

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV – 2026 – CHC –

**I MUA I TE KOOTI TAIAO
KI ŌTAUATAHI**

IN THE MATTER

of an appeal under clause 14(1) of the First
Schedule of Resource Management Act 1991 in
relation to Decisions on the proposed Timaru
District Plan

BETWEEN

**THE DIRECTOR-GENERAL OF
CONSERVATION**

Appellant

AND

TIMARU DISTRICT COUNCIL

Respondent

NOTICE OF APPEAL

Dated 6 May 2026

Department of Conservation
Private Bag 10420
Wellington 6140
Counsel acting: A McCubbin-Howell
Phone: 027 201 3551
Email: amccubbinhowell@doc.govt.nz

To: The Registrar
Environment Court
Christchurch

And to: The Respondent

1. I, the Director-General of Conservation (the Director-General) appeal against parts of the decision of the Timaru District Council (the Council) on the Proposed Timaru District Plan (the Plan).
2. I made a submission and further submission on the Plan.
3. I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (the Act).
4. I received notice of the decision on 18 March 2026.
5. The decision was made by an Independent Hearing Panel appointed by the Council.
6. The parts of the decision that I am appealing are the parts of the decision regarding:
 - 6.1. Rule ASW-R4 - The recreational use of motorised craft on the Ōrari River
 - 6.2. Rule ASW-R5 – The recreational use of motorised craft on the Ōpihi River
 - 6.3. Rule ASW-R6 – The recreational use of motorised craft on the Pureora / Paora River
7. The reasons for the appeal are set out in the fourth column of Table 1 appended to this Notice of Appeal under the heading “Reasons”.
8. The parts of the decision appealed:
 - 8.1. do not promote the sustainable management of natural and physical resource as required by Part 2 of the Act;
 - 8.2. do not recognise and provide for the protection of significant habitat for indigenous species, notably endemic braided river birds;
 - 8.3. do not implement the Council’s functions under s 31 of the Act, in particular s 31(1)(b)(iii) and s 31(1)(e); and/or
 - 8.4. do not represent best resource management practice.

9. I seek the following relief:
 - 9.1. The relief specified in the third column of Table 1 appended to this Notice Appeal under the heading “Relief sought”; and
 - 9.2. Such further orders, alternative relief, consequential amendments or other amendments as are considered appropriate or necessary to address the concerns set out in this Notice of Appeal.



Alice McCubbin-Howell

Counsel for the Director-General of Conservation

Dated 6 May 2026

Address for service of appellant:

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Contacts

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Attachments

A copy of my submission and the relevant parts of the decision (Decision Report Part 7 – Activities on the Surface of Water, Earthworks, Light, Noise, Signs, Temporary Activities, Relocated Building and Shipping Containers, Highly Productive Land and Public Access) have been forwarded to the Environment Court with this notice of appeal. If any party served with this notice requires a copy of these documents to be served on them, please contact the appellant at the address for service given above and provide an email address so that the document/s can be forwarded electronically.

Advice to recipient of copy of notice

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must, -

- Within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (*see* form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Table 1: Points of Appeal by the Director-General of Conservation against the Decision of the Timaru District Council on the Proposed District Plan

Appeal point	Provision or decision	Relief sought (in green underlined text)	Reasons
1.	ASW-R4 The recreational use of motorised craft on the Ōrari River	<i>ASW-R4, PER 2: The use is undertaken between March <u>January-February and August July</u> (inclusive); and...</i>	The Ōrari, Ōpihi and Pureora/Paeora Rivers provide significant nesting habitat for endemic braided river bird species including: wrybill / ngutu pare (Threatened – Nationally Increasing), ¹ black-billed gull / tarāpuka (At Risk - Declining), black-fronted tern / tarapiroe (Threatened – Nationally Endangered), banded dotterel / pohowera (At Risk – Declining) and South Island pied oystercatchers / tōrea (At Risk – Declining). These species are under increasing pressures from anthropogenic activities. The nesting season is from August to January (inclusive).
2.	ASW-R5 The recreational use of motorised craft on the Ōpihi River	<i>ASW-R5 PER 2: The use is undertaken between March <u>January-February and August July</u> (inclusive) and...</i>	Evidence from New Zealand and overseas studies is that motorised craft have a range of direct and indirect negative effects on birds, especially during nesting season, and that these effects are cumulative. Under the decision version of the Plan, permitted activity rules ASW-R4, ASW-R5 and ASW-R6 allow for the use of recreational motorised craft between January and August (inclusive) on specified parts of the Ōrari, Ōpihi and Pureora Rivers (River Protection Areas RPA-3, RPA-4 and RPA-5), meaning use of recreational motorised craft within these areas is restricted from September to December. This timeframe does not align with the nesting season for the endemic braided river birds that are present on these rivers.
3.	ASW-R6 The recreational use of motorised craft on the Pureora / Paeora River	<i>ASW-R6 PER 2: The use is undertaken between March <u>January-February and August July</u> (inclusive); and...</i>	In order to address adverse effects on endemic braided river birds, temporal restrictions on the use of recreational motorised craft during bird nesting seasons are necessary. The appropriate period within which recreational motorised craft use should be allowed as a permitted activity is from February to July , meaning the use is restricted from 1st of August to 31st of January inclusive.

¹ References are to the New Zealand Threat Classification System (Robertson et al. 2021).

			<p>The relief sought by the DG will provide adequate protection for endemic braided river birds during the bird nesting season and ensure consistency with the Part 2 of the RMA, relevant objectives, policies of the Plan and higher order documents including the National Policy Statement for Indigenous Biodiversity (NPS-IB), National Policy Statement for Freshwater (NPSFM) and Canterbury Regional Policy Statement (CRPS).</p>
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