

Geraldine Community Board
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Kia ora Brad,

Draft Rakitata River Revival Strategy

The Geraldine Community Board wishes to be heard if such an opportunity is available

Introduction

1. The Geraldine Community Board represents around 5,500 Geraldine ward citizens within the Timaru district. The ward has a significant geographic spread, including from the upper Rangitata valley to Orari on the river's south side, and Rangitata Island.
2. The ward community has a long-standing rich relationship with the Rangitata River system, which enables farming, recreation, tourism, general wellbeing and commerce, and a sense of belonging. The community tends to the river through commitment to statutory mechanisms that protect it, and through additional nature-beneficial initiatives.
3. In addition to its statutory responsibilities, primarily "to- represent, and act as an advocate for, the interests of its community" (Local Government Act 2002 s52 (Role of community boards)), the Board is guided by the non-statutory *Geraldine, Woodbury, Orari, and Surrounds Community Strategic Framework 2023-2033*. With eight key objectives, the framework was constructed through extensive consultation involving around 1,400 submissions by community members.
4. Framework key objectives relevant to the draft Rakitata strategy include: Protect and enhance the natural environment; Protect and promote a sustainable and diversified local economy; Protect and enhance recreation and tourism opportunities; and Protect the rural and small-town economy and ensure sustainability.
5. The Board supports integrated management by statutory agencies and the community for the 1,773 square kilometre Rangitata River system.

Statutory environment

A number of statutes, created through democratic processes, govern the health of the Rangitata catchment. In snapshots, the main statutes are:

6. A. Conservation Act 1987. A function of the Department of Conservation, described at s6(a) is “to manage for conservation purposes, all land ... for the time being held under the Act”. Rangitata River system land held under this legislation includes conservation parks and stewardship land. A conservation park is to “be managed- that its natural and historic resources are protected” (s19(1)(a)). The Act’s wording relating to stewardship areas (s25) is the same. Other classifications well-represented in the catchment include marginal strips. The New Zealand Fish and Game Council is established and empowered under the Act’s s26B.

B. Reserves Act 1977. The overarching purpose of this Act (s3(1)(a) – General purpose of this Act) is “providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing...” (list of recreational and environmental characteristics follows). Primarily, parcels are scenic reserve (s19, held “for the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas...”). Other types of reserves include local purpose reserve for conservation purposes, and recreation reserve.

C. Land Act 1948, legislation overseeing management of a wide range of Crown lands.

D. Crown Pastoral Land Act, whose s4 (Outcomes for decision makers) directs decision makers to seek to achieve (s4(1)): “maintaining or enhancing inherent values...”; “supporting the Crown in its relationships with Maori...”; and “enabling the Crown to get a fair return...”.

E. Resource Management Act 1991, whose purpose is (s5(1)): “to promote the sustainable management of natural and physical resources.”

F. Local Government Act 2002, whose s3 (Purpose) is “to provide for democratic and effective local government that recognises the diversity of New Zealand communities...”, and in particular at s3(d), “provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural wellbeing of their communities, taking a sustainable development approach.”

G. Ngāi Tahu Claims Settlement Act 1998. Relevant are Schedule 55 (Statutory acknowledgement for Rangitata River) and s212-216 relating to deeds of recognition.

There are statutory roles for organisations such as the New Zealand Transport Agency and Transpower also.

7. This relevant collective statutory landscape, created through democratic processes, must be adhered to.

Statutory alignment work

8. Significant progress has been, and continues to be, achieved for the wellbeing of the Rangitata through statutory agency collaboration, including with the community. Two examples follow:

A. Upper Rangitata Gorge Landcare Group Incorporated. Landholders work with DOC, LINZ, Ecan, Fish and Game, and the TDC, and have links with the ADC, in this three-and-a-half-decades-long project. The bodies contribute funding. The project's footprint includes main and smaller tributaries and much of the gorge area to Boundary Stream. The project's primary focus is weed removal, with predator control as resourcing allows. Covid recovery funding has enabled planting to take place also. The parties meet twice annually and monthly online. It is a well-focussed and uncontested project with a proven record of achievement which is in accord with the direction of the relevant statutes.

B. Braided River Action Group. This group, inactive at present, is focussed differently but no less fruitfully. Concentrated on the lower catchment, it includes Canterbury territorial authorities, DOC, Ecan, LINZ, Fish and Game, Forest and Bird, Te Rūnanga o Ngāi Tahu, and Federated Farmers. It has made considerable investment in case studies of land tenure and use mapping, provided through DOC; this will be of high value to statutory bodies and, in future, the community generally, by enabling land designation and management to be aligned.

9. The Board notes that the two cases of statutory agency collaboration cited are, while very different, examples of projects that work deliberately and effectively for the wellbeing of the Rangitata River. They naturally address different suites of issues, but in so doing, do not detract from the mountains-to-sea concept. On this basis, the Board questions development of the additional project, the Rakitata River Revival Strategy, and notes that, in order to be worthy of implementation, it would need to offer at least community buy-in, clarity, cohesion, and readily-achieved outcomes over and above what present settings are capable of achieving.

The draft strategy and work plan: high-level matters

10. Inherent contradictions in the draft strategy and the related work plan prompt concerns. They are as follows:

Issue definition

11. The issue the draft strategy proposes solution to is diminishment of the Rangitata's mauri. The Board acknowledges the river system has been compromised for human purposes since human settlement, affirms that those purposes endure legitimately and beneficially for the community, and agrees that the burden of compromise on the river can and should be eased where possible. However, mauri is described in the draft document as intrinsically related to humans; most particularly to Kāi Tahu. If the river system's mauri is to be genuinely respected, it should be first and foremost – and separately - described in its own

right, from its ancient geological roots to its topographic expression and the past and present species and natural communities it has nurtured greatly before human settlement. The way it is presently described, as in large part defined by human experience, itself perversely diminishes the mauri of the river.

Community

12. Despite the draft strategy's beginning with "With our community", there has been minimal involvement of the diverse wider community since the draft's first iteration was published two years ago, and prior to that. Te Rūnaka o Arowhenua's narrative dominates the draft strategy's discussion of human activity and benefit relating to the Rangitata River system. The Board understands that development of such a document will take place to a large extent behind the scenes, and that the relevant statutory agencies are charged with the work. However, the uneven approach taken to community engagement and representation of community voice in the draft strategy is in tension with the document's stated intent to implement its vision "With the community". It is hard for the wider community to have faith in the draft's final, eighth, objective, "The community is enriched by the awa", when its development and wording have involved its members so minimally.

Kaitiakitanga and rangatiratanga

13. There are two significant inherent contradictory aspects to the combined element of kaitiakitanga and rangatiratanga. The first is that, while presented as part of an appended list of objectives, ('Appendix 1'), Objective 2's "The traditional roles of kaitiakitanga and rangatiratanga are restored to Manawhenua" is an assertion of governance wrongly presented as of minor importance. The matter of governance change is intrinsically significant and for upfront statement, not for declaration via appendix. It is also an unsound concept in the river system's statutory context; this is discussed at paragraphs 14-16.

Rangatiratanga

14. The Board's view is that the concept of rangatiratanga at this stage should not be used in the draft strategy or any other statutory or non-statutory project relating to the Rangitata resourced/operated by statutory agencies as there is no backing in the settlement legislation for such, the concept is inconsistently defined and therefore not available for common understanding and/or implementation, and the concept is incompatible with the statutory system.
15. The draft strategy suggests, by citing the Ngāi Tahu Claims Settlement Act under its 'Rakitirataka' heading, that the Act supports actioning of rangatiratanga in relation to the Rangitata river system. Such suggestion is a long bow. The Act's Schedule 55 is a statutory acknowledgement. It empowers entrance of a Minister of the Crown/Commissioner of Crown Lands and Te Rūnanga o Ngāi Tahu into a deed of recognition, whose only purposes "are to require that Te Rūnanga o Ngāi Tahu be consulted, and particular regard had to its views" (s216: Purposes of deeds of recognition). It includes 'Limitations on effect of statutory acknowledgement', which, among other things, includes: "this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the

Rangitata River.” Further, aside from a Schedule 6 mention of an upper Rangitata lease, there is no other mention in the Act of the Rangitata River.

16. The draft strategy’s description of rangatiratanga is not the same as the description of rangatiratanga provided by Ngāi Tahu including a Rūnaka o Arowhenua rakatira in its claim of rangatiratanga over wai māori, presently under consideration by the High Court. That claim includes: “38 For Ngāi Tahu, rangatiratanga over wai māori: 38.1 incorporates the right to make, regulate, alter and enforce decisions pertaining to how wai māori is allocated, used, managed and traded, and by whom”. It is not simply that the two descriptions of rangatiratanga are different; the quality and strength of the differences are striking. In particular, use of the word “traded” in the claim is notable. Trading can occur only where there are ownership rights. This point relates to paragraph 15 above and to the difficulty of establishing Te Rūnaka o Arowhenua rangatiratanga over the Rangitata, even if there were no other obstacles, where such inconsistency of interpretation exists.
17. The Board has concerns, also, about the suggestion of introducing rangatiratanga in the draft strategy’s self-stated non-statutory context. Non-statutory projects are accepted in uncontested and benign circumstances in which statutory settings are unchallenged. Introduction of rangatiratanga must not happen through a non-statutory vehicle for reasons outlined above in ‘Rangatiratanga’ and because it would be a blow to rule of law generally. Additionally, it would be at direct odds with the (non-statutory) concept of “With the community”.

Comments on the draft integrated work plan

18. The Board understands there is an intention to reshape the initial draft integrated work plan, which is no longer widely accessible. The Board’s view is that there is value in contributing to such reshaping.
19. Thematically, in many ways the draft integrated work plan accords with both statutory direction and the Board’s strategic framework key objectives. Broadly speaking, these are focussed on reinvigorating nature in the Rangitata River system for its own sake, and are supportive of a diverse and sustainable local economy, recreation, general wellbeing, and a sense of belonging accessible to all local community members.
20. A work plan will be most easily implemented if it is not only in accord with statutory direction and existing community-based planning, but also if it is evidence-based and has been developed with stakeholders. On this basis, the Board’s view is that any eventuating Rakitata strategy’s work plan would need to be written afresh. This need not mean significant loss of material; rather, it would largely mean rearrangement and reframing of existing material along with certain new material. The Board below illustrates through a small number of practical examples.
21. The whole community’s histories and ongoing connections with the Rangitata River system should be given voice with no particular prioritisation. A specific example of potential relevant change to the draft work plan relates to education, which in the presently-available

draft, is focussed on Arowhenua only. It is a significant flaw, for example, that Carew Peel Forest School, whose catchment runs extensively on both sides of the river, which in 2009 established a kaitiaki relationship with part of Peel Forest along with DOC, and which visits there as a whole school twice a year (its seniors visit four times a year, planting alongside DOC, Ecan, and Project Peel), is not mentioned in the draft plan. The Board suggests all schools local to the river be given equal chance, through any eventuating work plan, for engagement, and that such even-handed treatment of the community extend to all aspects of the plan.

22. Empirical science should drive work mandated by any eventuating plan. For example, if investigation into the South Branch goes ahead, its start point should be that the river was, before deliberate confinement for property protection, highly mobile and mixing frequently with other waters as part of an extensive wetland area. The concept of a lower Rangitata River comprising North and South branches is relatively modern. Reversion to it would not restore a 'native' Rangitata. This is not to say the Board is opposed to South Branch investigation; simply that any such action – with respect to the South Branch and more broadly - should be on the mandate of comprehensive empirical science, and, as per above relevant points, after community engagement supportive of such investigation.
23. Any length-of-river trail created should, in its name and story-telling, present all relevant narratives proportionately. Observations and experiences of people of varied backgrounds and purposes have long been recorded by people travelling along the Rangitata. The resultant abundant collective narrative, from historic to contemporary, would be the lesser for prioritisation of any particular tales.

Recommendations:

- 1. The present Rakitata River Revival Strategy work should be paused for reconsideration.**
- 2. Consideration should be given to the capacity of existing relevant agencies and initiatives to deliver positive outcomes for the Rangitata River system and the community.**
- 3. If action based on Recommendation 2 proves insufficient for delivery of positive outcomes for the river system and the community, then the strategy should be reworked in consultation with the whole community.**

Kā mihi,

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Chair, Geraldine Community Board.