

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ**

Decision No. [2026] NZEnvC 232

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First
Schedule to the Act

BETWEEN DIRECTOR-GENERAL OF
CONSERVATION

(ENV-2026-CHC-46)

Appellant

AND TIMARU DISTRICT COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 10 September 2026

CONSENT ORDER

A: Under s279(1)(b) RMA,¹ the Environment Court, by consent, orders that:

- (1) the appeal is allowed subject to amendments to the proposed Timaru District Plan as set out in Annexure 1, attached to and forming part of this order; and



¹ Resource Management Act 1991.

(2) the appeal is otherwise dismissed.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by the Director-General of Conservation (Director-General) against part of the decision on the proposed Timaru District Plan by Timaru District Council notified on 18 March 2026 (decision).

[2] The Director-General filed an appeal against parts of the decision in relation to:

- (a) rule ASW-R4 – The recreational use of motorised craft on the Ōrari river;
- (b) rule ASW-R5 – The recreational use of motorised craft on the Ōpihi River;
- (c) rule ASW-R6 – The recreational use of motorised craft on the Pureora/Paeora River.

[3] I have read and considered the consent memorandum of the parties dated 7 September 2026 which proposes to resolve the appeal.

Agreement reached

[4] The parties have agreed how the appeal can be resolved by consent. This includes making changes to the dates that determine the temporal restriction period for the operation of recreational motorised craft (including jet boats) on the three rivers. The agreed temporal restriction period is less than sought in the appeal. This agreement means that recreational motorised craft use would be allowed on the three rivers as a permitted activity between 22 January – 22 August,

meaning the temporal restriction would apply between 23 August – 21 January.

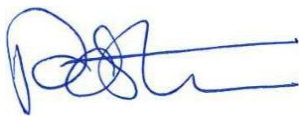
Other relevant matters

[5] Jet Boating New Zealand Inc and Royal Forest and Bird Protection Society of New Zealand Inc gave notice of an intention to join the appeal under s274 of the Act, and have signed the consent memorandum setting out the relief sought.

[6] The parties advise that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

Outcome

[7] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



P A Steven
Environment Judge



Annexure 1

ASW-R4 The recreational use of motorised craft on the Ōrāri River		
River Protection Area between the mouth of the Ōrāri Gorge and the Factory Road Bridge (RPA-3)	Activity status: Permitted	Activity status when compliance not achieved with PER-1: Discretionary
	Where:	Activity status when compliance not achieved with PER-2 or PER-3: Non-complying
	PER-1 The use is not for a commercial activity; and PER-2 The use is undertaken between 22 January and 22 August (inclusive); and PER-3 The flow at the Ōrāri Gorge is 20 cumeecs or greater.	
ASW-R5 The recreational use of motorised craft on the Ōpihi River		
River Protection Area between State Highway 1 Bridge and confluence of the Ōpihi and Opuha/Ōpuha Rivers (RPA-4)	Activity status: Permitted	Activity status when compliance not achieved with PER-1: Discretionary
	Where:	Activity status when compliance not achieved with PER-2 or PER-3: Non-complying
	PER-1 The use is not for a commercial activity; and PER-2 The use is undertaken between 22 January and 22 August (inclusive); and PER-3 The flow, when measured at the State Highway 1 Bridge, is 20	
ASW-R6 The recreational use of motorised craft on the Pureora/Pareora River		
River Protection Area between Evans Crossing and State Highway 1 Bridge (RPA-5)	Activity status: PER	Activity status when compliance not achieved with PER-1: Discretionary
	Where:	Activity status when compliance not achieved with PER-2 and PER-3: Non-complying
	PER-1 The use is not for a commercial activity; and PER-2 The use is undertaken between 22 January and 22 August (inclusive); and PER-3 The flow when measured at the State Highway 1 Bridge is 20 cumeecs or greater.	

