

**BEFORE THE INDEPENDENT HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND** the proposed Timaru District Plan

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**Evidence of Elizabeth Moya Williams**  
**on behalf of the Director-General of Conservation *Tumuaki Ahurei***  
**Hearing F: Hazards and Risks (Natural Hazards only) – Other District-wide Matters**  
**Submitter No. 166 Further Submitter No.166**  
**Dated: 9<sup>th</sup> April 2025**

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## **Executive Summary of Key Points**

1. The D-G lodged a number of submission points on the topics covered in Hearing Stream F and the district wide matters including Activities on the Surface of Water, Light and the Coastal Environment.
2. For the Activities on the Surface of Water (ASW) provisions, I am generally supportive of the approach taken in the ASW provisions, and the changes recommended in the s42A Report including adding temporal restrictions for the recreational use of motorised craft which limits this activity to the period outside of the bird breeding season. This is supported by Dr Lagrue's evidence, noting that motorised craft, and the access to the rivers they provide, has the potential to cause significant disturbance to braided river specialist birds during bird breeding season.
3. I recommend further amendments to ASW-R4, R5 and R6 to better align with the bird breeding season as described in Dr Lagrue's evidence, so that recreational motorised craft use is limited to the period from February to July (inclusive) and not permitted during bird breeding season i.e from August to January (inclusive). Further, for the Rangitata River and ASW-R3, I recommend further changes to align the provisions with the higher order documents and the proposed objective and policy within the ASW chapter.
4. For the proposed Light provisions, I support the s42A Officer's recommendation to include light controls that apply to the Bat Protection Area (BPA). Mr Waugh confirms in his evidence that artificial light can adversely affect long tailed bats including behavioural changes and habitat.
5. Based on the evidence of Mr Waugh, I propose further amendments to the proposed provisions including to require that lighting is not only shielded but directed downwards and to include a specific lux level limit that applies to sites within the BPA that are located within the General Rural Zone, Open Space and Recreation Zones to minimise adverse effects of artificial light on long-tailed bats.
6. For the Coastal Environment (CE), the D-Gs submission contained limited points related to provisions covered by this topic. In relation to the D-Gs further submission points, I agree with the approach recommended in the s42A Officer's report. In particular, I support the amendment to the introduction of the CE chapter to clarify that the coastal environment is also managed by other chapters within the PDP.

## **Introduction**

1. My full name is Elizabeth Moya Williams.
2. I have been asked by the Director-General of Conservation Tumuaki Ahurei (the D-G) to provide expert planning evidence on the proposed Timaru District Plan.
3. This evidence relates to Hearing F, which includes the hearing topics of Natural Hazards and Risks (Natural Hazards only) and other District Wide Matters including Activities on Surface Water, Public Access, Coastal Environment and Light.

## **Qualifications and experience**

4. I am employed by the Department of Conservation (DOC) in Dunedin as a Resource Management Planner. I have worked for DOC in this role since June 2022.
5. Prior to being employed by DOC I had over fifteen years of experience in resource management, including roles in both consenting and plan development. This experience includes four years as a planner at the Environment Agency (a national public body in England and Wales), a combined total of eleven years as a Consents Officer at Christchurch City Council, Campbell River City Council (Canada) and Tasman District Council, and more recently two years as a Policy Planner at Dunedin City Council. I have experience in providing input on planning consents and Council plans from a national perspective, processing resource consents including notified/limited notified consents, Section 42A reporting for a plan variation and involvement in plan appeals and Environment Court mediation.
6. I hold a Bachelor of Resource and Environmental Planning with Honours from Massey University.
7. I am a Full Member of the New Zealand Planning Institute.

## **Code of Conduct**

8. Although this is a Council hearing, I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2023 (the Code). I have complied with the Code when preparing my written statement of evidence.

9. The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
10. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
11. For the avoidance of doubt, in providing this evidence as an expert witness in accordance with the Environment Court Code of Conduct, I acknowledge that I have an overriding duty to impartially assist the Panel on matters within my area of expertise. The views expressed are my own expert views, and I do not speak on the D-G's behalf.

### **Scope**

12. I have been asked to provide planning evidence in relation to the notified proposed Timaru District Plan, the D-G's submission (submitter number 166), the D-G's further submission, and further submissions lodged on the D-Gs submission.
13. My evidence addresses the following matters:
  - a. Activities on the Surface of Water
  - b. Light provisions applicable to the Bat Protection Area
  - c. Coastal Environment
14. In relation to the other points covered in the D-G's submission, rather than duplicating elements of the section 42A report, I have indicated matters on which I agree with the analysis and recommendations of the S42A report writers in the table at Appendix 1. I can respond to any questions that the Panel may have on those matters.

### **Material Considered**

15. In preparing my evidence I have read and relied upon the following documents:

- (a) Proposed Timaru District Plan 2022
- (b) Background and Assessment Reports including:
  - (i) Significant Natural Area Survey Report for Upper Rangitata River, SNAs 769-774, M Harding, 2019
  - (ii) Significant Natural Area Survey Report for Lower Rangitata River, SNA 853, M Harding, 2019
  - (iii) Significant Natural Area Survey Report for Ōpihi River, SNA 851, M Harding, 2019
  - (iv) Significant Natural Area Survey Report for Ōrāri River, SNA 852, M Harding 2019
  - (v) Significant Natural Area Survey Report for Ōrāri River SH79-SH1 SNAs 83b and 83c, M Harding, 2019
- (c) The Section 32 Evaluation Reports:
  - (i) Overview Evaluation Report dated July 2022
  - (ii) Activities on the Surface of Water June 2022
  - (iii) Light May 2022
  - (iv) Coastal Environment May 2022
- (d) The D-G's submission dated 15 December 2022 and further submissions dated 4<sup>th</sup> August 2023.
- (e) The Officer's s42a Reports including:
  - (i) Public Access, Activities on the Surface of Water, and Versatile Soil dated 24 March 2025
  - (ii) Light and Noise, dated 24 March 2025
  - (iii) Natural Hazards, Coastal Environment and Drinking Water Protection dated 25 March 2025

## **ACTIVITIES ON THE SURFACE OF WATER (ASW)**

### *Surface Water Activity Provisions*

16. The activities managed by this chapter includes the use of motorised and non-motorised craft on rivers within the Timaru District for various purposes, and the construction of structures on the surface of water.
17. The proposed plan identifies 'River Protection Areas' (RPAs) which are listed in Schedule 17 and are added as an overlay on the planning maps. The RPAs identify sections of the Rangitata, Ōrāri, Ōpihi and Pareora Rivers. Within these areas, the ASW rules (ASW-R3, ASW-R4, ASW-R5 and ASW-R6) set out permitted activity standards for the recreational use of motorised craft.
18. Apart from uses specified in rule ASW-R2 (which, as notified provides for the use of motorised craft for specific environmental management or search and rescue purposes), for any other surface water activities that occur in areas of the rivers that are not listed in Schedule 17, these require resource consent as a non-complying activity.
19. The proposed plan also identifies 'Fish Spawning Areas (FSAs)' which are listed in Schedule 13 and are added as an overlay on the planning maps. There are 9 FSAs identified on three rivers including the Rangitata, Ōrāri and Havelock River. The FSAs include salmon spawning sites and upland longjaw galaxias habitat.
20. The use of motorised craft within the FSAs, except as provided for in Rule ASW-R2, is prohibited.

### *The DG's Submission*

21. In general, the DGs submission (points 166.85/86) supported the objectives and policies of the ASW chapter where they sought to protect the values of the District's rivers, avoid adverse effects of motorised craft and manage the effects of surface water activities on fish spawning areas, habitat of breeding birds and on flora and fauna within riparian margins.
22. In regard to the proposed rules, the D-G's submission (points 166.87-95) supported provisions that limited the recreational use of motorised craft on specified rivers at appropriate times of the year.

*Inconsistencies in the notified version of the plan - temporal restrictions on non-commercial motorised craft within the RPAs*

23. When considering the notified version of the plan provisions for non-commercial motorised craft, it is important to note that there were some inconsistencies in the temporal restrictions that were imposed as permitted activity standards for those sections of the rivers identified as RPAs. For example, rules ASW-R4 (Ōrāri River) and ASW-R6 (Pureora/Pareora River) required that the use of recreational motorised craft occur between March and August. However, for the Upper Rangitata River (ASW-R3(1)) had the opposite restriction which required the use to be between August and February. In the rules for the Lower Rangitata (ASW-R3(2)) and Ōpihi River (ASW-R5) there were no temporal restrictions on the use of recreational motorised craft at all.
24. As noted in the Section 42a Report<sup>1</sup>, the Department of Conservation (myself and Dr Lagrue) met with Jetboat NZ and the Section 42a Officer to discuss the provisions and appropriate times of the year for the use of recreational motorised craft. In terms of the bird breeding season, Dr Lagrue advised that this is from 1<sup>st</sup> August until the 31<sup>st</sup> of January (refer to Dr Lagrue's evidence).
25. The s42a Officer has proposed an amendment<sup>2</sup> to Rule ASW-R5 for the Ōpihi River to align the temporal restriction within this rule with the period provided for in ASW-R4 (Ōrāri River) and ASW-R6 (Pureora/Pareora River) -i.e. the use must be undertaken between March and August. However:
  - a. there is still an inconsistency that remains for the RPAs of the upper and lower Rangitata River; and
  - b. the requirement in ASW-R4, R5 and R6 for the activity to be undertaken between March and August (meaning the use is restricted from September to February) does not align with when the bird breeding season occurs (August to January inclusive).

<sup>1</sup> S42a Report, Activities on the Surface of Water, Public Access, Versatile Soils, Andrew Maclellan, page 7, paragraph 1.3.3; page 46, paragraph 8.4.11; page 60, para 8.10.6

<sup>2</sup> S42a Report, Appendix 1, ASW-R5, Per-2



*Technical evidence provided on behalf of the Director-General - Threatened and At-Risk indigenous bird species present on Timaru District's Rivers and effects of motorised craft*

26. Science Advisor, Dr Clement Lagrue's evidence discusses the presence of endemic "braided river specialist" bird species that breed on braided rivers<sup>3</sup> within the Timaru District including the Rangitata, Ōpihi, Pareora and Ōrāri Rivers. Dr Lagrue identifies bird species such as the wrybill (Threatened – Nationally Increasing), black-billed gull (At Risk - Declining), black-fronted tern (Threatened – Nationally Endangered) and other endemic species such as the banded dotterel (At Risk - Declining) and South Island pied oystercatcher (At Risk - Declining) as species that use braided rivers as their primary breeding habitats. This is further confirmed in the SNA surveys undertaken by Mike Harding<sup>4</sup>(2019).
27. Dr Lagrue's evidence is that the bird species identified as present on the Timaru District rivers are highly vulnerable to degradation of their river habitat and particularly susceptible to human disturbance. In his evidence Dr Lagrue<sup>5</sup> states that: *"Boats usually induce birds to swap from feeding or nesting activities to flushing (i.e., standing up from incubation position) and leaving the nest, flying away and or hiding from the disturbance."* (para 30, page 9). Further, that *"..repeated exposure to boat activity can disturb birds and prevent normal feeding, roosting or nesting behaviours at such frequency that cumulative effects can become significant."* (para 32, page 10). He also considers the indirect effects of the use of motorised craft including increased accessibility to many parts of the river that are more commonly secluded.
28. Dr Lagrue considers<sup>6</sup> the only measure that would effectively address adverse effects (both direct and indirect effects) on the identified species would be to disallow motorised craft on the Rangitata, Ōpihi, Pareora and Ōrāri Rivers during the bird breeding season (i.e. August to January inclusive).

*Planning assessment*

*Relevant higher order documents*

29. I agree with the statutory documents considered within the Council's s32 and s42a reports. I consider the following higher order documents to be particularly relevant to

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<sup>3</sup> Expert witness evidence, Dr Clement Lagrue, pages 6-8

<sup>4</sup> SNA Surveys 769-774, 2019, Mike Harding

<sup>5</sup> Expert witness evidence, Dr Clement Lagrue, pages 9-10

<sup>6</sup> Expert witness evidence, Dr Clement Lagrue, pages 12-15

the assessment of the surface water activity provisions and effects on significant habitat:

- a. *Sections 6(a) & (c) of the RMA* requires the preservation of natural character of rivers and their margins and protection of them from inappropriate development and use and the protection of areas of significant habitats of indigenous fauna as matters of national importance. It is important to note that the majority of the RPAs which the specific ASW rules apply, are also within mapped Significant Natural Areas (SNAs)<sup>7</sup> - with the exception of the Paeora River. The significance of these rivers is confirmed by Mike Harding's SNA surveys (2019) and Dr Lagrue's evidence which identifies braided rivers as naturally rare and threatened ecosystems<sup>8</sup>. While the Paeora River is not within an identified SNA, Dr Lagrue has identified this as comparable habitat<sup>9</sup>.
- b. *The National Policy Statement for Indigenous Biodiversity (NPSIB)* requires the protection of SNAs (as noted above SNAs have been identified along Timaru's rivers) by avoiding or managing adverse effects from new subdivision, use and development (Policy 7). Policy 3 requires that a precautionary approach is adopted where the effects on indigenous biodiversity are uncertain but where those effects could cause significant or irreversible damage to indigenous biodiversity. Further, threatened and at-risk braided river bird species that are identified as being present on the district's rivers are recognised as *highly mobile fauna* within the NPSIB (refer to Appendix 2).
- c. *The National Policy Statement for Freshwater (NPSFM)* requires that the loss of river extent and values is avoided to the extent practicable (Policy 7) and that the habitats of indigenous freshwater species are protected (Policy 9). The NPS supports an integrated approach that requires freshwater, and land use and development to be managed in a sustainable way to avoid, remedy or mitigate adverse effects, including cumulative effects, on the freshwater ecosystems and receiving environments (Clause 3.5).

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<sup>7</sup> Refer to proposed Timaru District Plan planning maps, SNA overlay.

<sup>8</sup> Expert witness evidence, Dr Clement Lagrue, page 6, para 16

<sup>9</sup> Expert witness evidence, Dr Clement Lagrue, pages 8, para 25

- d. *Canterbury Regional Policy Statement (CRPS)* requires the protection of significant indigenous habitats (Objective 9.2.3, Policy 9.3.1) and identifies habitats of threatened and at-risk indigenous species as a priority for protection (Policy 9.3.2). The RPS also specifies that the natural character of rivers and their margins are preserved, and those areas are protected from inappropriate use (Objective 7.2.1 and 7.2.3).
- e. *Water Conservation (Rangitata River) Order 2006* Section 4 and Schedule 2 identifies sections of the Rangitata River (including above & below Red Rocks) as having outstanding features and values including habitat for aquatic birds.

*Other relevant provisions of the proposed plan*

- 30. As noted above, the majority of the district's rivers are proposed as mapped SNAs in the Proposed District Plan (PDP). Objective ECO-01 seeks to protect the values of significant habitats of indigenous fauna. However, as the rules only control the clearance of indigenous vegetation and earthworks (outside of the riverbed), I consider that it is appropriate to include rules within the ASW chapter to manage the effects of motorised craft on the values of the river environment, particularly as these values include significant habitats of threatened and at-risk indigenous species. This would also align with proposed Objective ASW-O1 which seeks to protect the ecological values of the District's Rivers from the adverse effects of *inappropriate* activities.
- 31. The natural character provisions also apply and NATC-O1 seeks to preserve the natural character of the Timaru District's rivers from inappropriate use and development.

*Comments on the proposed S42A amendments*

*“Time of year” (temporal) restrictions vs flow rate restrictions*

32. The S42a<sup>10</sup> Officer acknowledged that he was not clear whether the ‘time of year’ restrictions should be included in addition to the ‘flow rate’ restrictions to ensure protection of bird breeding and salmon spawning in the river. Dr Lagrue considers that a flow rate limit for motorised craft to use the rivers would be complex to implement and is unlikely to be effective as a means of reducing effects on birds (paragraph 44, page 12). He also considers that an exclusion zone approach (which has been used overseas in the context of motorised craft activities for bird protection) would not be a viable option in the context of the Timaru District’s braided rivers<sup>11</sup>.

*ASW-P3 Recreational use of motorised craft within specified areas of identified rivers*

33. I support the s42A officer’s recommended amendment to ASW-P3. In my opinion, to achieve the objectives and policies of the Plan, recreational motorised craft should be managed by controls at stipulated times of the year to avoid adverse effects on the bird breeding season along braided rivers. This is consistent with Dr Lagrue’s evidence.
34. My understanding is that policy ASW-P3 relates to the non-commercial recreational use of motorised craft rather than commercial use, which is addressed in the following policy ASW-P4. To clarify that distinction, the policy should be amended as follows:

**Manage the adverse effects of non-commercial recreational use of motorised craft in areas identified in SCHED17- Schedule of River Protection Areas by:...**

*Comments on Rules ASW-R4, ASW-R5, ASW-R6*

35. I support the s42A officer’s recommendations to retain the temporal restriction in the permitted activity standards for Rules ASW-R4(Ōrāri River) and R6 (Pureora/Pareora River). However, to align these with the evidence provided by Dr Lagrue, the period where the use of recreational use of motorised craft should occur is between

<sup>10</sup> Section 42A Report: Public Access, Activities on the Surface of Water, and Versatile Soil page 46, para 8.4.10.

<sup>11</sup> Expert witness evidence, Dr Clement Lagrue, pages 15-16

February and July (inclusive). This would provide for the recreational use of motorised craft outside of the bird breeding season (e.g. 1<sup>st</sup> August to 31<sup>st</sup> January). This ensures both consistency with the rules and ensures the protection of the ecological values of the river.

36. I note the s42a Officers concerns<sup>12</sup> in relation to alignment with the provisions of those in the Waimate District Plan (the territorial authority boundary between the two Councils runs down the middle of the Pareora River). However, I agree that ensuring cross boundary alignment alone is not sufficient justification for the removal of the proposed restrictions.
37. For the same reasons noted above, I support the s42A Officer's amendment to rule ASW-R5 (Ōpihi River) to include the temporal restriction to only allow the use of motorised craft outside of the bird breeding season. However as noted above, PER-2 should be updated to reflect the correct timeframes for the bird breeding season as confirmed by Dr Lagrue (i.e August to January).
38. On this basis, I recommend that rules ASW-R4, ASW-R5 and ASW-R6 are amended as follows:

**ASW-R4 The recreational use of motorised craft on the Ōrāri River**

**Activity Status: Permitted**

**Where:**

**PER-1...**

**PER-2**

The use is undertaken between March February and August July (inclusive); and...

**ASW-R5 The recreational use of motorised craft on the Ōpihi River**

**Activity Status: Permitted**

**Where:**

**PER-1...**

**PER-2**

The use is undertaken between March February and August July (inclusive); and...

**ASW-R6 The recreational use of motorised craft on the Ōpihi River**

**Activity Status: Permitted**

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<sup>12</sup> S42A Report Activities on the Surface of Water, Public Access, Versatile Soils, A MacLennan, para 8.11.6, page 62

**Where:****PER-1...****PER-2**

The use is undertaken between March February and August July (inclusive); and...

*Comments on Rule ASW-R3*

39. Rule ASW-R3 deals with the recreational use of motorised craft on the Rangitata River. The rule is separated into two parts: ASW-R3(1) applies within the RPA-1 above Red Rocks – i.e. the Upper Rangitata. The rule allows for the recreational use of motorised craft on the Rangitata River between August and February. ASW-R3(2) applies within the RPA-2 below Red Rocks – i.e the Lower Rangitata. The rule allows for non-commercial use without any temporal restrictions.
40. The s42A report writer has not recommended any changes to ASW-R3. However, the timeframe specified in ASW-R3(1) coincides with the bird breeding season and is inconsistent with the temporal restrictions for the other RPAs areas covered under rules ASW-R4, R5 and R6. ASW-R3(2) is also inconsistent with these other rules, given that it places no restriction on the time of use of motorised craft.
41. The S32 Report does not provide detail about the specific sections of the Rangitata River to which the plan provisions apply. However, the s42A Officer notes that the provisions align with the relevant provisions of the Ashburton District Plan which also manages activities on the surface of the Rangitata River (the territorial authority boundary between the two Councils runs down the middle of the Rangitata River) for the full length of the river.
42. The Ashburton District Council undertook a plan change (Plan Change 2) in 2019 which included new surface water activity rules relating to the Rangitata River and protection of salmon spawning areas. The decision for that Plan Change<sup>13</sup> identified the Rangitata River as a major salmon fishery containing significant spawning areas in its upper reaches above the Red Rocks (Turn Again Bend) particularly in Deep Creek and Deep Stream. The decision noted that the Council planner at the time reported that “...the intent of the proposed Plan Change 2 is to align the Ashburton District Plan provisions for activities on the surface of Rangitata River with those of the Timaru District Plan for consistency. The river forms the boundary between the

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<sup>13</sup> Ashburton District Plan Proposed Plan Change 2 Report and Recommendation to the Ashburton District Council, David Mountfort, 8 August 2019

*two territorial authorities. The two District Plans differ significantly in the way they manage activities in this River. This is not considered ideal because of potential conflict in the treatment of land use applications.”*<sup>14</sup>

43. According to the decision report, the rule was also adopted by Ashburton District Council in order to align with the Water Conservation (Rangitata River) Order 2006 and Section 7(h) of the RMA (other matters to have particular regard to including the protection of the habitat of trout and salmon). As I have noted above, however, the Water Conservation Order<sup>15</sup> also recognises the habitats of aquatic birds as an outstanding characteristic for sections of both the upper Rangitata and lower Rangitata.
44. The outcome of the Plan change is that under the operative Ashburton District Plan:
  - a. Rule 3.8.7 sets out Prohibited Activities which includes the use of motorised craft on Rangitata River (above Red Rocks) and its tributaries between the months of March to July (inclusive); and the use of motorised craft on Deep Creek at any time.
  - b. There is no temporal restriction for the use of motorised craft on the Rangitata River below Red Rocks.
  - c. The commercial use of motorised craft is not permitted.
45. This was consistent with the provisions of the Operative Timaru District Plan which contains a surface water activity rule (6.20.2.1(4)) to restrict recreational boating activities on the Rangitata River above Red Rocks during the salmon spawning period (March to July). Below Red Rocks, the non-commercial use of motorised craft is a permitted activity at any time.
46. As noted above the proposed Timaru District Plan also includes “salmon spawning areas” (Schedule 13) which are included in the Timaru District Planning maps as FSA overlays. Only one salmon spawning area is identified in the higher reaches of the Rangitata River catchment - (FSA-4) at Black Mountain Stream. The remaining FSA's (FRA 6,7 & 9) identified on the Rangitata River above Red Rocks are for upland longjaw galaxias habitat. Proposed Rule ASW-R3(1), PER-3 does not permit any recreational motorised craft within these mapped areas at any time of the year.

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<sup>14</sup> Ashburton District Plan Proposed Plan Change 2 Report and Recommendation to the Ashburton District Council, David Mountfort, 8 August 2019, para 7

<sup>15</sup> Water Conservation (Rangitata River) Order 2006, Section 4 and Schedule 2

47. I consider there are two anomalies with proposed rule ASW-R3:
  - a. For the section of the Rangitata River above Red Rocks (ASW-R3(1), the rule includes two clauses that relate to fish spawning areas (a time limit and mapping overlay) that restrict the use of recreational motorised craft.
  - b. There is no time restrictions linked to the bird breeding season for the entire length of the Rangitata River. This is inconsistent with the other rules and proposed objective and policy ASW-O1 and ASW-P3.
48. Mr Lagrue's evidence highlights the importance of the Rangitata River as habitat for a number of threatened and at-risk indigenous bird species (para 23, page 7). In his conclusion, he reiterates that the Rangitata River is 'particularly significant' (para 52, page 16). His opinion is that temporal restrictions should be imposed over the bird breeding season (August – January inclusive) for the length of the river.
49. In my opinion, such an amendment (i.e. both to ASW-R3(1) and (2)) would better align with ASW-O1, and also with the planning framework in the higher order documents outlined above.
50. However, I acknowledge that:
  - a. If time restrictions in line with Mr Lagrue's recommendations were applied to the Upper Rangitata in addition to the current provisions (in particular proposed amended Per-2 which would require the use to be undertaken between February to July) jet boating would only be provided for as a permitted activity for one month a year (February).
  - b. There would be inconsistencies with the Ashburton District Plan rules which creates enforcement issues (given that the restrictions will only apply to the centre of the Rangitata River).
51. In terms of consistency, I agree with the s42A Officer that the plans should align to ensure the rules are consistent and effective. However, as I have noted above, the equivalent rule in the Ashburton District Plan was reviewed against the operative Timaru District Plan rules. I think there is a risk that ongoing attempts to 'align' each Plan results in shortcomings in each respective plan being perpetuated rather than resolved. In my view, in light of further evidence presented at the time of a plan



review, the relevant rules should be reviewed jointly with the Ashburton District Council.

52. One option as part of that review could be to make the applicable rules more specific about the areas of the Rangitata River at which the time restrictions for salmon spawning should apply. Additional FSA overlays, identifying all of the salmon spawning locations, may help clarify more specifically where the seasonal limits apply. For example, ECAN's Land and Water Plan maps identify a number of tributaries off the main stem of the Rangitata River as significant spawning areas for salmon. One of these stems is entirely within the Ashburton District boundary, whilst three others are within the Timaru District boundary. Of those three, only one is mapped and listed in the current Schedule 13 (FSA-4). Changes such as this might identify a period for the use of motorised craft outside of the bird breeding season on certain sections of the river whilst avoiding the salmon spawning areas.
53. Overall, as I have set out above, the need to protect areas of significant habitats of indigenous birds along braided rivers is provided for through the RMA Sections 6(a) and (c), the NPS-IB, the NPS-FM, the Canterbury RPS, the Water Conservation (Rangitata River) Order 2006 and through the proposed plan ECO chapter objectives and ASW-O1. Currently, and in light of the evidence presented by Dr Lagrue, I consider there is a gap in the Plan for protecting this habitat under the current proposed rule ASW-R3.
54. In my view, this could be addressed by making amendments to ASW-R3 to introduce additional temporal restrictions to apply over the bird breeding season (August to January inclusive). However, I appreciate that the considerations identified above may require a more comprehensive review with the involvement of key stakeholders and the Ashburton District Council.

## **LIGHT**

### *The DG's Submission*

55. The DG supported the proposed plan provisions to control outdoor lighting within Light Sensitive Areas. However, the submission sought that the Bat Protection Overlay be considered as part of the Light Sensitive Area so that controls are included for on artificial outdoor lighting within areas of bat habitat.

56. The submission also sought that the lighting standards include controls that specifically apply within bat habitat areas to mitigate the effects of lighting on bats. The following amendments to proposed rule LIGHT-R3 were sought, based on best practice guidelines:

- a. Minimising lighting: lighting only the object or area intended, lights pointing down (emit zero direct upward light), fully shielded and close to the ground;
- b. Using the lowest intensity lighting appropriate (i.e lux levels should be minimised as much as possible based on ecologist guidance) – lux levels and threshold increment specified in Table 22 and 23 should be reviewed.
- c. Use of lights with reduced or filtered blue, violet and UV wavelength (lights should emit little in the wavelengths below 540nm and their 'colour temperature' is a maximum of 2700K (warm white)).

*Effects of artificial light on bats*

57. Mr Simon Waugh's evidence<sup>16</sup> is that the long-tailed bat population is vulnerable to habitat and behavioural changes brought about by the introduction of artificial light and that controlling lighting in the Bat Habitat Protection Area (BPA) will help to manage adverse effects on bats.

*Comments on proposed amendments by s42A Officer*

58. Overall, I support the amendments suggested by the s42A Officer to include light controls that apply within the BPA (noting that the BPA overlay may be increased in area as discussed at Hearing D)<sup>17</sup>. In particular, I consider the proposed amendments to LIGHT Objective 1 and Policy 2, which includes reference to minimising adverse effects on long-tailed bats, will help ensure the plan provides for the protection of long-tailed bat habitat.

59. In regard to proposed Rule LIGHT-R1(3) and based on the evidence provided by Mr Waugh, I discuss below further amendments to ensure the plan achieves appropriate protection of bat habitat.

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<sup>16</sup> Evidence of Simon Waugh, Dated 9<sup>th</sup> April 2025, page 3 para 16-21

<sup>17</sup> Section 42A Report, Noise and Light, Liz White Dated 24 March 2025 pages 25, 32, 37

*LIGHT- R1(3) PER 1*

60. LIGHT – R1(3) PER 1 requires that for sites within the BPA overlay, Standards 1 and 2 are complied with. Standard 1 requires that all artificial outdoor lighting must comply with the illuminance levels for the relevant zone (*or area*) as set out in Table 22.
61. Due to other submissions, the s42A Officer<sup>18</sup> has recommended changes to the notified version of Table 22 which contains horizontal and vertical illuminance levels permitted within each zone. The suggested amendments would result in:
- a. For the General Rural Zone, an increase in the lux levels from 5 lux to 10 lux between 7am and 10pm and from 1 lux to 5 lux between 10pm and 7am (measured at the site boundary); and
  - b. The removal of specific lux levels for the Light Sensitive Areas. Under the notified plan, lower lux levels (2 lux and 0.5 lux) applied within the Light Sensitive Area. The effect of this change is that the light levels specified in Table 22 would apply within the BPA given that it applies to the underlying zoning.
62. I agree with the Section 42A Officer that the lux levels specified in Tables 22 and 23 are a control intended to minimise effects on adjoining neighbours, i.e. to protect amenity rather than on wildlife. However, based on the evidence provided by Mr Waugh regarding effects of light intensity (i.e. lux levels) on bats<sup>19</sup>, I consider it appropriate for the plan to include a standard that controls lux levels at sites within the BPA.
63. Based on Mr Waugh's evidence bats can be adversely affected when artificial light exceeds 0.1 lux (the level of average moonlight)<sup>20</sup>. The proposed amendments recommended by the Section 42a Officer to Table 22, means that the lux levels that would apply within the parts of the BPA that are within the General Rural Zone would exceed this by a considerable degree. In terms of the other zones where the BPA overlay intersects, i.e. the Natural Open Space Zone and Open Space Zones these are lower lux level standards (as notified) but still higher than 0.1 lux.

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<sup>18</sup> Section 42A Report, Noise and Light, Liz White Dated 24 March 2025 7.6 Standards pages 51-56

<sup>19</sup> Evidence of Simon Waugh, Dated 9<sup>th</sup> April 2025, page 5, paras 23-26

<sup>20</sup> Evidence of Simon Waugh, Dated 9<sup>th</sup> April 2025, page 5, paras 26

64. In my opinion, a specific standard for light levels in the BPA that applies to sites within the Rural Zone, Open Space and Recreation Zone would be the most effective way to achieve this. I am not a lighting expert, however, and I do not have the expertise to comment on how or where lighting levels could be measured on the site within the BPA (as opposed to measuring the levels from the site boundary) – e.g. whether lux levels should be measured at a certain distance from a source, and how horizontal and vertical illuminance should be measured etc. However, at a minimum, I consider that the controls proposed in the notified version of the plan for Light Sensitive Areas between 10pm- 7am (0.5 lux) should be retained for sites within the BPA. That would ensure there are some limits on lux levels within the BPA overlay within the Rural, Open Space and Recreation zones.
65. Mr Waugh's evidence also discusses times when lighting standards and lower lux levels should apply within the BPA to ensure light effects on long-tailed bats are minimised. He notes that the times in Table 22 at which lower lux levels would apply (from 10pm to 7am) do not correlate with bat activity periods (which is from dusk to dawn)<sup>21</sup>. I therefore consider a more appropriate time period within which lower lux levels should apply with the BPA would be between civil dawn and civil dusk<sup>22</sup>.
66. I accept that, given the largely rural location of the BPA overlay, exceptions to the lux level limit standard proposed may be appropriate for specific rural activities such as at milking sheds. However, even for rural activities that require lighting, it would still be appropriate to limit light spill through measures such as colour corrected temperature, shielding and directing light downwards. If this change is supported, I am available to review any necessary exemptions to the rule where appropriate.

### *LIGHT- R1(3) PER 3*

67. The rules at Clause 3 will only apply to sites that are located within the BPA in the Rural or Open Space and Recreation Zones. It is important to note that if the proposed extension of the BPA is adopted, the BPA will cover a much wider area (and zones) including urban areas. However, I agree with the Section 42A Officer<sup>23</sup>

<sup>21</sup> Evidence of Simon Waugh, Dated 9<sup>th</sup> April 2025, pages 6-7, paras 29

<sup>22</sup> Civil Dawn: The moment the sun is 6 degrees below the horizon in the morning. Civil dusk: The moment the sun is 6 degrees below the horizon in the evening.

<sup>23</sup> Section 42A Report: Noise and Light, page 39, para 7.3.61

that applying such standards in a more built-up, existing urban area may be ineffective.

68. On this point, I do consider that there is an opportunity for non-regulatory methods to be introduced by Timaru District Council such as community engagement, public education and promoting responsible lighting practices throughout the BPA (including urban areas). This will provide better awareness about the effects of artificial lighting on long-tailed bats and best practice for managing outdoor artificial lighting within the BPA. Although outside of this plan review, streetlighting within BPAs could also be reviewed by the Council, in light of the evidence provided, at a time when streetlights are being upgraded or replaced. Over time this may result in incremental changes to the lighting used in urban/peri urban areas.

*LIGHT- R1(3) PER 3(1)*

69. PER 3(1): Based on Mr Waugh's evidence<sup>24</sup>, I support the proposed amendment recommended by the s42A Officer to include a rule that applies within the BPA which requires lights to be shielded, in line with Figure 18 of the proposed plan. The proposed amendment will help to limit the adverse effects of light spill within specified zones of the BPA. However, as noted in Mr Waugh's evidence, I consider that the rule should also specify that lighting must point downwards. This provides better clarity within the rule and is necessary to reduce light spill effects on long-tailed bats.

*LIGHT- R1(3) PER 3(2)*

70. PER.3(2) Based on the evidence provided by Mr Waugh, I support the s42A Officers proposed amendment to include PER.3(2), which requires a colour corrected temperature of no greater than 2700K (warm white). In my opinion this is an appropriate provision to address the adverse effects of lighting on long-tailed bats.

*Proposed Amendments to the s42A Report Officers recommendations*

71. Based on the comments above, I recommend the following amendments:

**3. Long-tailed Bat Habitat Protection Area Overlay**

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<sup>24</sup> Evidence of Simon Waugh, Dated 9<sup>th</sup> April 2025, pages 5-6, paras 27 and 29

**Activity Status: Permitted****Where:****PER-1**

LIGHT-S1 and LIGHT-S2 are complied with **except where PER-3(3) applies and**

**PER-2 ....****PER-3**

In any Rural Zone or Open Space and Recreation Zone, the exterior artificial outdoor lighting must:

1. be fully shielded (see Figure 18 – Lighting Fixtures); and be installed with the light emitting surface facing directly down and
2. have a colour corrected temperature of no greater than 2700K (warm white); and
3. have a lux level of 0.5 lux (horizontal and vertical illuminance above the background level at a site boundary) between Civil Dusk and Civil Dawn.

**COASTAL ENVIRONMENT***The DG's submission*

72. Overall, the DG's submission supported the provisions of the proposed Coastal Environment Chapter. The DG made a further submission (FS166.23 & FS166.24) relating to Environment Canterbury's submission points (183.107 & 183.110) which raised the point that there appeared to be a number of gaps in relation to the provisions for activities in the coastal environment, for example, implementation of Policy 11 relating to indigenous biological diversity. ECAN's other submission point (183.110) noted that it was unclear how the provisions provided for the 'bottom line' provisions in the NZCPS Policies 11,13 and 15, which require an approach of "no adverse effects" on certain significant resources.

*Comments on the s42A Officers Report Recommendations*

73. In response to these submission points, the s42A Officer recommends that an amendment is made to the introduction to the Coastal Environment chapter to make it clear that the provisions of the other chapters in the PTDP apply. The officer provides an example in terms of identified SNAs and indigenous biodiversity

clearance within the coastal environment being managed in the ECO chapter of the proposed plan.

74. In regard to this point, I note that through the Hearing D recommended amendments, a new policy has been introduced *ECO-PY* which addresses indigenous biodiversity within the Coastal Environment. This policy (as recommended in the s42A report<sup>25</sup>) is not restricted to just managing SNAs but all indigenous biodiversity within the Coastal Environment. The policy mirrors Policy 11 of the NZCPS and seeks to avoid significant adverse effects. If this policy is adopted with associated ECO chapter rules ECO-R1 and R2, I agree that indigenous biodiversity within the coastal environment will be managed through the ECO chapter provisions rather than in the Coastal Environment chapter.
75. I agree with the s42A officer<sup>26</sup> that in terms of the preservation of natural character (NZCPS Policy 13), CE-P10/P11 seeks to avoid significant adverse effects on the *identified natural character qualities of the Coastal High Natural Character area* and natural character as well as recognising the natural processes that have created the coastal environment by retaining areas of indigenous vegetation and recognising the importance of river mouths and lagoons as important breeding, feeding and resting areas for wetland and coastal birds.
76. In regard to Infrastructure within the coastal environment, in particular for the National Grid and Regionally Significant Infrastructure (RSI), the provisions for this sit within the Infrastructure Chapter. A new policy was introduced by the s42A Report Officer at Hearing E<sup>27</sup>: *EI-P2* and *EI-PX* which manages the adverse effects of Regionally Significant infrastructure and the National Grid. If adopted, for RSI, the policy seeks to avoid adverse effects on the Coastal Environment and Significant Natural Areas. For any new developments or upgrades to the National Grid that are located within the Coastal Environment, these must avoid adverse effects where required in order to protect the special values and characteristics of those areas. I am aware that further discussion is taking place on whether it is appropriate to exclude the urban areas of the coastal environment from this 'avoid' policy.
77. Overall, if the recommended changes proposed in the other Hearings addressing the management of adverse effects within the costal environment are adopted, my

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<sup>25</sup> Hearing D Section 42A Report, Appendix 1 Recommended Changes ECO-NATC-NFL Chapters L White

<sup>26</sup> Natural Hazards, Coastal Environment, Water Protection A Willis, S42a Report, page 112-113

<sup>27</sup> Hearing F Section 42A Report, Appendix 1 Recommended Changes EI-Transport and Stormwater Management A Willis

opinion is that the changes align with the NZCPS and resolve the original concern identified in ECAN's submission (and the DG's further submission) that there were gaps in the Coastal Environment chapter, as these are now being managed by the other provisions of the proposed Plan.

## Conclusion

78. I am generally supportive of the approach taken in the Activities on the Surface of Water for the proposed Timaru District Plan, and the changes recommended in the s42A Report including adding temporal restrictions for the recreational use of motorised craft which limits this activity to outside of the bird breeding season. This is supported by Dr Lagrue's evidence, noting that motorised craft, and the access to the rivers they provide, has the potential to cause significant disturbance to the bird breeding season.
79. I recommend further amendments to ASW-R4, R5 and R6 to better align with the bird breeding season as described in Dr Lagrue's evidence so that motorised craft use is limited to the period from February to July (inclusive) and not permitted during bird breeding season i.e from August to January (inclusive).
80. The Rangitata River is identified by Mr Lagrue as particularly significant habitat for braided river bird species. I have identified a gap in the Plan for protecting this significant habitat under the current proposed rule ASW-R3. In my view, this could be addressed by making amendments to ASW-R3 to introduce additional temporal restrictions to apply over the bird breeding season (August to January inclusive). This would ensure that the provisions align with the higher order documents. However, I appreciate that this may require a more comprehensive review with the involvement of key stakeholders and the Ashburton District Council to ensure that any amendments to the provisions result in the rules being efficient and effective.
81. In regard to the LIGHT provisions, overall, I support the s42A Officer's recommendation to include light controls that apply to the Bat Habitat Protection Area. Mr Waugh confirms in his evidence that artificial light can adversely affect long tailed bats including behavioural changes and habitat.
82. Based on the evidence of Mr Waugh, I propose further amendments to the proposed provisions including to require that lighting is not only shielded but directed



downwards and to include a specific lux level limit that applies to sites within the BPA that are located within the General Rural Zone, Open Space and Recreation Zones to minimise adverse effects of artificial light on long-tailed bats.

83. For the Coastal Environment (CE), the D-Gs submission contained limited points related to provisions covered by this topic. In relation to the D-Gs further submission points, I agree with the approach recommended in the s42A Officer's report. In particular, I support the amendment to the introduction of the CE chapter to clarify that the coastal environment is also managed by other chapters within the PDP. Overall, if the recommended changes proposed in the other Hearings (i.e. Hearing Stream D: Natural Environment and Stream E: Energy and Infrastructure) addressing the management of adverse effects within the coastal environment are adopted, my opinion is that the changes will align with the NZCPS.



Elizabeth Williams

DATED 9th April 2025

APPENDIX 1 TABLE OF SUBMISSION POINTS AND RECOMMENDATIONS

This appendix summarises matters where I recommend changes to the wording of provisions where my opinion differs from what is proposed in the Section 42A Report. The table outlines the D-G's submission points and officer's recommendations, and includes the text of my suggested changes.

PLAN PROVISION	D-G Submission	S42A recommendation	E Williams Planning evidence changes sought
Definitions			
Definition  Light Sensitive Area  Sub Point 166.8	Support with amendments  The D-G supports the definition but considers that it should also include the Bat Protection overlay as lighting can negatively affect Long-Tailed Bat activity and behaviour.  Amend the definition of 'Light Sensitive Area' as follows:  Includes land in the following areas outside of the Port Zone: a.Wāhi tapu, Wāhi taoka and Wai taoka Overlays Tumuaki Ahurei b. Significant Natural Areas Overlay c. Outstanding Natural Landscapes Overlay d. Visual Amenity Landscape Overlay e. the Rural Lifestyle Zone; f. <u>Bat Protection Area Overlay; and</u> fg. the Natural Open Space Zone...	Accept in Part. The S42A Officer is recommending that the Light Sensitive Areas are removed and replaced with lighting controls for sites within the Bat Habitat Protection Area.	I support the s42a report analysis and recommendation as outlined in paragraphs 55-71.
LIGHT – Lighting Standards			
Light – Introduction  Sub Point 166.119	Support. The D-G supports the intention to control outdoor lighting which could potentially disturb wildlife.	Accept in Part. Recommendation is to retain lighting controls that relate to the Bat Habitat Protection Area.	I support the s42a report analysis and recommendation as outlined in paragraphs 55-71.
LIGHT- O1 Artificial Outdoor Lighting  Sub Point 166.120	Support with amendments. The D-G supports the inclusion of the policies which seek to provide lighting that protects the identified values and qualities of light sensitive areas and to avoid adverse effects on existing light sensitive areas.  As noted above, it is considered that the Bat Protection Overlay is included in the definition of light sensitive areas so that controls are included for artificial outdoor lighting within areas of bat habitat.	Accept in Part. Recommends amendments to LIGHT-O1 as follows:  <i>LIGHT-O1 Artificial Outdoor Lighting</i> <i>Artificial outdoor lighting <u>provides for the safe and efficient use of the outdoors for a range of night-time activities, while:</u></i> <i>1. <u>is being</u> designed and located to minimise its adverse effects,;</i> <i>2. <u>is being</u> compatible with the character and qualities of the surrounding area;</i> <i>and</i> <i>3. <u>protects the values and characteristics of light sensitive areas minimising adverse effects on long-tailed bats</u>; and</i> <i>4. <u>not compromising the health and safety of people and communities, including road safety.</u></i>	I support the s42a report analysis and recommendation as outlined in paragraphs 55-71.
LIGHT-P1 Appropriate artificial outdoor lighting  Sub Point 166.121	Support with amendments. The D-G supports the inclusion of the policies which seek to provide lighting that protects the identified values and qualities of light sensitive areas and to avoid adverse effects on existing light sensitive areas. As noted above, it is considered that the Bat Protection Overlay is included in the definition of light sensitive areas so that controls are included for artificial outdoor lighting within areas of bat habitat.	Accept in Part. Recommends that LIGHT-P2 is amended to specifically refer to controlling outdoor lighting in order to minimise adverse effects on long-tailed bats. If the Hearing Panel retains LSAs and the content of the provisions relating them, then does not consider a change is required to the policies given that the definition would include BPA.	I support the s42a report analysis and recommendation as outlined in paragraphs 55-71.
LIGHT-P2 Intensity, location and direction of artificial lighting  Sub Point 166.122	Support with amendments. The D-G supports the inclusion of the policies which seek to provide lighting that protects the identified values and qualities of light sensitive areas and to avoid adverse effects on existing light sensitive areas. As noted above, it is considered that the Bat Protection Overlay is included in the definition of light sensitive areas so that controls are included for artificial outdoor lighting within areas of bat habitat. Include the Long Tail Bat Protection Area overlay within the definition of Light Sensitive Areas so that the lighting provisions of the plan apply to this area. Make associated amendments to the Objective and Policies.	Accept in Part. The S42a Officer Recommends the following amendments:  <i><b>LIGHT-P2 Intensity, location and direction of artificial outdoor lighting</b></i>  <i>Control the intensity, location and direction of any outdoor lighting in order to:</i>  <i><b>1A. maintain the character and qualities of the surrounding area;</b></i> <i><b>1. ensure that any artificial outdoor lighting avoids adverse effects on existing light sensitive areas, other established uses and the <u>safety of the</u> transport network; and</b></i> <i><b>2. achieve the internalisation of light spill within the site where the artificial outdoor lighting is located, and ' minimise any light spill onto adjoining sites; and</b></i> <i><b>3. minimise adverse effects on views of the night sky and intrinsically dark landscapes; and</b></i> <i><b>4. avoid adverse effects on the health and safety of people and communities in the surrounding area, including sleep disturbance; and</b></i> <i><b>5. minimise adverse effects on long-tailed bats.</b></i>	I support the s42a report analysis and recommendation as outlined in paragraphs 55-71.

PLAN PROVISION	D-G Submission	S42A recommendation	E Williams Planning evidence changes sought
General Rules Sub Point 166.123	Support with amendments. The D-G supports this rule however, as submitted above the Long-Tailed Bat Protection area should be included as a 'Light Sensitive Area'. The rules would require amendment to mitigate adverse effects of artificial outdoor lighting on Long Tailed Bats and their habitat. Amend the provisions to take into account appropriate controls to avoid adverse effects on Long Tailed Bats and their habitat (with the LongTailed Bat Protection Area overlay becoming listed as a 'Light Sensitive Area').	Accept in Part. The S42a Officer has recommended the removal of LSAs; but inclusion of similar provisions relating to the BPA Overlay. If the Hearings Panel decides to retain the LSA, alternate recommendations are proposed.	I support the s42a report analysis and recommendation as outlined in paragraphs 55-71.
LIGHT Rules R3 Sub Point 166.124	Support with amendments. The D-G supports this rule however, as submitted above the Long-Tailed Bat Protection area should be included as a 'Light Sensitive Area'. The rules would require amendment to mitigate adverse effects of artificial outdoor lighting on Long Tailed Bats and their habitat.  Amend LIGHT-R3 or include a new rule that includes appropriate controls for artificial outdoor lighting within the Bat Protection Area Overlay addressing:  - Minimising lighting: lighting only the object or area intended, lights point down (emit zero direct upward light), fully shielded and are close to the ground. - Using the lowest intensity lighting appropriate (i.e lux levels should be minimised as much as possible based on ecologist guidance) – Lux levels and threshold increment specified in Table 22 & 23 should be reviewed. - Use of lights with reduced or filtered blue, violet and UV wavelength (lights should emit little in the wavelengths below 540nm and their 'colour temperature' is a maximum of 2700K (warm white)).	Accept in Part. Further amendments recommended as discussed in paras 7.3.52- 7.3.66, pages 37-40.  Proposed Amendments:  <u><b>3. Long-tailed Bat Habitat Protection Area Overlay</b></u>  <u><b>Activity status: Permitted</b></u>  <u><b>Where:</b></u> <u><b>PER-1</b></u> <u><b>LIGHT-S1 and LIGHT-S2 are complied with; and</b></u>  <u><b>PER-2 The artificial outdoor lighting is for a temporary activity; or</b></u>  <u><b>PER-3 In any Rural Zone or Open Space and Recreation Zone, the exterior artificial outdoor lighting must:</b></u> <u><b>1. be fully shielded (see Figure 18 — Lighting Fixtures); and</b></u> <u><b>2. have a colour corrected temperature of no greater than 2700K.</b></u>	I support the s42a report analysis and recommendation as outlined in paragraphs 44-52. I proposed the following amendments if this approach is adopted, as follows:  <u><b>3. Long-tailed Bat Habitat Protection Area Overlay</b></u>  <u><b>Activity Status: Permitted</b></u> <u><b>Where:</b></u> <u><b>PER-1</b></u> <u><b>LIGHT-S1 and LIGHT-S2 are complied with except where PER-3(3) applies and</b></u>  <u><b>PER-2 .....</b></u>  <u><b>PER-3</b></u> <u><b>In any Rural Zone or Open Space and Recreation Zone, the exterior artificial outdoor lighting must:</b></u> <u><b>1.be fully shielded (see Figure 18 – Lighting Fixtures); and be installed with the light emitting surface facing directly down and</b></u> <u><b>2. have a colour corrected temperature of no greater than 2700K (warm white); and</b></u> <u><b>3. have a lux level of 0.5 lux (horizontal and vertical illuminance above the background level at a site boundary) between Civil Dusk and Civil Dawn.</b></u>
LIGHT Standard1 Sub Point 166.125	Support with amendments. The D-G supports this rule however, as submitted above the Long-Tailed Bat Protection area should be included as a 'Light Sensitive Area'. The rules would require amendment to mitigate adverse effects of artificial outdoor lighting on Long Tailed Bats and their habitat.	Accept in Part. The S42A Report Officer has accepted that the lighting controls are developed for sites within the BPA but has not identified the need for any consequential changes to LIGHT-S1.	I support the s42a report analysis and recommendation as outlined in paragraphs 44-52.
<b>PA - Public Access</b>			
Introduction Sub Point 166.74	Support. The proposed introduction is consistent with the RMA requirements (Part 2, Section 6(d)) and NZCPS	Accept. Recommends that an advice note is added to the introduction to the PA chapter as follows:  <u><b>It should be noted that there is no general right of public access across private land, and landowner consent must be obtained to access any private properties.</b></u>	I support the s42a report recommendation and analysis.
PA-O1 Public Access Sub Point 166.75	Support. This policy gives effect to Objective 4 and Policy 18 & 19 of the NZCPS and Policy 8.1.5 of the CRPS.	Accept in part. The S42a Officer recommends an amendment as follows:  Public access to and along the coastal marine area and the margins of identified wetlands and rivers is maintained and enhanced, and only restricted where <b>desirable appropriate</b>	I support the s42a report recommendation and analysis.
PA-P1 Benefits of public access Sub Point 166.76	Support. This policy gives effect to Objective 4 and Policy 18 & 19 of the NZCPS and Policy 8.1.5 of the CRPS.	Accept. The S42a Officer recommends the policy is retained as notified.	I support the s42a report recommendation and analysis.

PLAN PROVISION	D-G Submission	S42A recommendation	E Williams Planning evidence changes sought
PA-P2 Requirements for public access Sub Point 166.77	Support. This policy gives effect to Objective 4 and Policy 18 & 19 of the NZCPS and Policy 8.1.5 of the CRPS.	Accept. The S42a Officer recommends the policy is retained as notified.	I support the s42a report recommendation and analysis.
PA-P4 Limiting public access Sub Point 166.78	Support with amendments. The D-G supports the policy but recommends an additional reason for limiting public access which is consistent with the NZCPS Policy 19.  Amend Policy PA-P4 as follows:  Only allow an exemption for the requirement to provide public access or limiting an existing public access, on a temporary or permanent basis, for one or more of the following reasons: 1. in order to protect: a. sensitive indigenous species and their habitats; or <u>x. dunes and estuaries and other sensitive natural areas</u> b. sites and activities of cultural value to mana whenua; or c. historic heritage; or [...] ...	Amend PA-P4 as follows:  <b>PA-P4 Limiting public access</b>  Only allow an exemption for the requirement to provide public access or limiting an existing public access, on a temporary or permanent basis, for one or more of the following reasons: 1. in order to protect: a. sensitive indigenous species and their habitats; or <u>x. dunes and estuaries and other sensitive natural areas</u> b. sites and activities of cultural value to mana whenua; or c. [...]. [...].	I support the s42a report recommendation and analysis.
SCHED 11 – Schedule of Public Access Provisions Sub Point 166.79	Support. This objective gives effect to Objective 4 and Policy 18 & 19 of the NZCPS and Policy 8.1.5 of the CRPS.	Accept in part. Some amendments proposed in response to other submissions.	I support the s42a report recommendation and analysis.
<b>ASW – Surface Water Activities</b>			
ASW-O1 Protecting the values of the District's River Sub Point 166.85	Support. The D-G supports the objective and policies which seek to protect the values of the districts rivers, avoid adverse effects of motorised craft and manage the effects of surface water activities on fish spawning areas, habitat of breeding birds and on flora and fauna within riparian margins. The objective and policies are consistent with the RMA Part 2, Section 6c and Section 31(1)(e).	Accept in Part. The S42a Officer recommends an amendment as follows: <b>ASW-O1:</b> <i>The ecological, recreational, natural character and cultural values of the District's rivers are protected from the adverse effects of <u>inappropriate</u> activities on the surface of water.</i>	I support the s42a report recommendation and analysis.
Policies ASW-P1, P2, P3, P4, P5, P6 Sub Point 166.86	Support. The D-G supports the objective and policies which seek to protect the values of the districts rivers, avoid adverse effects of motorised craft and manage the effects of surface water activities on fish spawning areas, habitat of breeding birds and on flora and fauna within riparian margins. The objective and policies are consistent with the RMA Part 2, Section 6c and Section 31(1)(e).	Accept in part. The following amendment is recommended for <b>ASW-P3</b> :  <u>Provide for the non-commercial recreational use of motorised craft in areas identified in SCHED17 - Schedule of River Protection Areas where any adverse effects associated with their use are:</u> 1. avoided by stipulating the time of the year when the activities can occur; and 2. for Jet Boat NZ activities on the Ōpihi River, mitigated by limiting the duration, frequency and nature of those activities  <u>Manage the adverse effects of commercial recreational use of motorised craft in areas identified in SCHED17 - Schedule of River Protection Areas by:</u> <u>1. providing for their use:</u> <u>a. within stipulated times of the year: and</u> <u>b. within stipulated minimum water flows: and</u> <u>2. avoiding the use of motorised craft outside the stipulated times and minimum water flow levels within (1), where it would result in adverse effects on the ecological, recreational, natural character, or cultural values of the rivers:</u>  <b>ASW-P4:</b> The following amendment is recommended:  Only allow commercial activities and structures on the surface of the District's rivers where it can be demonstrated that the activity and/or structure will not result in any: 1. adverse effects on fish spawning in the areas identified in SCHED13 - Schedule of Fish Spawning Area; and 2. adverse effects on the habitat of breeding birds; and 3. adverse effects on any other flora and fauna within riparian margins; and 4. cumulative adverse effects with other structures and activities on the surface of the river; and 5. adverse effects on <u>the spiritual and cultural values and beliefs of Kāti Huirapa</u> cultural and spiritual values associated with the river; and 6. significant adverse effects on other recreational uses.  <b>ASW-P6:</b> The following amendment is recommended:	I support the s42a report recommendation and analysis, but recommend the following minor amendment to clarify that the policy relates to <b>ASW-P3</b> non-commercial recreational use of motorised craft:  <u>Manage the adverse effects of non-commercial recreational use of motorised craft in areas identified in SCHED17- Schedule of River Protection Areas by:...</u>

PLAN PROVISION	D-G Submission	S42A recommendation	E Williams Planning evidence changes sought
		Avoid the use of non-commercial motorised craft not otherwise provided in ASW-P2 to ASW-P5, unless the use of motorised craft will not result in: 1. occurs outside of <u>adverse effects on</u> fish spawning <u>and bird breeding</u> season/s; and 2. <del>occurs outside of bird breeding season/s; and</del> 3. <del>will not result in</del> adverse effects on other flora and fauna within riparian margins as a consequence of activities on the surface of the water; and 4. <del>will not result in</del> cumulative adverse effects with other commercial activities on the surface of the river; and 5. <del>will not result in</del> adverse effects <u>on the spiritual and cultural values and beliefs of Kāti Huirapa cultural and spiritual values</u> associated with the river; and 6. <del>will not result in</del> significant adverse effects on other recreational uses.	
ASW-R2 The use of motorised craft on the Rangitata River Sub Point 166.87	Support. The D-G supports the permitted activity status for the use of motorised craft for specific environmental management including the management of indigenous fish and any other flora and fauna required under the Conservation Act 1987, the Wildlife Act 1953 and the Fisheries Act 1983.	Accept. The S42A Officer has recommended changes to include temporary military training.	I support the s42a report recommendation and analysis.
ASW-R3 The recreational use of motorised craft on the Rangitata River Sub Point 166.88	Support. The D-G supports the provisions that limit the recreational use of motorised craft on specified rivers and ecosystem values at appropriate times of the year.  Reference to the SCHED-Schedule of Fishing Area needs to be amended to reflect the correct schedule number.	Accept. Amend ASW-R3 as follows:  <b>ASW-R3 The recreational use of motorised craft on the Rangitata River</b> [...]  <b>PER 3</b> <i>The use is not within any of the fish spawning areas identified in SCHED<del>14</del>13-Schedule of Fish Spawning area.</i>	Refer to my assessment above in paras 39-54, page 14-17
ASW-R4 The recreational use of motorised craft on the Ōrāri River Sub Point 166.89	Support. The D-G supports the provisions that limit the recreational use of motorised craft on specified rivers and ecosystem values at appropriate times of the year.	Accept. Retain as notified.	I support the s42a report recommendation and analysis. However, based on my assessment above at paragraphs 35-38, pages 12-14 and Dr Lagrue's evidence, I consider the following amendments are necessary:  <b>ASW-R4 The recreational use of motorised craft on the Ōrāri River</b> <b>Activity Status: Permitted</b> <b>Where:</b> <b>PER-1...</b> <b>PER-2</b> The use is undertaken between <u>March February</u> and <u>August July</u> (inclusive); and...
ASW-R5 The recreational use of motorised craft on the Ōphihi River Sub Point 166.90	Support. The submitter supports the provisions that limit the recreational use of motorised craft on specified rivers and ecosystem values at appropriate times of the year.	Accept in part. Recommended the following amendments:  ....  <b>Activity Status: Permitted</b>  <b>Where</b>  PER-1....  <u><b>PER-2 The use is undertaken between March and August (inclusive); and</b></u>  <u><b>PER-3 The flow, when measured at the State Highway 1 Bridge, is 20 cumecs or greater.</b></u> ..... <u><b>Activity status when compliance not achieved with PER-2 or PER-3: Non-complying</b></u>	I support the s42a report recommendation and analysis. However, based on my assessment above at paragraphs 35-38, pages 12-14 and Dr Lagrue's evidence, I consider the following amendments are necessary:  <b>ASW-R5 The recreational use of motorised craft on the Ōphihi River</b> <b>Activity Status: Permitted</b> <b>Where:</b> <b>PER-1...</b> <b>PER-2</b> <u><i>The use is undertaken between March February and August July (inclusive); and...</i></u>
ASW-R6 The recreational use of motorised craft on the Pureora/Pareora River Sub Point 166.91	Support. The submitter supports the provisions that limit the recreational use of motorised craft on specified rivers and ecosystem values at appropriate times of the year.	Accept in part. S42a Report Officer recommends the following amendments:  <b>Activity Status: Permitted</b>  <b>Where</b>  PER-1....  <u><b>PER-2 The use is undertaken between March and August (inclusive); and</b></u>  <u><b>PER-3 The flow, when measured at the State Highway 1 Bridge, is 20 cumecs or greater.</b></u> .....	I support the s42a report recommendation and analysis. However, based on my assessment above at paragraphs 35-38, pages 12-14 and Dr Lagrue's evidence, I consider the following amendments are necessary:  <b>ASW-R6 The recreational use of motorised craft on the Pureora/Pareora River</b> <b>Activity Status: Permitted</b> <b>Where:</b> <b>PER-1...</b> <b>PER-2</b> The use is undertaken between <u>March February</u> and <u>August July</u> (inclusive); and...

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		<i>Activity status when compliance not achieved with PER-2 or PER-3: Non-complying</i>	
ASW-R10 Use of motorised craft within the fish spawning areas Sub Point 166.95	Support. The D-G supports the prohibited activity status for the use of motorised craft within the fish spawning areas.	Accept in part, proposed amendment so that the use of motorised craft within the fish spawning areas are prohibited <b>except as provided by ASW-R2.</b>	I support the s42a report recommendation and analysis.
SCHED-13 Schedule of Fish Spawning Area Sub Point 166.96	The D-G supports the identification of areas of fish spawning for Upland Longjaw galaxias habitat however it is considered necessary to include a larger extent within the Rangitata River. Upland Longjaw are now understood to be a highly mobile habitat seeker and extend up into the Upper Rangitata River.  Additional areas are recommended to be included such as estuarine habitat to preserve inanga and stokells smelt spawning, which have huge impact on riverine birdlife.	Reject. The Section 42A Officer agrees in principle with the concept that the PDP could include an extended Fish Spawning Area to incorporate the Upper Rangitata River. However, notes that the submitters have not provided sufficient details to determine where this additional Fish Spawning Area should be located.  As such, without further evidence supporting the location of these additional sites, the s42A Officer rejects any amendment should be made to SCHED13.	I support the s42a report recommendation and analysis. No further evidence is provided at this time to support the D-Gs submission.
SCHED-17 Schedule of River Protection Areas Sub Point 166.98	Support. The D-G supports the identification of river protection areas as it relates the surface water activity rules.	Accept	I support the s42a report recommendation and analysis.
FS166.3	Oppose Jet Boating New Zealand. The D-G considers that if the Te Ngawai, Te Moana and Waihi Rivers are to be included, then they should be assessed in terms of identifying areas that may be fish spawning areas and sections of those rivers that should be protected and the rules amended to provide for that protection.	Further submission allowed. Reject JBNZ submission point 48.12.	I support the s42a report recommendation and analysis.
FS166.4	Oppose Jet Boating New Zealand. The D-G considers that if the Te Ngawai, Te Moana and Waihi Rivers are included, then they should be assessed in terms of identifying areas that may be fish spawning areas and sections of those rivers that should be protected and the rules amended to provide for that protection.	Further submission allowed. Reject JBNZ submission point 48.12.	I support the s42a report recommendation and analysis.
<b>CE- Coastal Environment</b>			
CE-O4 Coastal Hazards Sub Point 166.101	Support with amendments. The D-G supports this objective as it gives effect to Objective 5 and Policy 25 of the NZCPS to avoid increasing the risk of social, environmental and economic harm from coastal hazards.  However, it is considered necessary to amend the objective to take into account the effects of climate change as required by Objective 5 of the NZCPS.  Amend the objective as follows:  <i>People, buildings and structures are protected from unacceptable risks arising from coastal hazards <b>and the effects of climate change.</b></i>	Accept in part. Recommends the following amendments:  People, buildings and structures are protected from unacceptable risks arising from coastal hazards, <b><i>including those exacerbated by climate change.</i></b>	I support the s42a report recommendation and analysis.
CE-O5 Natural Features and Buffers Sub Point 166.102	Support with amendments. The D-G supports the intent of this objective but considers it necessary to amend the wording to make it clearer and to give effect to Objective 5 and Policy 25 & 26 of the NZCPS, in particular the discouragement of hard protection structures and the promotion of alternatives such as natural defences.  Amend the Objective as follows: <b>CE-O5 <i>Natural Features Natural Defences and buffers</i></b>  <i>Natural defences Natural features and buffers are retained and used for coastal hazard management, in preference to <del>natural-hazard-mitigation works</del> hard engineering natural hazard mitigation, wherever appropriate.</i>	Accept in part. Recommends the following amendments:  <i>Natural features <del>Natural defences</del> and buffers are protected, restored or enhanced retained</i> and used for coastal hazard management, in preference to <i>natural-hazard-mitigation works</i> <del>hard engineering natural hazard mitigation works</del> , wherever appropriate.	I support the s42a report recommendation and analysis.



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CE-P3 Identifying coastal hazards  Sub Point 166.108	Support with amendments. The D-G supports this policy and the identification of coastal hazards. However, the policy needs to take into account the effects of climate change in line with the NZCPS Objective 5 and Policy 24 and the RMA Part 2, Section 7..  Amend the policy as follows:  <i>Identify Coastal Hazard Areas on the planning maps, , and take a risk-based approach <u>taking account of climate change</u>, to the management of subdivision, use and development based on the following:....</i>	Accepted. Amend CE-P3 as follows:  Identify Coastal Hazard Areas on the planning maps, and take a risk-based approach <u>taking account of climate change</u> , to the management of subdivision, use and development based on the following: [...].	I support the s42a report recommendation and analysis.
CE-P4 Role of natural features and vegetation  Sub Point 166.109	Support with amendments. The D-G supports this policy as it is consistent with the NZCPS Policy 26. However, it is considered that an amendment is needed to clarify that the wording relates to natural defences.  The D-G considers that 'protect and maintain' would also include the management of natural defences to be able to retreat due to the effects of climate change.  Amend the policy as follows:  <i>Protect and maintain <u>natural defences including</u> natural topographic features and vegetation, that assist in avoiding or mitigating the risk to human life and property from coastal hazards, and where practicable restore such features and vegetation</i>	Accepted in part. Amend CE-P4 as follows:  Protect, <del>and maintain</del> <u>restore or enhance natural defences where appropriate, including</u> natural topographic features and vegetation, that assist in avoiding or mitigating the risk to human life and property from coastal hazards, <del>and where practicable restore such features and vegetation.</del>	I support the s42a report recommendation and analysis.
CE-P11 Preserve the natural character qualities of areas with Coastal High Natural Character  Sub Point 166.114	Support with amendments. The D-G supports the intent of this policy but seeks amendments to ensure that all adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character are avoided. This gives effect to Policy 13 of the NZCPS and Policy 8.3.4 of the CRPS.  Amend the policy as follows:  <i>Only allow subdivision, use and development in areas of Coastal High Natural Character where:</i> 1. <i>for infrastructure, the development is in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure; and</i> 2. <i>for other activities:</i> a. <i>avoids <del>significant</del> adverse effects; and</i> b. <i><del>avoids, remedies or mitigates all other</del> adverse effects on the identified natural character qualities; and</i> c. <i>demonstrates that it is appropriate by ensuring that the area of Coastal High Natural Character continues to:</i> d. <i>recognise and provide for the on-going natural physical processes that have created the Coastal Environment; and</i> i. <i>retain the integrity of landforms and geological features; and [...]</i>	Reject. Proposed amendments made in relation to the other submissions.	I accept the s42a report recommendation and analysis.
CE-P13 Regionally Significant Infrastructure in Coastal Hazard Areas  Sub Point 166.116	Support with amendments. The D-G supports this policy as it is consistent with the NZCPS but requests that it is amended to clarify that the activity does not create or exacerbate natural hazards.  <i>Amend Policy CE-P13 as follows:</i> ..... 2. <i>It will not create <u>more than minor adverse or exacerbate adverse</u> coastal hazard effects on adjoining or surrounding land.</i>	Reject. No further amendments are made to CE-P-13.	I accept the s42a report recommendation and analysis.
FS166.23	Support Canterbury Regional Council Sub Point 183.107. The D-G agrees that the Coastal Environment chapter must be consistent with all of the NZCPS including Policy 11.  Considers there appear to be a number of gaps in relation to the provisions for activities in the coastal environment, for example, implementation of Policy 11 relating to indigenous biological diversity. It is recommended that the chapter is reviewed in light of the NZCPS to ensure that it gives effect to all of the requirements of it. It is relevant to note that at the time of the development of the CRPS, it	Accepted in Part. Amend the CE Introduction as follows:  Timaru District's coastal environment is generally a narrow margin of land that lies between the coastal marine area and the farmed hinterlands <u>and is identified by the Coastal Environment Area Overlay on the planning map</u> . It is a dynamic environment that has been modified by human activity, such as the building of the railway line, but continues to be subject to active natural processes. [...] <u>The provisions of other chapters in this plan also apply to the coastal environment. For example, identified significant natural areas and indigenous biodiversity clearance in the coastal environment are addressed in the EIB Chapter. ONLs and ONFs in the coastal environment are addressed in</u>	I support the s42a report recommendation and analysis.

PLAN PROVISION	D-G Submission	S42A recommendation	E Williams Planning evidence changes sought
	was not drafted to give effect to the NZCPS, which was notified part way through the development of the CRPS.	<p><u>the NFL Chapter. SASMs located in the coastal environment are addressed in the SASM Chapter.</u></p> <p>The s42A Officer notes that (8.3.16, page112):</p> <p><i>Regarding the ECan [183.107] submission, it is not clear which matters ECan consider are missing from this chapter. However, this is clarified in the ECan [183.110] submission. Regarding indigenous biodiversity (NZCPS Policy 11), there are SNAs in the CE, but these are managed in the EIB chapter. Regarding natural character (NZCPS Policy 13), there are no areas identified with ONC (NZCPS Policy 13(1)(a)), there are however areas identified as HNC (NZCPS Policy 13(1)(b). In my opinion the CE chapter does seek to avoid significant adverse effects and avoid, remedy of mitigate other adverse effects of activities on natural character and this is clearly reflected in CE-P10 and CE-P11, with rules CE-R4 covering buildings and structures and CE-R5 covering earthworks and CE-R87 and CE-R8 covering RSI and CE-R13 covering primary production. I note that these policies and rules are the subject of specific submissions addressed later in this report. Regarding natural features and landscapes (NZCPS Policy 15), these are covered in the NFL chapter. Given the reliance on other chapters I consider it useful that this is set out in the introduction and therefore recommend the changes set out below and in Appendix 1. Accordingly, I recommend that these submissions are accepted in part.</i></p>	
FS166.24	<p>Support Canterbury Regional Council Sub Point 183.110. The D-G agrees that the provisions in the NZCPS Policies 11, 13 and 15, require an approach of 'not adverse effects' on certain significant resources.</p> <p>Considers it is unclear how the provisions provide for the "bottom line" provisions in the NZCPS Policies 11, 13 and 15, which require an approach of "no adverse effects" on certain significant resources. This includes infrastructure, and the framework of the chapter provides a very permissive framework.</p>	<p>Accepted in part, the s42A Officer (para 8.3.19 page 113) notes that:</p> <p><i>I considered that the NZCPS is also given effect to by other chapters within the PDP and that this is appropriate for efficiency purposes, and that given the reliance on other chapters I considered it useful that this is set out in the introduction and therefore recommended changes. I consider these changes also respond to this submission.</i></p>	I support the s42a report recommendation and analysis.