

## Proposed Timaru District Plan: Activities on the Surface of Water

### Introduction

1. My name is Malcolm Smith and I am a consultant advisor to Jet Boating New Zealand (JBNZ) for Resource Management and other regulatory matters that impact on recreational jet boating within New Zealand.
2. I hold professional qualifications in the area of property development and particularly subdivision. I have no specific qualifications in Resource Management Planning however I have considerable experience in general Resource Management matters as they have concerned property development.
3. I have also gained experience in Resource Management matters relating to recreational jet boating. I am familiar with the typical District Plan provisions that impact on recreational jet boating activities.
4. I also have a broad knowledge of the Maritime Rules associating with recreational jet boating, and particularly the navigation safety rules in Part 91 of the Maritime Rules.
5. I also introduce Ronald Clearwater who is an experienced jet boater and has vast boating experiences about the South Island including waterways within the Timaru and surrounding Districts.
6. Ronald is also an executive member of Jet Boating New Zealand and holds the position of executive lead of the **Rivers** portfolio.

7. Note that Ronald has also made individual submissions to the proposed District Plan – as submitter 243. That said, he is assisting with this presentation as a representative of JBNZ.

### Jet Boating New Zealand – Submitter

8. JBNZ is a national organisation that represents recreational jet boaters in New Zealand. It was formed in 1962 following the early growth in jet boat interest and activities, and its objectives are:
  1. To co-ordinate and promote jet boating on a national basis.
  2. To encourage safe jet boating principles and practices.
  3. To promote and protect the rights of jet boaters and JBNZ.
  4. To establish and maintain harmonious relationships with other water users.
9. JBNZ has approximately 3,500 members and works closely with local and central government organisations, such as territorial authorities and the Department of Conservation, and NGOs, such as the Royal Forest & Bird Society and Fish & Game, to advocate for the use of waterways by recreational jet boaters and the health and wellbeing of those waterways.
10. A significant focus of JBNZ is the self-guided recreational use of jet boats. It performs a key role in advising its members of waterways that can be boated safely and lawfully as an individual activity. It also arranges “branch-runs” where it will arrange for its members to boat a particular river in an organised event manner. It further provides a degree of instruction and training for recreational jet boating, both informally and as an organised training event.

## Submission

11. JBNZ has submitted on the Activities on the Surface of Water (ASW) chapter as well as on other parts of the proposed District Plan. JBNZ has a keen interest in surface water activities given recreational jet boating primarily deals with navigation on the surface of waterways.

12. The submission, as it concerns the ASW chapter, can be summarised as follows.

- a. General support of proposed Objective 1. The objective notes several values that are to be protected from adverse effects of activities on the surface of water. The submission essentially seeks to refine the nature of the adverse effects to those that are **more than minor**.
- b. General support of proposed Policy 3: Recreational use of motorised craft within specified areas of identified rivers. The submission supports the *enabling* nature of the policy. That said, the submission also seeks a refinement of avoidance of adverse effects to only those that are **more than minor**.

The submission then requests an amendment to the method of avoidance, from the proposed limitation on the “time of year” to a minimum water flow.

- c. Support of proposed Policy 5. This refers to scheduled fish spawning areas. JBNZ appreciates and respects the sensitivities associated with these areas.

- d. General support of proposed Policy 6. Other non-commercial activities. The submission supports the *enabling* nature of this policy. That said, the submission also seeks the avoidance of non-commercial motorised craft activities only in the event the associated adverse effects are significant (more than minor).
- e. Support of proposed Rule 3 concerning recreational use of motorised craft on the Rangitata River. This provides consistency with the Ashburton District Plan; that controls land use activities on the true left side of the Rangitata River (noting the District Boundary is generally about the median of the river area).
- f. General support of proposed Rule 4 relating to the recreational use of motorised craft on the Orari River. The submission supports the *enabling* nature of the Rule. That said, it seeks an amendment to the permitted standards to a simple minimum water flow.
- g. General support of proposed Rule 5 relating to the recreational use of motorised craft on the Opihi River. The submission supports the *enabling* nature of the Rule. That said, it again seeks an amendment to the permitted standards to a simple minimum water flow.
- h. General support of proposed Rule 6 relating to the recreational use of motorised craft on the Pureora/Pareora River. The submission supports the *enabling* nature of the Rule. Again, it seeks an amendment to the permitted standards to a simple minimum water flow.

- i. Requests amendment of proposed Rule 9 relating to other activities on the District's rivers. The submission requests an amendment to enable recreational use of motorised craft as a Restricted Discretionary activity with matters of discretion noted in proposed Policy 6.
- j. Requests amendment of proposed Rule 10 relating to the use of motorised craft within the scheduled Fish Spawning Areas on the District's rivers. The submission requests an amendment to enable recreational use of motorised craft within these Areas as a Non-Complying activity.
- k. Requests a **new proposed Rule 11** relating to the recreational use of motorised craft on the Te Ngawai, Te Moana and Waihi rivers. The submission seeks a Permitted Activity status to undertake recreational jet boating activities subject to a simple permitted standard being a minimum water flow.

## Discussion

### Objective

13. The submission on proposed **Objective 1** is concerned with the recognition that adverse effects can be categorised in terms of magnitude, and we consider that it is reasonable to accept an adverse effect if it is less than minor. This may seem to be pedantic in reference to an Objective, however alignment with it becomes important if there is an application for a Resource Consent for a proposed activity.
14. We note the s42A report that suggests an amendment to the wording – adding in ... protected from the adverse effects of inappropriate activities ....
15. With respect this amendment just introduces the question of what is an inappropriate activity?
16. That stated, JBNZ considers that the amendment may be an improvement on the proposed wording, and for the reasons noted in the s42A report. JBNZ is therefore prepared to accept the recommendation.

## Policies

17. The submission on proposed **Policy 3** similarly seeks precision within the reference to adverse effects - any more than minor adverse effects are to be controlled, and minor and less than minor adverse effects can be tolerated.
18. The submission also seeks to remove the “time of year” permitted standard and considers that potential more than minor adverse effects can be avoided by simply stipulating a minimum flow when recreational jet boating can occur. The submission explains the reasons for this.
19. Through Council initiated discussions with the Department of Conservation (DoC) staff JBNZ understands that the purpose of the “time of year” control is a precautionary measure to account for potential adverse effects on riverbed birds and their habitat by recreational jet boat activity.
20. With respect, JBNZ understands that there is good evidence that recreational jet boating activities do not provide a more than minor adverse effect on riverbed birds. This understanding is borne from the 2019 Statement of Evidence by J R Jolly to Plan Change 19 of the MacKenzie District Plan (2019).
21. A copy of this Statement of Evidence is attached for direct reference.
22. In section 6 of the Statement of Evidence there is significant reference to general jet boating activities within the South Island and observed effects on riverbed birds – by Jolly and others. The evidence notes several matters as follows.
  - a. Nesting riverbed birds are remarkably tolerant to noise and machine activity (clause 6.2).

- b. Jet boat wash is minimal and would have little effect at the edge of the river where the birds feed (clause 6.3).
  - c. Jet boat wakes were insufficient to wash away nests or birds feeding at the water's edge (clause 6.3).
  - d. Birds did not appear to be greatly disturbed by frequent boat passages near to their nesting, roosting and feeding areas (clause 6.3).
  - e. Frequent jet boating activities all day over several days did not disturb riverbed birds with only one exception – black stilt (clause 6.5).
  - f. Hughey (2011) findings in a qualitative risk assessment indicate that jet boating is a low risk to river birds (clause 6.6).
23. These findings are very consistent with the broad experiences of many recreational jet boaters.
24. With the above findings noted, JBNZ has recently contacted Jim Jolly for his views in respect of the proposed River Protection Areas of the Orari, Opihi and Pureora/Pareora rivers. The scope has then expanded to also include sections of the Te Ngawai, Te Moana and Waihi rivers that JBNZ is seeking access to.
25. Jim Jolly has provided his views via a **Statement**, and this is also attached for direct reference.
26. The summary of this Statement is that mature riverbed birds are not greatly disturbed by recreational jet boating activities. However, nestling and fledging birds on the other hand do not have great mobility, and recreational jet boat activities have the potential to cause disturbances that may have a more



profound effect on them. The effects are more so with watercraft wake/wash if these birds are near to the water edge.

27. In this circumstance Jim Jolly considers that a cautionary approach is appropriate, and restrictions on recreational jet boating activities during the months of September through to December is supported by him.

28. JBNZ notes that DoC has provided a submission and discussion details that recommends a restriction on recreational jet boating activities on the subject rivers for the months of September through to February inclusive. JBNZ understands that no evidence has been provided from DoC or others to show that riverbed birds will be adversely affected by jet boating activities to a minor or greater degree within this "time of year" on the subject rivers. The recommended restriction is simply provided in a precautionary sense.

29. JBNZ considers that the feedback provided by Jim Jolly is superior to the recommendation by DoC and hence should be favoured.

30. Given this, JBNZ now considers that a precautionary type "time of year" permitted standard should be imposed for the months of September through to December inclusive.

31. The extension to this is the acceptance of the s42A report recommendation to amend the policy wording, however noting an error in the amended text that refers to ... *commercial recreational use of motorised craft* .... JBNZ considers that the text should properly refer to ... *non-commercial recreational use of motorised craft* ...

32. The submission on proposed **Policy 5**. JBNZ broadly supports the avoidance of recreational jet boating within the scheduled Fish Spawning Areas. Many

who undertake recreational jet boating also enjoy fishing and appreciate the benefit in isolating these activities within these specific Areas.

33. The submission on proposed **Policy 6** again concerns precision with the reference to potential adverse effects. Again, this becomes important in the event of an application for a Resource Consent for a proposed activity.

34. JBNZ notes the s42A report comments and the recommended amendments. In the circumstances JBNZ is therefore prepared to accept the recommendation.

## Rules

35. The JBNZ submission refers to several proposed rules that deal with specific rivers. JBNZ comments on these as follows.

### Rangitata River

36. JBNZ has considered proposed **Rule 3** that refers to the River Protection Area within the Rangitata River. The priority here is to provide a Rule that is practically consistent with the similar rule in the operative Ashburton District Plan. Given the boundary between the adjoining Districts is substantially about the median of the river it seems sensible if not necessary that there is full alignment.

37. In the River Protection Area below Red Rocks recreational jet boating is proposed to occur as a Permitted Activity. This is consistent with the operative Ashburton District Plan (Permitted Activity by 3.8.2 - k).

38. In the River Protection Area above Red Rocks recreational jet boating is proposed to occur as a Permitted Activity between August and February (inclusive). This is also consistent with the operative Ashburton District Plan (Permitted Activity by 3.8.2 - k).

39. JBNZ accepts the s42A report recommendation, noting the only amendment to the proposed rule is to correct a minor error in the permitted standard with reference to the SCHED13 Fish Spawning Areas.

## Orari River

40. The submission on proposed **Rule 4** concerns the River Protection Area within the Orari River. In essence JBNZ considers that a reasonable and practical control on motorised craft activities can be achieved by a minimum water flow.

41. As noted in the submission,

1. The river has a normal flow in the range of 5 cumecs to 15 cumecs. Flows of 20 cumecs or greater only occur infrequently and following a natural fresh or flood.
2. During these periods of higher flow, other recreational river users are very unlikely to be on the river. Hence the potential for conflict or interruption by recreational jet boating is very low.
3. These higher flows will likely have the immediate effect of naturally disturbing fauna in and about the river margins to the extent that recreational jet boating will not provide any significant further impacts.
4. The same comments in 3. apply to flora about the river margins.

42. When the water flow is of 20m<sup>3</sup> or greater as measured at the designated flow station, it is possible for recreational jet boats to navigate the River Protection Area. The extension to this is at flows less than 20m<sup>3</sup> safe navigation becomes doubtful and at least challenging for many recreational jet boats. Hence the permitted standard for activities in terms of a minimum water flow seems to be practical.

43. JBNZ notes that access to other rivers within New Zealand is controlled by a stipulated minimum water flow, and this works well.

44. It also provides a meaningful reference to the practicalities of safe navigation that resonates well with recreational jet boaters. If the water flow is less than the control value there is a clear message that not only is the activity not permitted in a RMA sense, but it is also not practical from a navigation safety perspective.
45. As commented in respect of proposed Policy 3 above, JBNZ respectfully considers that a “time of year” control for the Orari River is unnecessary as recreational jet boating activities do not provide a more than minor adverse effect on riverbed birds.
46. Further, the removal of the proposed “time of year” control will provide greater access to the river and will be consistent with the enabling provisions of the proposed Policy 3 - providing for non-commercial recreational use of motorised craft .....
47. These points noted, JBNZ also respects the view of Jim Jolly regarding the potential effects of recreational jet boating activities on riverbed birds. JBNZ also respects the view that a restriction on activities during the months of September through to December inclusive is appropriate.
48. The s42A report recommends the retention of the proposed rule as notified. JBNZ seeks an amendment to the proposed rule in terms of its submission – a permitted standard in respect of minimum water flow being 20m<sup>3</sup>. JBNZ accepts the retention of the minimum water flow of 20m<sup>3</sup>, also seeks an amendment to the permitted standard in respect of “time of year” to January to August inclusive.

### Opihi River

49. The submission on proposed **Rule 5** concerns the River Protection Area within the Opihi River. In essence JBNZ considers that a reasonable and practical control on motorised craft activities can be achieved by a minimum water flow.

50. The comments in the above clauses 41 to 47 inclusive are applicable in respect of the Opihi River.

51. We note that the controls within the proposed District Plan refer to outdated recreational jet boating activities. The *JBNZ organised event* references jet boat activities that occurred in the 1980's and 1990's. These activities no longer occur and have not occurred for many years. Hence this control is not appropriate.

52. The s42A report recommends an amendment to the proposed rule to delete the permitted standard in respect of the outdated JBNZ organised event. JBNZ agrees with this deletion. JBNZ also seeks a further amendment to the "time of year" permitted standard to refer to January to August inclusive and retain the minimum water flow permitted standard.

### Pareora River

53. The submission on proposed **Rule 6** concerns the River Protection Area within the Pureora/Pareora River. In essence JBNZ considers that a reasonable and practical control on motorised craft activities can be achieved by a minimum water flow.

54. Again, the comments in the above clauses 41 to 47 inclusive are applicable in respect of the Pureora/Pareora River.

55. JBNZ notes the s42A report comments in respect of the adjoining Waimate District Plan and the proposed variance in the rules for each side of the river. No doubt the variance may be short lived and there is an opportunity to achieve alignment in the fullness of time.

56. The s42A report recommends the retention of the proposed rule as notified. JBNZ seeks an amendment to the "time of year" permitted standard to refer to January to August inclusive and retain the minimum water flow permitted standard.

### Other Rivers

57. The submission on proposed **Rule 9** concerns the activity status of a proposed activity not otherwise addressed via other rules. The view is that the activity status should be Restricted Discretionary rather than Non-Complying. This is simply to better align with proposed Policy 6 that similarly concerns proposed activities not otherwise addressed via other policies. Proposed Policy 6 specifies six (6) “unless” criteria as a means of control. It follows that these can be repeated as “matters of discretion” associating with Rule 9 if the activity status is Restricted Discretionary.

58. That said, JBNZ notes the s42A report and recommendation to retain the Rule as notified. In the circumstances JBNZ is therefore prepared to accept the recommendation.

### Fish Spawning Areas

59. The submission on proposed **Rule 10** concerns the activity status of the use of motorised craft within the fish spawning areas. The view is that the activity status should be Non-Complying rather than Prohibited. Notwithstanding the general view that recreational jet boating should not occur within recognised fish spawning areas, there may be circumstances and potential controls that enable potential adverse effects to be suitably mitigated. Hence an appropriate activity status can be Non-Complying. In addition, a Prohibited status is absolute and unreasonably excessive.

60. JBNZ notes the s42A report and particularly the discussion about the activity status and recommended minor amendment to the Rule as notified. In the circumstances JBNZ is therefore prepared to accept the recommendation.



Te Ngawai, Te Moana and Waihi Rivers.

61. JBNZ proposes, via their submissions, an additional proposed **Rule 11** relating to motorised craft on the surface of three further waterways as follows.

1. Te Ngawai River.
2. Te Moana River.
3. Waihi River.

62. These waterways are appropriate for recreational jet boating activities albeit noting that they best suit a limited range and type of recreational jet boat. In essence JBNZ considers that a reasonable and practical control on motorised craft activities can be achieved by a minimum water flow. The considered minimum water flow is 10m<sup>3</sup> for each river.

63. As noted in the submission.

1. These rivers have a normal flow in the range of 1 cumecs to 7 cumecs. Flows of 10 cumecs or greater only occur infrequently and following a natural fresh or flood.
2. During the above periods of higher flow, other recreational river users are very unlikely to be on the river. Hence the potential for conflict or interruption by recreational jet boating is very low.
3. The above higher flows will likely have the immediate effect of naturally disturbing fauna in and about the river margins to the extent that recreational jet boating will not provide any significant further impacts.
4. The same comments in 3. apply to flora about the river margins.

64. When the water flow is of  $10\text{m}^3$  or greater it is possible for some recreational jet boats to navigate these waterways. This is particularly the case for smaller and light jet boats and those with inflatable hulls. These motorised craft typically have a small water displacement and can safely navigate lower water flow waterways at a slower absolute speed. They are particularly suited to the smaller and low flow waterways and provide a style of recreational jet boating that is gaining in popularity because of this.
65. Note that the larger and more “typical” recreational jet boat will struggle to navigate these waterways irrespective of a minimum  $10\text{m}^3$  water flow. Hence the expectation is that these waterways will provide a convenient and practical recreational jet boating opportunity for only the smaller and light jet boats and those with inflatable hulls. This, in turn, will practically limit the activity.
66. The extension to this is at flows less than  $10\text{m}^3$  safe navigation becomes doubtful and at least challenging for even the small recreational jet boats. Hence the control for activities in terms of a minimum water flow seems to be practical.
67. JBNZ has considered the protection of values associated with these rivers. JBNZ considers that, in respect of riverbed birds, the comments provided in respect of proposed Policy 3 and detailed in clauses 17 to 23 inclusive are applicable to these rivers. That said, JBNZ also notes and accepts the view of Jim Jolly as detailed in his recent Statement. Therefore, a “time of year” permitted standard of January to August inclusive is accepted.
68. JBNZ is also not aware of specific fish spawning areas associated with these rivers. That noted, JBNZ will take note of expert evidence to the contrary and will accept a permitted standard to exclude recreational jet boating activities within these areas.

69. JBNZ notes the s42A report and the reference to the DoC further submission.

JBNZ agrees that some degree of “protection of values” is appropriate and evidence to support the addition of these rivers (as rivers suitable for recreational jet boating via a permitted activity status) is necessary.

70. JBNZ considers that there will be less than minor adverse effects on riverbed birds and habitat, excluding the period September through to December inclusive, via the above discussion. JBNZ also considers that there should not be any adverse effects on fish spawning albeit is open to evidence to the contrary. JBNZ seeks acceptance of these circumstances and asks that the request for the additional Rule is confirmed. Doing so will avoid the otherwise proposed requirement to seek Resource Consents for non-complying activities, and with all the associated effort, process and costs that associate with these activity status applications.

## Conclusion

71. JBNZ appreciates the opportunity to submit on the proposed District Plan.

Thank you for receiving the submission and allowing us to present it to the Panel.

72. JBNZ will be happy to continue discussions with Council as necessary.

Jet Boating New Zealand

Dated 28 April 2025

Encl.

Evidence by J R Jolly to Plan Change 19 of the MacKenzie District Plan (2019).

Statement by J R Jolly dated 23 April 2024.

**IN THE MATTER**

MacKenzie District Proposed Plan  
Change 19

**AND**

The Submission of Jet Boating New  
Zealand Incorporated

**AND**

The Submission of the Department of  
Conservation

**STATEMENT OF EVIDENCE OF JAMES NORMAN JOLLY**

**1. QUALIFICATIONS AND EXPERIENCE**

- 1.1 My full name is James Norman Jolly. I am Director and Principal Ecologist of Jolly Consulting Limited. I hold the qualifications of M.Sc (Hons equiv.) in Zoology from the University of Canterbury. I have been a professional ecologist for the past forty years and have specialised in avifauna for twenty six years. I was a scientist in the Forest Research Institute from 1975 – 1979 working on possum control. From 1979 – 1989 I was a scientist in the NZ Wildlife Service/Department of Conservation working on kiwi. Since 1989 I have worked as a wildlife consultant, writer, and lecturer, as well as having a significant input into district plans and other resource management issues.
- 1.2 During the last seventeen years I have either organised or assisted with surveys of riverbed birds in the Wairau River (Marlborough), Upper and Lower Waimakariri River, Ashburton River, both the Upper and Lower Rangitata, the Orari and Opihi Rivers. I have assessed the factors affecting birds on both the Wairau, Rangitata and Ashburton Rivers and presented evidence to both the Special Tribunal and the Environment Court hearings of the Rangitata Water Conservation Order and the proposed Wairau Hydro-electric Scheme. I also submitted evidence on riverbed birds on behalf of Rangitata Diversion Race Management Ltd for their resource consent application to take water from the Rangitata and Ashburton Rivers. I gave a paper to the Australasian Ornithological Congress on the birds of the Rangitata River and gave a presentation to Environment Canterbury's Orari Catchment Management Strategy on birds of the Orari river and its review of gravel extraction resource consent conditions (birds).

- 1.3 I confirm that I have read and am familiar with the “Code of Conduct for Expert Witnesses” in the Environment Court Practice Note (31 March 2005). The evidence I have presented relies on my expertise, on the scientific literature, on my experience using jet boats on bird surveys, and on jet boating frequency in the Upper Waitaki Basin as supplied by the Jet Boating New Zealand. I agree to comply with the Code.

## **2. SCOPE OF MY EVIDENCE**

- 2.1 My statement of evidence will cover the following topics:
- 2.2 (a) The reasons for the need for my evidence with regard to a submission by the Department of Conservation (DOC).
- 2.3 (b) The avifauna environment of the Upper Waitaki basin
- 2.4 (c) An assessment of the threats to birds in the Upper Waitaki Basin
- 2.5 (d) My comments on the submission of the Department of Conservation
- 2.6 (e) My recommendations as to the Plan conditions for jet boating on the Cass, Dobson, Godley, and Tasman Rivers.

## **3. MACKENZIE DISTRICT COUNCIL PLAN CHANGE 19 AND DEPARTMENT OF CONSERVATION SUBMISSION – JET BOATING**

- 3.1 Section 7A.1.1 provides for: “Permitted Activities on or within Lakes Benmore, Tekapo and Ruataniwha and all rivers other than the Opihi and Opuha” including (Section 7A.1.1.b) “Non-commercial motorised and non-motorised activities”.
- 3.2 In submission 169, The Department of Conservation requests that “Rule 7A.1 amend by adding the Godley, Tasman, Cass, and Dobson to rivers which are not controlled through this rule” and further that (7A.1.1.b) “amend by requiring non-commercial motorised and non-motorised activities to only have access to a water body via a formed access or boat ramp”.
- 3.3 In effect this would make motorised activities on these rivers non-complying:
- 3.4 “In Section 7A.4 Opihi and Opuha Rivers:

- Non-commercial non-motorised activities – permitted
- Commercial non-motorised is Discretionary
- **Motorised is Non-complying”**

3.5 Jet Boating NZ supports the MacKenzie District Council’s Proposed Plan Change 19 original provisions and opposes Department of Conservation’s submission on the grounds that there is no evidence provided that indicates that jet boating has any more than a less than minor effect on riverbed birds.

#### 4. AVIFAUNA OF THE UPPER WAITAKI BASIN

4.1 The Upper Waitaki Basin, including the Tasman, Godley, Cass, and to a less extent the Dobson Rivers, is nationally important in terms of both abundance and diversity of riverbed nesting birds (Maloney et al. 1997).

4.2 Significant Species present:

a. South Island pied oystercatcher. Conservation Status: At Risk, in decline. NZ endemic

Present on all four rivers nesting in pairs, usually on open river shingle. Can feed in the water with their long bill as opposed to the smaller waders. Widespread nesting in the South island. Migrate to the northern North Island in winter.

b. Pied Stilt. Conservation status: Not threatened.

Present on all four rivers also nesting in pairs or loose aggregations often near pools and swamp as well as on open riverbeds. Can also feed in the water with their long legs and bills. Nest throughout New Zealand and in Australia and South Western Pacific. New Zealand residents migrate to the coast or northern North island in winter. Hybridise with black stilts.

c. Black stilt (kaki). Critically endangered NZ endemic.

Currently nest only in the Upper Waitaki Basin most or all birds from captive rearing. Probably present in all four rivers. Only approximately 80 remaining pure breeds in the wild plus hybrids with pied stilts. Natural nesting sites usually in more stable sidestreams, pools and swamps but also on banks in riverbeds (Pierce, 2013 ). Can feed in water as with pied stilts but appear to be adapted to feeding in silty water with a

sweeping bill action unlike pied stilts. Feed on insects and especially their larvae, other invertebrates and small fish.

d. Banded dotterel. Conservation status: Threatened

Abundant in all four rivers a small wader that nests in open riverbed throughout New Zealand. Nest in pairs on open riverbed. Feed at edges of main and side channels on insects. Migrate after breeding to northern New Zealand and Australia.

e. Wrybill. Conservation status: Threatened NZ endemic

The high country rivers of Canterbury and Otago are the only nesting sites of wrybill. Nest in pairs on open riverbed shingle. Relatively abundant in all four rivers. A small wader that feed on insects at the edges of streams and by reaching under stones with their curved bills. Migrate to northern New Zealand in the non-breeding season.

f. Southern black-backed gull. Conservation status: An unprotected common native species

Abundant throughout New Zealand and the temperate Southern Hemisphere. Breed in large colonies on riverbeds including the rivers of the Upper Waitaki. A large, mobile, omnivore that is a significant predator at the nests of other riverbed birds.

g. Black-billed gull. Critically endangered, NZ endemic.

Probably present in at least low numbers in all four rivers but nest in much higher numbers in lowland rivers throughout the South Island and in some parts of the North Island. Can nest on open riverbeds, nearby farmland, and coastal dunes, and in dense colonies. Tend to move to the coast after breeding. Feed primarily on insects and small fish by dipping into water or catching insects aerially and by following the plough.

h. Black-fronted tern. Nationally endangered NZ endemic

Present in significant numbers, and probably nesting, in all four rivers. Nest in loose colonies in open riverbed often close to streams. Breed throughout South Island braided rivers and on a few North Island rivers. Feed primarily on insects and small fish by dipping or plunging into water or catching insects aerially, and by following the plough.

i. Caspian tern. Protected naturally uncommon species

This is a large tern with an almost world-wide distribution that is present in New Zealand primarily on high-country rivers and coastal estuaries. Probably present in low



numbers in all four rivers. Nest in open riverbeds, sometimes in association with black-backed gulls, and on coastal dunes and shingle banks. Feed mostly on small fish and some invertebrates.

## **5. THREATS TO RIVERBED BIRDS OF THE UPPER WAITAKI BASIN**

### **5.1 Predation**

There can be no doubt that predation has been, and probably still is, the most important impact on riverbed birds in the Upper Waitaki Basin as it is elsewhere (e.g. Keedwell et al, 2002; Pierce, 1986; Rebergen et al, 1998). Some species are more vulnerable than others and that is probably indicated by their level of threatened status. The endangered black stilts, black-fronted terns and black-billed gulls are likely to be the most vulnerable to predation. There has been mammal predator control on the Tasman River for many years and that appears to be reflected in improved nesting success for most species (e.g. Cleland, 2007). However, it appears to be most difficult to improve nesting success of these endangered species across the whole Upper Waitaki Basin. The Government's recent announcement of \$4.5 million for the first three years of a new predator control programme for the Upper Waitaki is an indication of how serious the problem is.

In addition to predation by mammals, black-backed gulls are also a significant predator of nests as demonstrated in the Lower Waitaki (Schlesselman et al. 2018) and Lower Rangitata (Jolly, pers. obs).

### **5.2 Habitat depletion**

Encroachment of farmland and grazing animals and farm vehicles on to riverbeds can result in either loss of suitable habitat or crushing of nests. Much of this loss can be through encroachment on to the braid plain where streams may not occur currently but where braids change after floods (see for example Environment Canterbury's "Bridge Project" and an apparent intrusion of a pivot irrigator on to the braid plain of the Ahuriri River).

The spread of woody shrub weeds (tree lupin, gorse, etc) and Russel lupin is a major problem in braided rivers and reduces the available area of suitable nesting habitat and, in addition, provides shelter for mammalian predators.

### **5.3 Recreation**

Any careless activity on braided rivers can result in loss of nests or disturbance of nesting sites or killing of birds. Four wheel driving can be a major problem but campaigns by 4WD clubs have, I understand, greatly reduced this problem. Dogs are clearly a serious threat, and I have witnessed fishers release their dogs to run free in black-fronted tern colonies.

I will address whether or not jet boating is a risk to riverbed birds in the next section

#### 5.4 Floods and Flood control

Nests, whole colonies and chicks are often lost under natural flood conditions. Any river works during the nesting season can threaten nesting and alter the habitat to the detriment of birds unless carefully managed.

#### 5.5 Hybridisation of black stilts with pied stilts

This a unique but significant problem for black stilts that greatly reduces the number and breeding potential of pure black stilts.

### **6. THE POTENTIAL FOR JET BOATING TO HAVE ADVERSE EFFECTS ON THE TASMAN, GODLEY, CASS, AND DOBSON RIVERS**

6.1 The submission by the Department of Conservation gives no evidence for adverse effects of jet boating on riverbed birds or any indication of what those adverse effects might be. It simply states that: "the rivers are home to significant indigenous biodiversity and the use of these rivers by motorised craft could lead to adverse effects on these species". In the absence of detail, I can only surmise that DOC considers disturbance or noise disturbance and possibly the perceived wash of a passing boat are the adverse effects. It is also difficult to see what has changed for the birds from DOC's agreement since 2006 to jet boating as a permitted activity subject to some conditions (e.g. restrictions in spring).

6.2 I and others who survey birds for Environment Canterbury's gravel extraction consents have experience of frequent and much closer noisy activity by trucks and excavation machinery than that from a jet boat on the water. We find that nesting riverbed birds are remarkably tolerant of noise and machinery activity. Trucks can pass frequently within 10 metres of a nest without the incubating bird lifting off the nest. The Ashley-

Rakahuri Rivercare Group is currently monitoring birds nesting about 25 metres from gravel extraction activities and finding no apparent disturbance to the birds.

- 6.3 In my experience the wash from a passing jet boat, particularly the smaller private boats that are the activity in question, is minimal and would have little effect at the edge of the river where the birds feed. Hudson (2004) in a study of the effects of jet boats on aquatic birds in a high boat use area (including larger commercial boats) found that wakes were insufficient to wash away nests or birds feeding at the water's edge. He also commented that birds did not appear to be greatly disturbed by frequent boat passages near to their nesting, roosting and feeding areas.
- 6.4 I do think that jet boaters, and any fishers or hunters that they drop off, should take particular care at launching and landing sites. This would be a matter of being aware of the possibility of nests or chicks on the bank and avoiding them.
- 6.5 I have used jet boats for bird surveys on both the Upper Waimakariri River and the Wairau River, Marlborough. The boats were used all day for several days and surveys were repeated for three and two years respectively. The boats dropped surveyors off and picked them up repeatedly throughout the day. We did not experience any disturbance to the birds which included all the species listed above except black stilt. Black stilts tend to nest further away from main channels (Pierce, 2013) than other species and would be at less risk.
- 6.6 Hughey's (2011) findings in a qualitative risk assessment indicated that:
- “1. Jet boating is a low risk to river birds
2. There are multiple risk reduction options all of which will be effective in reducing any effects from jet boating (e.g. no launching or stopping near nesting colonies of threatened species; keeping to main channels).
- 6.7 Jet Boating NZ have given me estimates of jet boat use of the Godley and Dobson Rivers. It appears to be low usage “in the order of 100 – 300 boat visits per year”. Most boat visits would be from late December to end of April. Nesting and fledging are mostly finished by the end of January. In my opinion, the probability of flightless chicks of riverbed birds feeding in the water at the time of very infrequent passages by boats is minimal.

- 6.8 It is clear to me that all five of the adverse effects on riverbed birds that I have listed, other than jet boating, are significant and need management.

## **7. RECOMMENDATIONS**

- 7.1 In my opinion, jet boating on the Tasman, Godley, Dobson and Cass Rivers could continue as a permitted activity as proposed in Plan Change 19 with less than minor effects on riverbed birds.
- 7.2 I suggest that developing awareness for all river users is more appropriate than declaring the activity as non-compliant. Eyes on the river are invaluable.
- 7.3 I suggest that both Jet Boating NZ and DOC make information available to boat users indicating that there are important bird nesting areas on these rivers, including endangered species, and that drivers should keep to the middle of main channels where possible, and take care to avoid nests or chicks at launching and landing points.

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# Proposed Timaru District Plan: Activities on the Surface of Water

Statement by James (Jim) Jolly.

## Introduction

1. My name is James (Jim) Jolly and until March 2024 I was Director and Principal Ecologist of Jolly Consulting Limited. I hold the qualifications of M.Sc (Hons equiv.) in Zoology from the University of Canterbury. I have been a professional ecologist for the past forty-five years and have specialised in avifauna for twenty-six years. I was a scientist in the Forest Research Institute from 1975 – 1979 working on possum control. From 1979 – 1989 I was a scientist in the NZ Wildlife Service/Department of Conservation working on kiwi. Since 1989 I have worked as a wildlife consultant, writer, and lecturer, as well as having a significant input into District Plans and other Resource Management issues.
2. During the last twenty-two years I have either organised or assisted with surveys of riverbed birds in the Wairau River (Marlborough), Upper and Lower Waimakariri River, Ashburton River, both the Upper and Lower Rangitata, the Orari and Opihi Rivers. I have assessed the factors affecting birds on both the Wairau, Rangitata and Ashburton Rivers and presented evidence to both the Special Tribunal and the Environment Court hearings of the Rangitata Water Conservation Order and the proposed Wairau Hydro-electric Scheme. I also submitted evidence on riverbed birds on behalf of Rangitata Diversion Race Management Ltd for their resource consent application to take water from the Rangitata and Ashburton Rivers. I gave a paper to the Australasian Ornithological Congress on the birds of the Rangitata River and gave a presentation to Environment Canterbury's Orari Catchment Management Strategy on birds of the Orari river and its review of gravel extraction resource consent conditions (birds).

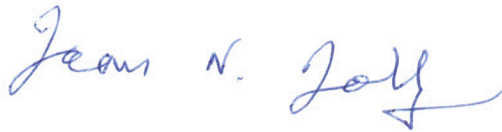
3. In 2019 I assisted JBNZ with their submissions to Plan Change 19 of the MacKenzie District Plan. I provided expert evidence on several matters including an assessment of threats to birds in the Upper Waitaki Basin by recreational jet boat activities.
4. Jet Boating New Zealand (JBNZ) has recently contacted me to assist them with their involvement in the Timaru District Plan Review. In particular, JBNZ has asked me for my views on recreational jet boating activities and the potential effects on riverbed birds that may have habitats in the proposed River Protection Areas of the Orari, Opihi and Pureora/Pareora rivers.
5. The scope of the assistance has then been extended to include sections of the Te Ngawai, Te Moana and Waihi rivers that JBNZ is seeking improved access to.
6. In response, I firstly note that I more so have direct knowledge of riverbed birds in the Orari and Opihi rivers, however less knowledge of the same in respect of the Pureora/Pareora, Te Ngawai, Te Moana and Waihi rivers.
7. That said, and after enquiries with ECan staff and others, I note that part surveys of riverbed birds on the Pureora/Pareora, Te Ngawai, Te Moana and Waihi rivers over the last twenty years have been undertaken.
8. I then note that I am aware of one endangered species present in low numbers on the Orari and Opihi rivers. The black fronted tern is the endangered species. The part surveys for the Pureora/Pareora, Te Ngawai, Te Moana and Waihi rivers also show single figure numbers of this bird.
9. My comments are essentially the same for all the subject waterways and hence can be summarised as follows.
10. In my view, mature and other than nestling and fledging riverbed birds are largely unaffected by nearby recreational jet boating activity. Some disturbance may occur

due to noise, watercraft movement and sometime watercraft wake/wash. However, this disturbance is of very short duration and the mature birds typically either do not respond or move away for a short time before returning to the same or similar position.

11. Nestling and fledging birds on the other hand do not have great mobility, and recreational jet boat activities have the potential to cause disturbances that may have a more profound effect on them. The effects are more so with watercraft wake/wash if these birds are near to the water edge.
12. The typical period when nestlings and fledglings occupy the riverbeds is September through to November. This timeframe is variable to a degree and with an application of conservatism the period can be extended to September through to December. Beyond December the young birds are typically sufficiently mature and mobile to be able to move away when a disturbance occurs.
13. Given these circumstances, it is my view that recreational jet boating in the above rivers should be restricted in the period September to December. From January through to August my view is that any disturbances from recreational jet boating will typically be less than minor and over a very short duration.
14. I also note that general disturbance to riverbed birds is often attributed to the following activities and actions.
  - a. Predation – typically by mammals
  - b. Habitat depletion – loss of open gravel riverbed typically by weed infestation.
  - c. Recreational vehicles
  - d. Unconstrained dogs
  - e. Floods – natural flood flows



15. I further note the essential river characteristic for riverbed birds is an open gravel riverbed. Equally, weed infestation is clearly a major factor in reduced availability of suitable habitat. This typically results in less riverbed birds.
16. Some of these activities and actions are occasional and of a limited time duration. Others are continual and over a long period.
17. Recreational jet boating activity is therefore simply one of several activities and actions that may give rise to disturbances of riverbed birds. The actions and activities are typically occasional and of very short duration. Hence are likely to have a lesser effect on riverbed birds than other activities and actions mentioned above.



Signed by James (Jim) Jolly

Dated: 24 April 2025