

Before the Independent Hearings Commissioners

Mai I Kā Kaikōmihana Motuhake

Under the Resource Management Act 1991

In the matter hearing of the submissions and further submissions on the
proposed Timaru District Council:
Hearing A – Overarching matters, Part 1 and Strategic Directions

**MEMORANDUM ON BEHALF OF TE RŪNANGA O NGĀI TAHU
(Submitter185)**

10 May 2024

May it please the Panel:

1. INTRODUCTION

1.1 This memorandum is provided on behalf of Te Rūnanga o Ngāi Tahu in response to a question from Commissioner Solomon on 8 May 2024 to Ms Pull as part of Hearing A of the proposed Timaru District Plan (**TDP**).

1.2 The question raised was in regard to why the versatile soil overlay on the Ōrakipaoa Wetland should be removed as sought in Submission Point 185.2. Due to technical issues, Ms Pull asked to respond outside the hearing which was granted.

2. ŌRAKIPAOA WETLAND

2.1 The Ōrakipaoa Wetland is a Statutory Acknowledgement Area in Schedule 49 of the Ngāi Tahu Claims Settlement Act 1998. Within the Act, the Crown acknowledges Ngāi Tahu cultural, spiritual, historic and traditional associations with the area. Within the TDP, it is identified as SASM4b with the following values recorded:

Waiateruati was the largest pā occupied by Kāti Huirapa. The settlement was sustained by resources gathered from the nearby fishing camps at Waitarakao, Ōhapi, and Arowhenua, and from further afield across a large coastal and inland territory. Values also include tauraka waka. The pa site is registered under the Heritage New Zealand Pouhere Taonga Act 2014 as a Category 2 historic place. The surrounding area had intensive use connected to occupation of Waiateruati pā, with values including mara kai, pā sites, urupā, kāika, mahika kai, repo, wāhi raranga, wāhi tapuke. A large area used for mara kai and mahika kai was granted as Waipopo Māori Reserve in 1948. Ōrakipaoa was a significant wetland complex supporting taoka species and having important repo raupō, wai puna, mahika kai, mara kai, wāhi raranga, pā, kāika and urupā values. The Ōrakipaoa catchment and wetlands are recognised in the Ngāi Tahu Claims Settlement Act 1998 (Schedule 49) as a statutory acknowledgement, and the

area includes Ōrakipaoa (Rakipawa) Reserve 883, which was granted as part of Kemp's Purchase Deed in 1848.

2.2 The site is overlaid with the following zoning in the TDP:

General Rural Zone	Coastal High Natural Character (Sched14)
Coastal Erosion Overlay	Light Sensitive Area
Sea Water Inundation Overlay	Versatile Soils
Flood Assessment Area	Transitional Highly Productive Land –
Liquefaction Areas	LUC Class 2
Wāhi Taoka (SASM-4b)	Coastal Environment Area
Wai Taoka (SASM-19, SASM-16)	Esplanade Provision
Wāhi Tupuna (SASM-4)	Public Access Provision

2.3 Part 2 – District Wide Matters contains a chapter on Versatile Soils. The Introduction of the chapter states:

This chapter provides provisions for managing subdivision, land use and development within the Versatile Soils Overlay, to ensure that the ongoing ability to use the land productively for primary production (except intensive primary production) is not compromised. The focus within this chapter is on non-intensive primary production, as intensive primary production activities may compromise the productive potential of the soil.

2.4 The objective and policies on this chapter and the rural zone prioritise primary production. The values of the wetland have the potential to be impacted by primary production. Strategic Direction SD-O9 also seeks to protect versatile soils for productive uses.

2.5 The Iwi Management Plan of Kāti Huirapa has a strong emphasis on mahinga kai and the mauri of waterbodies. Specifically:

No grazing animals in riverbeds, wetlands, or in the margins of coastal waters, creeks, streams, rivers, lakes any natural waters...

The restoration of existing wetlands and the construction of new wetlands be encouraged...

The planting of flax and other nature species which are a source of traditional materials be encouraged

2.6 The National Policy Statement for Highly Productive Land (2022) (**NPS-HPL**) seeks to identify land and protect it for primary production. While it has provisions regarding consulting with Tangata Whenua on how the land is identified and using natural boundaries such as waterbodies to define the areas, identification is a Regional Council function. Council is constrained via section 3.5(3) of the NPS-HPL which states that the Council must use the exact equivalent maps to those in the Regional Policy Statement (**RPS**). The RPS directs users to the Canterbury Maps which has the following LUC Soil classes shown for the area:



Figure 1: Extract from Canterbury Maps showing the wetland (circled) identified as Highly Productive Land Class 2. Accessed from: [Canterbury Maps Viewer](#)

2.7 Therefore, despite the provisions of the NPS-HPL and RPS that require Tangata Whenua consultation when protecting soils, it is unlikely that the Panel will be able to accept the submission to amend the maps.

2.8 However, in response to the reasoning behind the submission point which is to protect the values of the Statutory Acknowledgement area and to take into account the Iwi Management Plan, I have assessed the activity status of a mahika kai activity (which would respect the values of the wetland) and primary production (the intended activity for the area under the NPS-HPL) against the TDP provisions.

2.9 The table below shows that there are no relevant rules for either activity in the Versatile Soils Chapter. Across the other relevant chapters, Mahika Kai is permitted. New Primary Production (not including those activities legally established) has more restrictions on the activity, depending on the scale and type of primary production undertaken.

Rule	Primary Production	Mahika Kai
General Rural		
GRUZ-R1	Permitted	
GRUZ-R10		Permitted (Conservation)
Coastal High Natural Character Area Overlay		
CE-R1	Restricted Discretionary (Horticultural planting)	
CE-R13	Discretionary (Primary Production not specified in this chapter)	
CE-R3		Permitted (limited to indigenous species)
Versatile Soils – no relevant rules		
Sites and Areas of Significance to Māori (SASM)		
SASM-R3		Permitted
SASM-R6	Restricted Discretionary (Intensively farmed stock)	
Summary/Activity Status (Bundling principle)	Discretionary (depending on the type of rural activity)	Permitted

Table 1: Summary of activity status for primary production and mahika kai across relevant TDP chapters.

2.10 The Coastal Environment Chapter has one objective and policy that supports Mahika Kai (Objective CE-O3 and Policy CE-P6). The General Rural Zone has an objective and policy to enable Conservation Activities (Objective GRUZ-O6 and Policy GRUZ-P10). The SASM objectives and policies recognise and provide for

mahika kai. While the Versatile Soils Chapter does prioritise primary production over other activities, any consent affecting the Ōrakipaoa Wetland would also have to take the objectives and policies of these overlays into account.

2.11 Therefore, although the submission point is valid when considering the Versatile Soil chapter separately, based on the notified text of the plan, the Panel could reject this submission in part as the issue is addressed elsewhere in the Plan.

2.12 I will not withdraw the submission however, as the final version of the relevant chapters have not yet been heard or decisions made on the final text which could alter this position.



Rachael Pull

10 May 2024

Senior Environmental Advisor – Planner

Te Rūnanga o Ngāi Tahu