BEFORE THE PANEL OF INDEPENDENT HEARINGS COMMISSIONERS AT OAMARU

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

IN THE MATTER of the Proposed Waitaki District Plan (**Proposed Plan**)

MEMORANDUM OF COUNSEL ON BEHALF OF THE ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED FOR HEARING STREAM 4

3 NOVEMBER 2026

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1. HEARING STREAM 4

1.1 The Environmental Defence Society Incorporated (**EDS**) made submissions on the proposed Waitaki District Plan, including on definitions relevant to the Open Space Zone, and the Sport and Active Recreation Zone Chapters.

1.2 EDS's submission sought the exclusion of visitor facilities and parking from the definition of "conservation activities". As notified, "conservation activities" was defined as:

> *means the use of land and/or buildings for an activity undertaken for the purposes of maintaining, protecting and/or enhancing the natural, historic, cultural and/or ecological values of a natural or historic resource (for example; fencing and restoration planting). It includes ancillary activities which assist to enhance the public's appreciation and recreational enjoyment of the resource (for example; access tracks, interpretative signs, visitor facilities and vehicle parking).*

1.3 EDS has reviewed the Section 42A Report – Open Space and Recreation Zones (**s42A Report**).[1] The s42A Report rejects EDS's submission, considering that the definition does not provide for visitor facilities and parking, but rather identifies them as examples of ancillary activities, and limits them accordingly.[2]

1.4 The s42A Report accepts clarificatory relief sought by other parties, and recommends the following amendments to the definition of "conservation activities":

> *means the use of land and/or buildings for an activity undertaken for the purposes of maintaining, protecting and/or enhancing the natural, historic, cultural and/or ecological values of a natural or historic resource (for example; fencing and restoration planting). It includes ancillary activities which assist to enhance the public's appreciation and recreational enjoyment of the resource (for example; ~~access~~ walking and cycling tracks, interpretative signs, visitor facilities and vehicle parking).*

2. EDS'S POSITION ON CONSERVATION ACTIVITIES

2.1 EDS's original submissions sought to exclude visitor facilities and parking because of a concern that such activities would proceed without recourse to

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[1] Proposed Waitaki District Plan, Section 42A Report: Open Space and Recreation Zones, dated 19 October 2026 (**s42A Report**).
[2] S42A Report, at [78].

the primary purpose of the activity, being the maintenance, protection, and / or enhancement of natural or historic resource values. The wording of the definition as it stands is convoluted, and introduces a secondary purpose of enhancing the public's appreciation and enjoyment of the resources.

2.2 Further, conservation activities are permitted activities in Open Space and Recreation Zones, and do not appear to be subject to standards within those chapters. This means there are no limits on the scale, size or location of conservation activities, or their ancillary activities such as visitor facilities and vehicle parking.

2.3 EDS is concerned that visitor facilities and parking could therefore proceed in a manner which:

(a) does not give effect to the primary purpose of conservation activities, which is to use land and / or buildings for the purposes of maintaining, protecting and/or enhancing the natural, historic, cultural and/or ecological values of a natural or historic resource; and

(b) is not subject to any limits, for example in terms of size, height, location, etc.

2.4 Accordingly, EDS maintains its original submission, and seeks the exclusion of visitor facilities and parking from the definition of conservation activities.

2.5 Alternatively, EDS submits that the definition should be amended to more clearly state that ancillary activities are subject to the primary purpose of maintenance, protection, and / or enhancement of the values of the natural or historic resource as follows:

> *means the use of land and/or buildings for an activity undertaken for the purposes of maintaining, protecting and/or enhancing the natural, historic, cultural and/or ecological values of a natural or historic resource (for example; fencing and restoration planting). It includes ~~ancillary~~ activities which are ancillary to that purpose, such as activities which assist to enhance the public's appreciation and recreational enjoyment of the resource (for example; ~~access~~ walking and cycling tracks, interpretative signs, visitor facilities and vehicle parking).*

2.6 Irrespective of the final form of the definition, EDS submits that visitor facilities should be subject to standards in order to appropriately limit their scale and

size. To this end, EDS submits that conservation activity rules should be amended so that standards 1 through 5 of the relevant chapter apply to visitor facilities. Visitor facilities which do not meet these standards should be classified as restricted discretionary.

2.7 Amendments to the relevant rules are as below:

SARZ-R3	Conservation activities	
Sport and Active Recreation Zone	Activity status: Permitted Where: PER-1 Ancillary visitor facilities comply with SARZ-S1, SARZ-S2, SARZ-S3, SARZ-S4, and SARZ-S5.	Activity status when compliance is not achieved: ~~Not applicable~~ Restricted Discretionary Where: RDIS-1 Compliance is not achieved with Per-1 Matters of discretion are restricted to: 1. The matters of discretion listed in SARZ-S1, SARZ-S2, SARZ-S3, SARZ-S4, and SARZ-S5.

OSZ-R4	Conservation activities	
Open Space Zone	Activity status: Permitted Where: PER-1 Ancillary visitor facilities comply with OSZ-S1, OSZ-S2, OSZ-S3, OSZ-S4, and OSZ-S5.	Activity status when compliance is not achieved: ~~Not applicable~~ Restricted Discretionary Where: RDIS-1 Compliance is not achieved with Per-1 Matters of discretion are restricted to: 1. The matters of discretion listed in OSZ-

		S1, OSZ-S2, OSZ-S3, OSZ-S4, and OSZ-S5.

2.8 EDS supports the amendments proposed by the s42A Report which clarify the types of access tracks which are appropriate ancillary activities.

3. EDS ATTENDANCE

3.1 Given EDS's interest in the Hearing Stream 4 Chapters is confined to a single submission, and having confirmed its position above, EDS does not wish to be heard at Hearing Stream 4.

3.2 EDS respectfully requests that this memorandum is tabled for the Panel as a record of its position.

Dated 3 November2026

Jen Vella / Amelia Scharting