p><b>22.4.4 Sub Road frontage</b></p> <p><b>D1</b> does not comply with Rule 22.4.4 RD1.</p> <p><b>22.4.5 Sub within identified areas</b></p> <p><b>D1</b> <u>Subdivision</u> of any land containing any of the following areas:</p> <p><b>22.4.7 Esplanade reserves and strips</b></p> <p><b>D1</b> does not comply with Rule 22.4.7 RD1.</p> <p><b>22.4.8 Subdivision of heritage items</b></p> <p><b>D1</b> does not comply with Rule 22.4.8 RD1.</p> <p><b>22.4.9 Sub Building platform</b></p> <p><b>D1</b> does not comply with Rule 22.4.9 RD1.</p>		
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<p><b>PI</b> The maximum height within a battlefield view shaft must not exceed 5m.</p> <p><b>22.3.5 Daylight Admission</b></p> <p><b>PI</b> A building must not protrude through a <u>height control plane</u> rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground</p> <p><b>22.3.6 Building coverage</b></p> <p><b>PI</b> The total <u>building coverage</u> must not exceed the larger of:</p> <p><b>22.3.7.1 Building setbacks</b></p> <p><b>PI</b> A habitable <u>building</u> located on a <u>site</u> less than 1.6ha must be set back</p> <p><b>P2</b> A non-habitable <u>building</u> located on a <u>Record of Title</u> less than 1.6ha must be set back</p> <p><b>P3</b> A habitable <u>building</u> located on a <u>Record of Title</u> 1.6ha or more must be set back</p> <p><b>P4</b> A non-habitable <u>building</u> located on a <u>Record of Title</u> 1.6ha or more must be set back</p> <p><b>22.3.7.2 building setback sensitive land use</b></p>			<p><b>22.5.3 Discretionary – Agri and Hort Research</b></p> <p><b>D1</b> Any activity that does not comply with <u>Rule 22.5.2</u> PI-P7.</p> <p><b>22.6.3 Huntly power station</b></p> <p><b>D1</b> does not comply with Rule 22.6.2 PI.</p> <p><b>22.6.4 Setback – Huntly power station</b></p> <p><b>D1</b> does not comply with Rule 22.6.4 PI.</p> <p><b>22.6.5 Building Height</b></p> <p><b>D1</b> does not comply with Rule 22.6.5 PI.</p> <p><b>22.7.1.2 Discretionary Activities</b></p> <p><b>D1</b> does not comply with <u>Rule 22.7.1.1(1)</u> PI-P8</p> <p><b>22.7.1.3 Earthworks within a development area</b></p> <p><b>D1</b> do not comply with Rule 22.7.1.3 PI</p> <p><b>22.7.1.4 building height within a development area</b></p> <p><b>D1</b> does not comply with Rule 22.7.1.4 PI</p>		
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<p><b>PI</b> Any <u>building</u> for a <u>sensitive land use</u> must be set back a minimum of:</p> <p><b>22.3.7.3 Te Kowhai noise buffer</b></p> <p><b>PI</b> Construction of, or addition, or alteration to, a <u>dwelling</u></p> <p><b>22.3.7.4 Noise Sensitive Activities</b></p> <p><b>PI</b> Construction of, or addition, or alteration to a <u>building</u> containing a <u>noise-sensitive activity</u></p> <p><b>22.3.7.5 Building setbacks water bodies</b></p> <p><b>PI</b> Any <u>building</u> must be set back a minimum of:</p> <p><b>P2</b> A public amenity of up to 25m<sup>2</sup>, and a pump shed within any building setback identified in Rule 22.3.7.5 P1.</p> <p><b>22.3.7.6 Building setbacks EPA</b></p> <p><b>P1</b> Any <u>building</u> must be set back a minimum of 3m from an EPA</p> <p><b>22.3.8.3 All heritage alteration</b></p> <p><b>P1</b> Alteration or addition to a heritage item listed in Schedule 30.1</p> <p><b>22.3.8.4 all heritage Maintenance</b></p>			<p><b>22.7.1.5 Accessory building within a development area</b></p> <p><b>D1</b> does not comply with Rule 22.7.1.5 P1.</p> <p><b>22.7.1.6 Setback within a development area</b></p> <p><b>D1</b> does not comply with Rule 22.7.1.6 P1.</p> <p><b>22.7.1.7 Papakaainga Building</b></p> <p><b>D1</b> does not comply with Rule 22.7.1.7 P1.</p> <p><b>22.7.1.8 Dwelling GFA</b></p> <p><b>D1</b> does not comply with Rule 22.7.1.8 P1.</p> <p><b>22.7.2.2 Whaanga Coast Development Area – D Activity</b></p> <p><b>D1</b> Any land use activity or <u>building</u> located outside a <u>Whaanga Coast Development Area</u></p> <p><b>D2</b> <u>Subdivision</u> for a full partition of <u>Maaori Freehold Land</u> outside a <u>Whaanga Coast Development Area</u>.</p>		
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<p><b>P1</b> Maintenance or repair of a heritage item listed in Schedule 30.1</p> <p><b>22.3.8.5 Heritage Development</b></p> <p><b>P1</b> Development on a site containing a heritage item listed in Schedule 30.1</p> <p><b>22.5.2 permitted Activity Agriculture and hort research</b></p> <p><b>P1</b> An agricultural or horticultural research activity</p> <p><b>P2</b> An education facility that is incidental to agricultural or horticultural research</p> <p><b>P3</b> An industrial activity that is incidental to agricultural or horticultural research</p> <p><b>P4</b> A trade or engineering workshop that is incidental to agricultural or horticultural research</p> <p><b>P5</b> Intensive farming that is incidental to agricultural or horticultural research</p> <p><b>P6</b> Disposal or storage of solid organic waste or cleanfill that is incidental to agricultural or horticultural research</p> <p><b>P7</b> A staff facility that is incidental to agricultural or horticultural research that includes:</p>			<p><b>22.8.4 Lakeside Discretionary Activities</b></p> <p><b>D1</b> Any activity that does not comply with <u>Rule 22.2 &amp; Rule 22.3</u></p> <p><b>D2</b> Any activity that does not complying with (<u>Rule 22.8.3 RD1 or RD2</u>)</p> <p><b>D3</b> Any permitted activity that does not comply with an 'Activity Specific Condition' in <u>Rule 22.8.2.</u></p> <p><b>D4</b> A waste management facility</p> <p><b>D5</b> Hazardous waste storage, processing or disposal.</p> <p><b>D6</b> An education facility</p> <p><b>D7</b> A correctional facility</p> <p><b>D8</b> An extractive industry</p> <p><b>D9</b> Commercial activity, excluding a produce stall.</p> <p><b>D10</b> Industrial activity</p> <p><b>D11</b> Travellers' accommodation for more than 5 people.</p> <p><b>D12</b> Transport depot</p> <p><b>D13</b> Place of assembly</p>		
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<p>22.5.4 Building Height – within campus  P1 A building or structure within a campus</p> <p>22.5.5 Building coverage – within a campus  P1 Building coverage must not exceed 70% of a campus</p> <p>22.6.2 Huntly power station  P1 Coal related activities involving:</p> <p>22.6.4 Setback – Huntly power station  P1 A building must be 10-20m from</p> <p>22.6.5 Building Height  P1 A building must not exceed a height of:</p> <p>22.6.6 Coal Stockpile  P1 )Coal stockpiles must:</p> <p>22.6.7 ash disposal  P1 the disposal of coal ash and the transport of coal ash water where:</p> <p>22.6.8 Energy Corridor  P1 The transportation of minerals and substances in an energy corridor must comply</p>			<p>D14 Boarding, breeding or animal training establishments  22.8.8 lakeside comprehensive sub consent  D1 A CS that does not comply with Rule 21.8.7 RDI</p>		
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<p>22.7.1.1 <b>Whaanga Coast Development</b></p> <p><b>P1</b> <u>Papakaainga Housing Development and Papakaainga Building</u></p> <p><b>P2</b> <u>Waananga</u> within a <u>Whaanga Coast Development Area</u></p> <p><b>P3</b> <u>Hauora</u> within a <u>Whaanga Coast Development Area</u></p> <p><b>P4</b> <u>A home occupation</u> within a <u>Whaanga Coast Development Area</u></p> <p><b>P5</b> <u>A temporary event</u> within a <u>Whaanga Coast Development Area</u></p> <p><b>P6</b> <u>Community activity</u> within a <u>Whaanga Coast Development Area</u></p> <p><b>P7</b> <u>Farming</u></p> <p><b>P8</b> <u>Produce stall</u> within a <u>Whaanga Coast Development Area</u></p> <p>22.7.1.3 <b>Earthworks within a development area</b></p> <p><b>P1</b> <u>Earthworks</u> within a Development Area that complies with all of the following conditions:</p>					
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<p>22.7.1.4 building height within a development area  <b>P1</b> A building within a Development Area must comply with the following conditions:</p> <p>22.7.1.5 Accessory building within a development area  <b>P1</b> An accessory building within a Development Area must comply with the following conditions:</p> <p>22.7.1.6 Setback within a development area  <b>P1</b> A building within a Development Area must be set back a minimum</p> <p>22.7.1.7 Papakaainga Building  <b>P1</b> A Papakaainga Building within a Development Area that does not exceed 300m<sup>2</sup> gross floor area.</p> <p>22.7.1.8 Dwelling GFA  <b>P1</b> A dwelling within a Development Area that does not exceed 180m<sup>2</sup> gross floor area.</p> <p>22.8.2 Lakeside Permitted activity  <b>P1</b> A Marae Complex or Papakaainga Housing</p>					
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<p>Development on <u>Maaori Freehold Land</u> or on <u>Maaori Customary Land</u></p> <p>P2 A <u>temporary event</u></p> <p>P3 Cultural event on <u>Maaori Freehold Land</u> containing a <u>Marae Complex</u></p> <p>P4 A <u>home occupation</u></p> <p>P5 <u>Afforestation</u></p> <p>P6 <u>Farming</u></p> <p>P7 <u>Forestry</u></p> <p>P8 <u>Produce stall</u></p> <p>P9 <u>Home stay</u></p> <p>P10 <u>Equestrian Centre</u></p> <p>P11 <u>Horse Training Centre</u></p> <p>P12 <u>Walkways and cycleways</u></p> <p>P13 <u>Informal recreation</u></p> <p>P14 <u>Active recreation</u></p> <p>P15 <u>Information signage</u></p> <p>P16 <u>Public art</u></p> <p>P17 <u>Planting and landscaping</u></p> <p>P18 <u>Horticulture</u></p> <p>P19 <u>Gardens, landscaping and planting including communal areas</u></p> <p>P20 <u>Shelters</u></p> <p>P21 <u>Information kiosk</u></p> <p>P22 <u>Structures providing information on culture, history or environment</u></p> <p>P23 <u>Memorials recognising the culture and history of the Lake Waikare and Te Kauwhata area</u></p>				
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22.8.6 lakeside Earthworks – General P1 Earthworks in a Flood Risk Area					
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Appendix 3 – Industrial Zone

Permitted Activity	Controlled Activity	Restricted Discretionary	Discretionary Activity	Non-Complying Activity	Prohibited Activity
<p><b>20.1.1 Permitted Activity – Landuse</b></p> <p><b>P1 Industrial activity</b></p> <p><b>P2 Trade and industry training activity</b></p> <p><b>P3 Truck stop for refuelling</b></p> <p><b>P4 Office ancillary to an industrial activity</b></p> <p><b>P5 Food outlet</b></p> <p><b>P6 Ancillary retail</b></p> <p><b>20.2.1 Servicing and hours of operation</b></p> <p><b>P1 Servicing and operation of an industrial activity adjoining any Residential, Village or Country Living Zone</b></p> <p><b>20.2.3.1 Noise General</b></p> <p><b>P1 Noise generated by emergency generators and emergency sirens.</b></p> <p><b>P2 Noise measured within any other site:</b></p> <p><b>P3 Noise measured within any site</b></p> <p><b>P4 Noise levels must be measured in accordance with the requirements</b></p>	<p><b>20.2.2 Landscape planting</b></p> <p><b>C1 Any activity on a lot that has a side and/or rear boundary adjoining any Residential, Village, Country Living or Reserve Zone shall provide a 3m wide landscaped strip</b></p> <p><b>20.2.6 Hazardous Substances</b></p> <p><b>C1 The storage of the following maximum volumes of fuel for retail sale within a service station</b></p>	<p><b>20.2.1 Servicing and hours of operation</b></p> <p><b>RD1 does not comply with Rule 20.2.1 P1.</b></p> <p><b>20.2.2 Landscape planting</b></p> <p><b>RD1 does not comply with Rule 20.2.2 C1.</b></p> <p><b>20.2.3.2 Noise Construction</b></p> <p><b>RD1 does not comply with Rule 20.2.3.2 P1.</b></p> <p><b>20.2.4 Glare</b></p> <p><b>RD1 does not comply with Rule 20.2.4 P1.</b></p> <p><b>20.2.5.1 Earthworks – general</b></p> <p><b>RD1 do not comply with Rule 20.2.5.1 P1, P2 or P3.</b></p> <p><b>20.2.5.2 Earthworks SNA</b></p> <p><b>RD1 do not comply with Rule 20.2.5.2 P1.</b></p> <p><b>20.2.7.1 Signs general</b></p> <p><b>RD1 does not comply with Rules 20.2.7.1 P2 or P3.</b></p> <p><b>20.2.8 Outdoor Storage</b></p> <p><b>RD1 does not comply with Rule 20.2.8 P1.</b></p>	<p><b>20.1.2 Discretionary – Landuse</b></p> <p><b>D1 - Any permitted activity that does not comply with an activity specific condition in Rule 20.1.1.</b></p> <p><b>D2 Any activity that does not comply with - Rule 20.2 &amp; Rule 20.3</b></p> <p><b>D3 A waste management facility</b></p> <p><b>D4 Hazardous waste storage, processing or disposal</b></p> <p><b>D5 An extractive industry</b></p> <p><b>D6 An office</b></p> <p><b>D7 A retail activity</b></p> <p><b>20.2.3.1 Noise General</b></p> <p><b>D2 does not comply with Rule 20.2.3.1 P2, P3 or P4.</b></p> <p><b>20.2.5.2 Earthworks SNA</b></p> <p><b>D1 Earthworks within an identified Significant Natural Area in Rules 20.2.5.2 P1 or RD1.</b></p>	<p><b>20.1.3 NC – Landuse</b></p> <p><b>NC1 - Any activity that is not listed as a permitted or discretionary activity.</b></p> <p><b>20.3.3 height – Buildings, structures, vege in OLS</b></p> <p><b>NC1- does not comply with Rule 20.3.3. P1</b></p> <p><b>20.3.5.1 Heritage A Demo</b></p> <p><b>NC1- Demolition, removal or relocation of any Group A heritage item</b></p> <p><b>20.4.5 Subdivision of land containing heritage item</b></p> <p><b>NC1- does not comply with Rule 20.4.5 RD1.</b></p> <p><b>20.4.6 Sub SNA</b></p> <p><b>NC1- does not comply with Rule 20.4.6 RD1.</b></p> <p><b>20.5.4 NC – Nau Mai</b></p> <p><b>NC1 Any activity that is not listed as permitted activity Rule 20.5.2.</b></p> <p><b>NC2 A residential activity</b></p>	

<p><b>20.2.3.2 Noise Construction</b>  <b>P1</b> Construction noise must meet the limits in NZS 6803:1999 Acoustics</p> <p><b>20.2.4 Glare</b>  <b>P1</b> Glare and artificial light spill must not exceed 10 lux</p> <p><b>20.2.5.1 Earthworks – general</b>  <b>P1</b> Earthworks within a site must meet all of the following conditions:  <b>P2</b> Earthworks for the purpose of creating a building platform  <b>P3</b> Earthworks for purposes other than creating a building platform</p> <p><b>20.2.5.2 Earthworks SNA</b>  <b>P1</b> Earthworks for the maintenance of existing tracks, fences or drains</p> <p><b>20.2.5.3 Earthworks Landscapes and NCA</b>  <b>P1</b> Earthworks for the maintenance of existing tracks, fences or drains</p>		<p><b>20.3.1 building Height</b>  <b>RD1</b> does not comply with Rule 20.3.1 PI.</p> <p><b>20.3.3 Daylight Admission</b>  <b>RD1</b> does not comply with Rule 20.3.3 PI.</p> <p><b>20.3.4.1 Building setback</b>  <b>RD1</b> does not comply with Rule 20.3.4.1 PI.</p> <p><b>20.3.5.3 All heritage items – alteration</b>  <b>RD1</b> does not comply with Rule 20.3.5.3 PI.</p> <p><b>20.3.5.4 All heritage – maintenance</b>  <b>RD1</b> does not comply with Rule 20.3.5.4 PI.</p> <p><b>20.3.5.5 All heritage items – site development</b>  <b>RD1</b> does not comply with Rule 20.3.5.5 PI.</p> <p><b>20.4.1 Sub – general</b>  <b>RD1</b> Subdivision must comply with all of the following conditions:</p> <p><b>20.4.2 Sub – Boundaries for records of title</b>  <b>RD1</b> Any boundary of a proposed lot must be located so that:</p>	<p><b>20.2.5.3 Earthworks Landscapes and NCA</b>  <b>D1</b> do not comply with Rule 20.2.5.3 PI.</p> <p><b>20.2.6 Hazardous Substances</b>  <b>D1</b> The use, storage or disposal of any hazardous substances that does not comply with Rule 20.2.6 PI, P2 or C1.</p> <p><b>20.2.7.2 Signs – traffic</b>  <b>D1</b> does not comply with Rule 20.2.7.2 PI.</p> <p><b>20.2.9 Indigenous vegetation clearance</b>  <b>D1</b> Indigenous vegetation clearance in a Significant Natural Area</p> <p><b>20.3.2 building height in ONF &amp; ONL</b>  <b>D1</b> does not comply with Rule 20.3.2 PI.</p> <p><b>20.3.4.2 Building setback – waterbodies</b>  <b>D1</b> does not comply with Rule 20.3.4.2 PI, P2, P3 or P4.</p> <p><b>20.3.5.2 Group B heritage Demo</b>  <b>D1</b> Demolition, removal or relocation of any Group B heritage item</p>		
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<p><b>20.2.6 Hazardous Substances</b>  <b>P1</b> The use, <u>storage</u> or disposal of any <u>hazardous substance</u>  <b>P2</b> The <u>storage</u> or use of radioactive materials is:  <b>20.2.7.1 Signs general</b>  <b>P1</b> A public information <u>sign</u> erected by a government agency.  <b>P2</b> A <u>sign</u> must comply with all of the following conditions:  <b>P3</b> A real estate 'for sale' <u>sign</u>  <b>20.2.7.2 Signs – traffic</b>  <b>P1</b> Any <u>sign</u> directed at road users must:  <b>20.2.8 Outdoor Storage</b>  <b>P1</b> Outdoor storage of goods or materials must comply  <b>20.2.9 Indigenous vegetation clearance</b>  <b>P1</b> Indigenous vegetation clearance in a Significant Natural Area for the following purpose  <b>P2</b> Removal of up to 5m<sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment</p>		<p><b>20.4.3 Sub – Road Frontage</b>  <b>RD1</b> Any proposed <u>lot</u> must have a road frontage of least 15m.  <b>20.4.4 Sub – Esplanade reserves and strips</b>  <b>RD1</b> <u>Subdivision</u> must create an esplanade reserve or strip 20m wide  <b>20.4.5 Subdivision of land containing heritage item</b>  <b>RD1</b> Subdivision of land containing a heritage item listed in Schedule 30.1  <b>20.4.6 Sub SNA</b>  <b>RD1</b> Subdivision of a site containing a Significant Natural Area, must not divide the Significant Natural Area.  <b>20.5.5 landscape Planting – nau mai</b>  <b>RD1</b> does not comply with Rule 20.5.5 P1.</p>	<p><b>20.4.4 Sub – Esplanade reserves and strips</b>  <b>D1</b> does not comply with Rule 20.4.4 RD1.  <b>20.5.3 Discretionary Activity – Nau Mai</b>  <b>D1</b> Any activity that does not comply with an Activity-Specific Condition in <u>Rule 20.5.2</u>.  <b>D2</b> Any permitted activity that does not comply with <u>Rule 20.2</u> or Rules <u>20.3</u>  <b>20.5.6 Noise General</b>  <b>D2</b> does not comply with Rule 20.5.6 P1 or P2.  <b>20.5.14 Acoustic Insulation for dwelling</b>  <b>D1</b> does not comply with Rule 20.5.14 P1.</p>		
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<p><b>P3</b> Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area</p> <p><b>P4</b> On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area</p> <p><b>P5</b> On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area</p> <p><b>P6</b> Removal of up to 5m<sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment</p> <p><b>20.3.1 building Height</b></p> <p><b>P1</b> The maximum height of a <u>building</u> must not exceed: 15m or 10m</p> <p><b>20.3.2 building height in ONF &amp; ONL</b></p> <p><b>P1</b> A <u>building</u> must not exceed a <u>height</u> of:</p>		<p><b>20.5.7 Signs – general</b></p> <p><b>RD1</b> does not comply with Rule 20.5.7 PI or P2.</p> <p><b>20.5.8 Outdoor Storage – Nau Mai</b></p> <p><b>RD1</b> does not comply with Rule 20.5.8 PI.</p> <p><b>20.5.9 Building height Nau mai</b></p> <p><b>RD1</b> does not comply with Rule 20.5.9 PI.</p> <p><b>20.5.10 Construction materials nau mai</b></p> <p><b>RD1</b> does not comply with Rule 20.5.10 PI.</p> <p><b>20.5.11 Building coverage nau mai</b></p> <p><b>RD1</b> does not comply with Rule 20.5.11 PI.</p> <p><b>20.5.12 GFA – Nau Mai</b></p> <p><b>RD1</b> does not comply with Rule 20.5.12 PI.</p> <p><b>20.5.13 Building location – Nau Mai</b></p> <p><b>RD1</b> does not comply with Rule 20.5.13 PI.</p>			
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<p>20.3.3 height – Buildings, structures, vege in OLS</p> <p>P1 A building, structure or vegetation must not protrude through an OLS</p> <p>20.3.3 Daylight Admission</p> <p>PI A building, structure, sign, or any stack or stockpile of goods or materials must not protrude through a height control plane</p> <p>20.3.4.1 Building setback</p> <p>PI A building must be set back at least:</p> <p>20.3.4.2 Building setback – waterbodies</p> <p>PI A building must be set back a minimum of 30m from:</p> <p>P2 A building must be set back at least 50m from a bank of the Waikato River and Waipa River</p> <p>P3 A building must be set back a minimum of 10m from the bank of a perennial or intermittent stream.</p>					
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<p><b>P4</b> A public amenity of up to 25m<sup>2</sup>, or a pump shed within any building setback identified in Rule 20.3.4.2 P1, P2 or P3.</p> <p><b>20.3.5.3 All heritage items – alteration</b></p> <p><b>PI</b> Alteration of, or addition to a heritage item listed in Schedule 30.1</p> <p><b>20.3.5.4 All heritage – maintenance</b></p> <p><b>PI</b> Maintenance or repair of a heritage item listed in Schedule 30.1</p> <p><b>20.3.5.5 All heritage items – site development</b></p> <p><b>PI</b> Development on a site of a heritage item listed in Schedule 30.1</p> <p><b>20.5.2 Permitted Activity – Nau Mai</b></p> <p><b>PI</b> Timber and hardware merchant</p> <p><b>P2</b> Farming supplies merchant</p> <p><b>P3</b> Plant nursery</p> <p><b>P4</b> Landscape supplies</p>					
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<p><b>P5</b> A retail activity that is ancillary to any permitted activity.</p> <p><b>P6</b> One dwelling per lot for a caretaker or security personnel</p> <p><b>P7</b> Veterinary practice</p> <p><b>P8</b> Boarding, breeding or animal training establishment contained in a building or outdoor enclosure</p> <p><b>P9</b> Research and technology</p> <p><b>P10</b> An education facility</p> <p><b>P11</b> A food outlet</p> <p><b>P12</b> An office that is ancillary to any permitted activity</p> <p><b>P13</b> Plant and equipment hire</p> <p><b>20.5.5 landscape Planting – nau mai</b></p> <p><b>P1</b> Any activity that has its associated parking areas and storage areas adjacent to a road</p> <p><b>20.5.6 Noise General – nau Mai</b></p> <p><b>P1</b> Noise generated by emergency generators and emergency sirens.</p> <p><b>P2</b> Noise must not exceed the following:</p>					
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<p>20.5.7 Signs – general _  Nau Mai  <b>PI</b> Any freestanding <u>sign</u> or <u>sign</u>  <b>P2</b> Any free-standing advertising <u>sign</u>  20.5.8 Outdoor Storage –  Nau Mai  <b>PI</b> Outdoor storage of goods or materials must comply  20.5.9 Building height  Nau mai  <b>PI</b> A <u>building</u> that does not exceed a <u>height</u> of:  20.5.10 Construction materials nau mai  <b>PI</b> <u>building</u> that has a rood and does not use unpainted galvanised iron for roofing  20.5.11 Building coverage nau mai  <b>PI</b> A <u>building</u> must not cover more than 50%  20.5.12 GFA – Nau Mai  <b>PI</b> A <u>building</u> must not exceed a <u>gross floor area</u> of 800m<sup>2</sup>.</p>					
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<p><b>20.5.13 Building location – Nau Mai</b></p> <p><b>PI</b> A building that is located: within an Effective Building Area, at least 7.5m from a road boundary, at least 15m from State Highway 23</p> <p><b>20.5.14 Acoustic Insulation for dwelling</b></p> <p><b>PI</b> A dwelling for a caretaker or security personnel must be designed and constructed to meet the following conditions</p>					
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**Appendix 3: Recommended provisions in a clean (unmarked) version**

# SASM – Sites and Areas of Significance to Maaori

## Overview

(I) Specifically, the district council has identified sites of significance to Maaori, for example under Schedule 16(f) of the Joint Management Agreement with Waikato-Tainui, significant archaeological sites such as paa and urupaa. While individual sites are noted on the district plan maps and are afforded the protection under the district plan rules, special mention is being made here of cluster sites which make up 'significant areas' of Waikato history: The Point; Wainui Reserve; Horea, Te Toto; Oioroa; Rangiriri, Meremere; Te Aukati ki Maungatawhiri, Hooker Road and Kernott Road Maaori Gardens and all of the redoubts and mission stations. These sites should be recognised for both their tangible and metaphysical association to Maaori to the extent enabled by planning and decision-making management of natural resources through objectives, policies and rules.

## Objectives

### SASM-O1 Strategic Objective – Tautoko te Whakatupuranga

(I) To support Iwi aspirations to grow a prosperous, healthy, vibrant, innovative and culturally strong people.

### SASM-O2 Hononga

(I) The connections between tangata whenua and their ancestral lands, water, sites of significance, waahi tapu, other taonga and taonga species is protected or enhanced.

### SASM-O3 Whakaute Ahurao

(I) Cultural practices and beliefs of Tangata Whenua are respected.

## Policies

### SASM-PI Hononga (relationship between tangata whenua and nature)

(I) Recognise the hononga (relationship between mana whenua and nature) with waters, ancestral lands, sites of significance, waahi tapu, urupaa, maunga and other landforms, mahinga/hauanga kai, and other taonga and taonga species (indigenous flora and fauna) such as through:

- (a) Cultural value assessments and/or cultural impact assessments;
- (b) Accidental discovery protocols;
- (c) Use of mana whenua traditional place names;
- (d) Protection, enhancement and restoration of mauri;
- (e) Use of appropriate locally sourced native plant species where practicable;
- (f) Use of archaeological information including Maaori archaeological information;  
and
- (g) Incorporation of traditional or sympathetic Maaori design elements where practicable.

## SASM-P2 Ngaa taonga tuku iho (Maaori Sites and Areas of Significance)

- (1) Ensure subdivision, use and development does not compromise the cultural and spiritual significance of areas, including waahi tapu, urupaa, maunga and other landforms, mahinga/hauanga kai, and indigenous flora and fauna.
- (2) Areas and sites of significance to Maaori including waahi tapu sites and waahi tapu areas are protected from adverse effects of development or activities on those sites.

## Rules

### Land use – effects

<b>SASM-R1</b>	Earthworks – Maaori Sites of Significance	
<p><b>(1) Activity status: RDIS</b></p> <p>(a) Earthworks within a Maaori site of significance as identified in Schedule 30.3.</p> <p><b>(2) The Council’s discretion is restricted to the following matters:</b></p> <p>(a) Location of earthworks in relation to the Maaori site of significance;</p> <p>(b) Effects on heritage and cultural values.</p>		<p><b>(3) Activity status where compliance not achieved:</b></p> <p>(a) N/A</p>

<b>SASM-R2</b>	Earthworks – Maaori Areas of Significance	
<p><b>(1) Activity status: RDIS</b></p> <p>(a) Earthworks within a Maaori area of significance as identified in Schedule 30.4.</p> <p><b>(2) The Council’s discretion is restricted to the following matters:</b></p> <p>(a) Location of earthworks in relation to the Maaori area of significance;</p> <p>(b) Effects on heritage and cultural values.</p>		<p><b>(3) Activity status where compliance not achieved:</b></p> <p>(a) N/A</p>

<b>SASM-R3</b>	Signs – Maaori Sites of Significance	
<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific conditions:</b></p> <p>(a) A sign must comply with all of the following conditions:</p> <p>(i) The sign is for the purpose of identification and interpretation of a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance).</p>		<p><b>(2) Activity status: RDIS</b></p> <p>(a) Any sign that does not comply with SASM-R3(1).</p> <p><b>(3) Council’s discretion is restricted to the following matters:</b></p> <p>(a) effects on cultural values of any Maaori site of significance.</p>

Advice note: The Maaori Sites and Areas of Significance are also recorded archaeological sites and may also contain unrecorded archaeological sites. These sites are subject to the requirements of the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga must be contacted regarding development on or in proximity to these sites and the need to undertake an archaeological assessment to determine the need for an archaeological authority. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeological sites.



Subdivision

<b>SASM-R4</b>	Title boundaries – Maaori Sites and Areas of Significance
<p><b>(1) Activity status: RDIS</b></p> <p>(a) The boundaries of every proposed allotment containing any of the following:</p> <ul style="list-style-type: none"><li>(i) Maaori sites of significance as identified in Schedule 30.3 (Maaori sites of significance);</li><li>(ii) Maaori areas of significance as identified in Schedule 30.4 (Maaori areas of significance).</li></ul> <p><b>(2) Council's discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"><li>(a) Effects on Maaori sites of significance;</li><li>(b) Effects on Maaori areas of significance.</li></ul>	<p><b>(3) Activity status: DIS</b></p> <ul style="list-style-type: none"><li>(a) Subdivision that does not comply with SASM-R4(1).</li></ul>

# TW – Tangata Whenua

## Recognition of Iwi and Hapuu

### Overview

- (1) The plan uses a holistic cultural and ethical approach to resource management and takes into account the principles of the Treaty of Waitangi, in particular the idea of active involvement. Partnership is approached through the recognition of iwi plans and ongoing consultation. The introduction of a tangata whenua section is to provide background and better understanding of Maaori issues. It is a new approach that is further supported by objectives, policies, rules and methods more specific to Maaori aspirations. It is thought that this approach will enable an improved presence of tangata whenua throughout the plan and the relevant objectives, policies, rules and methods to be given more consideration.

### *Ngaa Iwi o Tainui ki te Takiwaa o Waikato*

- (2) Maaori are the indigenous people of New Zealand and are of Polynesian descent. They are the “Tangata Whenua, the indigenous people of the land of Aotearoa and their culture is an integral part of local life”. It literally means ‘people of the land’ from tangata, ‘people’ and whenua, ‘land’. Tangata whenua are made up of several iwi throughout New Zealand. In the context of this plan tangata whenua are the iwi, or hapuu, that hold mana whenua over a particular area. Within tangata whenua, ‘mana whenua’ is a term used to describe those who have whakapapa, position and occupation of land in their areas or ‘rohe’, and therefore have the tribal authority or ‘mana’ to act or speak on behalf of the hapuu/marae/or whaanau groups. “Te Whakakitenga o Waikato” (Waikato-Tainui) is recognised as the largest Iwi Authority of the Waikato district, but the Iwi and Council acknowledges that the marae/hapuu have ‘mana whenua’ over their rohe or individual areas of the Waikato. There are 68 marae and 33 hapuu in the Waikato rohe who affiliate to the Waikato-Tainui Iwi Authority. It has a registered membership of over 70,000. There are 41 marae within Waikato district. Council also recognises other hapuu who have received Treaty settlement and may identify themselves as iwi authorities. As Treaty claims are settled, there may be others who wish to be recognized as iwi authorities within Waikato district. Status is also recognised under the Resource Management Act by relevant planning documents recognised by an iwi authority and lodged with the territorial authority. There are also many Maaori from other New Zealand tribal areas who choose to ‘live, work and play’ in the Waikato district.
- (3) A brief historical account of Maaori and New Zealand history that is relevant to the Waikato district has been provided to support this chapter. The report gives pertinent information and context in respect of understanding the rich history, culture, iwi connections, colonial settlement, Te Tiriti o Waitangi, the New Zealand land wars, raupatu and redress (“Engaging the Waikato” (Ormsby, 2016)).
- (4) After 1300/1400AD the descendants of the Tainui waka began to spread inland and populate Hauraki, Waikato, Maniapoto and Raukawa areas. In te Takiwaa (district) o Waikato there became two distinctive landscapes from Aotea Harbour to Te Puaha o Waikato (mouth of the Waikato River at Port Waikato), and the Waikato River landscape that follows the river from Tamahere to Te Puaha o Waikato. The archaeological evidence of the settlement pattern on the west coast and along the banks and tributaries of the Waikato River pointed to the rich resources that sustained the Hapuu of the Iwi.

(5) Today there are 33 iwi/hapuu in te Takiwaa o Waikato who have mana whenua as part of Ngaa Iwi o Tainui:

- (a) Ngaati Maahanga
- (b) Ngaati Mahuta
- (c) Ngaati Makirangi
- (d) Ngaati Naho
- (e) Ngaati Ngutu
- (f) Ngaati Paretauaa
- (g) Ngaati Paretekawa
- (h) Ngaati Pou
- (i) Ngaati Aamaru
- (j) Ngaati Aapakura
- (k) Ngaati Hauaa
- (l) Ngaati Hikairo
- (m) Ngaati Hine
- (n) Ngaati Koheriki
- (o) Ngaati Korokii
- (p) Ngaati Kuiaarangi
- (q) Ngaati Puhiawe
- (r) Ngaati Raukawa ki Panehaakua
- (s) Ngaati Ruru
- (t) Ngaati Tahinga
- (u) Ngaati Tamainupo
- (v) Ngaati Tamaoho
- (w) Ngaati Taratikitiki
- (x) Ngaati Te Ata
- (y) Ngaati Te Wehi
- (z) Ngaati Tai
- (aa) Ngaati Tiipaa
- (bb) Ngaati Wairere
- (cc) Ngaati Werokoko
- (dd) Ngaati Whaawhaakia
- (ee) Ngaitai
- (ff) Tainui
- (gg) Te Aakitai

## *Kiingitanga*

- (6) The Kiingitanga was founded in 1858 with the aim of uniting Maaori under a single sovereignty. Waikato is the seat of the Kiingitanga movement. The appointment of Pootatau Te Wherowhero as the first Maaori King was not only based on his whakapapa, exceptional skills as a warrior, and intricate knowledge of te Ao Maaori (the Maaori World), but also in recognition of the rich resources he commanded from the surrounding environment. The new King would be required to feed the masses on a regular basis, and the resources within the rohe enabled the King to provide a bountiful amount of food. Today the Maaori King Movement is still seen as an important and enduring expression of Maaori unity and holds an established place in New Zealand society

## *Waikato River*

- (7) The Waikato River is the tuupuna (ancestor) of Waikato-Tainui from which they derive their name. The Kiingitanga movement is the heart of the Waikato region and the Waikato River is the blood stream of the life of the Waikato people. The following whakataukii (proverb) expresses this relationship:

*Ko Waikato te awa Waikato is the river*

*Ko Te Wherowhero te tangata Te Wherowhero is the man Waikato Taniwharau Waikato of a hundred chiefs*

*He piko he taniwha, he piko he taniwha At every bend there is a chief*

- (8) These taniwha represent a chief or person of tremendous influence. It underlines the 'mana' of the Waikato people. Usually at every bend of the river was a paa with its own chief. Today, tangata whenua play a large partnership role in the lifeline of district issues and goals. Important relationships have been formed through the River Settlement Acts: The Waikato River Settlement Act 2010, the Vision and Strategy (Te Ture Whaimana o Te Awa o Waikato) and the Joint Management Agreement, which are redress instruments of a Treaty of Waitangi settlement, so have significant meaning and status for Waikato-Tainui.

## *Iwi and the environment*

- (9) Many of the issues faced by tangata whenua are of historical and current uses of the land and the environment. They will only be solved by changing our relationships and values with the land, air and water. The Council has certain obligations in terms of the Resource Management Act 1991 (RMA 1991) in managing the district's resources to ensure that tangata whenua's rights are recognised and provided for. However, it is everyone's responsibility to protect, restore and enhance the natural and cultural resources of the district. Under s6(e) of the RMA 1991, part of Council's responsibility is to look for ways to recognise and provide for, as a matter of national importance, the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. This can be done by ensuring that policies, rules and methods are provided to enable tangata whenua to use their whenua to culturally live, work and play throughout the district.
- (10) For iwi within the Waikato district, significant events have shaped their perspective and attitudes to their people, lands, waterways, waahi tapu (sacred sites) and environs. The establishment of the Kiingitanga movement, the land wars, which ensued, the wholesale confiscation of lands across the region, had an undeniable impact.

- (11) Subsequently, Waikato-Tainui has mobilised itself to derive a livelihood and seek redress was by setting a pathway forward that others could follow in the settlement process. Treaty settlements and relationships stemming from these agreements continue to have an increasing impact on growth, opportunity, and environmental stewardship of natural resources in the region.
- (12) Enabling Maaori to establish and maintain their relationship, cultures and traditions with their ancestral lands is a matter of national importance. It is important that this is consistent with the environmental capacity of the area to sustainably use ancestral land for such purposes that will promote the economic, cultural and social health and wellbeing of the Maaori community. In this regard, Council supports Maaori land entities in the development of good quality papakaainga housing on multiple-owned land. This is reflected through the policies in the ML-Maaori Land chapter.
- (13) The Waikato River in its broad definition under the Settlement legislation, Raglan (Whaingaroa) and Aotea Harbours, Miranda coast, along with the Hunua, Hapuakohe, Taupiri and Hakarimata Ranges, Mounts Pirongia and Karioi, are all significant culturally, and important landmarks for Waikato. This relationship is evident in many whakatauki and waiata, and in oral histories.

#### *Iwi authorities*

- (14) Te Whakakitenga o Waikato Incorporated Society (Waikato-Tainui) is the iwi authority representative of the 33 hapuu, 68 marae and supporters of the Kiingitanga movement. The name Te Whakakitenga o Waikato represents the future “pathway” of Waikato’s social, cultural, environmental and economic wellbeing.
- (15) Waikato District Council has boundary relationships with the following iwi authorities:
- (a) Hauraki Collective
  - (b) Maniapoto Maaori Trust Board
  - (c) Raukawa Settlement Trust

#### Tangata whenua – local authority relationships

##### *Joint Management Agreement (Waikato-Tainui) 2010*

- (16) As a result of the Waikato-Tainui Raupatu Claims (Waikato River) Act 2010, a Joint Management Agreement (JMA) between Waikato-Tainui and Waikato District Council was signed in March 2010. The JMA affirms commitment between Waikato-Tainui and Waikato District Council to co-manage the Waikato River, to restore and protect the health and wellbeing of the river and also to provide an enhanced relationship between the parties on areas of common interest.

##### *Joint Management Agreement (Maniapoto) 2012*

- (17) The Nga Wai o Maniapoto (Waipa River) Act 2012 came into effect on 5 April 2012. Under this Act there is a requirement for Waikato District Council to enter into a Joint Management agreement with Ngaati Maniapoto. The purpose of the Act is to "...restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations..."
- (18) Waikato District Council, Waipa District Council, Waitomo District Council, Otorohanga District Council and the Waikato Regional Council signed the Waipa River Joint Management Agreement with the Maniapoto Maaori Trust Board on 3 April 2013.

- (19) This agreement has a number of principles with the overarching purpose of restoring and maintaining the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations.

*Memoranda of Understanding or Memoranda of Agreement*

- (20) Council has Memoranda of Understanding or Memoranda of Agreement with the following to provide for an enhanced relationship between the parties on areas of common interest:

- (a) Ngaa Uri aa Maahanga
- (b) Ngaati Hauaa Iwi Trust
- (c) Ngaati Hounuku as represented by Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust)

**Hapuu and iwi planning documents**

*Iwi Management Plans*

- (21) Iwi management plans provide both the Council and the community with a greater understanding of the environmental issues that are of concern to tangata whenua. Under section 74(2A) of the Resource Management Act 1991 Council has taken into account planning documents in the district recognised by iwi authorities. These documents are also considered, under section 104(1)(c) when in making decisions on resource consents.
- (22) The following iwi management plans currently apply in the Waikato district:
- (a) Waikato-Tainui Environmental Plan
  - (b) Maniapoto Iwi Environmental Management Plan
- (23) A number of iwi management plans are in the process of being prepared.

## PREC3 – Whaanga Coast precinct

Within the PREC-3 – Whaanga Coast precinct there are two specific controls which are identified on the planning maps. These are the:

- Whaanga Coast development specific control area; and
- Whaanga Coast property specific control area.

### Objective

PREC3-O1 Rural character and amenity

(1) Rural character and amenity are maintained.

### Policies

PREC3-PI Whaanga Coast Specific Area

(1) Enable the use and development of Maaori land for a range of activities in accordance with tikanga Maaori including kainga nohoanga and mahinga kai to support the social, cultural and economic aspirations of mana whenua on the Whaanga coast.

PREC3-P2 Specific area - Whaanga Coast development Areas precinct

(1) Provide for a bulk and scale of land use and development to enable papakainga housing in the Whaanga Coast Development Areas.

### Rules

<b>PREC3-RI</b>	Application of rules in PREC3 – Whaanga Coast precinct
(1) The rules that apply to a permitted activity under Rule PREC3-R2 to PREC3-R6 (in addition to the rules within PREC3 – Whaanga Coast development precinct) are as follows:	
(a) Part 2: District-wide matters, except;	
(i) Rule EW-R2; EW-R4; EW-R5 and EW-R6 (Earthworks - General),	
(b) The land-use effects standards and building effects standards in GRUZ – General rural zone, except:	
(i) Rule GRUZ-S1 (Number of Dwellings within a Record of Title),	
(ii) Rule GRUZ-S2 (Minor dwelling),	
(iii) Rule NATC-R4 and NFL-R5 (Building and structures in Landscape and Natural Character Areas), instead Rule PREC3-S2 applies.	
(iv) Rules GRUZ-S3 to GRUZ-S7 (Height – building general) instead Rule PREC3-S2 applies.	
(v) Rule GRUZ-S9 (Building coverage),	
(vi) Rules GRUZ-S10 to GRUZ-S17 (Building setbacks) instead Rule PREC3-S4 applies.	

### Land use – activities

<b>PREC3-R2</b>	Maaori Purpose Activity within a Whaanga Coast Development specific control area
(1) Activity status: <b>PER</b>	(1) Activity status: <b>RDIS</b>
Activity-specific conditions:	

<p>(a) Building height does not exceed 7.5m in any of the following areas:</p> <ul style="list-style-type: none"> <li>(i) Outstanding Natural Landscape;</li> <li>(ii) Outstanding Natural Feature;</li> <li>(iii) Outstanding Natural Character Area of the coastal environment;</li> <li>(iv) High Natural Character Area of the coastal environment;</li> </ul> <p>(b) For residential units:</p> <ul style="list-style-type: none"> <li>(i) Where the underlying zone would otherwise require a living court, and compliance with that cannot be achieved, a communal living court of at least 24m<sup>2</sup> per residential unit shall be provided.</li> </ul> <p>Where the underlying zone would otherwise require a service court, and compliance with that cannot be achieved, a communal service court of at least 3m<sup>2</sup> per residential unit shall be provided at ground floor.</p>	<p>Maaori Purpose Activity that does not comply with any activity-specific condition of Rule ML-R1 (1) PER.</p> <p><b>(2) Council's discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) The adverse visual and amenity effects from any building or structure on the attributes of the identified landscape or natural character area are avoided, remedied or mitigated;</li> <li>(b) In regards to living courts: <ul style="list-style-type: none"> <li>(i) The extent to which the space is useable to the occupiers;</li> <li>(ii) Access to sunlight;</li> <li>(iii) Privacy of adjoining residential sites; and,</li> <li>(iv) Accessibility to and convenience of the space for occupiers.</li> </ul> </li> <li>(b) In regards to service courts: <ul style="list-style-type: none"> <li>(i) The convenience and accessibility of the spaces for building occupiers;</li> <li>(ii) The adequacy of the space to meet the expected requirements of building occupiers; and,</li> </ul> </li> </ul> <p>Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</p>
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<p><b>PREC3-R3</b>   A home occupation within a Whaanga Coast development specific control area</p>	
<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific conditions:</b></p> <ul style="list-style-type: none"> <li>(a) It is wholly contained within a building; <ul style="list-style-type: none"> <li>(i) The storage of materials or machinery associated with the home occupation are wholly contained within a building;</li> <li>(ii) No more than 2 people who are not permanent residents of the site are employed at any one time;</li> <li>(iii) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:30am and before 7:00pm on any day;</li> <li>(iv) Machinery may be operated after 7:30am and up to 9pm on any day</li> </ul> </li> </ul>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>

<p><b>PREC3-R4</b>   A temporary event within a Whaanga Coast development specific control area</p>	
<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific conditions:</b></p> <ul style="list-style-type: none"> <li>(a) The duration of each event is less than 72 hours;</li> </ul>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>



<ul style="list-style-type: none"> <li>(i) It may operate between 7:30am to 8:30pm Monday to Sunday;</li> <li>(ii) Temporary structures are: <ul style="list-style-type: none"> <li>(1) erected no more than 2 days before the event occurs;</li> <li>(2) removed no more than 3 days after the end of the event</li> </ul> </li> </ul>	
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<b>PREC3-R5</b>	Farming within a Whaanga Coast development specific control area
<b>(1) Activity status: PER</b> <b>Activity-specific conditions:</b> Nil	<b>(2) Activity status where compliance not achieved: n/a</b>

<b>PREC3-R6</b>	Produce Stall within a Whaanga Coast development specific control area
<b>(1) Activity status: PER</b> <b>Activity-specific conditions:</b> Nil	<b>(2) Activity status where compliance not achieved: n/a</b>

<b>PREC3-R7</b>	Any land use activity or building located outside a Whaanga Coast development specific control area
<b>Activity status: DIS</b>	

<b>PREC3-SI</b>	Earthworks within a Whaanga Coast development specific control area
<b>(1) Activity status: PER</b> <b>Where:</b> <ul style="list-style-type: none"> <li>(a) Earthworks within a Whaanga Coast development specific control area that complies with all of the following conditions: <ul style="list-style-type: none"> <li>(i) do not exceed a volume of more than 500m<sup>3</sup> and an area of more than 1000m<sup>2</sup>;</li> <li>(ii) the total depth of any excavation or filling does not exceed 1.5m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal);</li> <li>(iii) areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</li> <li>(iv) sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and</li> </ul> </li> </ul>	<b>(2) Activity status where compliance not achieved: DIS</b>

(v) do not divert or change the nature of natural water flows, water bodies or established drainage	
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<b>PREC3-S2</b>	Building height within a Whaanga Coast development specific control area	
<b>(1) Activity status: PER</b> <b>Where:</b> (a) A building within a Whaanga Coast development specific control area must comply with the following conditions: (i) height does not exceed 7.5m; and (ii) it does not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.		<b>(2) Activity status where compliance not achieved: DIS</b>

<b>PREC3-S3</b>	Accessory building within a Whaanga Coast development specific control area	
<b>(1) Activity status: PER</b> <b>Where:</b> (a) An accessory building within a PREC3 – Whaanga Coast development precinct must comply with the following conditions: (i) its gross floor area must not exceed 75m <sup>2</sup> ; and (ii) it is the only accessory building for a dwelling.		<b>(2) Activity status where compliance not achieved: DIS</b>

<b>PREC3-S4</b>	Building setback within a Whaanga Coast development specific control area	
<b>(1) Activity status: PER</b> <b>Where:</b> (a) A building within PREC3 – Whaanga Coast development precinct must be set back a minimum of: (i) 12m from any road boundary or any other zone boundary; (ii) 20m from any watercourse or area proposed for wastewater disposal and treatment; and (iii) 100m from mean high water springs.		<b>(2) Activity status where compliance not achieved: DIS</b>

<b>PREC3-S5</b>	Papakainga Building – Gross Floor Area within a Whaanga Coast development specific control area	
<b>(1) Activity status: PER</b> <b>Where:</b>		<b>(2) Activity status where compliance not achieved: DIS</b>

(a) A Papakaainga Building within PREC3 – Whaanga Coast development precinct that does not exceed 300m <sup>2</sup> gross floor area.	
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<b>PREC3-S6</b>	Dwelling – Gross Floor Area within a Whaanga Coast development specific control area	
<b>(1) Activity status: PER</b> <b>Where:</b> (a) A dwelling within a PREC3 – Whaanga Coast development precinct that does not exceed 180m <sup>2</sup> gross floor area.	<b>(2) Activity status where compliance not achieved: DIS</b>	

<b>PREC3-R8</b>	Subdivision for a full partition of Maori freehold land outside a Whaanga Coast development specific control area under Te Ture Whenua Act 1993	
<b>(1) Activity status: DIS</b> <b>Where:</b> (a) Subdivision for a full partition of Maori freehold land outside a Whaanga Coast development specific control area under Te Ture Whenua Act 1993	<b>(2) Activity status where compliance not achieved: NC</b> <b>Where:</b> (a) Subdivision of Maaori freehold land not provided for in Rule PREC3-R8(1)	

# ML – Maaori Land

## Overview

### *Understanding Maaori Land Ownership*

- (1) Before the arrival of colonial settlers, all land in New Zealand was held as customary land, by the tribes or hapuu groups. One of the primary tasks of the early Native Land Court was to define the boundaries of that land and convert it from communally-held land by allocating owners and shares. In essence this quickened the colonial goal of extinguishing a customary Maaori property system, replacing it with a system similar to the English land tenure model and facilitated the large-scale transfer of land from Maaori to settlers. This system deprived Maaori of their most valuable asset – their land. This process allowed for the sale of land, but Maaori could only sell to the Crown. The 1860 Land Wars resulted in Maaori land confiscation by the Crown which was sold for colonial settlement. Today, only 5.5% of New Zealand land and 5% of land in the Waikato district is held in Maaori ownership. It is administered by the Māori Land Court and subject to Te Ture Whenua Māori Act 1993. Land titles issued to Maaori by the Māori Land Court became known as Māori freehold land. Maaori rights to land do not translate neatly into common law categories of property and title. Generally, descendants inherit shares in the land from deceased parents. Succession of shares often becomes uneconomical because of multiple ownership. However, what is important is the whakapapa connection to the land through the original tuupuna of the place. The land is a source of identity and Maaori see themselves as not only “of the land” but “as the land.” The majority of Maaori land blocks in multiple ownership have caused significant challenges for Maaori owners, the Māori Land Court and Te Puni Kōkiri (who work within government and communities to support Maaori). Lack of good governance, absentee owners, lack of knowledge and relevant information prevent owners from engaging and utilising the land for their social, cultural and economic well-being. The burden that is placed on Maaori landowners to satisfy the Te Ture Whenua Maaori Act and the RMA is acknowledged when attempting to utilise their land. Objectives, policies and enabling rules have been provided to assist this matter.
- (2) In accordance with the powers of the Māori Land Court, the district plan will seek to enable Maaori land provisions to be made by the court. The Māori Land Court has the jurisdiction to determine the status and use of Maaori land. The Te Ture Whenua Māori Act 1993 provides for certain purposes for which the whenua may be reserved. The Court may, on application, make an order for land to be gazetted for an individual or a combination of purposes (it is common for the Māori Land Court to request a Concept Management Plan or a Land Plan and comments from the Council as part of its deliberations).

### *Maaori Reservations*

- (3) Part 17, s338 of the Te Ture Whenua Māori Act 1993, lists certain purposes for communal use of Maaori reservations. The Maaori Land Court may
- (4) set aside as Maaori Reservation any Maaori freehold land or any General Land;
- (a) For the purposes of a village site, marae, meeting place, recreation ground, sports ground, bathing place, churchsite, building site, burial ground, landing place, fishing ground, spring,

well, timber reserve, catchment area or other source of water supply, or place of cultural, historical, or scenic interest, or for any other specified purpose; or

(b) That is waahi tapu, being a place of special significance according to tikanga Maaori.

(5) It is not envisioned that that all Maaori land blocks would be used for a Marae but a portion could be set aside for a Marae reservation if required. Maaori reservations could also include the function of a Hauora within some Marae.

#### *Ahuwhenua Trusts*

(6) It is common for Maaori land to be set aside under an Ahu Whenua Trust to promote and facilitate the use and administration of the land in the interests of the persons beneficially entitled to the land Part 12 Trusts, Section 215. Section 219 The Court shall by order, set out the terms of any trust constituted under this part. This process would identify what purposes the Trust wish to carry out and this would be included in the Trust Order. A land plan or concept management plan can be used as Best Practice Planning and can identify a combination of the above activities on their land. The Trust is responsible for allocating 'licences to occupy'.

#### *Occupation orders*

(7) Where there is no Trust the applicant must apply to the Maaori Land Court for a 'Occupation Order'

#### *Integrated development of Maaori freehold land*

(8) The integrated and comprehensive management of Maaori land is promoted through a range of methods outside of regulatory framework of the District Plan. Council has been actively leading the promotion of integrated planning of Papakaainga housing development with Te Puni Kookiri and a range of supporting agencies including Waikato Regional Council. This commenced with the development of the Papakaainga Maaori Housing Toolkit in 2013, developed to assist landowners in their aspirations to return to their whenua. This toolkit includes the development of concept plans

#### *Treaty settlement land*

(9) As part of Treaty settlements iwi receive acknowledgement by the Crown of its past actions and redress in the form of cultural and financial/commercial redress. Both the Crown and iwi acknowledge that full compensation for grievances is not possible. Instead, financial/commercial redress focuses on providing an economic base for iwi for future developments. The land received by iwi through a treaty settlement is not Maaori land tenured but has the status of General land tenure. Maaori land and treaty settlement land needs to be considered in the district plan to ensure that there are not undue impediments for Maaori in using that land, particularly given the historical context. This means providing permitted activity rules for particular uses and administration of Maaori and treaty settlement land.

## Objectives

### ML-OI Whenuatanga (land management)

- (1) Tangata Whenua have the ability to utilise, manage and enjoy Maaori Land in accordance with tikanga Maaori, including maatauranga Maaori.

## Policies

### ML-PI Tangata whenuatanga (utilisation by landowners)

- (1) Tangata Whenua are enabled to sustainably manage their lands and resources in accordance with their cultural preferences and aspirations.
- (2) Tangata whenua are enabled to sustainably use and develop Maaori land through a range of uses in accordance with tikanga Maaori, including maatauranga Maaori, including:
  - (a) Marae and associated facilities
  - (b) Papakaainga housing development
  - (c) Papakaainga building
  - (d) Cultural event
  - (e) Urupaa
  - (f) Tuaahu
  - (g) Waharoa
  - (h) Church
  - (i) Hauora
  - (j) Koohanga
  - (k) Conference centre and facilities
  - (l) Waananga
  - (m) Recreation facilities
  - (n) Papa taakaro
- (3) Commercial activity is provided for in a way and at a scale that supports the occupation, development and use of Maaori land and meets the needs of Tangata Whenua, whilst complementing or supporting the role of business town centres in the District.

### *Non regulatory policies*

- (4) Council will work with iwi, hapuu and whaanau to encourage and support the comprehensive, co-ordinated and efficient development of Maaori land.
- (5) Alongside partner agencies, council will support and promote the use of best practice guidance and toolkits for Maaori housing, including Te Kete Paaraha Mo Nga Papakaainga Ki Waikato: Waikato Maaori Housing Toolkit, to assist iwi and hapuu in the development of Maaori land.

## Rules

- (1) The rules that apply to Maaori Land are:
  - (a) Land Use – Activity Rule ML-R1 to ML-R5;
  - (b) Land Use – Activity Rules of the underlying zone, excluding the following:
    - (i) Home occupation
    - (ii) Commercial activity where the activity status is non-complying
  - (c) Land Use – Effects rules of the underlying zone.
  - (d) Land Use – Building rules of the underlying zone, excluding the following:
    - (i) Number of dwellings;
    - (ii) Minor Dwelling rules;
    - (iii) Buildings and structures in Landscape and Natural Character Areas;
    - (iv) Building Height; and
    - (v) Building Coverage.
- (2) The activity status tables and standards in the following district-wide chapters also apply to activities on Maaori Land:
  - (a) 14 Infrastructure and Energy, excluding the following:
    - (i) Rule 14.11.2.RD7 (Outfall structures);
    - (ii) Rule 14.12.1. P1 (1)(j) (Vehicle access for all activities);
    - (iii) Rule 14.12.1. P2 (1)(e) (On-site parking and loading);
    - (iv) Rule 14.12.1. P2 (1)(f) (On-site parking and loading);
    - (v) Rule 14.12.1. P2 (1)(j) (On-site parking and loading); and,
    - (vi) Rule 14.12.1. P3 (1)(g) (On-site manoeuvring and queuing);
  - (b) 15 Natural Hazards and Climate Change

Rules ML-R1 to ML-R5 do not apply to the Whaanga Coast Precinct which has its own unique rules set out in Chapter XX.

ML-RI	Maaori Purpose Activity
<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific conditions:</b></p> <p>(a) Building height does not exceed 7.5m in any of the following areas:</p> <ul style="list-style-type: none"> <li>(i) Outstanding Natural Landscape;</li> <li>(ii) Outstanding Natural Feature;</li> <li>(iii) Outstanding Natural Character Area of the coastal environment;</li> <li>(iv) High Natural Character Area of the coastal environment;</li> </ul> <p>(b) For residential units:</p> <ul style="list-style-type: none"> <li>(i) Where the underlying zone would otherwise require a living court, and compliance with that cannot be achieved, a communal living court of at least 24m<sup>2</sup> per residential unit shall be provided.</li> <li>(ii) Where the underlying zone would otherwise require a service court, and compliance with that cannot be achieved, a communal service court of at least 3m<sup>2</sup> per residential unit shall be provided at ground floor.</li> </ul>	<p><b>(2) Activity status: RDIS</b></p> <p>Maaori Purpose Activity that does not comply with any activity-specific condition of Rule ML-RI (1) PER.</p> <p><b>(1) Council’s discretion is restricted to the following matters:</b></p> <p>(a) The adverse visual and amenity effects from any building or structure on the attributes of the identified landscape or natural character area are avoided, remedied or mitigated;</p> <p>(b) In regards to living courts:</p> <ul style="list-style-type: none"> <li>(i) The extent to which the space is useable to the occupiers;</li> <li>(ii) Access to sunlight;</li> <li>(iii) Privacy of adjoining residential sites; and,</li> <li>(iv) Accessibility to and convenience of the space for occupiers.</li> </ul> <p>(b) In regards to service courts:</p> <ul style="list-style-type: none"> <li>(i) The convenience and accessibility of the spaces for building occupiers;</li> <li>(ii) The adequacy of the space to meet the expected requirements of building occupiers; and,</li> <li>(iii) Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</li> </ul>

ML-R2	<u>Home occupation</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific conditions:</b></p> <p>(a) <u>There is only one home occupation per residential unit;</u></p> <p>(b) <u>Each home occupation does not occupy more than 100m<sup>2</sup>;</u></p> <p>(c) <u>Is wholly contained within a building;</u></p> <p>(d) <u>No more than two people who are not permanent residents of the site are employed at any one time per home occupation;</u></p> <p>(e) <u>Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:00am and before 7:00pm on any day;</u></p> <p>(f) <u>Machinery is only operated after 7:30am and up to 7:00pm on any day.</u></p>	<p><b>(2) Activity status: RDIS</b></p> <p><u>Home occupation that does not comply with an activity-specific condition of Rule ML-R2 (1) PER.</u></p> <p><b><u>Council’s discretion is restricted to the following matter:</u></b></p> <p>(a) <u>The adverse visual and amenity effects from any building or structure on the attributes of the identified landscape or natural character area are avoided, remedied or mitigated.</u></p>



<b>ML-R3</b>	Visitor accommodation at Riria Kereopa Drive
<b>(1) Activity status: PER</b>	
<b>Activity-specific conditions:</b>	
Nil	

<b>ML-R4</b>	Commercial activity at Riria Kereopa Drive	
<b>(1) Activity status: PER</b>	<b>(2) Activity status: DIS</b>	
<b>Activity-specific conditions:</b>	Commercial activity that does not comply with an activity-specific condition of Rule ML-R1 (1) PER.	
(a) Commercial activity is for any one or more of the following:		
(i) Restaurant		
(ii) Car wash		
(iii) Boat wash		
(iv) Grocery store		
(v) Boating store		

<b>ML-R5</b>	Any commercial activity that is a Non-complying activity in the Activity Rules of the relevant Zone Chapter.	
<b>(1) Activity status: DIS</b>		
<b>Activity-specific conditions:</b>		
Nil		

*Advice Notes:*

- (1) Council encourages Maaori Land Trusts to prepare a Concept Management Plan as part of their land planning, to assist shareholders to overcome the barriers of consents and funding grants from other agencies. A Concept Management Plan is a 'Best Practice Planning Tool' that was introduced by the Te Kete Paaraha Mo Nga Papakaainga Ki Waikato (Waikato Maaori Housing Toolkit).
- (2) As part of the building consent process, an applicant seeking to build on Maaori freehold land or Maaori customary land may be required to provide:
  - (a) a Licence to Occupy, where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation,
  - (b) A lease, or an Occupation Order of the Māori Land Court, where a Trust Order or Maaori Incorporation does not exist.

Definitions:

Definition	Meaning
Communal living court	Means an area of outdoor space for the exclusive use of the residents, and guests to the residential units on the site. It does not include parking, manoeuvring areas and buildings, but does include swimming pools, pergolas and similar open-framed structures.
Communal service court	Means an area of outdoor space for the exclusive use of the residents on the site for domestic requirements, such as garbage storage and clothes line, but excludes any space required for a living court, communal living court, parking, manoeuvring, or buildings.
Maaori land	Means Maaori freehold land, Maaori customary land, Maaori reservation or Treaty settlement land.
Maaori reservation	Means Maaori free hold land or general land set apart as a Maaori reservation under s338 of Te Ture Whenua Māori Act 1993.
Maaori customary land	Means land that is held by Maaori in accordance with tikanga Maaori as referred to in section 129(1)(a) and section 129(2)(a) of the Te Ture Whenua Māori Act 1993.
Maaori freehold land	Means land determined by the Māori Land Court as being 'Māori freehold land', consistent with Section 129(2)(b) of the Te Ture Whenua Māori Act 1993.
Maaori purpose activity	<p>Means the use of land and/or buildings for one or more of any of the following activities:</p> <ul style="list-style-type: none"> <li>• Marae</li> <li>• Papakaainga</li> <li>• Papakaainga building</li> <li>• Cultural event</li> <li>• Urupaa</li> <li>• Tuaahu</li> <li>• Waharoa</li> <li>• Church</li> <li>• Hauora</li> <li>• Koohanga</li> <li>• Conference centre and facilities</li> <li>• Waananga</li> <li>• Recreation facilities</li> <li>• Papa taakaro</li> </ul>
Papakaainga building	Means a building for communal use. It may include some centralised services or facilities such as food preparation, dining, conference, cultural facilities, sanitary facilities, and accommodation.
Treaty settlement land	<p>Means property which is either:</p> <ul style="list-style-type: none"> <li>• vested with a claimant group by the Crown as a result of Treaty settlement legislation and final deeds of settlement; or</li> </ul>

	<ul style="list-style-type: none"><li>• acquired by a claimant group pursuant to a right of first refusal or deferred selection process.</li></ul> <p>Includes:</p> <ul style="list-style-type: none"><li>• properties transferred to other iwi, hapuu or whaanau entities associated or affiliated with the claimant group; and,</li><li>• properties transferred to a company in which the claimant group holds a controlling interest.</li></ul> <p>Excludes:</p> <ul style="list-style-type: none"><li>• properties in which the claimant group, or an iwi, hapuu or whaanau entity associated or affiliated with the claimant group, no longer retains a legal freehold interest;</li><li>• properties leased by the claimant group to an unrelated entity for a term which, including renewals, is or could be more than 35 years; and,</li><li>• properties transferred to a company in which the claimant group has a minority interest.</li><li>• For the purpose of the Maaori Land Chapter, the land within the Special Purpose Zone - Hopuhopu.</li></ul>
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# MV – Maaori Values and Maatauranga Maaori

## Values of importance to Maaori

This chapter addresses values of importance to Maaori and the following provides an explanation and description of identified values of importance to Maaori. These values are represented in the objectives and policies of this chapter and particular zone rules. As such this chapter is to be read in conjunction with zone chapters which contain matters of discretion to address the effects of certain activities and land uses on mana whenua values.

### *Kaitiakitanga*

- (1) Mana whenua have a responsibility to protect and nurture the mauri of all living things within their sphere of influence and control. The exercise of kaitiakitanga recognises the intricate balance and integral relationship between and with all natural resources. Mana whenua have learnt and long recognised that, in order for the environment to sustain life, people have a responsibility to protect and sustain the environment.

### *Manaakitanga*

- (2) Mana whenua have an obligation to manaaki all manuhiri that arrive in the rohe. The ability to care for and support manuhiri is an expression of the mana and wealth of mana whenua. Waikato is home for many Maaori from other iwi, who live in the region.

### *Tikanga*

- (3) Sustainable management of natural resources provides for the ongoing sustenance of tangata whenua and manuhiri. Provisions required to sustain natural resources is captured in tikanga. Tikanga ensures that traditional practices observed by mana whenua are given appropriate recognition in resource management, and includes acknowledgement of Atua Maaori. Tikanga is a living and evolving concept and embodies all aspects of mana whakahaere. Application of tikanga developed over generations and the exercise of mana whakahaere ensures sustainable resource management in the present day and for generations to come.

### *Mana whakahaere*

- (4) Mana whakahaere is the exercise of authority, access to, and management of resources in accordance with tikanga, within the Waikato rohe by mana whenua. Waikato lwi mana whakahaere has long been exercised over many generations.

## Objectives

### MV-OI Recognition of Maaori values

- (1) Maaori values are recognised and mana whenua are able to exercise kaitiakitanga, manaakitanga tikanga and mana whakahaere.
- (2) Recognise that only tangata whenua can determine effects on their values, traditions, resources, waters, sites of significance, waahi tapu, other taonga and taonga species.

#### MV-O2 Hononga

- (I) The connections between tangata whenua and their ancestral lands, water, sites of significance, waahi tapu, other taonga and taonga species is protected or enhanced.

#### MV-O3 Kaitiakitanga

- (I) The exercise of kaitiakitanga by mana whenua is an intrinsic right that is recognised and maintained.

#### MV-O4 Whakaute Ahurāe

- (I) Cultural practices and beliefs of mana whenua are respected.

#### MV-O5 Tikanga aa-iwi o Waikato me te takiwaa o Waikato

- (I) Recognise the cultural significance of Waikato Takiwaa (district).

### Policies

#### MV-P1 Hononga (relationship between tangata whenua and nature)

- (I) Recognise the hononga (relationship between mana whenua and nature) with waters, ancestral lands, sites of significance, waahi tapu, urupaa, maunga and other landforms, mahinga/hauanga kai, and other taonga and taonga species (indigenous flora and fauna) such as through:
  - (a) Cultural value assessments and/or cultural impact assessments;
  - (b) Accidental discovery protocols;
  - (c) Use of mana whenua traditional place names;
  - (d) Protection, enhancement and restoration of mauri;
  - (e) Use of appropriate locally sourced native plant species where practicable;
  - (f) Use of archaeological information including Maaori archaeological information; and,
  - (g) Incorporation of traditional or sympathetic Maaori design elements where practicable.

#### MV-P2 Kaitiakitanga (stewardship/guardianship)

- (I) Enable mana whenua to exercise kaitiakitanga where activities have the potential to adversely affect ancestral lands, water, sites, waahi tapu, and other taonga such as through:
  - (a) Providing for early and ongoing engagement with mana whenua;
  - (b) Providing for kaitiaki involvement in land use and subdivision proposals as a means to uphold mauri and taonga inherited from tupuna; and,
  - (c) Acknowledging and providing for the appropriate use of maatauranga Maaori and recognise that iwi, hapuu and whaanau are owners and kaitiaki of maatauranga Maaori.

- (d) Providing opportunities for mana whenua involvement in decision-making on resource consents in relation to sites of significance to Maaori and issues of cultural significance.

#### MV-P3 Aahuatanga Motuhake (special features)

- (1) Recognise and maintain the cultural significance of wetlands, lakes and other waterbodies, including the Waikato and Waipa awa (rivers), coastal areas of Whaingaroa (Raglan Harbour), Aotea, and Te Puaha o Waikato (Port Waikato).
- (2) Recognise the historic and contemporary relationships of Ngaa iwi o Tainui to Karioi, Taupiri, Hakarimata Range, Hunua and Pirongia maunga.

#### MV-P4 Recognition of Maaori values

- (1) Recognise Maaori values, including the following:
  - (a) Kaitiakitanga;
  - (b) Manaakitanga;
  - (c) Tikanga; and,
  - (d) Mana whakahaere
- (2) Recognise that Maaori values will vary across the district and that further Maaori values can be identified through engaging with mana whenua at a local level.

#### MV-P5 Subdivision, land use and Maaori Values

- (1) Manage the effects of subdivision and land use on Maaori values, in particular those arising from the following:
  - (a) Mining or extractive industry;
  - (b) Waste management facilities;
  - (c) Hazardous waste storage;
  - (d) Intensive farming;
  - (e) Light and noise;
  - (f) Earthworks within the vicinity of the Waikato River and other water bodies within the Waikato River Catchment;
  - (g) Subdivision;
  - (h) Building and structures in water body setbacks;
  - (i) Modification or clearance of indigenous biodiversity within Significant Natural Areas;
  - (j) Activities within identified landscape and natural character areas, on or within the vicinity of maunga and other landforms or sites of cultural significance; and,
  - (k) Activities on the surface of waterbodies.
- (2) Manage the effects of subdivision and land use on Maaori values arising from the activities listed in MPV-P5 (1) including by:

- (a) Providing for the opportunity to engage with mana whenua prior to undertaking activities or applying for resource consent and addressing the outcomes of that engagement;
- (b) Ensuring it is mana whenua that determine the effects on Maaori values such as through cultural impact/values assessments;
- (c) Recognising and providing for customary uses of resources including hauanga kai;
- (d) Recognising and providing for maatauranga Maaori such as expressed through kaitiakitanga and tikanga;
- (e) Recognising that iwi, hapuu and whaanau are owners and kaitiaki of Maatauranga; and,
- (f) Recognising and providing for tangata whenua relationships with ancestral lands, water, sites, waahi tapu and other taonga to be maintained or strengthened.

*Non-regulatory policies*

MV-P6 Iwi and hapuu management plans

- (1) That Council support the creation and review of Iwi and hapuu environmental management plans by Iwi and hapuu.

MV-P7 Partnership and relationship agreements

- (1) That Council establish formal partnership and relationship arrangements such as Mana Whakahono aa Rohe, joint management agreements or memoranda of understanding with Iwi and hapuu.
- (2) That council develops a work programme for implementation of the partnership agreements and memoranda of understanding

MV-P8 Guidance on understanding Maaori concepts and values

- (1) That Council work with Iwi authorities and stakeholders to develop guidance material that sits alongside the Plan and provides district plan users with a foundational understanding of Maaori concepts, tikanga, values and mana whenua of the district.

## Rules

### *Matters of discretion*

<b>MV-RI</b>	<p>(1) The following matter of discretion apply to rules listed in MV-RI</p> <p>(a) The effects of the proposed activity on values held by mana whenua and the appropriateness to mana whenua of any, avoidance, mitigation or enhancement measures including as identified through cultural impact/values assessments and any relevant iwi planning document.</p> <p>(2) The matters of discretion in MV-RI(1) apply to the following rules:</p> <ul style="list-style-type: none"><li>a. 16.2.3RDI (Glare and artificial light spill)</li><li>b. 16.2.4.1RDI (Earthworks – General)</li><li>c. 16.2.4.3RDI (Earthworks – Significant Natural Areas)</li><li>d. 16.4.1RDI (Subdivision – General)</li><li>e. 16.4.2RDI (Subdivision – Te Kauwhata Ecological Residential Area)</li><li>f. 16.4.3RDI (Subdivision – Te Kauwhata West Residential Area)</li><li>g. 16.4.4RDI (Subdivision – Multi-unit development)</li><li>h. 16.5.7.2RDI (Earthworks – general)</li><li>i. 16.5.7.2RD2 (Earthworks – general)</li><li>j. 16.5.9.1RDI (Subdivision Lakeside – general)</li><li>k. 17.2.4RDI (Glare and artificial light spill)</li><li>l. 17.2.5.1RDI (Earthworks – General)</li><li>m. 17.2.5.3RDI (Earthworks – within Significant Natural Areas)</li><li>n. 17.4.1RDI (General subdivision)</li><li>o. 17.4.1.1RDI (Subdivision – Multi-unit development)</li><li>p. 17.5.9RDI (Subdivision)</li><li>q. 18.2.3RDI (Glare and artificial light spill)</li><li>r. 18.2.4.1RDI (Earthworks – General)</li><li>s. 18.4.1RDI (Subdivision – general)</li><li>t. 18.4.2RDI (Subdivision – Multi-unit subdivision)</li><li>u. 19.4.1RDI (Subdivision – restricted Discretionary Activities)</li><li>v. 20.2.2RDI (Landscape planting)</li><li>w. 20.2.4RDI (Glare and Artificial Light Spill)</li><li>x. 20.2.5.1RDI (Earthworks – General)</li><li>y. 20.2.5.2RDI (Earthworks – within Significant Natural Areas)</li><li>z. 20.4.1RDI (Subdivision – General)</li><li>aa. 20.4.2RDI (Subdivision – Boundaries for Records of Title)</li><li>bb. 20.5.5RDI (Landscape planting)</li><li>cc. 21.2.2RDI (Landscape planting)</li><li>dd. 21.2.4RDI (Glare and Artificial Light Spill)</li><li>ee. 21.2.5.1RDI (Earthworks – General)</li><li>ff. 21.2.5.2RDI (Earthworks – Significant Natural Areas)</li><li>gg. 21.4.1RDI (Subdivision – General)</li><li>hh. 21.4.2RDI (Subdivisions – Boundaries for Records of Title)</li><li>ii. 22.1.3RDI (Restricted Discretionary Activities)</li><li>jj. 22.2.2RDI (Glare and Artificial Light Spill)</li><li>kk. 22.2.3.1RDI (Earthworks – General)</li><li>ll. 22.2.3.3RDI (Earthworks – Significant Natural Areas)</li><li>mm. 22.4.1.2RDI (General Subdivision)</li><li>nn. 22.4.1.4RDI (Boundary Relocation)</li><li>oo. 22.4.1.5RDI (Rural Hamlet Subdivision)</li><li>pp. 22.4.1.6 (Conservation lot subdivision)</li><li>qq. 22.6.7RDI (Huntly Power Station – Ash disposal and transport of coal ash water)</li></ul>
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	<ul style="list-style-type: none"> <li>rr. 23.2.2RDI (Glare and Artificial Light Spill)</li> <li>ss. 23.2.3.1RDI (Earthworks – General)</li> <li>tt. 23.2.3.3RDI (Earthworks – Significant Natural Areas)</li> <li>uu. 23.4.2RDI (General Subdivisions)</li> <li>vv. 24.2.3RDI (Glare and artificial light spill)</li> <li>ww. 24.2.4.1RDI (Earthworks – general)</li> <li>xx. 24.4.1RDI (Subdivision – General)</li> <li>yy. 24.4.2RDI (Subdivision – Te Kowhai and Tuakau)</li> <li>zz. 24.4.2RD2 (Subdivision – Te Kowhai and Tuakau)</li> <li>aaa. 25.2.3RDI (Glare and artificial light spill)</li> <li>bbb. 25.2.4.1RDI (Earthworks – general)</li> <li>ccc. 25.2.4.3RDI (Earthworks – within Significant Natural Areas)</li> </ul>
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Advice note: Council, Te Kahui Mangai and Iwi authorities, including Te Whakakitenga o Tainui, hold records and contacts of iwi and hapuu in the district

# TTW– Te Ture Whaimana – Vision and Strategy

## Overview

- (1) The relationship of Waikato-Tainui with the Waikato River cannot be underestimated as it lies at the heart of their identity as well being a major influence on their spiritual, cultural, historic and physical wellbeing. To Waikato-Tainui, the Waikato River is their Tuupuna Awa, an ancestor.
- (2) The Waikato River Claim was filed with the Waitangi Tribunal by Sir Robert Mahuta on 16 March 1987 on behalf of Waikato-Tainui, the Tainui Trust Board and Ngaa Marae Toopu but was excluded from the 1995 Raupatu Land Settlement for future negotiation.
- (3) The 2009 Deed of Settlement between the Crown and Waikato-Tainui acknowledges the deterioration of the health of the Waikato River while the Crown had authority over the river. The Deed of Settlement has an overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for future generations. This district plan aims to restore the river's health in conjunction with other agencies. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 gave effect to the 2009 Deed of Settlement in respect of the raupatu claims of Waikato-Tainui over the Waikato River.
- (4) Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) is the Vision and Strategy and is the primary direction-setting document for the Waikato River and activities within its catchment.
- (5) This district plan reflects the new era of co-management between Waikato District Council and iwi. The Settlement Act requires that a district plan shall give effect to Te Ture Whaimana.
- (6) Te Ture Whaimana responds to four fundamental issues:
  - (a) The degradation of the Waikato River and the ability of Waikato River iwi to exercise kaitiakitanga or conduct their tikanga and kawa;
  - (b) The relationships and aspirations of communities with the Waikato River;
  - (c) The cumulative effects of physical intervention, land use and subsurface hydrological changes on the natural processes of the Waikato River;
  - (d) The time and commitment required to restore and protect the health and well-being of the Waikato River.
- (7) Section 13 of the Waikato River Act requires that district plans be reviewed and where necessary updated following an RMA Schedule 1 process no later than 12 months after the completion of a review of Vision and Strategy.

## Definition of Waikato River and its catchment area

- (8) The body of water known as the Waikato River flowing continuously or intermittently from the Huka Falls to the mouth of the Waikato River shown as located within the areas marked "A" and "B" on SO plan 409144, and
- (9) All tributaries, streams and watercourses flowing into the part of the Waikato River, including the Waipaa River, described in paragraph (7), to the extent to which they are within the areas marked "A" and "B" on SO plan 409144, and
- (10) Lakes and wetlands within the areas marked "A" and "B" on SO plan 409144, and
- (11) The beds and banks of the water bodies described in paragraphs (7) to (9).
- (12) For the avoidance of doubt, this definition is an excerpt from the interpretation of 'Waikato River' in Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The area

contained within SO plan 409144 is administered by a number of territorial authorities. Waikato District Council only administers that part of SO plan 409144 that is within Waikato district.

## Issue – Health and wellbeing of the Waikato River

- (13) Land use and development activities can adversely affect the ability of the Waikato River to sustainably support the economic, social, cultural and environmental aspirations of Waikato-Tainui and the community.

## Objectives

### TTW-OI Achieving Te Ture Whaimana (Vision and Strategy for the Waikato River)

- (I) The health and well-being of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.

## Policies

### TTW-PI Implementing Te Ture Whaimana (Vision and Strategy for the Waikato River)

- (I) To restore and protect the health and wellbeing of the Waikato River including by;
- (a) identifying and recognising the Waikato River as an Outstanding Natural Feature/Landscape;
  - (b) acquiring appropriate public access to and along the Waikato River at time of subdivision;
  - (c) protecting and restoring significant natural areas, riparian margins and wetlands within the catchment;
  - (d) providing for conservation activities;
  - (e) protecting waahi tapu, sites and areas of significance to Maaori;
  - (f) recognising and providing for application of maatauranga Maaori;
  - (g) managing the effects of subdivision, use and development including those associated with:
    - (i) building in river setbacks
    - (ii) intensive farming
    - (iii) earthworks and land disturbance
    - (iv) subdivision

**Appendix 4: Recommended provisions in a marked-up version**

# SASM – Sites and Areas of Significance to Maaori

## Overview

(1) Specifically, the district council has identified sites of significance to Maaori, for example under Schedule 16(f) of the Joint Management Agreement with Waikato-Tainui, significant archaeological sites such as paa and urupaa. While individual sites are noted on the district plan maps and are afforded the protection under the district plan rules, special mention is being made here of cluster sites which make up 'significant areas' of Waikato history: The Point; Wainui Reserve; Horea, Te Toto; Oioroa; Rangiriri, Meremere; Te Aukati ki Maungatawhiri, Hooker Road and Kernott Road Maaori Gardens and all of the redoubts and mission stations. These sites should be recognised for both their tangible and metaphysical association to Maaori to the extent enabled by planning and decision-making management of natural resources through objectives, policies and rules.

## Objectives

### SASM-O1 Strategic Objective – Tautoko te Whakatupuranga

(1) To support Iwi aspirations to grow a prosperous, healthy, vibrant, innovative and culturally strong people.

### SASM-O2 ~~Whakapapa~~ Hononga (~~connection to nature~~)

(1) ~~Whakapapa, including familial connection between tangata whenua individuals and groups, and~~ The connections between tangata whenua and their ancestral lands, water, sites of significance, waahi tapu, ~~and~~ other taonga and taonga species ~~are is~~ protected ~~and or~~ enhanced.

### SASM-O3 ~~Waikatotanga~~ Whakaute Ahurae (~~way of life~~)

(1) Cultural practices and beliefs of ~~T~~tangata ~~W~~whenua are respected.

## Policies

### SASM-PI ~~Hononga~~Whanaungatanga (relationship ~~between tangata whenua and~~ to nature)

(1) Recognise the hononga (relationship ~~of between T~~tangata ~~mana~~ ~~W~~whenua ~~and nature~~) with ~~areas of significance, including~~ waters, ancestral lands, sites of significance, waahi tapu, urupaa, maunga and other landforms, mahinga/hauanga kai, ~~and other taonga and taonga species~~ (indigenous flora and fauna) ~~through provisions which may include including through such as through:~~

- (a) Cultural value assessments and/or cultural impact assessments;
- (b) Accidental discovery protocols;
- (c) Use of tangata mana whenua traditional place names;
- (d) Protection, enhancement and restoration of mauri;
- (e) Use of appropriate locally sourced native plant species where practicable;
- (f) Use of archaeological information including Maaori archaeological information; and,

- (g) Incorporation of traditional or sympathetic [Maori](#) design elements [where practicable](#).

SASM-P2 Ngaa taonga tuku iho (Maori Sites and Areas of Significance)

- (1) Ensure subdivision, use and development does not compromise the cultural and spiritual significance of areas, including waahi tapu, urupaa, maunga and other landforms, mahinga kai, and indigenous flora and fauna.
- (2) Areas and sites of significance to Maaori including waahi tapu sites and waahi tapu areas are protected from adverse effects of development or activities on those sites.

Rules

Land use – effects

<b>SASM-R1</b>	Earthworks – Maori Sites of Significance	
<b>(1) Activity status: RDIS</b> (a) Earthworks within a Maaori site of significance as identified in Schedule 30.3. <b>(2) The Council’s discretion is restricted to the following matters:</b> (a) Location of earthworks in relation to the Maaori site of significance; (b) Effects on heritage and cultural values.		<b>(3) Activity status where compliance not achieved:</b> (a) N/A

<b>SASM-R2</b>	Earthworks – Maori Areas of Significance	
<b>(1) Activity status: RDIS</b> (a) Earthworks within a Maaori area of significance as identified in Schedule 30.4. <b>(2) The Council’s discretion is restricted to the following matters:</b> (a) Location of earthworks in relation to the Maaori area of significance; (b) Effects on heritage and cultural values.		<b>(3) Activity status where compliance not achieved:</b> (a) N/A

<b>SASM-R3</b>	Signs – Maori Sites of Significance	
<b>(1) Activity status: PER</b> <b>Activity-specific conditions:</b> (a) A sign must comply with all of the following conditions: (i) The sign is <b>for the purpose of identification and interpretation of <del>not attached to</del></b> a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance) <b>except for the purpose of identification and interpretation.</b>		<b>(2) Activity status: RDIS</b> (a) Any sign that does not comply with SASM-R3(1). <b>(3) Council’s discretion is restricted to the following matters:</b> (a) effects on cultural values of any Maaori site of significance.

Advice note: The Maaori Sites and Areas of Significance are also recorded archaeological sites and may also contain unrecorded archaeological sites. These sites are subject to the requirements of the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga must be contacted regarding development on or in proximity to these sites and the need to undertake an archaeological assessment to determine the need for an archaeological authority. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeological sites.

Subdivision

<b>SASM-R4</b>	Title boundaries – Maaori Sites and Areas of Significance
<p><b>(1) Activity status: RDIS</b></p> <p>(a) The boundaries of every proposed <del>lot</del> allotment <del>must not divide</del> containing any of the following:</p> <p>(i) Maaori sites of significance as identified in Schedule 30.3 (Maaori sites of significance);</p> <p>(ii) Maaori areas of significance as identified in Schedule 30.4 (Maaori areas of significance).</p> <p><b>(2) Council’s discretion is restricted to the following matters:</b></p> <p>(a) Effects on Maaori sites of significance;</p> <p>(b) Effects on Maaori areas of significance.</p>	<p><b>(3) Activity status: NCDIS</b></p> <p>(a) Subdivision that does not comply with SASM-R4(1).</p>

# TW – Tangata Whenua

## Recognition of Iwi and Hapuu

### Overview

- (1) The plan uses a holistic cultural and ethical approach to resource management and takes into account the principles of the Treaty of Waitangi, in particular the idea of active involvement. Partnership is approached through the recognition of iwi plans and ongoing consultation. The introduction of a tangata whenua section is to provide background and better understanding of Maaori issues. It is a new approach that is further supported by objectives, policies, rules and methods more specific to Maaori aspirations. It is thought that this approach will enable an improved presence of tangata whenua throughout the plan and the relevant objectives, policies, rules and methods to be given more consideration.

### Ngaa Iwi o Tainui ki te ~~Waikato~~-Takiwaa o Waikato

- (2) Maaori are the **native indigenous** people of New Zealand and are of Polynesian descent. They are the “Tangata Whenua, the indigenous people of the land of Aotearoa and their culture is an integral part of local life”. It literally means ‘people of the land’ from tangata, ‘people’ and whenua, ‘land’. Tangata whenua are made up of several iwi throughout New Zealand. In the context of this plan tangata whenua are the iwi, or hapuu, that hold mana whenua over a particular area. Within tangata whenua, ‘mana whenua’ is a term used to describe those who have ~~tribal links to the local iwi authority or authorities. Within whakapapa, position and occupation of land in their tribal areas or ‘rohe’, they and therefore~~ have the tribal authority or ‘mana’ to act or speak on behalf of the hapuu/marae/or whaanau groups. ~~It is the power associated with whakapapa, possession and occupation of tribal land.~~ “Te Whakakitenga o Waikato” (Waikato-Tainui) is recognised as the ~~Tangata Whenua~~ main largest Iwi Authority of the Waikato district, but ~~it~~ the Iwi and Council acknowledges that the marae/hapuu have ‘mana whenua’ over their rohe or individual areas of the Waikato. There are 68 marae and 33 hapuu in the Waikato rohe who affiliate to the Waikato-Tainui Iwi Authority. It has a registered membership of over 70,000. ~~There are also many Maaori from other New Zealand tribal areas who choose to ‘live, work and play’ in the Waikato district.~~ There are 41 marae within ~~the~~ Waikato district ~~Council area.~~ Tangata whenua are those who whakapapa to the tribal areas and exercise mana whenua. Council also recognises other hapuu who have received Treaty settlement and may identify themselves as iwi authorities. As Treaty claims are settled, there may be others who wish to be recognized as iwi authorities within the Waikato district. Status is also recognised under the Resource Management Act by relevant planning documents recognised by an iwi authority and lodged with the territorial authority. (s74). ~~There are also many Maaori from other New Zealand tribal areas who choose to ‘live, work and play’ in the Waikato district.~~
- (3) A brief historical account of Maaori and New Zealand history that is relevant to the Waikato district has been provided to support this chapter. The report gives pertinent information and context in respect of understanding the rich history, culture, iwi connections, colonial settlement, Te Tiriti o Waitangi, the New Zealand land wars, raupatu and redress (“Engaging the Waikato” (Ormsby & Gannin, 2016)).
- (4) After 1300/1400AD the descendants of the Tainui waka began to spread inland and populate Hauraki, Waikato, Maniapoto and Raukawa areas. In the ~~Waikato-takiwaa(district) te takiwaa (district) o Waikato~~ there became two distinctive landscapes from Aotea Harbour to Te Puaha o



Waikato (mouth of the Waikato River at Port Waikato), and the Waikato River landscape that follows the river from Tamahere to Te Puaha o Waikato. The archaeological evidence of the settlement pattern on the west coast and along the banks and tributaries of the Waikato River pointed to the rich resources that sustained the Hapuu of the Iwi.

(5) Today there are 33 iwi/hapuu in [the Waikato te takiwaa o Waikato](#) who have mana whenua as part of Ngaa Iwi o Tainui:

- (a) Ngaati Maahanga
- (b) Ngaati Mahuta
- (c) Ngaati Makirangi
- (d) Ngaati Naho
- (e) Ngaati Ngutu
- (f) Ngaati Paretauaa
- (g) Ngaati Paretekawa
- (h) Ngaati Pou
- (i) Ngaati Aamaru
- (j) Ngaati Aapakura
- (k) Ngaati Hauaa
- (l) Ngaati Hikairo
- (m) Ngaati Hine
- (n) Ngaati Koheriki
- (o) Ngaati Korokii
- (p) Ngaati Kuaaarangi
- (q) Ngaati Puhiaawe
- (r) Ngaati Raukawa ki Panehakua
- (s) Ngaati Ruru
- (t) Ngaati Tahinga
- (u) Ngaati Tamainupo
- (v) Ngaati Tamaoho
- (w) Ngaati Taratikitiki
- (x) Ngaati Te Ata
- (y) Ngaati Te Wehi
- (z) Ngaati Tai
- (aa) Ngaati Tiipaa
- (bb) Ngaati Wairere
- (cc) Ngaati Werokoko
- (dd) Ngaati Whaawhaakia

- (ee) Ngaitai
- (ff) Tainui
- (gg) Te Aakitai

#### *Kiingitanga*

- (6) The Kiingitanga was founded in 1858 with the aim of uniting Maaori under a single sovereignty. Waikato is the seat of the Kiingitanga movement. The appointment of Pootatau Te Wherowhero as the first Maaori King was not only based on his whakapapa, exceptional skills as a warrior, and intricate knowledge of te Ao Maaori (the Maaori World), but also in recognition of the rich resources he commanded from the surrounding environment. The new King would be required to feed the masses on a regular basis, and the resources within the rohe enabled the King to provide a bountiful amount of food. Today the Maaori King Movement is still seen as an important and enduring expression of Maaori unity and holds an established place in New Zealand society

#### *Waikato River*

- (7) The Waikato River is the tuupuna (ancestor) of Waikato-Tainui from which ~~Tainui~~ they derive their name. The Kiingitanga movement is the heart of the Waikato region and the Waikato River is the blood stream of the life of the Waikato people. The following whakataukii (proverb) expresses this relationship:

*Ko Waikato te awa Waikato is the river*

*Ko Te Wherowhero te tangata Te Wherowhero is the man Waikato Taniwharau Waikato of a hundred chiefs*

*He piko he taniwha, he piko he taniwha At every bend there is a chief*

- (8) These taniwha represent a chief or person of tremendous influence. It underlines the 'mana' of the Waikato people. Usually at every bend of the river was a paa with its own chief. Today, tangata whenua play a large partnership role in the lifeline of district issues and goals. Important relationships have been formed through the River Settlement Acts: The Waikato River Settlement Act 2010, the Vision and Strategy (Te Ture Whaimana o Te Awa o Waikato) and the Joint Management Agreement, which are redress instruments of a Treaty of Waitangi settlement, so have significant meaning and status for Waikato-Tainui. ~~Other hapuu and iwi, including those of the harbours and coastal communities bordering the western boundary of Waikato district have also developed relationships with the Waikato District Council.~~

#### *Iwi and the environment*

- (9) Many of the issues faced by tangata whenua are of historical and current uses of the land and the environment. They will only be solved by changing our relationships and values with the land, air and water. The Council has certain obligations in terms of the Resource Management Act 1991 (RMA 1991) in managing the district's resources to ensure that tangata whenua's rights are recognised and provided for. However, it is everyone's responsibility to protect, restore and enhance the natural and cultural resources of the district. Under s6(e) of the RMA 1991, part of Council's responsibility is to look for ways to recognise and provide for, as a matter of national importance, the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. This can be done by ensuring that policies, rules and

methods are provided to enable tangata whenua to use their whenua to culturally live, work and play throughout the district.

- (10) For iwi within the Waikato district, significant events have shaped their perspective and attitudes to their people, lands, waterways, waahi tapu (sacred sites) and environs. The establishment of the Kiingitanga movement, the land wars, which ensued, the wholesale confiscation of lands across the region, had an undeniable impact.
- (11) Subsequently, ~~the way in which the iwi~~ [Waikato-Tainui](#) has mobilised itself to derive a livelihood and seek redress was by setting a pathway forward that others could follow in the settlement process. Treaty settlements and relationships stemming from these agreements continue to have an increasing impact on growth, opportunity, and environmental stewardship of natural resources in the region.
- (12) Enabling Maaori to establish and maintain their relationship, cultures and traditions with their ancestral lands is a matter of national importance. It is important that this is consistent with the environmental capacity of the area to sustainably use ancestral land for such purposes that will promote the economic, cultural and social health and wellbeing of the Maaori community. In this regard, Council supports Maaori land entities in the development of good quality papakaainga housing on multiple-owned land. [This is reflected through the policies in the ML-Maaori Land chapter.](#)

#### *Iwi authorities*

- (13) Te Whakakitenga o Waikato Incorporated Society (Waikato-Tainui) is the iwi authority representative of the 33 hapuu, 68 marae and supporters of the Kiingitanga movement. The name Te Whakakitenga o Waikato represents the future “pathway” of Waikato’s social, cultural, environmental and economic wellbeing.
- (14) Waikato District Council has boundary relationships with the following iwi authorities:
  - (a) Hauraki Collective
  - (b) Maniapoto ~~Iwi~~ [Maaori](#) Trust Board
  - (c) Raukawa Settlement Trust

#### Tangata whenua – local authority relationships

##### *Joint Management Agreement (Waikato-Tainui) 2010*

- (15) [As a result of the Waikato-Tainui Raupatu Claims \(Waikato River\) Act 2010, a Joint Management Agreement \(JMA\) between Waikato-Tainui and Waikato District Council was signed in March 2010. The JMA affirms commitment between Waikato-Tainui and Waikato District Council to co-manage the Waikato River, to restore and protect the health and wellbeing of the river and also to provide an enhanced relationship between the parties on areas of common interest.](#)
- (16) ~~This agreement provides Council with a relationship with Waikato-Tainui to share the exercise of functions, duties and powers under the Local Government Act 2002, and the Resource Management Act 1991 and the Waikato-Tainui Deed of Settlement in relation to the Waikato River and enabling legislation.~~

- (17) ~~Council and Waikato-Tainui share areas of commonality when it comes to structure, constituency, democratic appointment, geographic influence, natural resource management, political, social and economic imperatives and long term generational planning.~~

#### ~~Guiding Principles~~

~~When this agreement is exercised Council and the Waikato Raupatu River Trust acting on behalf of Waikato-Tainui have a number of principles that layout how the JMA will provide a platform for working collaboratively when preparing RMA planning documents that relate to the Waikato and Waipa Rivers and their catchments.~~

~~The JMA enables joint objectives of:~~

- ~~(a) The restoration and protection of the health and wellbeing of the Waikato River for future generations; and~~
- ~~(b) Establishing and maintaining a positive, co-operative and enduring relationship consistent with the guiding principles and the principles for engagement~~
- ~~(c) Work co-operatively on matters of common interest to both parties.~~

- (18) ~~The JMA also has a number of schedules that outline the process for engagement with Waikato-Tainui to achieve the purpose, principles and objectives of this agreement.~~

#### *Joint Management Agreement (Maniapoto) 2012*

- (19) The Nga Wai o Maniapoto (Waipa River) Act 2012 came into effect on 5 April 2012. Under this Act there is a requirement for Waikato District Council to enter into a Joint Management agreement with Ngaati Maniapoto. The purpose of the Act is to "...restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations..."
- (20) Waikato District Council, Waipa District Council, Waitomo District Council, Otorohanga District Council and the Waikato Regional Council signed the Waipa River Joint Management Agreement with the Maniapoto Maaori Trust Board on 3 April 2013.
- (21) This agreement has a number of principles with the overarching purpose of restoring and maintaining the quality and integrity of the waters that flow into and form part of the ~~Waipa~~ Waipa River for present and future generations.

#### *Memorandum of Understanding (Nga Uri aa Maahanga) Memoranda of Understanding or Memoranda of Agreement*

- (22) Council has Memoranda of Understanding or Memoranda of Agreement with the following to provide for an enhanced relationship between the parties on areas of common interest:
- (a) Nga Uri aa Maahanga
  - (b) Ngaati Hauaa Iwi Trust
  - (c) Ngaati Hounuku as represented by Te Whaanga 2B3B2 & 2BI Ahu Whenua Trust

~~(1) There is a memorandum of understanding with Nga Uri aa Maahanga which formalises an informal relationship that Council has had with Nga Uri aa Maahanga for a number of years.~~

### *Memorandum of Agreement (Ngaati Hauaa Iwi Trust)*

(1) There is a memorandum of agreement with Ngaati Hauaa Iwi Trust which formally records the relationship that Council has with Ngaati Hauaa Iwi Trust and provides direction for both parties.

### *Memorandum of Understanding (Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust)*

(1) There is a memorandum of understanding with Ngaati Hounuku being represented by Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust in relation to the Te Whaanga Roding matters, and the sewerage and wastewater pipeline.

## Hapuu and iwi planning documents

### *Iwi Management Plans*

- (23) Iwi and Hapuu Management Plans articulate the aspirations of Tangata Whenua and are a term commonly applied to a resource management plan prepared by an Iwi, Iwi authority, ruunanga or hapuu to address matters of resource management activity of significance within their respective rohe (area). Iwi and Hapuu Management Plans also consider the environment in a holistic manner and as being inseparable from people. It is a “Matter to be considered by the territorial authority” [Section 74 (2A)(a)] including Section 35A of the Resource Management Act 1991.
- (24) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an Iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. The district plan seeks to provide Tangata Whenua with the ability to utilise communally owned land in accordance with their cultural values, such as papakainga housing, marae/paa, and support economic development.
- (25) Planning documents recognised by an iwi authority and lodged with the Council must be taken into account when district plans are being prepared, and are a matter to be considered in the processing of resource consents, plan changes and designations. In addition to the requirements of the RMA, the Waikato and Waipa Rivers' associated legislation places similar responsibilities on the Council with respect to Iwi planning documents. Iwi management plans provide both the Council and the community with a greater understanding of the environmental issues that are of concern to tangata whenua. Under section 74(2A) of the Resource Management Act 1991 Council has taken into account planning documents in the district recognised by iwi authorities. These documents are also considered, under section 104(1)(c) when in making decisions on resource consents.
- (26) The following iwi management plans currently apply in the Waikato district:
- (a) Tai Tumu Tai Pari Tai Ao - Waikato-Tainui Environmental Plan
  - (b) Ko Ta Maniapoto Mahere Taiao - Maniapoto Environmental Management Plan
  - (c) Te Rautaki Ki Taamata Ao Turoa o Hauaa – Ngaati Hauaa Environmental Management Plan

- ~~(27) A number of iwi management plans are in the process of being prepared. These documents once prepared and lodged with the Council, will provide both the Council and the community with a greater understanding of the environmental issues that are of concern to Tangata Whenua.~~

*Waikato-Tainui Environmental Management Plan*

- ~~(28) The Waikato-Tainui Environmental Management Plan ('the Environmental Plan') provides a clear high-level guidance on Waikato-Tainui objectives and policies with respect to the environment within the Waikato-Tainui rohe. The Environmental Plan also provides a process that guides the ongoing and effective involvement of Waikato-Tainui in matters related to resource use and activities affecting the environment, including the preparation of planning documents. The Environmental Plan encourages the initiation of the consultation/engagement process as early as practicable~~
- ~~(29) The Waikato-Tainui Environmental Plan and the Maniapoto Iwi Management Plans are is a redress instruments of Treaty settlements.~~

*Maniapoto Iwi Environmental Management Plan*

- ~~(30) The plan identifies some of the most pressing issues for Maniapoto and the impacts on their well-being. The plan sets out clear, consistent objectives, policies, methods and monitoring and reporting processes to help Maniapoto address those issues and to achieve their aspirations the environment.~~

*Consultation*

- ~~(31) In matters of consultation under the Resource Management Act 1991 (RMA), Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) is the iwi authority established under the Waikato Raupatu Claims Settlement Act 2010.~~
- ~~(32) The RMA requires the principles of Te Tiriti o Waitangi and any iwi management plan to be taken into account when developing the district plan. In addition, Council must consult with the iwi authority in preparing a district plan or plan change under the RMA (Schedule 1) and the Order.~~
- ~~(33) Council has a number of joint management agreements with Iwi partners that gives a platform for consultation. These agreements are the foundations for working collaboratively with our iwi partners to reflect the principles of Te Tiriti o Waitangi and the Vision and Strategy for the Waikato River.~~
- ~~(34) According to section 35A a local authority has a duty to keep records about iwi and hapuu, this information can be sourced from the Te Kahui Mangai website.~~

## PREC3 – Whaanga Coast development precinct

Within the PREC-3 – Whaanga Coast development precinct there are two specific controls which are identified on the planning maps. These are the:

- Whaanga Coast development specific control area; and
- Whaanga Coast property specific control area.

### Objective

PREC3-O1 Rural character and amenity

(1) Rural character and amenity are maintained.

### Policies

PREC3-PI Whaanga Coast **Specific Area**

(1) Enable the use and development of Maaori land for a range of activities in accordance with tikanga Maaori including kainga nohoanga and mahinga kai to support the social, cultural and economic aspirations of mana whenua on the Whaanga coast.

PREC3-P2 **Specific area** – Whaanga Coast development **Areas-precinct**

(1) Provide for a bulk and scale of land use and development to enable papakainga housing in the Whaanga Coast Development Areas.

### Rules

<b>PREC3-RI</b>	<u>Application of rules in PREC3 – Whaanga Coast development precinct</u>
<u>(1) The rules that apply to a permitted activity under Rule PREC3-R2 to PREC3-R9 (in addition to the rules within PREC3 – Whaanga Coast development precinct) are as follows:</u>	
<u>(a) Part 2: District-wide matters, except:</u>	
<u>(i) Rule EW-R2; EW-R4; EW-R5 and EW-R6 (Earthworks - General),</u>	
<u>(b) The land-use effects standards and building effects standards in GRUZ – General rural zone, except:</u>	
<u>(i) Rule GRUZ-S1 (Number of Dwellings within a Record of Title),</u>	
<u>(ii) Rule GRUZ-S2 (Minor dwelling),</u>	
<u>(iii) Rule NATC-R4 and NFL-R5 (Building and structures in Landscape and Natural Character Areas), instead Rule PREC3-S2 applies.</u>	
<u>(iv) Rules GRUZ-S3 to GRUZ-S7 (Height – building general) instead Rule PREC3-S2 applies.</u>	
<u>(v) Rule GRUZ-S9 (Building coverage),</u>	
<u>(vi) Rules GRUZ-S10 to GRUZ-S17 (Building setbacks) instead Rule PREC3-S4 applies.</u>	

Land use – activities

<b>PREC3-R2</b>	<u>Papakainga Housing Development and Papakainga Building Maaori Purpose Activity within a Whaanga Coast Development specific control area</u>	
<b>(1) Activity status: PER</b>		<b>(2) Activity status where compliance not achieved: DIS</b>
<b>Activity-specific conditions:</b>		

<p>(a) <del>Concept Management Plan is provided with either:</del></p> <p><del>(i) a Licence to Occupy with an application for building consent where the land is vested in a Trust Order and/or a Maaori Incorporation; or</del></p> <p><del>(ii) where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council with an application for building consent:</del></p> <p style="margin-left: 40px;"><del>(1) a lease; or</del></p> <p style="margin-left: 40px;"><del>(2) an Occupation Order of the Māori Land Court.</del></p> <p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific conditions:</b></p> <p>(a) <u>Building height does not exceed 7.5m in any of the following areas:</u></p> <p style="margin-left: 40px;">(i) <u>Outstanding Natural Landscape;</u></p> <p style="margin-left: 40px;">(ii) <u>Outstanding Natural Feature;</u></p> <p style="margin-left: 40px;">(iii) <u>Outstanding Natural Character Area of the coastal environment;</u></p> <p style="margin-left: 40px;">(iv) <u>High Natural Character Area of the coastal environment;</u></p> <p>(b) <u>For residential units:</u></p> <p style="margin-left: 40px;">(i) <u>Where the underlying zone would otherwise require a living court, and compliance with that cannot be achieved, a communal living court of at least 24m2 per residential unit shall be provided.</u></p> <p><u>Where the underlying zone would otherwise require a service court, and compliance with that cannot be achieved, a communal service court of at least 3m2 per residential unit shall be provided at ground floor.</u></p>	<p><b>(1) Activity status: RDIS</b></p> <p><u>Maaori Purpose Activity that does not comply with any activity-specific condition of Rule ML-R1 (1) PER.</u></p> <p><b>(2) Council’s discretion is restricted to the following matters:</b></p> <p>(a) <u>The adverse visual and amenity effects from any building or structure on the attributes of the identified landscape or natural character area are avoided, remedied or mitigated;</u></p> <p>(b) <u>In regards to living courts:</u></p> <p style="margin-left: 40px;">(i) <u>The extent to which the space is useable to the occupiers;</u></p> <p style="margin-left: 40px;">(ii) <u>Access to sunlight;</u></p> <p style="margin-left: 40px;">(iii) <u>Privacy of adjoining residential sites; and,</u></p> <p style="margin-left: 40px;">(iv) <u>Accessibility to and convenience of the space for occupiers.</u></p> <p>(b) <u>In regards to service courts:</u></p> <p style="margin-left: 40px;">(i) <u>The convenience and accessibility of the spaces for building occupiers;</u></p> <p style="margin-left: 40px;">(ii) <u>The adequacy of the space to meet the expected requirements of building occupiers; and,</u></p> <p><u>Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</u></p>
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<b>PREC3-R3</b>	<u>Waananga within a Whaanga Coast development specific control area</u>
<b>(1) Activity status: PER</b>	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>Activity-specific conditions:</b>	
Nil	

<b>PREC3-R4</b>	<u>Hauora within a Whaanga Coast development specific control area</u>
<b>(1) Activity status: PER</b>	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>Activity-specific conditions:</b>	
Nil	



<b>PREC3-R5</b>	A home occupation within a <a href="#">Whaanga Coast development specific control area</a>	
<b>(1) Activity status: PER</b> <b>Activity-specific conditions:</b> (a) It is wholly contained within a building; (i) The storage of materials or machinery associated with the home occupation are wholly contained within a building; (ii) No more than 2 people who are not permanent residents of the site are employed at any one time; (iii) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:30am and before 7:00pm on any day; (iv) Machinery may be operated after 7:30am and up to 9pm on any day	<b>(2) Activity status where compliance not achieved: DIS</b>	

<b>PREC3-R6</b>	A temporary event within a <a href="#">Whaanga Coast development specific control area</a>	
<b>(1) Activity status: PER</b> <b>Activity-specific conditions:</b> (a) The duration of each event is less than 72 hours; (i) It may operate between 7:30am to 8:30pm Monday to Sunday; (ii) Temporary structures are: (1) erected no more than 2 days before the event occurs; (2) removed no more than 3 days after the end of the event	<b>(2) Activity status where compliance not achieved: DIS</b>	

<del><b>PREC3-R7</b></del>	<del>Community activity within a <a href="#">Whaanga Coast development specific control area</a></del>	
<del><b>(1) Activity status: PER</b> <b>Activity-specific conditions:</b> Nil</del>	<del><b>(2) Activity status where compliance not achieved: n/a</b></del>	

<b>PREC3-R8</b>	Farming within a <a href="#">Whaanga Coast development specific control area</a>	
<b>(1) Activity status: PER</b> <b>Activity-specific conditions:</b> Nil	<b>(2) Activity status where compliance not achieved: n/a</b>	

<b>PREC3-R9</b>	Produce Stall within a <a href="#">Whaanga Coast development specific control area</a>	
<b>(1) Activity status: PER</b> <b>Activity-specific conditions:</b> Nil	<b>(2) Activity status where compliance not achieved: n/a</b>	

<b>PREC3-R10</b>	Any land use activity or building located outside a <a href="#">Whaanga Coast development specific control area</a>
<b>Activity status: DIS</b>	

<b>PREC3-S1</b>	Earthworks within a <a href="#">Whaanga Coast development specific control area</a>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) Earthworks within a <a href="#">Whaanga Coast development specific control area</a> that complies with all of the following conditions:</p> <p>(i) do not exceed a volume of more than 500m<sup>3</sup> and an area of more than 1000m<sup>2</sup>;</p> <p>(ii) the total depth of any excavation or filling does not exceed 1.5m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iii) areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(iv) sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and</p> <p>(v) do not divert or change the nature of natural water flows, water bodies or established drainage</p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>

<b>PREC3-S2</b>	Building height within a <a href="#">Whaanga Coast development specific control area</a>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) A building within a <a href="#">Whaanga Coast development specific control area</a> must comply with the following conditions:</p> <p>(i) height does not exceed 7.5m; and</p> <p>(ii) it does not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>

<b>PREC3-S3</b>	Accessory building within a <a href="#">Whaanga Coast development specific control area</a>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>

<p>(a) An accessory building within a <a href="#">PREC3 – Whaanga Coast development precinct</a> must comply with the following conditions:</p> <p>(i) its gross floor area must not exceed 75m<sup>2</sup> ; and</p> <p>(ii) it is the only accessory building for a dwelling.</p>	
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<b>PREC3-S4</b>	Building setback within a <a href="#">Whaanga Coast development specific control area</a>	
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) A building within <a href="#">PREC3 – Whaanga Coast development precinct</a> must be set back a minimum of:</p> <p>(i) 12m from any road boundary or any other zone boundary;</p> <p>(ii) 20m from any watercourse or area proposed for wastewater disposal and treatment; and</p> <p>(iii) 100m from mean high water springs.</p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>	

<b>PREC3-S5</b>	Papakainga Building – Gross Floor Area within a <a href="#">Whaanga Coast development specific control area</a>	
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) A Papakainga Building within <a href="#">PREC3 – Whaanga Coast development precinct</a> that does not exceed 300m<sup>2</sup> gross floor area.</p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>	

<b>PREC3-S6</b>	Dwelling – Gross Floor Area within a <a href="#">Whaanga Coast development specific control area</a>	
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) A dwelling within a <a href="#">PREC3 – Whaanga Coast development precinct</a> that does not exceed 180m<sup>2</sup> gross floor area.</p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>	

<b>PREC3-RI</b>	Subdivision for a full partition of Maori freehold land outside a <a href="#">Whaanga Coast development specific control area</a> under Te Ture Whenua Act 1993	
<p><b>(1) Activity status: DIS</b></p> <p><b>Where:</b></p> <p>(a) Subdivision for a full partition of Maori freehold land outside a <a href="#">Whaanga Coast development specific control area</a> under Te Ture Whenua Act 1993</p>	<p><b>(2) Activity status where compliance not achieved: NC</b></p> <p><b>Where:</b></p> <p>(a) Subdivision of Maori freehold land not provided for in <a href="#">Rule PREC3-RI I(1)</a></p>	



# ML – Maaori Land

## Overview

### *Understanding Maaori Land Ownership*

- (1) Before the arrival of colonial settlers, all land in New Zealand was held as customary land, by the tribes or hapuu groups. One of the primary tasks of the early Native Land Court was to define the boundaries of that land and convert it from communally-held land by allocating owners and shares. [In essence this quickened the colonial goal of extinguishing a customary Maaori property system, replacing it with a system similar to the English land tenure model and facilitated the large-scale transfer of land from Maaori to settlers. This system deprived Maaori of their most valuable asset – their land.](#) This process allowed for the sale of land, but Maaori could only sell to the Crown. The 1860 Land Wars resulted in Maaori land confiscation by the Crown which was sold for colonial settlement. Today, only 5.5% of New Zealand land [and 5% of land in the Waikato district](#) is held in Maaori ownership. It is administered by the Māori Land Court and subject to Te Ture Whenua Māori Act 1993. Land titles issued to Maaori by the Māori Land Court became known as Māori freehold land. Maaori rights to land do not translate neatly into common law categories of property and title. Generally, descendants inherit shares in the land from deceased parents. Succession of shares often becomes uneconomical because of multiple ownership. However, what is important is the whakapapa connection to the land through the original tuupuna of the place. The land is a source of identity and Maaori see themselves as not only “of the land” but “as the land.” The majority of Maaori land blocks in multiple ownership have caused significant challenges for Maaori owners, the Māori Land Court and Te Puni Kōkiri (who work within government and communities to support Maaori). Lack of good governance, absentee owners, lack of knowledge and relevant information prevent owners from engaging and utilising the land for their social, cultural and economic well-being. [The burden that is placed on Maaori land owners to satisfy the Te Ture Whenua Maaori Act and the RMA is acknowledged when attempting to utilise their land. Objectives, policies and enabling rules have been provided to assist this matter.](#)
- (2) In accordance with the powers of the Māori Land Court, the district plan will seek to enable Maaori land provisions to be made by the court. The Māori Land Court has the jurisdiction to determine the status and use of Maaori land. The Te Ture Whenua Māori Act 1993 provides for certain purposes for which the whenua may be reserved. The Court may, on application, make an order for land to be gazetted for an individual or a combination of purposes (it is common for the Māori Land Court to request a Concept Management Plan [or a Land Plan and comments from the Council](#) as part of its deliberations).

### [Maaori Reservations](#)

- (3) Part 17, s338 of the Te Ture Whenua Māori Act 1993, lists certain purposes for communal use of Maaori reservations. [The chief executive may, by notice in the Gazette issued on the recommendation of the court, Maaori Land Court may set aside as Maaori Reservation any Maaori freehold land or any General Land;](#)

- (a) For the purposes of a village site, marae, meeting place, recreation ground, sports ground, bathing place, churchsite, building site, burial ground, landing place, fishing ground, spring, well, timber reserve, catchment area or other source of water supply, or place of **culture cultural**, historical, or scenic interest, or for any other specified purpose; or
  - (b) That is waahi tapu, being a place of special significance according to tikanga Maaori.
- (4) It is not envisioned that that all Maaori land blocks would be used for a Marae but a portion could be set aside for a Marae reservation if required. Maaori reservations could also include the function of a Hauora within some Marae.

#### Ahuwhenua Trusts

- (5) It is common for Maaori land to be set aside under an Ahu Whenua Trust to promote and facilitate the use and administration of the land in the interests of the persons beneficially entitled to the land Part 12 Trusts, Section 215. Section 219 The Court shall by order, set out the terms of any trust constituted under this part. This process would identify what purposes the Trust wish to carry out and this would be included in the Trust Order. A land plan or concept management plan can be used as Best Practice Planning and can identify a combination of the above activities on their land. The Trust is responsible for allocating 'licences to occupy'.

#### Occupation orders

- (6) Where there is no Trust the applicant must apply to the Maaori Land Court for a 'Occupation Order'

#### Integrated development of Maaori Freehold Land

- (7) The integrated and comprehensive management of Maaori land is promoted through a range of methods outside of regulatory framework of the District Plan. Council has been actively leading the promotion of integrated planning of Papakainga housing development with Te Puni Kookiri and a range of supporting agencies including Waikato Regional Council. This commenced with the development of the Papakainga Maaori Housing Toolkit in 2013, developed to assist landowners in their aspirations to return to their whenua. This toolkit includes the development of concept plans

#### Treaty settlement land

- (8) As part of Treaty Settlements iwi receive acknowledgement by the Crown of its past actions and **compensation redress** in the form of cultural and financial/**commercial** redress. Both the Crown and iwi acknowledge that full compensation for grievances is not possible. Instead financial/**commercial** redress focuses on providing an economic base for iwi for future developments. The **land compensation land in treaty settlement** received by iwi through a treaty settlement is not Maaori land tenured but has the status of General land tenure. **Maaori land and treaty settlement land -which needs to be considered in the district plan consideration for providing repatriation of the relationship of Maaori and their culture and traditions to ensure that there are not undue impediments for Maaori in using that land, particularly given the historical context. This means providing permitted activity rules for particular uses and administration of Maaori and treaty settlement land-used for tangata whenua Maaori.**

## Objectives

### ML-OI Whenuatanga (land management)

- (1) Tangata Whenua have the ability to utilise, manage and enjoy Maori land ~~their traditional resources~~ ancestral land and resources in accordance with tikanga Maori, including maatauranga Maaori. ~~maintaining their relationship to ancestral land.~~

## Policies

### ML-PI Tangata whenuatanga (utilisation by landowners)

- (1) Tangata Whenua are enabled to sustainably manage their lands and resources in accordance with their cultural preferences and aspirations.
- (2) Tangata whenua are enabled to sustainably use and develop ancestral lands Maaori land, through a range of uses in accordance with tikanga Maaori, including maatauranga Maaori, including:
  - (a) marae ~~complexes~~ and associated facilities
  - (b) papakaainga housing development ~~according to customs and practices.~~
  - (c) Papakaainga building
  - (d) Cultural event
  - (e) Urupaa
  - (f) Tuaahu
  - (g) Waharoa
  - (h) Church
  - (i) Hauora
  - (j) Koohanga
  - (k) Conference centre and facilities
  - (l) Waananga
  - (m) Recreation facilities
  - (n) Papa taakaro
- (3) ~~Economic development supports the occupation, development and use of Maaori land. Commercial activity is enabled provided for~~ in a way and at a scale that supports the occupation, development and use of Maaori land and meets the needs of Tangata Whenua, whilst complementing or supporting the role of business town centres in the District.

### *Non regulatory policies*

- (4) Council will work with iwi, hapuu and whaanau to encourage and support the comprehensive, co-ordinated and efficient development of Maaori land.

- (5) [Alongside partner agencies, council will support and promote the use of best practice guidance and toolkits for Maori housing, including Te Kete Paaraha Mo Nga Papakaainga Ki Waikato: Waikato Maaori Housing Toolkit, to assist iwi and hapuu in the development of Maaori land.](#)

## Rules

- (1) [The rules that apply to Maaori Land are:](#)
- (a) [Land Use – Activity Rule ML-RI to ML-R3R5;](#)
  - (b) [Land Use – Activity Rules of the underlying zone, excluding the following:](#)
    - (i) [Home occupation](#)
    - (ii) [Commercial activity where the activity status is non-complying](#)
  - (c) [Land Use – Effects rules of the underlying zone.](#)
  - (d) [Land Use – Building rules of the underlying zone, excluding the following:](#)
    - (i) [Number of dwellings;](#)
    - (ii) [Minor Dwelling rules;](#)
    - (iii) [Buildings and structures in Landscape and Natural Character Areas;](#)
    - (iv) [Building Height; and](#)
    - (v) [Building Coverage.](#)
- (2) [The activity status tables and standards in the following district-wide chapters also apply to activities on Maaori Land:](#)
- (a) [14 Infrastructure and Energy, excluding the following:](#)
    - (i) [Rule 14.11.2.RD7 \(Outfall structures\);](#)
    - (ii) [Rule 14.12.1. P1 \(1\)\(j\) \(Vehicle access for all activities\);](#)
    - (iii) [Rule 14.12.1. P2 \(1\)\(e\) \(On-site parking and loading\);](#)
    - (iv) [Rule 14.12.1. P2 \(1\)\(f\) \(On-site parking and loading\);](#)
    - (v) [Rule 14.12.1. P2 \(1\)\(j\) \(On-site parking and loading\); and,](#)
    - (vi) [Rule 14.12.1. P3 \(1\)\(g\) \(On-site manoeuvring and queuing\);](#)
  - (b) [15 Natural Hazards and Climate Change](#)

[Rules ML-RI to ML-R5 do not apply to the Whaanga Coast Precinct which has its own unique rules set out in Chapter XX.](#)



Land use – activities

<b>ML-R1</b>	<u>Maaori Purpose Activity</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific conditions:</b></p> <p>(a) <u>Building height does not exceed 7.5m in any of the following areas:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Outstanding Natural Landscape;</u></li> <li>(ii) <u>Outstanding Natural Feature;</u></li> <li>(iii) <u>Outstanding Natural Character Area of the coastal environment;</u></li> <li>(iv) <u>High Natural Character Area of the coastal environment;</u></li> </ul> <p>(b) <u>For residential units:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Where the underlying zone would otherwise require a living court, and compliance with that cannot be achieved, a communal living court of at least 24m<sup>2</sup> per residential unit shall be provided.</u></li> <li>(ii) <u>Where the underlying zone would otherwise require a service court, and compliance with that cannot be achieved, a communal service court of at least 3m<sup>2</sup> per residential unit shall be provided at ground floor.</u></li> </ul>	<p><b>(2) Activity status: RDIS</b></p> <p><u>Papakainga housing development Maaori Purpose Activity</u> that does not comply with any activity-specific condition of Rule ML-R1 (1) PER.</p> <p><b>(1) Council’s discretion is restricted to the following matters:</b></p> <p>(a) <u>The adverse visual and amenity effects from any building or structure on the attributes of the identified landscape or natural character area are avoided, remedied or mitigated;</u></p> <p>(b) <u>In regards to living courts:</u></p> <ul style="list-style-type: none"> <li>(i) <u>The extent to which the space is useable to the occupiers;</u></li> <li>(ii) <u>Access to sunlight;</u></li> <li>(iii) <u>Privacy of adjoining residential sites; and,</u></li> <li>(iv) <u>Accessibility to and convenience of the space for occupiers.</u></li> </ul> <p>(b) <u>In regards to service courts:</u></p> <ul style="list-style-type: none"> <li>(i) <u>The convenience and accessibility of the spaces for building occupiers;</u></li> <li>(ii) <u>The adequacy of the space to meet the expected requirements of building occupiers; and,</u></li> <li>(iii) <u>Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</u></li> </ul>

<b>ML-R2</b>	<u>Home occupation</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific conditions:</b></p> <p>(a) <u>There is only one home occupation per residential unit;</u></p> <p>(b) <u>Each home occupation does not occupy more than 100m<sup>2</sup>;</u></p> <p>(c) <u>Is wholly contained within a building;</u></p> <p>(d) <u>No more than two people who are not permanent residents of the site are employed at any one time per home occupation;</u></p> <p>(e) <u>Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:00am and before 7:00pm on any day;</u></p>	<p><b>(2) Activity status: RDIS</b></p> <p><u>Home occupation</u> that does not comply with an activity-specific condition of Rule ML-R2 (1) PER.</p> <p><b>Council’s discretion is restricted to the following matter:</b></p> <p>(a) <u>The adverse visual and amenity effects from any building or structure on the attributes of the identified landscape or natural character area are avoided, remedied or mitigated.</u></p>

(f) <a href="#">Machinery is only operated after 7:30am and up to 7:00pm on any day.</a>	
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<b>ML-R3</b>	<a href="#">Visitor accommodation at Riria Kereopa Drive</a>
<b>(1) Activity status: PER</b>	
<b>Activity-specific conditions:</b>	
<a href="#">Nil</a>	

<b>ML-R4</b>	<a href="#">Commercial activity at Riria Kereopa Drive</a>
<b>(1) Activity status: PER</b>	<b>(2) Activity status: DIS</b>
<b>Activity-specific conditions:</b>	<a href="#">Commercial activity that does not comply with an activity-specific condition of Rule ML-R1 (1) PER.</a>
<a href="#">(a) Commercial activity is for any one or more of the following:</a>	
(i) <a href="#">Restaurant</a>	
(ii) <a href="#">Car wash</a>	
(iii) <a href="#">Boat wash</a>	
(iv) <a href="#">Grocery store</a>	
(v) <a href="#">Boating store</a>	

<b>ML-R5</b>	<a href="#">Any commercial activity that is a Non-complying activity in the Activity Rules of the relevant Zone Chapter.</a>
<b>(1) Activity status: DIS</b>	
<b>Activity-specific conditions:</b>	
<a href="#">Nil</a>	

[Advice Notes:](#)

- (1) [Council encourages Maori Land Trusts to prepare a Concept Management Plan as part of their land planning, to assist shareholders to overcome the barriers of consents and funding grants from other agencies. A Concept Management Plan is a 'Best Practice Planning Tool' that was introduced by the Te Kete Paaraha Mo Nga Papakaainga Ki Waikato \(Waikato Maori Housing Toolkit\).](#)
- (2) [As part of the building consent process, an applicant seeking to build on Maori Freehold Land or Maori Customary Land may be required to provide:](#)
  - (a) [a Licence to Occupy, where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maori Incorporation.](#)
  - (b) [A lease, or an Occupation Order of the Māori Land Court, where a Trust Order or Maori Incorporation does not exist.](#)

Definitions:

Definition	Meaning
<a href="#">Communal living court</a>	Means an area of outdoor space for the exclusive use of the residents, and guests to the residential units on the site. It does not include parking, manoeuvring areas and buildings, but does include swimming pools, pergolas and similar open-framed structures.
<a href="#">Communal service court</a>	Means an area of outdoor space for the exclusive use of the residents on the site for domestic requirements, such as garbage storage and clothesline, but excludes any space required for a living court, communal living court, parking, manoeuvring, or buildings.
<a href="#">Maaori land</a>	Means Maaori freehold land, Maaori customary land, <a href="#">Maaori reservation</a> or Treaty settlement land.
<a href="#">Maaori communal land reservation</a>	Means Maaori free hold land or general land set apart as a Maaori reservation under s338 of Te Ture Whenua Maāori Act 1993.
Maaori customary land	Means land <del>determined by the Māori Land Court as being ‘Māori Customary Land’</del> , consistent with that is held by Maaori in accordance with tikanga Maaori as referred to in <a href="#">Section 129(1)(a) and section 129(2)(a) of the Te Ture Whenua Maāori Act 1993</a> .
Maaori freehold land	Means land determined by the Māori Land Court as being ‘Māori <del>Freehold Land</del> ’, <a href="#">consistent with Section 129(2)(b) of the Te Ture Whenua Maāori Act 1993</a> .
<a href="#">Maaori purpose activity</a>	<p>Means the use of land and/or buildings for one or more of any of the following activities:</p> <ul style="list-style-type: none"> <li>• <a href="#">Marae</a></li> <li>• <a href="#">Papakaainga</a></li> <li>• <a href="#">Papakaainga building</a></li> <li>• <a href="#">Cultural event</a></li> <li>• <a href="#">Urupaa</a></li> <li>• <a href="#">Tuaahu</a></li> <li>• <a href="#">Waharoa</a></li> <li>• <a href="#">Church</a></li> <li>• <a href="#">Hauora</a></li> <li>• <a href="#">Koohanga</a></li> <li>• <a href="#">Conference centre and facilities</a></li> <li>• <a href="#">Waananga</a></li> <li>• <a href="#">Recreation facilities</a></li> <li>• <a href="#">Papa taakaro</a></li> </ul>
<a href="#">Marae complex</a>	Means a group of buildings that constitutes a marae and can be made up of a wharenuui (meeting house), wharekai (eating house), an aatea (courtyard area in front of the wharenuui), urupaa (graveyard), tuaahu (memorial statues), waharoa (archway entrance at the entrance to the aatea), and other buildings, (church, hauora (health clinic), koohanga (pre-school), conference centre and facilities, waananga (education facility), recreation facilities, places of cultural significance, a papakaainga/papakaainga building and utility services. <a href="#">These facilities provide for cultural events that take place on marae.</a>
<a href="#">Papakaainga building</a>	Means a building for communal use. It may include some centralised services or facilities such as food preparation, dining,

	<p>conference, cultural facilities, sanitary facilities, and accommodation.</p>
<p><u>Treaty settlement land</u></p>	<p><u>Means property which is either:</u></p> <ul style="list-style-type: none"> <li>• <u>vested with a claimant group by the Crown as a result of Treaty settlement legislation and final deeds of settlement; or</u></li> <li>• <u>acquired by a claimant group pursuant to a right of first refusal or deferred selection process.</u></li> </ul> <p><u>Includes:</u></p> <ul style="list-style-type: none"> <li>• <u>properties transferred to other iwi, hapuu or whaanau entities associated or affiliated with the claimant group; and,</u></li> <li>• <u>properties transferred to a company in which the claimant group holds a controlling interest.</u></li> </ul> <p><u>Excludes:</u></p> <ul style="list-style-type: none"> <li>• <u>properties in which the claimant group, or an iwi, hapuu or whaanau entity associated or affiliated with the claimant group, no longer retains a legal freehold interest;</u></li> <li>• <u>properties leased by the claimant group to an unrelated entity for a term which, including renewals, is or could be more than 35 years; and,</u></li> <li>• <u>properties transferred to a company in which the claimant group has a minority interest.</u></li> <li>• <u>For the purpose of the Maaori Land Chapter, the land within the Special Purpose Zone - Hopuhopu.</u></li> </ul>

## MV – Maaori Values and Maatauranga Maaori

### Values of importance to Maaori

This chapter addresses values of importance to Maaori and the following provides an explanation and description of identified values of importance to Maaori. These values are represented in the objectives and policies of this chapter and particular zone rules. As such this chapter is to be read in conjunction with zone chapters which contain matters of discretion to address the effects of certain activities and land uses on mana whenua values.

#### *Kaitiakitanga*

- (1) Tangata Mana Whenua has have a responsibility to protect and nurture the mauri of all living things within their sphere of influence and control. The exercise of kaitiakitanga recognises the intricate balance and integral relationship between and with all natural resources. Tangata Mana Whenua have learnt and long recognised that, in order for the environment to sustain life, people in turn, had have a responsibility to protect and sustain the environment.

#### *Manaakitanga*

- (2) Iwi Tangata Mana whenua is able to provide sustenance for have an obligation to manaaki all manuwhiri that arrive in the rohe. The ability to care for and support manuwhiri demonstrates is an expression of the mana and wealth of the tribe tangata mana whenua. Waikato is also the home for many other Maaori from other iwi, who choose to live, work and play in the region.

#### *Tikanga*

- (3) Good Sustainable management of natural resources provides for the ongoing sustenance of tangata whenua and manuwhiri ensures that the whenua could continually provide for the iwi and all manuwhiri. The tools Provisions required to sustain natural resources is captured in tikanga. Tikanga ensures that traditional practices observed by tangata mana whenua are given appropriate recognition in resource management, during customary gatherings, and includes acknowledgement is provided to the domain of the various Atua Maaori to respect the mutual relationship and guarantee a successful bounty for the following years. Tikanga is a living and evolving concept and embodies all aspects of mana whakahaere. Tikanga in the management of resources is a living, evolving concept that the iwi developed over generations learning from experience, from both successes and failures, in resource management Application of tikanga developed over generations and the exercise of mana whakahaere ensures sustainable resource management in the present day and for generations to come.

#### Mana whakahaere

- (4) Mana whakahaere is the exercise of authority, access to, and management of resources in accordance with tikanga, within the Waikato rohe by tangata mana whenua. Waikato iwi mana whakahaere has long been exercised over many generations.

## Objectives

#### MV-O1 Recognition of Maaori values

- (1) Maaori values are recognised and tangata mana whenua are able to exercise kaitiakitanga, manaakitanga tikanga and mana whakahaere.
- (2) Recognise that only tangata whenua can determine effects on their values, traditions, resources, waters, sites of significance, waahi tapu, other taonga and taonga species.

#### MV-O2 ~~Whakapapa~~ Hononga (~~connection to nature~~)

- (1) ~~Whakapapa, including familial connection between tangata whenua individuals and groups, and~~ The connections between tangata whenua and their Relationships with ancestral lands, water, sites of significance, waahi tapu, and other taonga and taonga species are is protected and or enhanced.

#### MV-O3 Kaitiaki tanga (~~steward/guardian~~)

- (1) The exercise of kaitiakitanga by role of Tangata mana Whenua as kaitiaki is an intrinsic right that is recognised and maintained.

#### MV-O4 ~~Waikatotanga~~ Whakaute Ahurāe (~~way of life~~)

- (1) Cultural practices and beliefs of Tangata mana Whenua are respected.

#### MV-O5 Tikanga aa-iwi ~~o te takiwaa o te rohe~~ o Waikato me te takiwaa o Waikato

- (1) Recognise the cultural significance of Waikato Takiwaa (district) within the Waikato rohe (Region).

### Policies

#### MV-PI ~~Hononga~~ Whanaungatanga (relationship ~~between tangata whenua and~~ nature)

- (1) Recognise the hononga (relationship of between Tangata mana Whenua and nature) with areas of significance, including waters, ancestral lands, sites of significance, waahi tapu, urupaa, maunga and other landforms, mahinga/hauanga kai, and other taonga and taonga species (indigenous flora and fauna) through provisions which may include including through such as through:
  - (a) Cultural value assessments and/or cultural impact assessments;
  - (b) Accidental discovery protocols;
  - (c) Use of tangata mana whenua traditional place names;
  - (d) Protection, enhancement and restoration of mauri;
  - (e) Use of appropriate locally sourced native plant species where practicable;
  - (f) Use of archaeological information including Maaori archaeological information; and,
  - (g) Incorporation of traditional or sympathetic Maaori design elements where practicable.

#### MV-P2 Kaitiakitanga (stewardship/guardianship)

- (1) ~~Consult with Tangata Whenua where activities have the potential to adversely affect ancestral lands, water, sites, waahi tapu, and other taonga and which may include:~~
  - ~~(a) Establishing who should be consulted~~
  - ~~(b) Establishing formal arrangements such as joint management agreements or memoranda of understanding~~
  - ~~(c) Tangata Whenua involvement with consent processes and representation on hearings~~
  - ~~(d) Supporting the creation of Iwi and hapuu management plans~~
  - ~~(e) The exercising of kaitiakitanga or stewardship.~~
  - ~~(f) Kaitiaki responsibility to ensure the mauri and the taonga inherited from tupuna are not negatively affected through resource consent and activities.~~
  - ~~(g) Support the use of natural and physical resources in accordance with maatauranga Maaori~~
- (2) Enable tangata mana whenua to exercise kaitiakitanga where activities have the potential to adversely affect ancestral lands, water, sites, waahi tapu, and other taonga including such as through:
  - (a) Providing for early and ongoing engagement with tangata mana whenua;
  - (b) Providing for Kkaitiaki involvement in land use and subdivision proposals as a means to uphold mauri and taonga inherited from tupuna; and,
  - (c) Acknowledging and providing for the appropriate use of maatauranga Maaori and recognise that iwi, hapuu and whaanau are owners and kaitiaki of Mmaatauranga Maori.
  - (d) Providing opportunities for mana whenua involvement in decision-making on resource consents in relation to sites of significance to Maaori and issues of cultural significance.
- (3) Provide for the active involvement of tangata whenua with resource consent processes including representation on hearings, the monitoring of land use and development and the monitoring and evaluation of the effectiveness of the district plan.

#### MV-P3 Aahuatanga Motuhake (special features)

- (1) Recognise and maintain the cultural significance of wetlands, lakes and other waterbodies, including the Waikato and Waipa awa (rivers), coastal areas of Whaingaroa (Raglan Harbour), Aotea, and Te Puaha o Waikato (Port Waikato).
- (2) Recognise the historic and contemporary relationships of Ngaa iwi o Tainui to Karioi, Taupiri, Hakarimata Range, Hunua and Pirongia maunga.

#### MV-P4 Recognition of Maaori values

- (1) Recognise Maaori values, including the following:
  - (a) Kaitiakitanga;
  - (b) Manaakitanga;
  - (c) Tikanga; and,

(d) Mana whakahaere

(2) Recognise that Maaori values will vary across the district and that further Maaori values can be identified through engaging with iwi and hapuu mana whenua at a local level.

#### MV-P5 Subdivision, land use and Maaori Values

(1) Manage the effects of subdivision and land use on Maaori values, in particular those arising from the following:

(a) Mining or extractive industry;

(b) Waste management facilities;

(c) Hazardous waste storage;

(d) Intensive farming;

(e) Light and noise;

(f) Earthworks within the vicinity of the Waikato River and other water bodies within the Waikato River Catchment;

(g) Greenfield sSubdivision;

(h) Building and structures in water body setbacks;

(i) Modification or clearance of indigenous biodiversity within Significant Natural Areas; and

(j) Activities within identified landscape and natural character areas, on or within the vicinity of maunga and other landforms or sites of cultural significance; and,

(k) Activities on the surface of waterbodies.

(2) Manage the effects of subdivision and land use on Maaori values arising from the activities listed in MPV-P5 (1) including by:

(a) Engaging Providing for the opportunity to engage with tangata mana whenua prior to undertaking activities or applying for resource consent and addressing the outcomes of that engagement;

(b) Ensuring it is tangata mana whenua that determine the effects on Maaori values such as through cultural impact/values assessments;

(c) Recognising and providing for customary uses of resources including hauanga kai;

(d) Recognising and providing for maatauranga Maaori such as expressed through kaitiakitanga and tikanga;

(e) Recognise Recognising that iwi, hapuu and whaanau are owners and kaitiaki of Maatauranga; and,

(f) Recognising and providing for tangata whenua relationships with ancestral lands, water, sites, waahi tapu and other taonga to be maintained or strengthened.

#### Non-regulatory policies



MV-P6 Iwi and hapuu management plans

- (1) That Council support the creation and review of Iwi and hapuu environmental management plans by Iwi and hapuu.

MV-P7 Partnership and relationship agreements

- (1) That Council establish formal partnership and relationship arrangements such as Mana Whakahono aa Rohe, joint management agreements or memoranda of understanding with Iwi and hapuu.
- (2) That council develops a work programme for implementation of the partnership agreements and memoranda of understanding

MV-P8 Guidance on understanding Maaori concepts and values

- (1) That Council work with Iwi authorities and stakeholders to develop guidance material that sits alongside the Plan and provides district plan users with a foundational understanding of Maaori concepts, tikanga, values and mana whenua of the district.

## Rules

Matters of discretion

<b>MV-RI</b>	<p>(+) <u>The following matters of discretion apply to rules listed in MV-RI (2)XYZ:</u></p> <p>(a) <u>Whether the relevant Iwi/hapuu has been engaged, the outcome of that engagement, and whether the development or activity responds to, or incorporates the outcome of that engagement;</u></p> <p>(b) <u>Whether a cultural impact/values assessment has been undertaken and whether the proposal responds to, or incorporates the outcomes/recommendations of that assessment;</u></p> <p>(c) <u>The effects of the proposed activity on Maaori values and the appropriateness of any avoidance, mitigation or enhancement measures including as identified through cultural impact/values assessments;</u></p> <p>(d) <u>Whether a protocol has been agreed with the relevant Iwi/hapuu for managing accidental discovery of artefacts, kooiwi or taonga tuku iho in regards to activities involving earthworks or land disturbance;</u></p> <p>(e) <u>The degree to which the proposal has addressed any recognised Iwi planning document;</u></p> <p>(a) <u>The effects of the proposed activity on values held by mana whenua and the appropriateness to mana whenua of any, avoidance, mitigation or enhancement measures including as identified through cultural impact/values assessments and any relevant Iwi planning document.</u></p> <p>(2) <u>The matters of discretion in MV-RI (1) apply to the following rules:</u></p> <ul style="list-style-type: none"><li>a. <u>16.2.3RDI (Glare and artificial light spill)</u></li><li>b. <u>16.2.4.1RDI (Earthworks – General)</u></li><li>c. <u>16.2.4.3RDI (Earthworks – Significant Natural Areas)</u></li><li>d. <u>16.4.1RDI (Subdivision – General)</u></li><li>e. <u>16.4.2RDI (Subdivision – Te Kauwhata Ecological Residential Area)</u></li><li>f. <u>16.4.3RDI (Subdivision – Te Kauwhata West Residential Area)</u></li><li>g. <u>16.4.4RDI (Subdivision – Multi-unit development)</u></li><li>h. <u>16.5.7.2RDI (Earthworks – general)</u></li><li>i. <u>16.5.7.2RD2 (Earthworks – general)</u></li><li>j. <u>16.5.9.1RDI (Subdivision Lakeside – general)</u></li><li>k. <u>17.2.4RDI (Glare and artificial light spill)</u></li></ul>
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	<p> <u>l.</u> <a href="#">17.2.5.1RDI (Earthworks – General)</a>  <u>m.</u> <a href="#">17.2.5.3RDI (Earthworks – within Significant Natural Areas)</a>  <u>n.</u> <a href="#">17.4.1RDI (General subdivision)</a>  <u>o.</u> <a href="#">17.4.1.1RDI (Subdivision – Multi-unit development)</a>  <u>p.</u> <a href="#">17.5.9RDI (Subdivision)</a>  <u>q.</u> <a href="#">18.2.3RDI (Glare and artificial light spill)</a>  <u>r.</u> <a href="#">18.2.4.1RDI (Earthworks – General)</a>  <u>s.</u> <a href="#">18.4.1RDI (Subdivision – general)</a>  <u>t.</u> <a href="#">18.4.2RDI (Subdivision – Multi-unit subdivision)</a>  <u>u.</u> <a href="#">19.4.1RDI (Subdivision – restricted Discretionary Activities)</a>  <u>v.</u> <a href="#">20.2.2RDI (Landscape planting)</a>  <u>w.</u> <a href="#">20.2.4RDI (Glare and Artificial Light Spill)</a>  <u>x.</u> <a href="#">20.2.5.1RDI (Earthworks – General)</a>  <u>y.</u> <a href="#">20.2.5.2RDI (Earthworks – within Significant Natural Areas)</a>  <u>z.</u> <a href="#">20.4.1RDI (Subdivision – General)</a>  <u>aa.</u> <a href="#">20.4.2RDI (Subdivision – Boundaries for Records of Title)</a>  <u>bb.</u> <a href="#">20.5.5RDI (Landscape planting)</a>  <u>cc.</u> <a href="#">21.2.2RDI (Landscape planting)</a>  <u>dd.</u> <a href="#">21.2.4RDI (Glare and Artificial Light Spill)</a>  <u>ee.</u> <a href="#">21.2.5.1RDI (Earthworks – General)</a>  <u>ff.</u> <a href="#">21.2.5.2RDI (Earthworks – Significant Natural Areas)</a>  <u>gg.</u> <a href="#">21.4.1RDI (Subdivision – General)</a>  <u>hh.</u> <a href="#">21.4.2RDI (Subdivisions – Boundaries for Records of Title)</a>  <u>ii.</u> <a href="#">22.1.3RDI (Restricted Discretionary Activities)</a>  <u>jj.</u> <a href="#">22.2.2RDI (Glare and Artificial Light Spill)</a>  <u>kk.</u> <a href="#">22.2.3.1RDI (Earthworks – General)</a>  <u>ll.</u> <a href="#">22.2.3.3RDI (Earthworks – Significant Natural Areas)</a>  <u>mm.</u> <a href="#">22.4.1.2RDI (General Subdivision)</a>  <u>nn.</u> <a href="#">22.4.1.4RDI (Boundary Relocation)</a>  <u>oo.</u> <a href="#">22.4.1.5RDI (Rural Hamlet Subdivision)</a>  <u>pp.</u> <a href="#">22.4.1.6 (Conservation lot subdivision)</a>  <u>qq.</u> <a href="#">22.6.7RDI (Huntly Power Station – Ash disposal and transport of coal ash water)</a>  <u>rr.</u> <a href="#">23.2.2RDI (Glare and Artificial Light Spill)</a>  <u>ss.</u> <a href="#">23.2.3.1RDI (Earthworks – General)</a>  <u>tt.</u> <a href="#">23.2.3.3RDI (Earthworks – Significant Natural Areas)</a>  <u>uu.</u> <a href="#">23.4.2RDI (General Subdivisions)</a>  <u>vv.</u> <a href="#">24.2.3RDI (Glare and artificial light spill)</a>  <u>ww.</u> <a href="#">24.2.4.1RDI (Earthworks – general)</a>  <u>xx.</u> <a href="#">24.4.1RDI (Subdivision – General)</a>  <u>yy.</u> <a href="#">24.4.2RDI (Subdivision – Te Kowhai and Tuakau)</a>  <u>zz.</u> <a href="#">24.4.2RD2 (Subdivision – Te Kowhai and Tuakau)</a>  <u>aaa.</u> <a href="#">25.2.3RDI (Glare and artificial light spill)</a>  <u>bbb.</u> <a href="#">25.2.4.1RDI (Earthworks – general)</a>  <u>ccc.</u> <a href="#">25.2.4.3RDI (Earthworks – within Significant Natural Areas)</a> </p>
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*Advice note:* Council, Te Kahui Mangai and Iwi authorities, including Te Whakakitenga o Tainui, hold records and contacts of iwi and hapuu in the district

# TTW– Te Ture Whaimana – Vision and Strategy

## Overview

- (1) The relationship of Waikato-Tainui with the Waikato River cannot be underestimated as it lies at the heart of their identity as well being a major influence on their spiritual, cultural, historic and physical wellbeing. To Waikato-Tainui, the Waikato River is their Tuupuna Awa, an ancestor.
- (2) The Waikato River Claim was filed with the Waitangi Tribunal by Sir Robert Mahuta on 16 March 1987 on behalf of Waikato-Tainui, the Tainui Trust Board and Ngaa Marae Toopu but was excluded from the 1995 Raupatu Land Settlement for future negotiation.
- (3) The 2009 Deed of Settlement between the Crown and Waikato-Tainui acknowledges the deterioration of the health of the Waikato River while the Crown had authority over the river. The Deed of Settlement has an overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for future generations. This district plan aims to restore the river's health in conjunction with other agencies. The [Settlement Act Waikato-Tainui Raupatu Claims \(Waikato River\) Settlement Act 2010](#) gave effect to the 2009 Deed of Settlement in respect of the raupatu claims of Waikato-Tainui over the Waikato River.
- (4) [Te Ture Whaimana o Te Awa o Waikato \(Te Ture Whaimana\)](#) is the Vision and Strategy ~~The Vision and Strategy is Te Ture Whaimana o Te Awa o Waikato [s9(3)]~~ and is ~~intended by Parliament to be~~ the primary direction-setting document for the Waikato River and activities within its catchment ~~[s5(1)]~~.
- (5) This district plan reflects the new era of co-management between Waikato District Council and iwi. The Settlement Act requires that a district plan shall give effect to ~~the Vision and Strategy Te Ture Whaimana~~.
- (6) ~~The Vision and Strategy Te Ture Whaimana~~ responds to four fundamental issues:
  - (a) The degradation of the Waikato River and the ability of Waikato River iwi to exercise kaitiakitanga or conduct their tikanga and kawa;
  - (b) The relationships and aspirations of communities with the Waikato River;
  - (c) The cumulative effects of physical intervention, land use and subsurface hydrological changes on the natural processes of the Waikato River;
  - (d) The time and commitment required to restore and protect the health and well-being of the Waikato River.
- (7) [Section 13 of the Waikato River Act requires that district plans be reviewed and where necessary updated following an RMA Schedule 1 process no later than 12 months after the completion of a review of Vision and Strategy.](#)

## Definition of Waikato River and its catchment area

- (8) The body of water known as the Waikato River flowing continuously or intermittently from the Huka Falls to the mouth of the Waikato River shown as located within the areas marked "A" and "B" on SO plan 409144, and
- (9) All tributaries, streams and watercourses flowing into the part of the Waikato River, [including the Waipaa River](#), described in ~~sub~~ paragraph (7), to the extent to which they are within the areas marked "A" and "B" on SO plan 409144, and
- (10) Lakes and wetlands within the areas marked "A" and "B" on SO plan 409144, and

- (11) The beds and banks of the water bodies described in ~~sub~~-paragraphs (a7) to (e9).
- (12) For the avoidance of doubt, this definition is an excerpt from the interpretation of 'Waikato River' in Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The area contained within SO plan 409144 is administered by a number of territorial authorities. Waikato District Council only administers that part of SO plan 409144 that is within Waikato district.

## Issue – Health and wellbeing of the Waikato River

- (13) Land use and development activities can adversely affect the ability of the Waikato River to sustainably support the economic, social, cultural and environmental aspirations of Waikato-Tainui and the community.

## Objectives

### TTW-O1 Achieving Te Ture Whaimana (Vision and Strategy for the Waikato River)

- (1) The health and well-being of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved Policies

## Policies

### TTW-P1 Implementing Te Ture Whaimana (Vision and Strategy for the Waikato River)

- (1) To restore and protect the health and wellbeing of the Waikato River including by:
- (a) identifying and recognising the Waikato River as an Outstanding Natural Feature/Landscape;
  - (b) acquiring appropriate public access to and along the Waikato River at time of subdivision;
  - (c) protecting and restoring significant natural areas, riparian margins and wetlands within the catchment;
  - (d) providing for conservation activities;
  - (e) protecting waahi tapu, sites and areas of significance to Maaori;
  - (f) recognising and providing for application of maatauranga Maaori;
  - (g) managing the effects of subdivision, use and development including those associated with:
    - (i) building in river setbacks
    - (ii) intensive farming
    - (iii) earthworks and land disturbance
    - (iv) subdivision