

Before the Independent Hearing Panel
Appointed by the Timaru District Council

Under	Schedule 1 of the Resource Management Act 1991 (RMA)
In the matter of	Submissions on the Proposed Timaru District Plan
Between	Various
	Submitters
And	Timaru District Council
	Respondent

Andrew Cameron Maclellan – Minute 48

Rural Zones, VS, PA, ASW, Heritage and Trees

8 October 2025

Council's solicitors:

Michael Garbett | Jen Vella

Anderson Lloyd

Level 12, Otago House, 477 Moray Place, Dunedin 9016

Private Bag 1959, Dunedin 9054

DX Box YX10107 Dunedin

p + 64 3 477 3973

michael.garbett@al.nz | jen.vella@al.nz

**anderson
lloyd.**

Introduction

- 1 My name is Andrew MacLennan. I am an Associate at the firm Incite. I prepared the s42A report on the Rural Zones. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives relevant to my section 42A report. I have the qualifications and experience as set out in my s42A report.
- 2 The purpose of this statement is to provide my final reply in relation to the chapters in respect of which I prepared section 42A reports in accordance with the directions contained in Minute 38.

Panel directions – Minute 48

- 3 Paragraph [7] of Minute 48 states:

[7] During the hearing the Panel have noted errors in the final reply provisions relating to GRUZ-R16, Intensive Primary Production, Blandswood references in the OSZ and PREC 4, and SUB-S9 and in NOISE-O2. All s42A Reply Report authors to advise of any further changes to correct errors, inconsistencies or integration issues, and provide updated final reply chapters that reflect these changes in a way that differentiates the changes from the previous version.

Intensive Primary Production

- 4 During Hearing – H, the Panel asked whether a consequential amendment to MPZ-R19, which was recommended within my Hearing B s42A Report¹, had been overlooked within the “Final replies in response to Minute 38”.
- 5 I have reviewed MPZ-R19 within the “Final replies in response to Minute 38” version of the PDP, and I agree that a consequential amendment to MPZ-R19 is required to replace “Intensive outdoor primary production” and “Intensive indoor primary production” with “Intensive primary production”, as follows:

MPZ-R19	Intensive primary production Intensive indoor primary production, intensive outdoor primary production², extensive pig farming (not provided in MPZ-R4), free range poultry farming (not listed in MPZ-R5) and associated buildings and structures
----------------	--

¹ Paragraph 7.4.28 https://www.timaru.govt.nz/_data/assets/pdf_file/0011/898040/Proposed-District-Plan-Rural-Zones-Section-42A-report-including-appendix-Andrew-MacLennan.pdf

² Te Rūnanga o Ngāi Tahu [185.11], Federated Farmers [182.15]

Māori Purpose Zone	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
--------------------	--------------------------------	--

Blandswood

- 6 During Hearing H, I suggested that there were several additional consequential amendments required to the introduction to the Open Space Zone and also PREC4-O1 to remove reference to “Blandswood”. These amendments are as follows:

Introduction

The District has a diverse range of open and recreational spaces

PREC4 – Holiday Hut Precinct provides for the on-going use and maintenance of established holiday huts at Butlers, Milford, Waipopo, Rangitata, and Stratheona ~~and Blandswood~~³ that were originally established to provide short term residential accommodation for anglers during the fishing season, as well as being places traditionally used by mana whenua for mahika kai and other cultural practices.

PREC4-O1 The character and qualities of the Holiday Hut Precinct

PREC4 - The Holiday Hut Precinct is in areas with well-established clusters of buildings and structures located at Butlers Huts, Milford Huts, Waipopo Huts, Rangitata Huts, and the Stratheona Huts ~~and the Blandswood Huts~~⁴ that are characterised by:

- 1. their river and coastal locations, ~~and in the case of the Blandswood Huts, the forested backdrop~~⁵; and*
- 2. being exposed to natural hazards; and*
- 3*

Jet Boat New Zealand (JBNZ) response

- 7 Finally, during Hearing – H, the Panel requested confirmation from JBNZ that the amendments recommended to the Activities of the Surface of Water

³ Collins, D W and S M [141.1]

⁴ Collins, D W and S M [141.1]

⁵ Collins, D W and S M [141.1]

Chapter (ASW) resolve the concerns raised within the JBNZ submission. I have contacted JBNZ who have provided a response which I have attached as Appendix A.

- 8 As set out in Appendix A, JBNZ is broadly comfortable with the recommendations to ASW-R3 to ASW-R6 and is prepared to accept some compromise in the interests of progressing the Timaru District Plan Review. While JBNZ's preference is for controls to be based on minimum water flows, which they see as the most practical and effective way to mitigate adverse effects, they accept that "time of year" restrictions can provide a workable balance alongside ecological, recreational, natural character, and cultural considerations.
- 9 In relation to the three additional rivers (ASW-R6A, ASW-R6B, ASW-R6C) JBNZ supports the recommended introduction of these rules, and accepts the proposed minimum flow threshold of 10 m³/s as both practical and safe. They also acknowledge that seasonal restrictions are an appropriate tool for protecting riverbed birds. However, JBNZ does not accept the stricter cultural assessment recommendation, which would confine jet boating to only July and August. JBNZ recognises the unique role of iwi in providing cultural assessments and accepts AECL as the appropriate spokesperson, while noting the lack of direct engagement between JBNZ and AECL. They also acknowledge that a consenting pathway is available within the recommended provisions should greater access to the three rivers be sought in future.

Amended provisions

- 10 The amendments proposed in this reply are set out in double underline, double strikethrough, and yellow highlighter in the updated chapters contained in s42A Officers Final Reply Consolidated Set of Provisions.



Andrew MacLennan

8 October 2025

Appendix A – Feedback from JBNZ

Memorandum

Project: Timaru District Plan Review		Reference: 150
To:	Copy:	Name: Organisation: Location:
✓		Andrew MacLennan Incite
	✓	Ronald Clearwater Jet Boating New Zealand
	✓	Steve Woodside Jet Boating New Zealand
From: Malcolm Smith		Date: 25 September 2025 Total pages: 3

IMPORTANT NOTICE The information contained in this document is CONFIDENTIAL and may also be LEGALLY PRIVILEGED, intended only for the addressee. If you are not the addressee, you are hereby notified that any use or dissemination of the information and any copying of the document is strictly prohibited.

Subject: Comments on the Proposed District Plan ASW Chapter

Hello Andrew.

We have reviewed your 'final reply ASW' document dated 4 August 2025. Thank you for sending this through to us.

Proposed Rules R3 – 6

I guess we are happy enough with the way things are shaping up. The time of year control doesn't bring total joy given that it stems more so from the submissions from DoC that are not fully supported by both ourselves and our expert - Jim Jolly. Our view remains that the primary control should be water flows that practically and effectively mitigate adverse effects.

But with that said, we are happy enough to accept the compromise situation in the interests of listening to other points of view and recognising that recreational jet boating activities need to be balanced with effects on the ecological, recreational, natural character and cultural values about the waterways *as evaluated by others*.

We do appreciate your analysis of the expert witnessing conferencing - settling on the time of year control that both experts agree on. Thanks.

Proposed Rules R6A – 6C

We can appreciate your comments and note that you have followed feedback from various sources as well as undertaking further research on specific matters.

We also note that you have liaised with Aoraki Environmental Consultancy Limited (AECL) seeking a *cultural assessment* setting out the cultural significance of the three additional rivers and the implications of enabling jet boats to operate on the surface of the same. Their responding Memorandum dated 28 May 2025 has been studied and the feedback provided is interesting and informative.

We had hoped to directly discuss details of the cultural assessment with AECL. To date, and sadly, there has not been an opportunity to do this.

We can respond to everything in terms of the below comments.

1. We are pleased that there is recognition of the suitability of the three additional rivers for recreational jet boating activities as a Permitted Activity albeit subject to controls. Thank you for your perspectives and promoting this within the Proposed District Plan.
2. In respect of the three additional rivers, we accept the primary control of a minimum water flow of 10 m³/s (cumecs). As stated previously, we consider this flow will enable practical and safe navigation of the waterways. The water flow should also practically isolate recreational jet boating from other recreational uses of the waterways.
3. We recognise that recreational jet boating activities need to be balanced with effects on the ecological, recreational, natural character and cultural values about the waterways. This has always been the case and is a fundamental aspect of “sharing the resource”.
4. As you know, there has been good discussion on the matter of recreational jet boating activities and effects on riverbed birds. A pragmatic outcome of a “time of year” control looks likely to be achieved, and we accept this can be applied to the three additional rivers.
5. We cannot say the same in respect of the “time of year” control that stems from the cultural assessment provided by AECL. The practical consequence is for recreational jet boating only occurring for 2 months of the year being July and August inclusive.
6. We hold the view that cultural assessments, when provided by the relevant iwi, are unique in so far as they are an expression of what Māori believe and are not matters for outside scrutiny and debate. Hence, they have been broadly accepted on face value.
7. We accept that AECL is a relevant spokesperson for iwi having interests with the three additional rivers.
8. As mentioned above, there has not been an opportunity to discuss matters directly with AECL to date. Therefore, we feel that the only practical response to this aspect of your recommendations is to state that there is not an acceptance of the proposed “time of year control”. However, there is no intention to further debate and potentially object to the proposed “time of year” control as doing so will likely cause frustrations and delays; aspects that we do not wish to promote within the overall District Plan Review process.
9. We also note that there is another potential pathway that may be available in the event we wish to obtain greater “time of year” access to the three waterways. If your rules recommendations succeed there should be an opportunity to apply for a resource consent. Albeit this will be for a non-complying activity with a corresponding high threshold etc, it provides a process to fully consider the effects against relevant cultural and other considerations. Hence the circumstances and consequences of the activity can be identified and debated, and a decision will then result.

Andrew, we trust that these comments will be useful to you and the Commissioners as the Decisions to the District Plan Review process are finalised. We are happy to provide further comments if and as requested.

Kind regards

Malcolm S. A.

Malcolm Smith

for/on behalf of Jet Boating New Zealand.