

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND the proposed Timaru District Plan

**Joint witness statement – Activities on surface water: Temporal restriction on
motorised craft (Avifauna effects)**

Dated: 29 May 2025

JOINT WITNESS STATEMENT OF ECOLOGY EXPERTS (AVIFAUNA)

Background

1. This joint witness statement relates to Hearing F of the proposed Timaru District Plan (pTDP).
2. Pursuant to Minute 36, the Panel made the following direction:

Submitter	Representative/witness	Request from Panel
Director General of Conservation (166)	Clement Lagrue	Provide a joint witness statement setting out whether there is agreement regarding a temporal restriction for motorised craft under ASW-R4-6 and the submitter (48) proposed new rule ASW-R11; where agreement is not reached, records the differences and reasons
Jet Boat New Zealand Limited (46)	James Jolly	

3. The experts attended expert conferencing on 29 May 2025.
4. The conference was attended by the following experts:
 - a. Dr Clement Lagrue (**CL**), on behalf of the Director-General of Conservation (the **DG**) - and
 - b. Mr James Jolly (**JJ**), on behalf of Jet Boating New Zealand (**JBNZ**).

Scope of statement

5. In accordance with Minute 36, the purpose of this statement is to record the discussion at conferencing regarding a temporal restriction for motorised craft for the sections of the Ōrāri, Ōpihi and Pureora/Pareora Rivers to which Rules ASW R4 – 6 relate (being river protection areas¹ (**RPA**) 3 – 5) and the Te Ngawai, Te Moana and Waihi Rivers (to which JBNZ's proposed new rule ASW-R11 relates)², in relation to effects of motorised craft on avifauna.
6. The conferencing was undertaken with regard to questions agreed to by the DG and JBNZ prior to the expert conference. The questions are set out below in **Appendix A**.

¹ Schedule 17 of the pTPD.

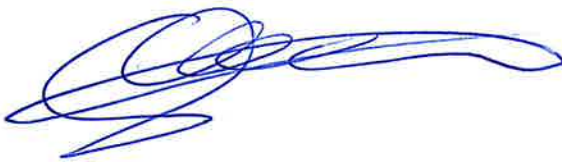
² Submission point 48.11.

7. The experts' positions on the agreed questions are recorded in **Appendix A**. Where issues are agreed, this is recorded in the table. For areas of disagreement, reasons for disagreement have been recorded.

Code of conduct

8. While this is not an Environment Court hearing, the experts confirm that they have read the code of conduct for expert witnesses as contained in clause 9 of the Environment Court's Practice Note 2023 ('the Code'). The experts have complied with the Code when preparing this written statement of evidence.

SIGNATURE OF EXPERTS



Clement Lague

James Jolly



APPENDIX A – Experts’ recorded positions plus reasons

1. Which bird species consistently use the listed RPAs/ivers as nesting/breeding habitat?

- If an answer is the same for multiple RPAs/ivers, this can be recorded by cross-reference to the earlier answer
- For any species identified, provide the threat classification³ as applicable

	Points of agreement	CL – points of disagreement and reasons	JJ – points of disagreement and reasons
Ōrāri River (ASW-R4) <i>River Protection Area Between the mouth of the Ōrāri Gorge and the Factory Road Bridge (RPA-3)</i>	Banded Dotterels are nesting Black Fronted Terns are nesting Black billed gulls are nesting Threat classifications for all birds are as NZTCS.	More information on Wrybill nesting needs to be done. There has been previous recorded nesting in the past.	No documented nesting of Wrybill
Ōpihi River (ASW-R5) <i>River Protection Area between SH1 Bridge and confluence of the Ōpihi and Opuha/Ōpūaha Rivers (RPA-4)</i>	Banded Dotterels are nesting Black Fronted Terns are nesting Black billed gulls are nesting	More information on Wrybill nesting needs to be done. There has been previous recorded nesting in the past.	No documented nesting of Wrybill
Pureora/Pareora River (ASW-R6) <i>River Protection Area between Evans Crossing and State Highway Bridge (RPA-5)</i>	Banded dotterels Black fronted terns Black billed gulls	We need more research on state of river. We need to take a precautionary approach.	No consistent nesting due to state of river (weed infestations). No documented nesting of Wrybill.
Te Ngawai River (Proposed Rule ASW-11)	Too small for colony birds to nest (Black fronted terns, black billed gulls).	Banded dotterels might be nesting but a survey is needed.	No information on banded dotterel.

³ By reference to the New Zealand Threat Classification System (Robertson et al. 2021)

	<i>Banded dotterels are present.</i>		
	<i>No information on Wrybill.</i>		
Te Moana River (Proposed Rule ASW-11)	<i>No appropriate habitat for colony nesters (BFT, BBG)</i> <i>There is a lack of data to confirm usage by solitary nesting birds such as wrybill and dotterels.</i>	<i>Taking a precautionary approach, we cannot say wrybill and banded dotterels are not using river.</i>	<i>No appropriate habitat for Wrybill or banded dotterels.</i>
Waihi River (Proposed Rule ASW-11)	<i>As above</i>	<i>As above</i>	<i>As above</i>

2. ***For each of the bird species identified in Question 1, what is the duration of their nesting/breeding season as relevant to the listed RPAs/ivers?***

- If an answer is the same for multiple RPAs/ivers, this can be recorded by cross-reference to the earlier answer***

	Points of agreement	CL – points of disagreement and reasons	JJ – points of disagreement and reasons
Ōrāri River (ASW-R4) <i>River Protection Area Between the mouth of the Ōrāri Gorge and the Factory Road Bridge (RPA-3)</i>			
Duration of nesting/breeding season for identified bird species	<i>Nesting Period ‘core’ season is September to December</i> <i>Banded dotterels begin nesting in August.</i>	<i>Birds are still nesting in January.</i> <i>January should be in the exclusionary period as BBG and BFT will still be on eggs in January. Therefore, some smaller chicks will also be on river in January.</i> <i>Wrybill begin nesting in August</i>	<i>All birds nesting period are over by end of December.</i> <i>Birds and chicks may be around in January but they will be mobile enough to move away from any Jetboat waterwash.</i> <i>Any small chicks in January will be from re-nests and birds re-nesting on river will have a lower chance of survival.</i> <i>Wrybill not nesting on river.</i>

Ōpihi River (ASW-R5) <i>River Protection Area between SH1 Bridge and confluence of the Ōpihi and Opuha/Ōpūaha Rivers (RPA-4)</i>			
Duration of nesting/breeding season for identified species	As above	As above	As above
Pureora/Pareora (ASW-R6) <i>River Protection Area between Evans Crossing and State Highway Bridge (RPA-5)</i>			
Duration of nesting/breeding season for identified species	As above– refer to Q1 on presence of birds	As above– refer to Q1 on presence of birds	As above – refer to Q1 on presence of birds
Te Ngawai River (Proposed ASW-R11)			
Duration of nesting/breeding season for identified species	No nesting in January as no colony nesters (BFT, BBG)	Nesting period from August – December.	Refer to Q1 for bird presence. As no habitat for Wrybill and banded dotterels.
Te Moana River (Proposed ASW-R11)			
Duration of nesting/breeding season for identified species	As above	As above	As above
Waihi River (Proposed ASW-R11)			
Duration of nesting/breeding season for identified species	As above	As above	As above

3. *In relation to effects on avifauna, what temporal restriction for motorised craft should apply to the RPAs/ivers?*
- If an answer is the same for multiple RPAs/ivers, this can be recorded by cross-reference to the earlier answer*

	Points of agreement	CL – points of disagreement and reasons	JJ – points of disagreement and reasons
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<p>Ōrāri River (ASW-R4) River Protection Area Between the mouth of the Ōrāri Gorge and the Factory Road Bridge (RPA-3)</p>	<p>September to December is 'core' breeding period so restrictions apply.</p>	<p>August and January should be included in the restriction for motorised craft.</p> <p>August for early solitary nesters and January for late colony nesters.</p> <p>Jetboats have a more than minor effect that should be mitigated for.</p> <p>In agreement with the points raised by JJ but the above restrictions are still necessary.</p>	<p>Restrictions for August and January are not necessary.</p> <p>Chicks in January should be old enough to move out of the way of whitewash.</p> <p>Jetboats will only operate in flood conditions.</p> <p>Jetboats have a less than minor effect on bird nesting compared to the major effects of weed infestations, off-road vehicles and dogs especially in January/February during school holidays.</p> <p>There is a lack of action from DOC, Timaru district council and Ecan to address these major issues including a lack of control on river access and education.</p>
<p>Ōpihi River (ASW-R5) River Protection Area between SH1 Bridge and confluence of the Ōpihi and Opuha/Ōpūaha Rivers (RPA-4)</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>
<p>Pureora/Pareora (ASW-R6) River Protection Area between Evans</p>	<p>As above– refer to Q1 on presence of birds</p>	<p>As above– refer to Q1 on presence of birds</p>	<p>As above– refer to Q1 on presence of birds</p>

<i>Crossing and State Highway Bridge (RPA-5)</i>			
Te Ngawai River (Proposed Rule ASW-11)	<i>Refer to Q1 for bird presence</i>	<i>Dotterel are present so exclusionary period from August to December</i>	<i>No need for any restriction as no birds nesting.</i>
Te Moana River (Proposed Rule ASW-11)	<i>Refer to Q1 for bird presence</i>	<i>Dotterel are present so exclusionary period from August to December</i>	<i>No need for any restriction as no birds nesting.</i>
Waihi River (Proposed Rule ASW-11)	<i>Refer to Q1 for bird presence</i>	<i>Dotterel are present so exclusionary period from August to December</i>	<i>No need for any restriction as no birds nesting.</i>

