



Waiapu Catchment Technical Advisory Group

Hui 4 – Report 3: Scheduled Waterbodies – Implications

1.0 Introduction

In Hui 2, we discussed Outstanding and Scheduled Waterbodies. This paper responds to the Group's request for information about implications for landowners of scheduled waterbodies. It also introduces a proposed new schedule of Culturally Significant Waterbodies.

As covered in Hui 2, the current Tairāwhiti Resource Management Plan (TRMP) identifies a number of waterbodies that are 'scheduled' for their particular values. These scheduled waterbodies are subject to stricter rules to ensure that any activities in and around them protect their important values.

Currently, the TRMP includes the following schedules that are relevant to Ngā Wai o Waiapu Catchment Plan. Their contents reflect the information available to Council at the time of developing the 2015 Regional Freshwater Plan.

- [Outstanding waterbodies \(Schedule G18\)](#)
- [Regionally significant waterbodies \(wetlands\) \(Schedule G17\)](#)
- [Aquatic ecosystem waterbodies \(Schedule G15\)](#)
- [Significant recreation and swimming areas \(Schedule G19\)](#)

2.0 Current TRMP approach for Scheduled Waterbodies

Outstanding and Scheduled Waterbodies are shown on the maps in the Plan and a list, with a brief description of their values, is included in the Plan appendices. The management approach to scheduling is primarily a regulatory one – additional policies and rules apply to scheduled waterbodies to protect their significant values. These are summarised in the table below. Note that these are being reviewed as part of the broader review of region-wide freshwater provisions.

The following activity classes are referenced in the table below:

- '*Permitted activities*' can be carried out without the need for a resource consent, so long as it complies with specified requirements.
- '*Restricted discretionary activities*' require resource consent, and Council can exercise some discretion as to whether or not to grant the consent – but only in respect to particular matters that are set out in the Plan.
- '*Discretionary activities*' require resource consent, and Council has full discretion as to whether or not to grant consent and what conditions to impose.
- '*Non-complying activities*' require resource consent – these activities are subject to a greater degree of scrutiny and are unlikely to be appropriate.
- '*Prohibited activities*' may not be carried out. No resource consent can be sought.

Schedule	Regulation that Applies in Current TRMP
Outstanding waterbodies	<ul style="list-style-type: none"> • Policy to avoid taking water from these waterbodies <ul style="list-style-type: none"> ○ All water takes from these waterbodies require resource consent (no Permitted Takes) ○ All new water takes are a Non-complying Activity ○ Existing lawfully established water takes are able to be renewed • Policy to avoid source discharges to these waterbodies <ul style="list-style-type: none"> ○ Discharges of stormwater and pumped drainage is a Discretionary Activity ○ All other discharges are a Non-complying Activity • New groundwater bores within 50m of an OWB are a non-complying activity • No hydrocarbon drilling within 50m of an OWB (Prohibited Activity) • Policy to minimise vegetation clearance earthworks and land disturbance in and around OWB <ul style="list-style-type: none"> ○ 10m setback for intensively farmed stock with stock exclusion; commercial vegetable growing & establishment of feed crops or irrigation. ○ 5m setback for discharges of fertiliser required ○ 20m setback for solid discharges required ○ Restricted Discretionary Activity to undertake earthworks or indigenous vegetation clearance in Riparian area • Policy seeking that structures in OWB be avoided <ul style="list-style-type: none"> ○ No new Permitted culverts, bridges or fords in the bed of an OWB – resource consent required for all structures in bed ○ No new Permitted forestry cable hauling over an OWB – resource consent required for all cable hauling over an OWB ○ New or bigger structures in an OWB are a Discretionary Activity (rather than Restricted Discretionary) ○ No Permitted indigenous vegetation clearance (all requires Discretionary resource consent) ○ No Permitted motorised vehicle access to the bed (requires Discretionary resource consent) ○ Non-complying activity to dam, divert or drain an OWB • Policy seeking that gravel extraction does not occur unless the values are maintained or enhanced <ul style="list-style-type: none"> ○ No Permitted takes of gravel unless it is provided for in a gravel management plan

Regionally Significant Wetlands	<ul style="list-style-type: none"> • Policy to avoid taking water from these waterbodies • All water takes from these waterbodies require resource consent (no Permitted Takes) • All new water takes are a Non-complying Activity • Policy to avoid source discharges to these waterbodies <ul style="list-style-type: none"> ○ No new Permitted discharges to these wetlands ○ Discharges of stormwater and pumped drainage is a Discretionary Activity ○ All other discharges are a Non-complying Activity ○ New groundwater bores within 50m of a Regionally Significant Wetland are a non-complying activity ○ No hydrocarbon drilling within 50m of a Regionally Significant Wetland (Prohibited Activity) • 10m setback required for intensively farmed stock with stock exclusion required • 10m setback for commercial vegetable growing required • 10m setback for establishment of feedcrops or irrigation required • 5m setback for discharges of fertiliser required • 20m setback for solid discharges required • All regionally significant wetland have been required to have cattle excluded since 1 May 2021
Aquatic Ecosystem Waterbodies	<ul style="list-style-type: none"> • Policy to avoid source discharges to these waterbodies • Default minimum water flow are higher than other waterways • 10m setback required for intensively farmed stock with stock exclusion required • 10m setback for commercial vegetable growing required • 10m setback for establishment of feedcrops or irrigation required • 20m setback for solid discharges required • Restricted Discretionary Activity for most indigenous vegetation clearance and land disturbance in the Riparian Management Area • Close out periods (bird nesting, trout spawning, inanga spawning) where no Permitted takes of gravel or vehicle access
Significant Recreation Sites	<ul style="list-style-type: none"> • Policy to avoid point source discharges to these waterbodies <ul style="list-style-type: none"> ○ Standard in Permitted Stock Access rules that the sites not be contaminated by stock

3.0 Culturally Significant Waterbodies

In other catchment areas, mana whenua have recommended the creation of a schedule of culturally significant waterbodies. While all waterbodies are considered significant for mana whenua, some locations on waterbodies may be particularly significant based on historic and current active connections and whakapapa specific to those locations. An entire waterbody may also hold special or unique significance for mana whenua.

Where there is not sufficient written evidence to support the identification of culturally significant waterbodies as “Outstanding”, it is proposed that the TRMP also include a schedule of Culturally Significant Waterbodies and that there are policies and rules that support their protection from inappropriate use and activities.

Draft criteria for culturally significant waterbodies have also been developed for discussion and refinement and are included in Appendix 1.

4.0 Benefits to Landowners of Scheduling

For landowners with scheduled waterbodies, the implications are not all negative. Scheduling recognises that the waterbody has regional significance. The Council does provide support and financial assistance to landowners wishing to restore and protect waterways. Priority is given to supporting stock exclusion and restoration of scheduled areas.

Appendix 1:

We have developed a draft set of criteria for mana whenua to consider, to guide the development of a Schedule of Culturally Significant Waterbodies:

(i) **Cultural, Spiritual and Ancestral Significance**

- The waterbody (spring, stream / river reach, wetland or lake) is associated with wāhi tapu, wāhi taonga, pā sites, urupā, kāinga, or historical events important to iwi/hapū.
- Links to ancestral connection or whakapapa are evident.
- Sites where kōrero tuku iho (oral traditions) describe the presence of atua or spiritual presence.

Evidence: Mātauranga Māori, oral histories, iwi environmental management plans (IEMP), maps of traditional boundaries, and testimony from kaumātua.

(i) **Mahinga Kai Values**

- The site supports or supported customary gathering of food and resources, e.g., tuna (eels), inanga (whitebait), kākahi (freshwater mussels), freshwater koura, harakeke, or medicinal plants.
- The site continues to provide a sustainable mahinga kai resource or holds significance even if degraded.

Evidence: Species records, customary practices, harvest data, traditional place names, monitoring results, and local mātauranga.

(i) **Current and Historical Use**

- Evidence of customary activities, ceremonies, or kawa occurring at the site.
- Waterbodies used for rituals (e.g., tohi, baptisms, ceremonies for warriors) or cleansing purposes.

Evidence: Statements from hapū/iwi representatives, archival records, photos, environmental court submissions, historic maps.

(i) **Ecological and Hydrological Integrity (in support of cultural values)**

- The ecological state contributes to cultural health, including water clarity, flow, and absence of contaminants that impact spiritual or cultural practices.
- Sites important for restoration and healing.

Evidence: Cultural health indices, ecological assessments, biomonitoring, and traditional knowledge. The link to specific place-based cultural values is clear.

(i) **Mana Whenua Identification of Significance**

- The site is explicitly identified by mana whenua as culturally significant within:
 - Iwi or hapū resource management plans
 - Cultural values assessments (CVAs)
 - Treaty settlement documents or statutory acknowledgements

Evidence: Official documentation from mana whenua, regional plan submissions, cultural mapping exercises.

Note: The above are all required to have a direct connection / relationship / relevance to freshwater and its receiving environments (e.g., estuaries or stream / river mouths).

To ensure the schedule is legally robust and culturally credible, the following should be included where available / necessary:

- Cultural Impact Assessments (CIAs)
- Cultural Health Indicators (CHIs) or monitoring data
- Customary practices declarations (e.g., by kaumātua and tohunga)
- Oral testimony recorded in hui minutes or transcribed interviews
- Archaeological or historic reports
- Treaty Settlement Acts and associated schedules
- Recognised Iwi Authority submissions under RMA

It is recognised that evidence may be quantitative, semi-quantitative, or qualitative.

1. Development of the schedule

It is suggested that a Schedule of Culturally Significant Waterbodies should include the following fields for each entry:

Attribute	Description
Name of waterbody:	<i>Traditional and official names</i>
Location:	<i>Spatial data (e.g., NZTM coordinates, maps) Note: This mapping can be done at a scale and in a method that safeguards the values in that location.</i>
Associated iwi/hapū/whānau/ma rae:	<i>Who has mana whenua over the site</i>
Cultural value type(s):	<i>E.g., Mahinga kai, Wāhi tapu, Wāhi taonga, Rongoā, etc.</i>
Statement of significance:	<i>Description of why the site is important</i>
Supporting evidence:	<i>Reference to source material (e.g., CVA, IEMP, oral testimony)</i>
Desired outcomes / protection needs:	<i>E.g., no further degradation, water quality improvements, restored access, etc.</i>

When considering desired outcomes / protection needs, mana whenua may want to consider the threats / impacts included in Figure 19 and 20 in [Implementing-mahinga-kai-as-a-Maori-freshwater-value.pdf](#).

Development of these schedules is at the discretion of mana whenua.

The planning process allows for updating the schedule through future regional plan reviews as further sites are identified or as relationships evolve. Data sovereignty will be respected - any culturally sensitive information is protected and governed by mana whenua.