

OFFICER'S REPORT FOR:

Hearings Panel

SUBJECT:

**Proposed Waimakariri District Plan:
Ngā mahi taupua - Temporary Activities**

PREPARED BY:

Brooke Benny

REPORT DATED:

7 March 2024

DATE OF HEARING:

**Stream 11
15 April 2024**



W A I M A K A R I R I
D I S T R I C T C O U N C I L

Executive Summary

1. This report considers submissions received by the District Council in relation to the relevant objectives, policies, rules, definitions, and matters of discretion of the Proposed Plan as they apply to the TEMP - Ngā mahi taupua - Temporary activities chapter ('Temporary Activities'). The report outlines recommendations in response to the issues that have emerged from these submissions.
2. The Temporary Activities chapter received 19 submission points from 12 submitters, and 2 further submissions with 5 submission points.
3. The following are considered to be the key issues in contention in the chapter:
 - The National Grid Yard and the National Policy Statement on Electricity Transmission Policies is not referenced in the Introduction section of '*Other potentially relevant District Plan provisions*'.
 - The number of permitted vehicle movements for filming in TEMP-R4(5); and
 - The definition of '*Temporary Activities*' does not specifically exclude '*Temporary Military Training Activities*' and '*Emergency Services Training Activities*'; and
 - Objectives and Policies do not specifically address Temporary Military Training Activities; and
 - There is no definition and rule for '*Emergency Services Training Activities*'; and
 - The definition of '*Relocatable building*' to be removed so there are no longer separate definitions for '*building*' and '*relocatable building*'; and
 - Rule TEMP-R6 -*Temporary storage of a relocatable building* should be applicable to all zones (excluding the Pines Beach and Kairaki Regeneration Zone); and
 - There is not a specific rule for temporary storage of a building within the Pines Beach and Kairaki Regeneration Zone subject to standards that are currently part of the definition of '*relocatable building*'; and
 - The definition of '*Construction work*' does not reference relocation or re-siting of a building.
4. This report addresses each of these matters, as well as any other issues raised by submissions.
5. The Temporary activities chapter is also subject to a number of consequential amendments arising from submissions to the whole of the Proposed Plan and other chapters.
6. I have recommended some changes to the Proposed Plan provisions to address matters raised in submissions and are summarised below:
 - Amend the Introduction section '*Other potentially relevant District Plan provisions*' to refer to Rule EI-E9 for use of temporary infrastructure, and refer to Rules EI-R51, EI-R52 and EI-R52A to clarify that these rules apply to temporary activities in the National Grid Yard; and
 - Include a new definition of '*Emergency Service Training Activity*'; and

- Add a new policy specifically for temporary military training activities to support and provide an outcome for temporary military training activities, distinct from temporary activities; and
 - Amend TEMP-R5, including;
 - the heading to include TMTA associated buildings and structures and emergency service training activity; and
 - exclude set up and pack down activities as part of the permitted maximum duration; and
 - remove TEMP-R5(2) to ensure there is not inconsistency between the Temporary Activities Chapter and the Ecosystems and indigenous biodiversity Chapter.
 - Amend TEMP-R6 to be applicable to the Commercial and Mixed Use Zones and the Industrial Zones, and permit temporary storage of a building prior to permanent siting on site; and
 - Amend the definition of '*Temporary activities*' to provide for activities that are temporary in nature and character, but are not specifically listed within the inclusion list.
7. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in **Appendix A** of this report.
8. For the reasons and s32AA evaluations included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

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Interpretation

9. This s42A Officer's report utilises a number of abbreviations for brevity as set out in Table 1 and Table 2 below:

Table 1: Abbreviations

Abbreviation	Means
RMA	Resource Management Act 1991
District Council	Waimakariri District Council / territorial authority
Operative Plan	Operative Waimakariri District Plan
Proposed Plan	Proposed Waimakariri District Plan
ECan	Environment Canterbury/Canterbury Regional Council
ESTA	Emergency Service Training Activities
NPSET	National Policy Statement on Electricity Transmission 2008
RPS	Operative Canterbury Regional Policy Statement
SNA	Significant Natural Area
TMTA	Temporary Military Training Activities

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
CIAL	Christchurch International Airport Ltd
CIL	Clampett Investments Ltd
FENZ	Fire and Emergency New Zealand
Fish and Game	North Canterbury Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society
Heritage NZ	Heritage New Zealand Pouhere Taonga
House Movers	House Movers Section of New Zealand Heavy Haulage Association
KTCB	Kaiapoi-Tuahiwi Community Board
NZDF	New Zealand Defence Force
RIDL	Rolleston Industrial Developments Ltd
Spark	Spark New Zealand Trading Ltd
Transpower	Transpower New Zealand Ltd
Waka Kotahi	Waka Kotahi NZ Transport Agency

1 Introduction

1.1 Purpose

10. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the Temporary Activities chapter and to recommend possible amendments to the Proposed Plan in response to those submissions.
11. This report is prepared under section 42A of the RMA. It considers submissions received by the District Council in relation to the relevant introduction, objectives, policies, rules, and other potentially relevant District Plan provisions as they apply to the Temporary Activities chapter in the Proposed Plan.
12. This report discusses general issues or topics arising, the submissions and further submissions received following notification of the Proposed Plan, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the Proposed Plan provisions based on the preceding discussion in the report.
13. The recommendations are informed by the evaluation undertaken by the author. In preparing this report the author has had regard to recommendations made in other related s42A reports including:
 - Pines Beach and Kairaki Regeneration Zone,
 - Noise,
 - Open Space and Recreation Zone,
 - Rural Lifestyle Zone, and
 - Strategic Directions.
14. I have also had regard to the right of reply for the chapters of:
 - Activities on the Surface of Water, and
 - Rural Lifestyle Zone.
15. This report is provided to assist the Hearings Panel in their role as Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.2 Author

16. My name is Brooke Benny. My qualifications and experience are set out in **Appendix D** of this report.
17. My role in preparing this report is that of an expert Planner.
18. I was not involved in the preparation of the Proposed Plan or the Section 32 Evaluation Reports. However, I have reviewed the Temporary Activities chapter and Section 32 Evaluation Report in preparing my evidence.

19. Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the 2023 Practice Note issued by the Environment Court. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
20. The scope of my evidence relates to the Temporary activities chapter and related provisions, including objectives, policies, rules and definitions. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert planner.
21. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
22. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Supporting Evidence

23. The expert evidence which I have used or relied upon in support of the opinions expressed in this report includes the following:
 - Statement of Evidence from Shane Binder on behalf of Waimakariri District Council in relation to vehicle movements for filming (January 2024) (refer to **Appendix C**).

1.4 Key Issues in Contention

24. A number of submissions and further submissions were received on the provisions relating to the Temporary Activities chapter. The submissions sought a range of outcomes.
25. The New Zealand Defence Force (NZDF) sought a number of amendments to provisions to accommodate temporary military training activities (TMTA).
26. House Movers Section of New Zealand Heavy Haulage Association (House Movers) seeks a number of amendments to provide for the relocation and temporary storage of buildings.
27. The specific exclusion of emergency service training activities (ESTA) from the definition of temporary activity, and a new definition and rule category for ESTA, was sought by Fire and Emergency New Zealand (FENZ).
28. There were two submissions seeking Council support for film productions, with one amendment specifically seeking an amendment to increase the number of vehicle movements for filming (submitter Clayton Tikao).
29. Transpower New Zealand Limited (Transpower) seeks amendments to the 'other potentially relevant District Plan provisions' part of the Temporary Activities Chapter introduction to include clear direction that rules relating to activities in the National Grid Yard apply to temporary activities and to give effect to the National Policy Statement on Electricity Transmission Policies 10 and 11.
30. I consider the following to be the key issues in contention in the chapter:

- The National Grid Yard and the National Policy Statement on Electricity Transmission Policies is not referenced in the Introduction section of '*Other potentially relevant District Plan provisions*'.
- The number of permitted vehicle movements for filming in TEMP-R4(5); and
- The definition of '*Temporary Activities*' does not specifically exclude '*Temporary Military Training Activities*' and '*Emergency Services Training Activities*'; and
- Objectives and Policies do not specifically address Temporary Military Training Activities; and
- There is no definition and rule for '*Emergency Services Training Activities*'; and
- The definition of '*Relocatable building*' to be removed so there are no longer separate definitions for '*building*' and '*relocatable building*'; and
- Rule TEMP-R6 -*Temporary storage of a relocatable building* should be applicable to all zones (excluding the Pines Beach and Kairaki Regeneration Zone); and
- There is not a specific rule for temporary storage of a building within the Pines Beach and Kairaki Regeneration Zone subject to standards that are currently part of the definition of '*relocatable building*'; and
- The definition of '*Construction work*' does not reference relocation or re-siting of a building.

31. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.5 Procedural Matters

32. At the time of writing this report, there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the Temporary Activities chapter.
33. As previously advised in a memo to the panel on 24 January 2024, the following submission points have been withdrawn;
- Submission [275.73] from Waka Kotahi; and
 - Submission [275.75] from Waka Kotahi.

There was one further submission [92] from Transpower New Zealand Limited in relation to submission [275.73] by Waka Kotahi which has also been removed from this report.

2 Statutory Considerations

2.1 Resource Management Act 1991

34. The Proposed Plan has been prepared in accordance with the RMA and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority, and
- section 75 Contents of district plans,

35. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the Proposed Plan. These documents are discussed in detail within the Section 32 Evaluation Report: Temporary Activities. There have been no changes in national direction relevant to temporary activities since notification of the Proposed Plan.

2.2 Section 32AA

36. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA . Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

37. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the Temporary Activities chapter is contained within the assessment of the relief sought in submissions in section 3 of this report as required by s32AA(1)(d)(ii).

2.3 Trade Competition

38. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

39. The Temporary Activities chapter contains objectives, policies and rules to manage the effects of temporary activities for different receiving environments and activities. The Temporary Activities chapter received 12 submissions comprising 19 submission points, and 2 further submissions comprising 5 further submission points.
40. Of the original submissions, most of the submission points were received from NDZF, House Movers and Jet Boating New Zealand.
41. The major themes of the submissions were temporary military training activities and emergency service training activities, relocatable buildings, vehicle movements for filming and temporary activities in the National Grid Yard to give effect to the National Policy Statement on Electricity Transmission policies. There are two further submissions with five submission points addressed within the report. The further submissions are outlined in Table 3 below.

Table 3: Further Submissions

Further Submitter	FS Number	Submission point number	Original Submitter	Support/ Oppose	Outcome Sought
Christchurch International Airport Ltd	80	166.22	NZ Defence Force	Neutral	
Christchurch International Airport Ltd	80	166.23	NZ Defence Force	Neutral	
Waka Kotahi NZ Transport Agency	110	28.1	Clayton Tikao	Oppose	Disallow
Waka Kotahi NZ Transport Agency	110	166.25	NZ Defence Force	Oppose	Disallow
Waka Kotahi NZ Transport Agency	110	303.49	Fire and Emergency NZ	Oppose	Disallow

42. I consider that the definition of Temporary Activities is clear in describing temporary activities as being activities that are not of a permanent nature. However, the list of activities that are listed as being included within the definition are those that either involve the public participating (such as recreation and sporting events and fetes, fairs and carnivals) or the public being spectators (such as parades and performances, celebrations and concerts). My understanding of the legal interpretation of definitions that include an "inclusive" list is that other activities of a similar nature or character are also included within the definition even though they are not listed. This is confirmed by the wording under 'j.' of the definition that states "*j. and other types of activities of similar character.*"
43. In my opinion, this lack of clarity in the definition continues into the objectives, policies and

rules of the Temporary Activities chapter where there is a mixture of:

- temporary activities - as per the definition (refer to rule TEMP-R9);
- temporary activities - included in the definition, but with separate standards (refer to rule TEMP-R4 *Filming*);
- temporary activities not specifically listed but are within the context of the definition, with their own separate policy and rules (refer to policy TEMP-P5 and rules TEMP-R1, TEMP-R2 and TEMP- R3 for *Mobile Trading*); and
- temporary activities not specifically listed and not included in the definition that have no policy support (refer to TEMP-R5 *Temporary military training activity*).

44. Accordingly, there are consequential and related changes arising that I am recommending to the definition of Temporary Activity and the objective, policies and rules in the chapter that are addressed in later parts of this report.
45. The Greater Christchurch Spatial Plan has been adopted by Council. This section 42a report has been drafted having regard to it. However, I consider that the Spatial Plan is a high-level strategic planning document and as such there is no implications for the temporary activities chapter.
46. The Temporary Activities chapter is not subject to provisions introduced by *Variation 1: Housing Intensification* and there are no qualifying matters that apply to the Temporary activities provisions.

3.1.1 Report Structure

47. Submissions on the Temporary Activities chapter raised a number of issues which have been grouped into sub-topics within this report. Some of the submissions are addressed under a number of topic headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
48. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the Proposed Plan as notified.
49. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in **Appendix B**.
50. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves.
51. I have provided a marked-up version of the Temporary Activities chapter with recommended amendments in response to submissions as **Appendix A**.
52. This report only addresses definitions that are specific to this topic and recommended amendments to definitions are also contained in **Appendix A**. Definitions that are more relevant to other topics are addressed in the relevant s42A report.

3.1.2 Format for Consideration of Submissions

53. For each identified topic, I have considered the submissions that are seeking changes to the Proposed Plan in the following format:
- Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations
54. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.

3.2 General Submissions

3.2.1 Matters raised by submitters

55. Clampett Investments Ltd (CIL) [284.1] and Rolleston Industrial Developments Ltd (RIDL) [326.2 and 326.3] seek that all controlled and restricted discretionary activities are amended to preclude them from limited or public notification. Royal Forest and Bird Protection Society Inc. (Forest and Bird) [FS78] oppose this relief on the basis that there may be instances where notification is appropriate. Andrea Marsden [FS199] and Christopher Marsden [FS120] both oppose RIDL [326.2] as they consider all applications should be open for community consultation to give communities a voice and removing this could risk the system being exploited. The Ohoka Residents Association [FS84 and FS137] oppose RIDL [326.2] and [326.3] on the basis that it is inconsistent with national policy direction and contrary to the Operative Plan and Proposed Plan. They oppose the “inappropriate satellite town” proposed in Ohoka.
56. RIDL [326.1] seeks that all provisions in the Proposed Plan are amended to delete the use of absolutes such as ‘avoid’, ‘maximise’ and ‘minimise’. There are four further submissions on RIDL [326.1], all opposed, from the Ohoka Residents Association [FS84], Andrea Marsden [FS119], and Christopher Marsden [FS120], and Forest and Bird [FS78]. Andrea Marsden [FS119] and Christopher Marsden [FS120] state that these absolutes have the purpose of ensuring compliance and removing them would open the system up for potential abuse. The Ohoka Residents Association [FS84 and FS137] reiterate their opposition to the “inappropriate satellite town” proposed in Ohoka and state that the RIDL submission is inconsistent with national policy direction. Forest and Bird’s [FS78] reasoning did not relate to this submission point, rather it stated that there may be instances where it is appropriate to notify consents.

3.2.2 Assessment

57. CIL and RIDL seek amendments to the entire Proposed Plan. However, I have considered them in the context of the Temporary Activities chapter. All rules within the notified Temporary Activities chapter fall to either a controlled or restricted discretionary activity status, for any non-permitted activity. These rules do not include a non-notification clause as there are no activities within the chapter that have been identified as potentially creating effects that were able to be identified to only one party.
58. The RMA contains a specific process for determining notification on a case-by-case basis. In my opinion that statutory process should only be circumvented where it is clear that potential adverse effects will not affect other parties. My understanding is all other rules may

- potentially generate effects that are not limited to a particular period of time for some activities.
59. Thus, I do not agree with this request for a blanket clause preventing notification for these activities.
60. The terms 'minimise', 'minimised' and 'avoided' are used as follows:
- TEMP-O1 includes the term 'minimised' in relation to adverse effects on the District's vitality, economic prosperity, and community health, safety and well-being.
 - TEMP-P1 includes the term 'minimise' in relation to adverse effects on the natural values, cultural values and amenity values of the surrounding environment and the term 'minimised' in relation to adverse effects on noise, dust, light, shading, signs and traffic on any nearby activity.
 - TEMP-P5 uses the term 'minimised' in relation to the adverse effects on retail distribution and development within any Commercial and Mixed Use Zones, amenity values, and transport.
61. TEMP-O1, TEMP-P1 and TEMP-P5 uses the terms 'minimise' and 'minimised' in relation to the adverse effects. These two terms are included as that is what the chapter does through a range of activity rules with different activity statuses and standards. Further, this gives effect to the purpose and principles of the RMA s5(2)(c). As such, I consider the use of the terms 'minimise', 'minimised' and 'avoided' to be appropriate in the context of the Temporary Activities chapter.
62. TEMP-MD4 uses the terms 'avoiding', 'avoided' and 'minimised' relating to public safety and security.
63. The term 'avoiding' used in TEMP-MD4(d) relates to the safe movement of pedestrians by avoiding concealment and isolation opportunities.
65. 64. The terms 'avoided' and 'minimised' used in TEMP-MD4(f) relates to the extent to which any potential conflicts with other activities (on or off-site) are effectively avoided or minimised. As such, the terms used in the matter of discretion is considered to provide for consideration of safety issues where conflicts in components of activities may occur.
- Summary of recommendations**
66. For the reasons outlined in the assessment above, I recommend that the following submission points in terms of their application to the Temporary Activities chapter be **rejected**:
- i. RIDL [326.1, 326.2, and 326.3]; and
 - ii. CIL [284.1].
67. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.
68. I recommend that no change be made to the Temporary Activities chapter of the Proposed District Plan.

3.3 Definitions

3.3.1 Definition of Temporary Activity

3.3.1.1. Matters raised by submitters

69. NZDF [166.22 and 166.7] seeks that the definition for temporary activities specifically excludes temporary military training activities (TMTA). FENZ [303.49] seeks that the definition for temporary activities specifically excludes ESTA. These submissions note that TMTA and ESTA are very different from other temporary activities, with different effects between the two and other activities that need to be managed. The submissions consider that excluding TMTA and ESTA from the definition of temporary activities will provide clarity around the application of rules for temporary events versus TMTA and ESTA.
70. NZDF [166.22 and 166.7] seeks the current definition of temporary activity, in regard to the exclusions, to be amended as follows:
- Temporary activity excludes markets and other activities held on a regular basis such as daily, weekly, fortnightly, or monthly, and temporary events ancillary to domestic scale residential activities. Temporary activity also excludes temporary military training activity.*
71. FENZ [303.49] seeks the current definition of temporary activity, in regard to the exclusions, to be amended as follows:
- Temporary activity excludes markets and other activities held on a regular basis such as daily, weekly, fortnightly, or monthly, and temporary events ancillary to domestic scale residential activities. Temporary activity also excludes emergency service training activities.*
72. The submissions by Clampett Investments Limited [284.30] and Rolleston Industrial Developments Limited [326.31] supports the definition of 'temporary activity' as notified and therefore seeks it to be retained.

3.3.1.2. Assessment

73. For the purpose of this assessment, in my opinion there is a difference between a Temporary Activity in the sense of the purpose of the overall Chapter and the definition of Temporary Activities. As previously mentioned in Paragraph 42 of this report, my understanding of the legal interpretation of definitions that includes an "inclusive" list is that other activities of a similar nature or character are also included within the definition even though they are not specifically listed. In other words, the Temporary Activities chapter, as notified, already addresses matters beyond the strict definition of Temporary Activity.
74. NZDF [166.22 & 166.7] notes the Proposed Plan generally provides for TMTA and temporary activities separately. FENZ [303.49] notes that emergency service temporary activities are materially different to temporary activities included in the definition of temporary activities (as notified). I consider that the changes sought to the definition of temporary activities may cause confusion as to the activities of a temporary nature intended to be captured by the Temporary Activities chapter in its overall purpose.
75. In my opinion, the activities associated with TMTA and ESTA are intended to fall within the definition even though they are not included in the inclusive list of activities within the definition. I consider TMTA and ESTA to be different in their nature, character and effects from the temporary activities captured in the definition list of temporary activities, but they are of a 'temporary' nature and character. As mentioned in section 3.1 of this report, the definition is clear in describing temporary activities as being activities that are not of a permanent

nature. The Temporary Activities chapter is clear what provisions apply. The 'main rule controlling activities within the chapter TEMP-R9 *Temporary activity* does not apply to TMTA and will not apply to ESTA if the recommendation as per Paragraphs 183 and 184 of this report are adopted by the panel. This is because they are not included in the definition and are not provided for within this rule owing to '*This rule does not apply to temporary activities provided for under TEMP-R1 to TEMP-R8.*'. I note that TMTA has its own specific rule (TEMP-R5), and ESTA are recommended to be included within this rule as per Paragraphs 183 and 184 of this report, with specific activity standards. In my opinion, the definition of '*Temporary activity*' needs to be amended to provide for both, as follows.

"a. those activities are currently listed within the definition; and

b. those activities that are of a temporary nature and character that are not listed within the definition but are included as temporary activities in the chapter and hence are intended to be captured by the definition.

Accordingly, that would mean amending the definition as follows:

means an activity or event and any ancillary structures that:

1. *is infrequent, temporary, of short duration with a defined end time; and*
2. *creates no, or only negligible, lasting alteration or disturbance to any site, building or vegetation;*

it includes:

- a. *performances, celebrations, concerts;*
- b. *exhibitions;*
- c. *circuses;*
- d. *parades;*
- e. *holiday observances;*
- f. *fetes, fairs and carnivals;*
- g. *festivals;*
- h. *recreation and sporting events;*
- i. *filming;*
- j. *and other ~~types of activities of similar character~~ a temporary nature and character;*

Temporary activity excludes markets and other activities held on a regular basis such as daily, weekly, fortnightly, or monthly, and temporary events ancillary to domestic scale residential activities."

76. With regard to paragraph 72, this change reinforces the existing structure of the Temporary Activities chapter that provides a separate rule framework for TMTA and ESTA. Amending the definition further clarifies this.
77. I further note that the submission by Clampett Investment Limited [284.30] and the submission by Rolleston Industrial Developments Limited [326.31] supports the definition of temporary activity as notified. However, owing to the assessment above, I consider the amendments to the definition of temporary activity to be appropriate to provide clarity to Plan users.

3.3.1.3. Summary of recommendations

78. I recommend that the submission point from NZDF [166.22 & 166.7] be **rejected**.
79. I recommend that the submission point from FENZ [303.7] be **rejected**.
80. I recommend that the submission point from Clampett Investment Limited [284.30] be

accepted in part.

81. I recommend that the submission point from Rolleston Industrial Developments Limited [326.31] be **accepted in part**.
82. I recommend that the definition of "Temporary activity" be amended as shown in paragraph 74 and in **Appendix A**:

3.3.1.4. Section 32AA evaluation

83. In my opinion, the amendment to the definition of temporary activity is more appropriate in achieving the purpose of the RMA than the notified provisions and the suggested amendment in the submission. In particular, I consider that the amendments:
- Removes confusion for particular temporary activities of the Proposed Plan and so provides greater direction to plan users and, is more efficient and effective in terms of plan administration.
 - Adopts a distinct definition to provide for temporary activities and activities of a temporary nature that are intended to be captured by the temporary activity definition.
 - Will provide benefits from improved clarity and direction provided by the new definition.

3.3.2. Definition of construction works

3.3.2.1. Matters raised by submitters

84. House Movers Section of New Zealand Heavy Haulage Association [221.1 and 221.5] seeks the definition of 'construction work' be amended to add:

"for the avoidance of doubt, installation of a building includes the relocation and resiting of a building."

3.3.2.2. Assessment

85. The submission notes that the definition of 'construction work' in the Proposed Plan does not specifically include 'relocatable building', and only includes reference to 'building'.
86. In my opinion, a relocatable building is intended to be captured under the definition of 'construction work', as clause 'a.' of that definition includes '*any building,...*' and the definition of 'building' (a National Planning Standard definition) "*means a temporary or permanent movable or immovable physical construction...*". Accordingly, the relocation and resiting of a relocatable building is captured within that definition. Thus, this means that a relocatable building is included in the definition of 'construction work' under the 'installation' of a 'building'.
87. The temporary storage of a relocatable building (i.e. not associated with 'construction work') is provided for as a permitted activity under rule TEMP-R6.

3.3.2.3. Summary of recommendations

88. I recommend that submissions by House Movers [221.1 (relating to the definition of construction work) and [221.5] be **rejected**.

3.4 Introduction (Other potentially relevant District Plan provisions)

3.4.1 Matters raised by submitters

89. Transpower [195.110] considers that the provisions within the Temporary Activities chapter does not provide a clear direction that the rules for activities within the National Grid Yard apply to temporary activities. Transpower further notes that this sought after amendment would, as a result, give effect to Policies 10 and 11 of the National Policy Statement on Electricity Transmission (NPSET).
90. As such, Transpower seeks to amend the Introduction section in regard to Energy and Infrastructure outlining 'other potentially relevant District Plan provisions' that may be applicable to the activities subject to the Temporary Activities chapter, as set out below.

Energy and Infrastructure: this chapter applies for temporary infrastructure. and Rules EI-R51, EI-R52 and EI-R53 apply to temporary activities in the National Grid Yard.

3.4.2 Assessment

91. I agree with this submission, in that there is a lack of clarity as to what rules, if any, of the Energy and Infrastructure chapter applies to temporary activities. Mr Maclellan (author of the Energy and Infrastructure chapter s42A report) has recommended providing clarity in the Energy and Infrastructure Chapter with a 'How to interpret and apply the rules' section in his Council reply report for this Chapter. However, clarity is also needed in the Temporary Activities chapter to confirm which rules in Energy and Infrastructure chapter apply to temporary activities. Mr Maclellan's Council reply version of the Energy and Infrastructure Chapter has deleted EI-R53 *Any quarry or landfill*, has included EI-R52A *Earthworks within a National Grid Yard*, and has amended EI-R52 to only be in relation to *Earthworks for installation of fence posts*.
92. I consider the amendments suggested by Trustpower better gives effect to Policies 10 and 11 of the NPSET and improves consistency with the district plans of neighbouring Councils. The amendments would improve readability of the provisions and give better effect to Policy 16.3.4 of the RPS. The RPS sets out objectives, policies and methods to resolve resource management issues facing the Canterbury region, which includes providing a reliable and resilient electricity transmission network within Canterbury. The amendments would also be more consistent with district plans for Hurunui District and Christchurch City and the Partially Operative District Plan for Selwyn District.
93. Therefore, I consider that the amendments sought after by Transpower will provide clarity to readers of the Temporary Activities chapter that clearly outlines all potentially relevant chapters that apply for any temporary activity. As I result I recommend that this submission point by Transpower be accepted in part as the rules referenced in the submission have been subsequently changed in Mr Maclellan's Council reply's version of the Energy and Infrastructure chapter. In addition, I have recommended for clarity in the chapter, that the

wording refers any temporary activity within the National Grid Yard and that the Energy and Infrastructure chapter provides for temporary activities.

3.4.3. Summary of recommendations

94. I recommend that the submission point from Transpower [195.110] be **accepted in part**.
95. I recommend the Introduction of the Temporary Activities chapter be amended as set out below and in **Appendix A**.

Energy and Infrastructure: ~~this chapter applies for temporary infrastructure.~~

- 1. this chapter provides for temporary infrastructure activities (refer to rule EI-R9 Use of temporary infrastructure); and*
- 2. where a temporary activity is located within the National Grid Yard, rules EI-R51 Activities and development (other than earthworks) within a National Grid Yard, EI-R52 Earthworks and the disturbance of land for the installation of fence posts within a National Grid Yard, and EI-R52A Earthworks within a National Grid Yard apply.*

3.4.4. Section 32AA evaluation

96. In my opinion, the amendment to the Introduction of the Temporary Activities chapter is more appropriate in achieving the purpose of the RMA than the notified provisions and the suggested amendment in the submission. In particular, I consider that the amendments:
- Removes confusion that the Temporary Activities chapter does not, but the Energy and Infrastructure chapter does apply to 'temporary infrastructure', which is set out in rule EI-R9 and has its own definition. This provides greater direction to plan users and, is more efficient and effective in terms of plan administration.
 - It makes it clear that the Energy and Infrastructure rules apply where a temporary activity is located within a National Grid yard.
 - Will result in benefits from improved clarity and direction provided by the new definition.

3.5 Objectives

3.5.1 Matters raised by submitters

97. The submission by NZDF [166.22] notes that TMTA are not included in the definition of temporary activities in the Proposed Plan, and this means that TMTA are not explicitly included in the objective framework for Temporary activities, although there are specific rules for TMTA. As such, NZDF [166.22] seeks to include a new objective, as follows:

"Temporary military training activities contribute to local and national security and provide for the health, safety and wellbeing of the community, and are enabled".

3.5.2 Assessment

98. I agree with NZDF that TMTA are not specifically included in the notified definition of temporary activities in the Proposed Plan. I consider that it is clear that TMTA are applicable to the Temporary Activities chapter (where the activity is of a temporary, and not permanent nature, and is subject to the underlying zone chapter provisions) by:

- the standards of TEMP-R5 for TMTA;
- the definition of TMTA which clarifies the activity is a temporary activity;
- the additional policy sought by NZDF [166.23] which is addressed below and accepted; and
- the recommended amendment to the definition of Temporary Activities which is addressed in section 3.3.1 of this report.

99. In my opinion, due to the definition of 'temporary activities' recommended to amend point j. to read as 'and other activities of a temporary nature and character', TEMP-O1 captures all temporary activities in their entirety, including TMTA. I note that the wording of TEMP-O1 recognises the management of adverse effects arising from the activity. In my opinion, the recommended objective is not necessary.
100. The further submission by CIAL [FS80] on submission [166.22] is 'neutral' to a new objective for TMTA sought by New Zealand Defence Force, provided it does not enable noise sensitive activities (such as long periods of overnight stays) in areas subject to airport noise of 50dB Ldn or greater. I consider that TMTA is of national importance, given that it is an integral part of the Defence Act 1990, and that it is appropriate to allow for such activities to occur. I note that it is not clear as to the duration that 'long periods of overnight stays' means by CIAL in their submissions [FS80].

3.5.3 Summary of recommendations

101. I recommend that the submission point from NZDF [166.22] be **rejected**.

3.6 Strategic Directions

102. Minute 11 from the Panel directed that when preparing s42A reports the Council s42A report authors are to include their own professional assessment of any potential implications that may arise on the particular chapter's objectives should the objectives in the Strategic Directions Chapters (SD and UFD) be given primacy, or not. This is to be carried out in accordance with the different primacy approaches set out in paragraph 9 of Mr Buckley's memorandum dated 29 September 2023. These are:

- SD objectives have no "primacy" and sit on the same level as other objectives in the plan;
- SD objectives have "primacy" in one of the following different senses (dependent on how the district plan is crafted):
 - SD objectives inform objectives and policies contained in other chapters;
 - Objectives and policies in other chapters must be expressed and achieved as being consistent with the SD objectives;
 - SD objectives are used to resolve conflict with objectives and policies in other chapters; and
 - SD objectives override all other objectives and policies in the plan.

Primacy approaches (a), and (b) (i) and (ii)

103. If approach (a) was undertaken then there is the risk that the Strategic Directions Chapter is inconsistent with other chapters in the plan. I consider that approach (b) (i) and (ii) was the approach adopted when drafting the Proposed Plan. The s32 reports considered the

relationship of the proposed objectives, policies and methods and how the strategic directions are delivered by the topic and any other chapters, if relevant. The introduction to the chapter notes that the provisions in the chapter are consistent with the Strategic Directions.

Section 5.1 of the Temporary Activities s32 report specifically states "*There are no strategic directions immediately relevant to the Temporary activities chapter*".

I have reviewed Mr Buckley's recommended amendments in the Strategic Directions and Urban Form and Development right of reply reports and consider the Temporary Activities chapter continues to be consistent with them.

(iii) SD objectives are used to resolve conflict with objectives and policies in other chapters;

104. My view is that the plan does not need to specify that the SD objectives are to be used to resolve conflict with objectives and policies in other chapters. I have been made aware that in the drafting of the Proposed Plan each chapter went through an integration and review phase. This included testing the chapter against resource consent scenarios. This occurred for the Temporary Activities chapter. I am not aware of any conflicts between provisions in the Temporary Activities chapter and other chapters in the plan.

In my opinion, as part of the assessment of a proposal such as the Proposed Plan, resolving conflicts should be taken into consideration which includes considering its full context (i.e. location, purpose, restrictions, etc). This would be guided by the most directive and relevant objectives and policies. I consider that this would not be possible for the Proposed Plan owing to the SD objectives being, in general, being less directive than the more specific and detailed objectives and policies of the other chapters. I note that there may be some inconsistencies that are still to be resolved within the Proposed Plan or inconsistencies that will not be foreseen until the resource consent stage. Personally, I am not aware of where there have been conflicts between provisions as a resource consent processing officer and how that has been resolved to come to a recommendation.

Therefore, I agree with paragraph 61 of the Buddle Findlay memo contained within Mr Buckley's memo which states that "*plans do not need to resolve all conflicts and there is no need to establish a hierarchy for strategic objectives (as between themselves). There are established principles for resolving conflicts in these situations.*"

(iv) SD objectives override all other objectives and policies in the plan.

105. There is one objective contained in the Temporary Activities chapter, and contained in **Appendix A**, as follows (noting the recommended amendment to this objective):

TEMP-O1	Temporary activities Temporary activities that contribute to the District's vitality, economic prosperity, and community health, safety and well-being are enabled where adverse effects are minimised.
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I have analysed each of the Strategic Directions objectives and the implications for the Temporary Activities Chapter objective if Strategic Directions had full primacy. I have

undertaken this assessment against Mr Buckley's Right of Reply versions of the Strategic Directions.¹

<i>Strategic Direction</i>	<i>Assessment against Temporary Activities Chapter</i>
SD-O1 Natural environment	In my view, there are no implications for the Temporary Activities chapter as TEMP-O1 provides for "Temporary activities that contribute to the District's vitality..." which acknowledges the liveliness of indigenous ecosystems and habitat, indigenous biodiversity, coastal environment, freshwater bodies, wetlands, riparian areas, ranges, urban environments, freshwater, and land and water resources.
SD-O2 Urban development	The reporting officer for Urban Form and Development has recommended urban centres be defined as "The area encompassing the townships of Rangiora, Kaiapoi, Woodend, Ravenswood and Pegasus." However, as this objective is related to urban development and the Temporary Activities chapter relates to activities that are temporary in nature and therefore not for development and urban growth within any zone, I do not consider there to be any implications for the Temporary Activities Chapter.
SD-O3 Energy and Infrastructure	No implications as the District's vitality, economic prosperity, and community health, safety and well-being are enabled through TEMP-O1.
SD-O4 Rural land	Rural land will remain available for productive rural activities as the Temporary Activities chapter only contains provisions for activities that are temporary so there would be no implications if this has primacy
SD-O5 Ngāi Tahu mana whenua/Te Ngāi Tūāhuriri Rūnanga	No implications if SDs are given full primacy as cultural and spiritual values are already to be recognised under Sites and Areas of Significance Chapter.
SD-O6 Natural hazards and resilience	This is already to be achieved by Natural Hazards Chapter provisions.
UFD-O1	The Temporary Activities chapter relates to activities that are temporary in nature and therefore not for development. I do not consider there to be any implications for the Temporary Activities chapter.

¹ <https://www.waimakariri.govt.nz/council/district-development/proposed-district-plan-hearings/hearing-streams/hearing-stream-1-and-2>

UFD-O2	The Temporary Activities chapter relates to activities that are temporary in nature and therefore not for development. I do not consider there to be any implications for the Temporary Activities chapter.
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106. Both the chapter and strategic directions objectives and policies respond to or give effect to higher order documents. In my opinion, SD-O3 and the Temporary Activities chapter (as recommended to be amended) are both consistent with the NPSET. I note that the 'other potentially relevant District Plan provisions' part of the Temporary Activities chapter introduction states that this chapter applies for temporary infrastructure in the National Grid Yard. This infrastructure is to give effect to the National Policy Statement on Electricity Transmission Policies 10 and 11. In summary, I do not consider there to be any implications to the Temporary Activities Chapter if the Strategic Directions Chapter were to be given primacy.

3.7 Policies

3.7.1 Policy TEMP-P3 – Temporary structures

3.7.1.1. Matters raised by submitters

107. NZDF [166.24] seeks the amendment of TEMP-P3 to reference temporary structures associated with temporary military training activities (TMTA), as set out below.

“Enable temporary structures required for construction or demolition and temporary military training activities, and temporary storage of relocatable buildings where potential effects on the transport system, and amenity values of the surrounding environment are mitigated by limiting the duration, and in the case of any relocatable building, the location and connection to services.”

3.7.1.2. Assessment

108. The NZDF notes that they must undertake training in order to fulfil its statutory obligations under the Defence Act 1990, and at times, TMTA require the placement and use of a temporary buildings or structures. The submission notes that these structures are temporary and are completely removed after the TMTA exercise.
109. I agree with NZDF that amending TEMP-P3 is required to specifically support and provide for temporary structures associated with temporary military training activities. This is owing to the nature of the distinct temporary activity. The Proposed Plan anticipates for TMTA, with the inclusion of TEMP-R5. I consider that for NZDF to be able to undertake the required training that the use and temporary placement of a temporary building or structure, which is completely removed after the TMTA exercise, is required and should be captured within this policy. This would enable NZDF to be able to undertake training to fulfil its statutory obligations under the Defence Act 1990. However, as discussed in Paragraphs 111 to 113 of this s42A report, in my opinion, there is a lack of policy support for rule TEMP-R5. Accordingly, rather than just amend policy TEMP-P3, it is recommended that a new policy providing for TMTA needs to be included and I have discussed this matter and set out recommended wording in Section 3.7.2 below.

3.7.1.3. Summary of recommendations

110. I recommend that the submission point from NZDF [166.24] be **accepted in part**.

3.7.2 New Temporary Military Training Activity Policy

3.7.2.1. Matters raised by submitters

111. The submission by NZDF [166.23] notes that TMTA are not specifically included in the definition of temporary activities in the Proposed Plan, and this means that TMTA are not explicitly included in the policy framework for Temporary activities, although there are specific rules for TMTA. As such, NZDF [166.23] seeks to include a new policy, as follows:

“Enable temporary military training activities to be undertaken within the District where adverse effects on amenity values are avoided, remedied or mitigated.”

3.7.2.2. Assessment

112. I consider it is necessary that a new policy for the temporary military training activities is required to adopt a different policy approach between temporary military training activities and other activities of a temporary nature. A TMTA policy is considered to be required to specifically support and provide an outcome for temporary military training activities, distinct from temporary activities. While temporary military training activities and temporary activities are temporary in nature, the Proposed Plan anticipates separate resource management regimes for each. A new policy will ensure that potential adverse effects on the environment are adequately managed and taken into consideration as part of any resource consent application. However, I believe the wording provided by the submitter requires amending to describe the full outcome for temporary military training activities, and not just their benefit. I consider that adverse effects subject to the site and the surrounding environment provides clarity within the policy that effects may not be solely contained with the site of an activity.
113. I further consider that the wording provided by the submitter requires amending to align with other notified policies. This includes the use of ‘avoided’ to not be included in the policy. ‘Avoided’ creates a sense of Council not enabling the activity which the Proposed Plan is not seeking to achieve. This is owing to the permitted activity status of TMTA, subject to particular standards being met, and also contradicts ‘enable’... temporary military training activities to be undertaken... of the policy recommended.
114. The further submission by CIAL [FS80] on submission 166.23 is neutral to a new policy for TMTA sought by New Zealand Defence Force, provided it does not enable noise sensitive activities (such as long periods of overnight stays) in areas subject to airport noise of 50dB Ldn or greater. I consider that TMTA is of national importance and that it is appropriate to allow for army camps to be established, given that there is a maximum duration period of 31 consecutive days at any one time. Further, TMTA are an integral part of the Defence Act 1990. I note that it is not clear as to the duration that ‘long periods of overnight stays’ means by CIAL in their submissions [FS80]. Therefore, the submitter might wish to clarify and provide more specificity in their evidence to the Panel.

The recommended amendments are considered to be within the scope of this submission point.

3.7.2.3. Summary of recommendations

115. I recommend that the submission point from CIAL [FS80] be **rejected**.
116. I recommend that the submission point from NZDF [166.23] be **accepted in part**.
117. I recommend a new policy for temporary military training activities be worded as set out below and in **Appendix A**. I recommend the wording temporary military training activity, in both the heading and policy wording itself, be hyperlinked.

TEMP-P6 Temporary military training activity

"Enable temporary military training activity and associated temporary structures and earthworks where potential adverse effects on amenity values and sensitive environments are remedied or mitigated by limiting their duration and location and requiring restoration of the site."

3.7.2.4. Section 32AA evaluation

118. In my opinion, the introduction of a policy for temporary military training activities is more appropriate in achieving the purpose of the RMA than the notified provisions and the suggested amendment in the submission. In particular, I consider that the amendments:
- Describes an outcome for an activity that is otherwise missing from the Proposed Plan and so provides greater direction to plan users and, is more efficient and effective in terms of plan administration.
 - Adopts a distinct policy approach between temporary military training activities and temporary activities.
 - Benefits by providing improved clarity and direction provided by the new objective and policy.

3.8 Rules

3.8.1 Rule TEMP-R4 - Filming

3.8.1.1. Matters raised by submitters

119. Drucilla Kingi – Patterson [16.5] seeks that the Council encourages film productions in the district by linking with other councils and professional and artistic individuals.
120. Clayton Tikao [28.1] seeks the number of vehicle movements per day for filming increases from 250 to 500 in TEMP-R4(5).

3.8.1.2. Assessment

121. I consider that the outcome sought by Drucilla Kingi – Patterson [16.5] to encourage film productions in the district by linking with other councils and professional and artistic individuals is out of scope of the RMA. However, I note that the TEMP-P2 and TEMP-R4 provides for film activities and give effect to TEMP-O1 to be enabling of temporary activities. As such, I consider that the plan as notified is already enabling of filming activity.
122. In the submission by Clayton Tikao [28.1], it is noted that the size of filming projects may vary and the increase to the vehicle movements from the permitted number of 250 to 500 movements would provide sufficient movements for most film projects, with the additional

250 vehicle movements allowing for greater number of movements required for large projects.

123. I consider that the increase in vehicle movements for filming may result in adverse traffic effects, above the already sizeable permitted movements. Furthermore, additional vehicle movements above 250 movements may be beyond what the existing road design can safely or efficiently accommodate or what the classification of the road within the District Plan road hierarchy intends to accommodate.
124. Advice has been sought on submission point [28.1] from Ms Shane Binder, who is a qualified and experienced Rooding Transportation Engineer at Waimakariri District Council. Ms Mace-Cochrane considers that the amendment proposed by the submitter would have significant ramifications on the safety and operation of the roading network in Waimakariri. Ms Mace-Cochrane notes that throughout the district, there are many unsealed and narrow rural roads which are not accustomed to taking the number of vehicle movements proposed by the submitter and therefore induce road safety concerns (e.g., vehicle-to-vehicle conflicts), maintenance issues (e.g., dust suppression, edge break), and operational issues (e.g., delay at intersections). Ms Mace-Cochrane notes that the likelihood of pedestrian/non-motorised-to-vehicle and vehicle-to-vehicle conflicts at the site access will increase. Ms Mace-Cochrane considers that this poses additional safety risks, particularly for vulnerable road users. Given the temporary nature of this activity, Ms Mace-Cochrane considers that the safety, operational, and maintenance effects listed above will be amplified by an increase in vehicle movements above 250, given general users of the roading network and residents along the roads are not familiar with this level of activity.
125. In conclusion, Ms Mace-Cochrane considers that this proposed change would make TEMP-R4 too permissive, allowing the majority of filming activities to be undertaken as a permitted activity. Ms Mace-Cochrane highlights that exceeding the 250 vehicle movements per day does not prevent the activity from being undertaken. This standard is in TEMP-R9(4) which is subject to matter of discretion TEMP-MD2 – Transport. This gives the ability for Council to consider mitigation measures to reduce the magnitude of the above effects including requiring traffic management plans, temporary access upgrades, undertaking maintenance (e.g., dust suppression on unsealed roads), and notifying the community. As such, Ms Mace-Cochrane considers that TEMP-R4 should remain as notified. I agree with Ms Mace-Cochrane's advice and consider the limit of 250 vehicle movements better achieves TEMP-O1 to minimise adverse effects.
126. Further submission [FS110] by Waka Kotahi opposes the changes sought by submission [28.1] as it notes that the increase in vehicle movements would double the number of vehicle movements permitted under this rule. Further, submission [FS110] notes that the number of vehicle movements sought is significant and the effects of this number of movements from a site onto a state highway could significantly adversely impact the safe, efficient and effective functioning of the highway. I agree with this submission.

3.8.1.3. Summary of recommendations

127. I recommend that the submission points from Drucilla Kingi – Patterson [16.5] be **accepted**.
128. I recommend that the submission point from Clayton Tikao [28.1] be **rejected**.
129. I recommend that the further submission point from Waka Kotahi [FS110] be **accepted**.

130. I recommend that no changes be made to the Temporary Activities chapter of the Proposed District Plan.

3.8.2 Rule TEMP-R5 – Temporary military training activity

3.8.2.1. Matters raised by submitters

131. NZDF [166.25] supports the permitted activity status of TMTA across all zones in regard to TEMP-R5. However, this submission seeks a number of changes to TEMP-R5 and the accompanying standards. These amendments include;
- amending the heading to reference 'including associated buildings and structures',
 - remove clauses 2 and 3,
 - remove reference to clauses 2 and 3 from the activity status wording, and
 - remove TEMP-MD2, TEMP-MD3 and TEMP-MD4 from the matters of control or discretion.
132. The submission further notes that the Proposed Plan includes rule TEMP-R7, a separate rule for temporary buildings associated with construction, and as such the submission requests that rule TEMP-R5 for TMTA also include temporary buildings and structures. Alternatively, this submission seeks a separate new rule permitting temporary buildings and structures associated with TMTA.

3.8.2.2. Assessment

Amendment to Rule Heading

133. NZDF [166.25] seeks to amend the heading of TEMP-R5 to include reference to associated buildings and structures. The submission notes TMTA could include the placement of a temporary building or structure, with these buildings or structures completely removed after the exercise has concluded. I consider these buildings and structures to be essential to the operation and functioning of military training. Amending the heading of TEMP-R5 ensures that military training temporary buildings and structures are captured in the Proposed Plan. Accordingly, a separate new rule permitting temporary buildings and structures associated with TMTA is not necessary. I further note that the definition of 'Temporary military training activity' is a National Planning Standard definition and therefore to amend this definition would not implement the National Planning Standards Definitions Standard. I therefore recommend that this submission point by NZDF [166.25] be accepted in part.

Amendment to Maximum Duration

134. NZDF [166.25] seeks to amend TEMP-R5(1) to delete the reference to "at any one site". TEMP-R5(1) limits military training activities to a maximum of 31 consecutive days. TEMP-R5(1) does not limit military training activities to a maximum of 31 consecutive days per year on any site, as no specific wording such as in "any given year" is used. My understanding is that TEMP-R5 allows military training activities to be undertaken as a permitted activity on the same site on multiple occasions for a maximum period of 31 consecutive days (at each time). I therefore consider that NZDF has not provided sufficient reasoning as to why the reference to 'at any

one site' is sought to be removed and therefore I recommend that this submission point by NZDF [166.25] be rejected.

135. In regard to TEMP-R5(1), NZDF considers that a 31-day duration for the training activity should not include set up and pack down activities. The submitter notes that NZDF carefully selects sites that takes into account the management of effects, including amenity effects, and enters into landowner agreements.
136. I do however consider that specifically excluding set up and pack down activities is appropriate to be included in TEMP-R5(1). I consider this necessary to ensure that NZDF can meet their obligations under the Defence Act and given that they are of a temporary nature (reflected in the Permitted Activity limits around duration of the activity).
137. The further submission [FS110] by Waka Kotahi seeks retaining TEMP-R5(1) to ensure that any effects on the state highway arising from a temporary military training activity extending beyond 31 days duration are appropriately managed. I consider the amendment to specifically exclude set up and pack down activities from TEMP-R5(1) achieves the purpose of [FS110] in relation to submission [166.25]. I note that not complying with the 31 days duration requirement results in a change of activity status from Permitted to Controlled. This means no notification is required and any resource consent must be granted subject to conditions.

Location in any SNA

138. NZDF [166.25] seeks the removal of TEMP-R5(2) as TMTA can include a wide variety of activities and this standard excludes TMTA from occurring within any SNA. Activities may include water purification training and search and rescue training. The submission further notes that TMTA activities are, by their nature, temporary, and many have effects similar to other day-to-day activities. Therefore, TEMP-R5(2) is considered by NZDF to be overly restrictive to prevent TMTA from occurring in a SNA. I agree with the submission points made by NZDF [166.25] and consider the removal of TEMP-R5(2) be accepted.
139. I note that TMTA are subject to the same SNA rules around indigenous vegetation clearance as other activities subject to the Temporary Activities chapter. Accordingly, the provisions of the ECO chapter relating to SNA sites applies to TMTA. I note that this provided for in the 'Introduction' section under 'Other potentially relevant District Plan provisions, as set out in the following bullet. Therefore, I consider the below bullet point appropriately addresses the ECO chapter.

"Any other District wide matter that may affect or relate to the site".

Site Restoration

140. This submission notes that TEMP-R5(3) requires that the site is restored to the same condition as prior to the temporary activity within seven days of that activity ceasing. However, NZDF considers that this is an unnecessary rule and seeks it to be deleted.
141. The submission further notes that earthworks below the Permitted Activity thresholds in the Earthworks chapter of the Proposed Plan do not require remediation as a standard. In my opinion, the purpose of requiring restoration of the site is inclusive of more than just the earthworks and may include (but not be limited to), the removal of buildings and structures and waste and replanting of vegetation. If a site was not restored in the manner required by the rule, this would subsequently allow for potential adverse amenity effects to occur and

with the potential degree possibly being of a state of irreversible repair. Furthermore, the site may not be restored to its original condition for a long period of time, or not at all. In turn, this may cause potential adverse effects on neighbouring properties and on the environment, including for unique flora and fauna, to possibly be more than minor. This would not align with the objectives and policies of the Temporary Activities Chapter, being TEMP-O1 and recommended new policy TEMP-P6.

142. As such, it is considered that this submission point is rejected.

Activity Status

143. NZDF [166.25] seeks that the activity status specified in TEMP-R5 be amended so that resource consent is required for a Controlled activity in relation to any non-compliance with TEMP-R5 (1). This is on the basis that the applicant seeks the removal of TEMP-R5 (2) and (3). As outlined in Paragraphs 137 and 138, I accept the removal of TEMP-R5(2). As outlined in Paragraphs 139 and 140, I reject deletion of TEMP-R5(3). A Controlled Activity status would mean Council must grant any application, without notification. Council would be able to decline an application for a Restricted Discretionary Activity. As such, I consider it appropriate for a Restricted Discretionary Activity status to remain to ensure Council has the ability to control and manage potential adverse effects on the environment and neighbouring properties. An activity that does not comply with the applicable standards of TEMP-R5 may require a level of expert assessment (i.e. ecological report) and notification to affected parties that a Controlled Activity status does not allow Council to undertake. As such, it is considered that this submission point be rejected.

Matters of Control or Discretion

144. NZDF [166.25] seeks for the matters of control or discretion be limited to character and amenity values only, removing TEMP-MD (2), TEMP-MD (3) and TEMP-MD (4). I consider that such removal would not align with the policies of the Temporary Activities chapter.
145. TEMP-P1 enables temporary activities whilst minimising adverse effects on the natural values, cultural values and amenity values of the surrounding environment. I consider that these values form a crucial part of the character and amenity values of an environment, including matters relating to transport, site alteration, disturbance and remediation, and public safety and security. I note that I recommend amending point j. of the *Temporary activities* definition (refer to Paragraphs 72 to 75 of this s.42 report) to read as 'and other activities of a temporary nature and character' which ensures that TMTA are captured within this definition.
146. In relation to TEMP-MD (2) – Transport, TEMP-P1 (3) ensures any traffic movements maintain safety for road users, pedestrians, cyclists and the public, and the efficiency of the transport system.
147. In relation to TEMP-MD (3) – Site alteration, disturbance and remediation, TEMP-P1 (4) ensures any natural, historic heritage or cultural values are protected from damage or destruction. TEMP-P1(5) ensures remediation of the site, including the removal of waste is undertaken.
148. In relation to TEMP-MD (4) – Public safety and security, TEMP-P1 (2) ensures adverse effects including noise, dust, light, shading, signs and traffic on any nearby activity are minimised to a level suitable for the time and location.

149. As such, I consider it appropriate to retain TEMP-MD (2), (3) and (4) to manage potential adverse effects that is applicable to a range of topics that may arise from TMTA. It is considered that this submission point be rejected.

3.8.2.3. Summary of recommendations

150. I recommend that the further submission from Waka Kotahi [FS110] be **accepted**.
151. I recommend that the submission from NZDF [166.25] be **accepted in part**.
152. I recommend TEMP-R5 be amended as set out below and in **Appendix A**.

TEMP-R5	Temporary military training activity (<u>including ancillary buildings and structures</u>)	
All Zones	<p>Activity status: PER</p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <i>the maximum duration of the activity is 31 consecutive days at any one site, <u>excluding the set-up and pack-down of the activity up to one week prior to commencement and up to one week following completion</u>;</i> <i>the activity is located in any SNA;</i> <i>2. the site is restored to the same condition as prior to the temporary activity within seven days of the activity ceasing.</i> 	<p>Activity status when compliance with TEMP-R5 (1) not achieved: CON</p> <p>Activity status when compliance with TEMP-R5 (2) or (3) not achieved: RDIS</p> <p>Matters of control or discretion are restricted to:</p> <p>TEMP-MD1 – Character and amenity values</p> <p>TEMP-MD2 – Transport</p> <p>TEMP-MD3 – Site alteration, disturbance and remediation</p> <p>TEMP-MD4 – Public safety and security</p>

3.8.2.4. Section 32AA evaluation

153. In my opinion, the amendments to TEMP-R5, as outlined in the Table above and in Appendix A for TMTA, is more appropriate in achieving the purpose of the RMA than the notified provisions. In particular, I consider that the amendments:

- Describes an outcome for an activity that includes all aspects of TMTA that is otherwise missing from the Proposed Plan and so provides greater clarity to plan users. It is more appropriate as it captures all types of activities undertaken as part of TMTA which are wide ranging.
- Removes inconsistency and confusion for TMTA within SNA that can take place as a permitted activity under the Ecosystems and indigenous biodiversity Chapter.
- There will be benefits from improved clarity and direction provided by the amendments.

- I consider that the retainment of the notified TEMP-R5(1) and (3) and all of the matters of control or discretion is required to ensure TEMP-R5 aligns with the intended purpose of the objective and policies of the Temporary Activities Chapter.

3.8.3. New Emergency Service Training Activities Definition and Rule

3.8.3.1. Matters raised by submitters

181. The submission from FENZ [303.49] seeks a new definition and rule be included in the Proposed Plan to provide for Emergency Service Training Activities. The new definition sought by the submission is set out below.

'Emergency service training activities' means the training activities, operational support and other non-emergency activities undertaken by the New Zealand Police, Fire and Emergency New Zealand, and hospital and health services.

3.8.3.2. Assessment

New ESTA definition

182. To provide clarity to Plan users, I consider it appropriate to create a new definition for such training activities. As such, I accept submission 303.49 in part. However, in my opinion, referring to emergency service training 'activity' rather than 'activities' provides consistency with other definitions in the Temporary Activities chapter, such as temporary military training activity (a definition in the National Planning Standards).

New ESTA rule

183. I note that currently there are no rules for emergency service training activities provided for in the temporary activities chapter. The Proposed Plan contains a definition of emergency service facility which includes training activities. However, this definition is for permanent facilities and not temporary activities.
184. In my opinion, including emergency service training activities in TEMP-R5 is appropriate to ensure these activities are provided for within the Proposed Plan. ESTA would be subject to the permitted standards currently applicable to TMTA, standards this submission seeks for ESTA to be subject to (noting my recommendation in sections 136 and 137 of this report to remove TEMP-R5(2)). I consider that this amendment would provide clarity to assist in the application of the rules ESTA are subject to within the chapter.
185. I note the further submission by Waka Kotahi [FS110] opposes the submission by FENZ [303.49] seeking the permitted volume of vehicle movements to be no greater than 250. However, I note that submission 303.49 does not seek for any standards relating to the number of permitted vehicle movements. As such, it is recommended that this submission be rejected.

3.8.3.3. Summary of recommendations

186. I recommend that the submission from Waka Kotahi [FS110] be **rejected**.
187. I recommend that the submission from NZDF [303.49] be **accepted in part**.

188. I recommend that TEMP-R5 be amended to include Emergency Service Training Activity as shown in **Appendix A**.
189. I recommend creating a new definition of Emergency Service Training Activity as set out below and in **Appendix A**.

'Emergency service training activity' means the training activities, operational support and other non-emergency activities undertaken by the New Zealand Police, Fire and Emergency New Zealand, and hospital and health services.

3.8.3.4. Section 32AA evaluation

190. In my opinion, the amendment to TEMP-R5 to recognise Emergency Service Training Activities and a new definition of ESTA, as outlined above and shown in **Appendix A**, is more appropriate in achieving the purpose of the RMA than the notified provisions. In particular, I consider that:
- It provides for an activity that is intended to be captured as a temporary activity within the Proposed Plan that is otherwise missing and so provides greater clarity to plan users.
 - There will be benefits from improved clarity and direction provided by the amendment.
 - The amendment provides for the essential nature of such training while allowing Council the control to ensure effects are appropriately managed.
 - The above recommendation is considered to improve the effectiveness of provisions without changing the objective and policies approach.
 - The recommended amendments continue to achieve the purpose of the RMA enable the people and communities to provide for health and safety.
 - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. District-wide rules such as light and noise would still apply to manage adverse effects. There will be benefits from improved plan interpretation and more efficient plan administration.

3.8.4. Rule TEMP-R6 – Temporary storage of a relocatable building

3.8.4.1. Matters raised by submitters

191. The submission from Helen and Peter Maxwell Walker [400.1] seeks controls to be in place regarding relocatable homes on empty sections.
192. House Movers [221.1, 221.2 and 221.3] seeks a number of changes to the Proposed Plan, which includes;
- a. Deletion of the definition of 'relocatable building' so there are no longer separate definitions for 'building' and 'relocatable building';
 - b. Amend rule TEMP-R6, as set out below; and

Table 4: Proposed amended TEMP-R6

TEMP-R6	Temporary storage of a <u>relocatable building</u>	
<u>All Zones</u> <u>All Zones</u> <u>Except</u> <u>Commercial and</u> <u>Mixed Use Zones</u> <u>and the Pines</u> <u>Beach and</u> <u>Kairaki</u> <u>Regeneration</u> <u>Zone</u>	<u>Activity status: PER</u> <u>Where:</u> 1. the building is temporarily being stored prior to <u>permanent siting or transfer to another site; and</u> 2. <u>in all zones apart from Industrial Zones, a maximum of one relocatable building is stored on-site for a maximum of six months within any 24 month period and;</u> 3. during the storage period, the relocatable building is not connected to any water, wastewater, or electricity supply, and is not be fixed to the ground; and 4. the relocatable building meets the setback, building coverage and height rules for the zone in which the site is located.	<u>Activity status when compliance not achieved: RDIS</u> <u>Matters of discretion are restricted to:</u> TEMP-MD1 – Character and amenity values TEMP-MD2 – Transport TEMP-MD3 – Site alteration, disturbance and remediation TEMP-MD4 – Public safety and security

- c. A separate rule (TEMP-R6A) for temporary storage of a building in the Pines Beach and Kairaki Regeneration Zone, subject to the design criteria in the definition of 'relocatable building', as set out below.

Table 5: Proposed addition of TEMP-R6A

TEMP-R6A	Temporary storage of a building	
<u>Pines Beach and</u> <u>Kairaki</u> <u>Regeneration</u> <u>Zone</u>	<u>Activity status: PER</u> <u>Where:</u> 1. <u>the standards in Rule TEMP-R6 are met;</u> 2. <u>the building shall be generally of timber or metal framing and exclude any structures that have cast in situ concrete walls, concrete block walls, brick and stone walls (including brick veneer), unless such structures are certified by a qualified structural engineer to be of a specific design which would enable at least the greater</u>	<u>Activity status when compliance not achieved: RDIS</u> <u>Matters of discretion are restricted to:</u> TEMP-MD1 – Character and amenity values TEMP-MD2 – Transport TEMP-MD3 – Site alteration, disturbance and remediation TEMP-MD4 – Public safety and security

	<p><u>part of the building to be relocated if required;</u> <u>3. the building can be removed from the site in less than seven consecutive days;</u> <u>4. the building is fully self-contained or</u> <u>able to disconnect from Council reticulated services in less than two days; and</u></p> <p><u>a statement of professional opinion is provided which confirms that the proposed building is relocatable and is suitable to be established on the site. This shall be provided by a suitably qualified and experienced Structural Engineer, Architect, Architectural Designer or similar</u></p>	
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3.8.4.2. Assessment

193. The submission from Helen and Peter Maxwell Walker [400.1] seeks to not allow relocatable homes on empty sections, unless there are clear guidelines for tidy up and placement on foundations, as well as informing neighbours of the plan. This submission considers that six months is a reasonable time frame for placement on foundations. I note that TEMP-R6 provides for the temporary storage of relocatable buildings. I further note that the permanent placement of a relocatable building is a matter addressed under the Building Act 2004 and is not a district plan matter.

Definition of relocatable building

194. House Movers [221.1, 221.2 and 221.3] seeks that TEMP-R6 be amended to be applicable to a building, rather than a relocatable building. I do not support this amendment as I consider reference to relocatable building provides a clear distinction between two types of buildings, permanent building and relocatable building, that are fundamentally for different purposes.
195. The definition of relocatable building includes “*means a building being temporarily stored that is easily capable of, and designed for, relocation...*”. I note that the underlying purpose and design factors of a building within this definition are not included in the definition of building. As such, any building that is of a permanent nature and therefore not for storage purposes would not be a relocatable building. Having a definition of building and relocatable building provides for a clear distinction between two different types of buildings and situations. Furthermore, I note the definition of building includes “*moveable or immovable physical construction*” which I consider clearly provides for a building prefabricated offsite or a re-sited/relocated building.

196. House Movers [221.1 and 221.2] states that there are no other rules, other than TEMP-R6, that refers to 'relocatable building'. However, SPZ(PBKR)-R17(2) does and therefore removal of the definition of relocatable building would subsequently affect this rule. I note that the s42A reporting officer for the Special Purpose Zone - Pines Beach and Kairaki Regeneration does not recommend to amend reference to a relocatable building in this rule.

Applicable to all zones, excluding the Pines Beach and Kairaki Regeneration Zone

197. Submission 221.1 by House Movers states that while in general they support rule TEMP-R6, they consider the scope of TEMP-R6 should be broadened to apply to all zones, aside from the Commercial and Mixed Use Zones and Pines Beach and Kairaki Regeneration Zone. Submission 221.3 by House Movers seeks for a new rule, TEMP-R6A, to address the Pines Beach and Kairaki Regeneration Zone.
198. I consider that the intent of the Proposed Plan is to set standards for relocatable buildings where there is the potential for adverse effects to be created to a degree that is not appropriate for the applicable zone. I consider the General Rural Zone, Rural Lifestyle Zone, and the Open Space and Recreation Zones largely contain expansive properties. These spaces are considered to provide ample space and therefore a reasonable separation distance between neighbouring properties to store a relocatable building with minimal visual, character and amenity adverse effects. I consider that permitting a single relocatable building within these zones will maintain a predominance of open space and will not provide for these zones to be dominated by buildings. As such, I consider that it would not be out of character with the intended purpose of the zones to contain a relocatable building.
199. I consider the Residential Zones, and the Kainga Nohoanga Zone and Pegasus Resort Zone within the Special Purpose Zones are anticipated to contain residential activities, with residential activities within close proximity to each other. I consider that the storage of a relocatable building in these zones provides for potential adverse effects relating to character and amenity values on the receiving environment that are not in keeping with the intended purpose of these zones. The generally smaller sized properties within these zones may not provide sufficient space on site for the storage of a relocatable building as well as any other buildings on site. Subsequently, I consider that reasonable open space areas and separation distances of buildings between neighbouring properties is restricted. As such, I consider the resource consent process is appropriate to assess any potential adverse effects of a relocatable building within the Residential Zones and the Special Purpose Zones. I note that a temporary building incidental to construction work is permitted under TEMP-R7 so the activity can occur for purposes such as storing materials when a residential unit is being constructed.
200. I note that the Special Purpose Zones includes land of dense residential development and rural zoned land. I consider land within the six individual Special Purpose Zones contain unique characteristics, each having their own individual purpose. In specific regard to the Pines Beach and Kairaki Regeneration Zone, I note that this land is subject to a high level of natural hazard risks especially as a result of climate change. Therefore, I consider any building on this land has potential to cause off-site adverse effects including liquefaction and flooding displacement. As such, I consider that it is appropriate to require Council to assess any relocatable building in any Residential and Special Purpose Zones within a resource consent to assess the suitability of the building within the zone, particularly within a zone of a distinct, particular purpose.

201. I consider that the Commercial and Mixed Use Zones and Industrial Zones are zones where a relocatable building would not look out of place. As such, I consider that the Proposed Plan should provide for, as a permitted activity, a relocatable building within zones. This would provide for appropriate locations throughout the District to store a relocatable building in areas that are not anticipated to contain a high level of visual amenity.

Storage of a relocatable building prior to permanent siting

202. Submission [221.2] seeks an amendment to TEMP-R6(1) to permit any building being temporarily stored prior to permanent siting. I accept this submission point. I note that Council receives many building consent applications for a building that is constructed on one site and is subsequently to be relocated to its permanent site. I consider that it is not uncommon for a building to be relocated on to another site prior to determination of the permanent location or prior to obtaining building consent for its permanent location. I note that TEMP-R6(1) permits a building being temporarily stored prior to transfer to another site. I consider a building temporarily stored prior to permanent siting would not cause adverse effects greater than those that TEMP-R6(1) currently permits. I note that this type of storage sought in the submission is subject to a specified period of time, service connection and fixture restrictions, and built form standards of the underlying zone. Therefore, I consider that any potential adverse effects of a building are appropriately provided for. I note that once a relocatable building is relocated to its permanent siting, the building then becomes subject to the underlying zone rules.

Maximum time period

203. Submission [221.2] seeks TEMP-R6(2) to be applicable to all zones, excluding the Industrial Zone. This would allow for the storage of a relocatable building within the Industrial Zone for an undefined period of time. I note that the definition of temporary activities does not specify a specific time period in that a temporary activity is subject to. I consider that such storage without a defined time period may have same or similar effects of a permanent building, effects not anticipated and potentially greater than those of a temporary building. These effects may be adverse effects and the consent process for the non-compliance with TEMP-R6(2) would allow Council to utilise control methods to reduce the magnitude of these. As such, I consider that this submission point be rejected and TEMP-R6(2) be retained as notified.

3.8.4.3. Summary of recommendations

204. I recommend that the submission by Helen and Peter Maxwell Walker [400.1] be **rejected**.
205. I recommend that the submissions by House Movers [221.3] and [221.1] (relating to deletion of the definition of relocatable building) be **rejected**.
206. I recommend that the submission by House Movers [221.2] be **accepted in part**.
207. I recommend that TEMP-R6 be amended as set out below and in **Appendix A**.

TEMP-R6	Temporary storage of a relocatable building	
General Rural Zone	Activity status: PER	Activity status when compliance not achieved: RDIS
Rural Lifestyle Zone	Where:	

<p><u>Open Space and Recreation Zones</u></p> <p><u>Commercial and Mixed Use Zones</u></p> <p><u>Industrial Zones</u></p>	<p>1. the building is temporarily being stored prior to <u>permanent siting on site or</u> transfer to another site;</p> <p>2. a maximum of one relocatable building is stored on-site for a maximum of six months within any 24 month period and;</p> <p>3. during the storage period, the relocatable building is not connected to any water, wastewater, or electricity supply, and is not be fixed to the ground; and</p> <p>4. the relocatable building meets the setback, building coverage and height rules for the zone in which the site is located.</p>	<p><i>Matters of discretion are restricted to:</i></p> <p><i>TEMP-MD1 – Character and amenity values</i></p> <p><i>TEMP-MD2 – Transport</i></p> <p><i>TEMP-MD3 – Site alteration, disturbance and remediation</i></p> <p><i>TEMP-MD4 – Public safety and security</i></p>
<p>Advisory Note</p> <ul style="list-style-type: none"> • Building consent may be required. 		

3.8.4.4. Section 32AA evaluation

208. In my opinion, the amendment of TEMP-R6 is more appropriate in achieving the purpose of the RMA than the notified provisions. In particular, I consider that:

- It provides an outcome for an activity that is otherwise missing from the Proposed Plan as the amendments include the addition of the Commercial and Mixed Use and Industrial Zones where it would not be out of character to contain a relocatable building.
- There will be benefits from providing for the Commercial and Mixed Use and Industrial Zones in which Council would not be required to process a resource consent for an activity that is anticipated to occur within the zones.
- It provides for situations that often occur where property owners require land to store a building prior to the granting of a building consent or when a building is required to be relocated from a site (often the site of construction) to the land of its future permanent siting.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.9. Minor Errors

209. I recommend amendments be made to the Introduction of the Temporary Activities chapter. This is to resolve potential misunderstanding of the hierarchy of the Chapter in relation to other Chapters and the activities subject to the Temporary Activities chapter of the Proposed Plan. These amendments are as per the following:

Signs

210. Amend the wording relating to Signs. Reference to this chapter includes reference to temporary activities and therefore does not reference activities of a temporary nature and character. I consider the amendments, as set out below, are appropriate to remove confusion

of whether activities defined and not defined by the definition of temporary activity are applicable to the Signs chapter. Further, the formatting aligns with that of the Noise chapter.

Signs: this chapter contains provisions which manage signs~~may be relevant for temporary activities~~, in particular Sign-R4 Any temporary sign for any temporary activity.

General Residential Zone and the Rural Lifestyle Zone

211. To address any potential misinterpretation of the rules that apply, and how they apply, to the Oxford and Rangiora A&P Showgrounds, I recommend amending reference to activities within the Oxford and Rangiora A&P Showgrounds as set out below. This is to ensure that potentially relevant rules are not missed by plan users. This would also give effect to the National Planning Standards.

"The General Residential Zone and the Rural Lifestyle Zone chapters contain rules for land use activities on the Oxford and Rangiora A&P Showgrounds respectively. Temporary activities on these Showgrounds sites not provided for by the relevant zone rule may be subject to any applicable rules in the Temporary Activities chapter."

Noise

212. Amend reference to the Noise Chapter in the Introduction, with specific reference to NOISE-R8 – Operation of an emergency service facility warning device. As notified, the Temporary Activities Chapter does not specifically reference NOISE-R8, and I have recommended to include Emergency Service Training Activities in TEMP-R5. I consider this matter to be appropriately addressed by amending the Introduction. This is to ensure that potentially relevant rules are not missed by plan users. This would implement the National Planning Standards, which states:

"If provisions for managing noise are addressed, they must be located in the Noise chapter..."

"If provisions to manage temporary activities, buildings and events are addressed, they must be located in the Temporary activities chapter" (p.35).

As such, reference to NOISE-R8 in the Temporary Activities Chapter is proposed to be amended as set out below.

"Noise: this chapter contains provisions which manage noise, including Noise-R2 Temporary military training activity undertaken by the Ministry of Defence; Noise-R7 Temporary, mobile or intermittent agriculture activities emitting noise for cultivation, planting, harvesting, use of agricultural vehicles or equipment, and movement, handling and transport of livestock; Noise-R8 Operation of an emergency service facility warning device; and Noise-R9 Temporary activities."

213. The author of the Noise Chapter s42A recommended a cross-reference with a hyperlink be included in TEMP-R5 to link to NOISE-R2 (TMTA) so that the rules are not missed by plan users. However, I do not consider that there is sufficient scope relating to TEMP-R5 within the submissions on the Temporary Activities Chapter to include this cross reference. Furthermore, I note the 'Other potentially relevant District Plan provisions' section of the Introduction

specifically refers to NOISE-R2, owing to the wording '*Noise-R2 Temporary military training activity undertaken by the Ministry of Defence*'.

214. I recommend that amendments be made to Rules of the Temporary Activities Chapter to fix minor errors of the Chapter of the Proposed Plan, as per the following:

TEMP-R5 Temporary military training activity

215. I recommend that an amendment be made to TEMP-R5 to ensure the purpose of the rule is clearly provided for. The standards listed under TEMP-R5 is a list of all standards that must be complied with, otherwise resource consent would be required. The intent of the standards is that any TMTA, and any ESTA which I recommend including to this rule, is subject to all of the standards. The exclusion of "and" at the end of TEMP-R5(1) does not make this clear and the purpose of the rule is not provided for. I note that the notified TEMP-R5(2) is recommended to be deleted and this results in two standards, rather than the notified three. As such, I recommend that TEMP-R5(1) is amended to make it clear that all standards are to be met by better drafting of the standard. I recommend the addition of the word "and" at the end of TEMP-R5(1) as a minor amendment.

TEMP-R6 Temporary storage of a relocatable building

216. I recommend that an amendment be made to TEMP-R6 to ensure the formatting of TEMP-R6 (2) aligns with other rules of the chapter. The intent of the standards of TEMP-R6 is that all standards are applicable to any temporary storage of a relocatable building. The inclusion of "and" at the end of TEMP-R6 (2) does not align with the formatting of other rules in the chapter. Other rules in the chapter only include 'and' at the end of the second to last standard. As such, 'and' at the end of TEMP-R6 (2) is recommended to be removed so that the rule aligns with the formatting of other rules within the chapter.

TEMP-R9 Temporary activity

217. I recommend that an amendment be made to TEMP-R9 to ensure the purpose of the rule is clearly provided for. The standards listed under TEMP-R9 is a list of all standards that must be complied with, otherwise resource consent would be required. The intent of the standards is that any temporary activity is subject to all of the standards. The exclusion of "and" at the end of TEMP-R5(3) does not make this clear and the purpose of the rule is not provided for. As such, I recommend that TEMP-R9(3) is amended to make it clear that all standards are to be met by better drafting of the standard. I recommend the addition of the word "and" at the end of TEMP-R9(3) as a minor amendment.
218. My view is that the changes described above clarify the intended linkages between chapters and provisions relevant to temporary activities, or provide clarity as to how provisions are to be read together. but I recommend the amendments are made as part of the Hearing Panel's recommendations for completeness and clarity. I have included these minor amendments in **Appendix A**.

3.10. Conclusions


219. Submissions have been received in support of, seeking amendment, and in opposition to the Proposed Plan.
220. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Proposed Plan should be amended as set out in Appendix A of this report.
221. For the reasons set out in the Section 32AA evaluation attached included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- a. achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - b. achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
2. The Proposed Plan is amended in accordance with the changes recommended in **Appendix A** of this report.

Signed:

Name and Title		Signature
Report Author	Brooke Benny Intermediate Resource Management Planner – Waimakariri District Council	

Appendix A. Recommended Amendments to Temporary Activities Chapter

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the Proposed Plan is **red** and underlined.
- Text recommended to be deleted from the Proposed Plan is **red** and ~~struck through~~.

Definitions

Amend point j. of the definition of 'temporary activities':

means an activity or event and any ancillary structures that:

1. *is infrequent, temporary, of short duration with a defined end time; and*
2. *creates no, or only negligible, lasting alteration or disturbance to any site, building or vegetation;*

it includes:

- a. *performances, celebrations, concerts;*
- b. *exhibitions;*
- c. *circuses;*
- d. *parades;*
- e. *holiday observances;*
- f. *fetes, fairs and carnivals;*
- g. *festivals;*
- h. *recreation and sporting events;*
- i. *filming;*
- j. *and other ~~types of~~ activities of ~~similar character~~ a temporary nature and character;*

Temporary activity excludes markets and other activities held on a regular basis such as daily, weekly, fortnightly, or monthly, and temporary events ancillary to domestic scale residential activities.

Add the definition of 'emergency service training activity':

'Emergency service training activity' means the training activities, operational support and other non-emergency activities undertaken by the New Zealand Police, Fire and Emergency New Zealand, and hospital and health services.

TEMP - Ngā mahi taupua - Temporary Activities

Introduction

Temporary activities are short-term and infrequent such as fairs, festivals, filming and temporary military training activities. Temporary activities contribute to community and cultural well-being, and to the vibrancy of the District. However, they have the potential to generate adverse effects such as noise and traffic. These effects are generally tolerated because of they are short-term.

Temporary activities are exempt from complying with the rules in Part 3 - Area specific matters, unless specifically stated to the contrary. Temporary activities on land that contains an overlay may be subject to additional provisions in the relevant overlay chapter, including objectives and policies.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to temporary activities include:

- Noise: this chapter contains provisions which manage noise, including Noise-R2 Temporary military training activity undertaken by the Ministry of Defence; Noise-R7 Temporary, mobile or intermittent agriculture activities emitting noise for cultivation, planting, harvesting, use of agricultural vehicles or equipment, and movement, handling and transport of livestock; [Noise-R8 Operation of an emergency service facility warning device](#); and Noise-R9 Temporary activities.
- Transport: this chapter contains transport provisions applicable to all activities in the District, as relevant.
- Energy and Infrastructure: ~~this chapter applies for temporary infrastructure.~~
 1. [this chapter provides for temporary activities \(refer to rule EI-R9 Use of temporary infrastructure\); and](#)
 2. [where a temporary activity is located within the National Grid Yard, rules EI-R51 Activities and development \(other than earthworks\) within a National Grid Yard, EI-R52 Earthworks and the disturbance of land for the installation of fence posts within a National Grid Yard, and EI-R52A Earthworks within a National Grid Yard apply.](#)
- Light: this chapter contains specific provisions relating to glare and light spill and the management of effects on adjoining areas.
- Signs: this chapter contains provisions which manage signs ~~may be relevant for temporary activities~~, in particular Sign-R4 Any temporary sign for any temporary activity.
- Special Purpose Zone (Kāinga Nohoanga): how the Temporary Activities provisions apply in the Special Purpose Zone (Kāinga Nohoanga) is set out in SPZ(KN)-APP1 to SPZ(KN)-APP5 of that chapter.
- The General Residential Zone and the Rural Lifestyle Zone chapters contain rules for [land use activities on](#) the Oxford and Rangiora A&P

Showgrounds respectively. Temporary activities on these Showgrounds sites not provided for by the relevant zone rule may be subject to any applicable rules in the Temporary Activities chapter.

- Any other District wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

Objectives	
TEMP-O1	<p>Temporary activities</p> <p>Temporary activities that contribute to the District’s vitality, economic prosperity, and community health, safety and well-being are enabled where adverse effects are minimised.</p>
Policies	
TEMP-P1	<p>Enabling temporary activities</p> <p>Enable temporary activities, and minimise adverse effects on the natural values, cultural values and amenity values of the surrounding environment, by ensuring:</p> <ol style="list-style-type: none"> 1. the location, timing, duration, frequency, scale and intensity of the temporary activity is consistent with the quality of the environment anticipated by the objectives and policies of any relevant zone or overlay; 2. adverse effects including noise, dust, light, shading, signs and traffic on any nearby activity are minimised to a level suitable for the time and location; 3. any traffic movements maintain safety for road users, pedestrians, cyclists and the public, and the efficiency of the transport system; 4. any natural, historic heritage or cultural values are protected from damage or destruction; and 5. remediation of the site, including the removal of waste is undertaken.

TEMP-P2	Temporary activities and public spaces For public spaces: <ol style="list-style-type: none"> 1. enable temporary activities, such as events, artworks, filming and mobile trading that support community and economic well-being within the District; and 2. control adverse effects from temporary activities located in public spaces where the activities are not managed by other legislation, management plans or bylaws.
TEMP-P3	Temporary structures Enable temporary structures required for construction or demolition, and temporary storage of relocatable buildings where potential effects on the transport system, and amenity values of the surrounding environment are mitigated by limiting the duration, and in the case of any relocatable building, the location and connection to services.
TEMP-P4	Disaster management accommodation Enable temporary disaster management accommodation provided by civil defence or an emergency service organisation required to house people displaced by a disaster event, including in the time period before declaring a state of emergency.
TEMP-P5	Mobile trading Enable mobile trading where adverse effects on retail distribution and development within any Commercial and Mixed Use Zones, amenity values, and transport are minimised by controlling the location, duration and scale of mobile trading activities.
<u>TEMP-P6</u>	<u>Temporary Military Training Activity</u> <u>Enable temporary military training activity and associated temporary structures and earthworks where potential adverse effects on amenity values and sensitive environments are remedied or mitigated by limiting their duration and location and requiring restoration of the site.</u>

Activity Rules

TEMP-R1	Mobile trading ancillary to a temporary activity
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All Zones	Activity status: PER	Activity status when compliance not achieved: N/A
TEMP-R2	Mobile trading	
This rule does not apply to mobile trading provided for under TEMP-R1 and TEMP-R3.		
All Zones	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none">mobile trading operates from the same site for a maximum cumulative period of eight hours in any 24 hour period;mobile trading operates a maximum of nine times from any site within a 12 month period;mobile trading operations are located a minimum of 3m from any internal boundary; andmobile trading shall comply with Table NOISE-2.	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none">TEMP-MD1 - Character and amenity valuesTEMP-MD2 - TransportTEMP-MD3 - Site alteration, disturbance and remediationTEMP-MD4 - Public safety and security
TEMP-R3	Mobile trading on public land	
All Zones	Activity status: PER	Activity status when compliance not achieved: N/A
	<p>Advisory Note</p> <ul style="list-style-type: none">A Mobile Trading Licence may be required for the occupation of public spaces.	
TEMP-R4	Filming	

All Zones	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. the maximum duration of the activity is 31 consecutive days at any one site within a 12 month period; 2. site preparation is a maximum of seven days before the activity; 3. site restoration is a maximum of seven days following the completion of the activity; 4. all temporary structures and equipment is removed from the site within seven days following completion of the activity; and 5. there is a total maximum of 250 vehicle movements per day. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> • TEMP-MD1 - Character and amenity values • TEMP-MD2 - Transport • TEMP-MD3 - Site alteration, disturbance and remediation • TEMP-MD4 - Public safety and security
TEMP-R5	<p>Temporary military training activity <u>(including ancillary buildings and structures and emergency service training activity)</u></p>	
All Zones	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. the maximum duration of the activity is 31 consecutive days at any one site, <u>excluding the set-up and pack-down of the activity up to one week prior to commencement and up to one week following completion; and</u> 2. the activity is not located in any SNA; 3. <u>2.</u> the site is restored to the same condition as prior to the temporary activity within seven days of that activity ceasing. 	<p>Activity status when compliance with TEMP-R5 (1) not achieved: CON</p> <p>Activity status when compliance with TEMP-R5 (2) or (3) not achieved: RDIS</p> <p>Matters of control or discretion are restricted to:</p> <ul style="list-style-type: none"> • TEMP-MD1 - Character and amenity values • TEMP-MD2 - Transport • TEMP-MD3 - Site alteration, disturbance and remediation • TEMP-MD4 - Public safety and security

TEMP-R6	Temporary storage of a relocatable building	
General Rural Zone Rural Lifestyle Zone <u>Open Space and Recreation Zones</u> <u>Commercial and Mixed Use Zones</u> <u>Industrial Zones</u>	Activity status: PER Where: <ol style="list-style-type: none"> the building is temporarily being stored prior to <u>permanent siting on site or</u> transfer to another site; a maximum of one relocatable building is stored on-site for a maximum of six months within any 24 month period; and; during the storage period, the relocatable building is not connected to any water, wastewater, or electricity supply, and is not be fixed to the ground; and the relocatable building meets the setback, building coverage and height rules for the zone in which the site is located. 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> TEMP-MD1 - Character and amenity values TEMP-MD2 - Transport TEMP-MD3 - Site alteration, disturbance and remediation TEMP-MD4 - Public safety and security
	Advisory Note <ul style="list-style-type: none"> Building consent may be required. 	
TEMP-R7	Any temporary building or structure incidental to construction work	

All Zones	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. every temporary building or structure is removed from the site within 31 days of completion of the building or construction works or after the Code of Compliance Certificate for the subject building or construction works has been issued, whichever occurs first. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> • TEMP-MD1 - Character and amenity values • TEMP-MD2 - Transport • TEMP-MD3 - Site alteration, disturbance and remediation • TEMP-MD4 - Public safety and security
TEMP-R8	Disaster management accommodation	
All Zones	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. the activity is required by the District Council or an emergency service, including when a state of emergency has not been declared; and 2. the temporary use does not result in an existing activity on the site failing to comply, or increasing the degree of non-compliance of the existing activity, with a rule in the District Plan, or resource consent. This standard applies to any rules for the zone except for density rules. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> • TEMP-MD1 - Character and amenity values • TEMP-MD2 - Transport • TEMP-MD3 - Site alteration, disturbance and remediation • TEMP-MD4 - Public safety and security

	Advisory Note <ul style="list-style-type: none"> The rules above apply to disaster management emergencies which may not be covered under other legislation. Emergency powers under the Civil Defence Emergency Management Act 2002 apply once a state of emergency has been declared. 	
TEMP-R9	Temporary activity	
	<i>This rule does not apply to temporary activities provided for under TEMP-R1 to TEMP-R8.</i>	
All Zones	Activity status: PER Where: <ol style="list-style-type: none"> there is a maximum duration of four consecutive days on any site plus a maximum of four consecutive days immediately prior to, and following, the activity for site preparation and restoration; a maximum of nine temporary activities are permitted for any site within a 12 month period with a minimum separation of 21 days between each temporary activity; the site is restored to the same condition as prior to the temporary activity within seven days of that activity ceasing; <u>and</u> there is a total maximum of 250 vehicle movements per day for any temporary activity. 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> TEMP-MD1 - Character and amenity values TEMP-MD2 - Transport TEMP-MD3 - Site alteration, disturbance and remediation TEMP-MD4 - Public safety and security
	Exemption TEMP-R9 (1), (2), and (4) do not apply to Temporary activities on public land or within a road reserve or any Open Space and Recreation Zones.	
	Advisory Notes	

	<ul style="list-style-type: none"> • Built Form Standards of the zone apply for permanent structures. • Building consent may be required for permanent, as well as temporary structures. • Notification should be provided to residents adjacent to any event involving electronic sound amplification or fireworks at least 48 hours before the event commences, including: <ul style="list-style-type: none"> ○ The nature of the event; ○ The date, start and finish time, expected timing for sound testing or practice; ○ Any alternative dates in the event of postponement; and ○ Contact details of the event organiser. • Noise rules for temporary activities are contained in the Noise Chapter. • District Council approval is required for temporary road closure. 	
TEMP-R10	Motorised vehicle events	
Waimakariri River ONF	Activity status: RDIS	Activity status when compliance not achieved: N/A
Ashley River / Rakahuri SAL	Matters of discretion are restricted to: <ul style="list-style-type: none"> • NFL-MD2 - Motorised activities 	
Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: NC	Activity status when compliance not achieved: N/A

Advice Notes

TEMP-AN1	<p>Activities and structures may also be subject to controls outside the District Plan such as controls within other legislation, bylaws or land owner requirements. Please note that the following may apply:</p> <p>Temporary activities within a public space:</p> <ul style="list-style-type: none"> • Permission from the District Council must be obtained for all temporary activities on a public space including on reserves and roads. In addition, temporary activities on reserves must comply with any management or concept plan prepared under the Reserves Act 1977, and may require a health and safety plan, traffic management plan and a booking to hold an event. The District Council's Greenspace Unit can be contacted for more information. <p>Sale of food and alcohol:</p> <ul style="list-style-type: none"> • The sale of food requires approval or registration under the Food Act 2014 and Food Hygiene Regulations 1974. • Activities that involve the sale or provision of alcohol may require a licence, under the Sale and Supply of Alcohol Act 2012. • The District Council Environmental Services Unit can be contacted for more information. <p>Temporary structures:</p> <ul style="list-style-type: none"> • Building consent may be required for structures. • The District Council Building Unit can be contacted for more information. • Built form standards for the applicable zone may also apply. <p>Other controls:</p> <ul style="list-style-type: none"> • Regulations and bylaws that may also apply include the Camping-Grounds Regulations 1985, Amusement Devices Regulations 1978, Civil Aviation Act 1990; and bylaws e.g. Alcohol Control Bylaw 2018, Signage Bylaw 2019, Waimakariri District Council Parking Bylaw 2019, and Solid Waste and Waste Handling Licensing Bylaw 2016.
TEMP-AN2	<p>Further to the noise limits specified in this chapter and District wide noise rules, noise emissions from temporary activities will be subject to complaint based Excessive Noise provisions under s327 of the Resource Management Act 1991. The District Council's Environmental Services Unit or its contractors are responsible for responding to any noise complaints received.</p>

Matters of Discretion

TEMP-MD1	Character and amenity values <ol style="list-style-type: none">1. Suitability of the location.2. The contribution the temporary activity has to the vibrancy of the District and the physical, social, and cultural well-being of communities.3. Adverse effects on the character and quality of the environment, including natural character, water bodies, ecology, historic heritage and sites of significance to Māori.4. The existing character and amenity values of the zone in which it occurs, and the zone of the receiving environment.5. Potential adverse effects on the surrounding environment such as noise, dust, odour, signs, light spill and glare.6. Scale, intensity and character of the activity including attendance, building coverage, structures, duration, frequency and hours of operation.7. Cumulative effects of all activities, buildings, and signs using the proposed location.8. Building style and/or visual appearance of the temporary activity.9. The extent and effectiveness of mitigation such as screening.10. The extent to which the temporary activity will limit access to spaces that would otherwise be accessible.11. Any cross-boundary effects.
TEMP-MD2	Transport <ol style="list-style-type: none">1. The effects on and off the transport system, at and beyond the site including, but not limited to:<ol style="list-style-type: none">a. traffic generation from the activity and the efficiency of the transport system;b. number and type of vehicles accommodated;c. traffic and pedestrian safety, including visibility both on and off-site;d. land availability and suitability for parking, loading, and manoeuvring;e. any alternative means for provision of parking and loading; andf. any effects on the operation of emergency services.
TEMP-MD3	Site alteration, disturbance and remediation <ol style="list-style-type: none">1. The extent to which temporary activities alter or disturb any site, including from earthworks, and the extent of remediation

	<p>including to any:</p> <ul style="list-style-type: none"> a. land, including grassed areas, trees or other vegetation; and b. biodiversity, ecosystem or habitat.
TEMP-MD4	<p>Public safety and security</p> <ul style="list-style-type: none"> 1. The extent to which the proposal maximises personal safety and security, including: <ul style="list-style-type: none"> a. lighting, visibility and surveillance that is suitable to maintain a high level of public safety and security; b. ensuring effective access for emergency services is maintained; c. provision of contingency planning for emergency situations; d. provision of clear access routes, including safe movement of pedestrians within the site while avoiding concealment and isolation opportunities; e. entrances and exits, as well as services such as public toilets, that are clearly signposted and easily accessible; f. the extent to which any potential conflicts with other activities (on or off-site) are effectively avoided or minimised; and g. the extent that any off-site effects on personal safety and security are identified and managed.

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
Definitions							
166.7	NZDF	Definition of temporary activity	<p>Seeks the exclusion of temporary military training activities from the 'temporary activity' definition, as they produce different effects. The draft provisions generally provide for these activities separately and exclusion from this definition will provide clarity around the application of rules.</p> <p>Amend the definition of 'temporary activity' to exclude temporary military training activity: "Temporary activity excludes markets and other activities held on a regular basis such as daily, weekly, fortnightly, or monthly, and temporary events ancillary to domestic scale residential activities. <u>Temporary activity also excludes temporary military training activity.</u>"</p>	3.3.1	Rejected	See the relevant section of the report.	No
166.8	NZDF	Definition of temporary military training activity	This definition appropriately identifies military training activities as separate from other temporary activities. Retain the definition of 'temporary military training activity' as notified.	N/A	Accepted in part	The submission is in support of the definition.	No
221.1	House Movers Section of New Zealand Heavy Haulage Association	Definition of relocatable building	<p>In the Operative District Plan, relocatable buildings are provided for in the definition of 'construction activities'. In the Proposed District Plan there is a separate definition for 'relocatable buildings' and the definition of 'construction work' only references buildings implying permitted construction works do not cover relocatable buildings.</p> <p>Communication with the Council confirmed, relocated buildings are treated in the same way as any other residential building and seeks clarity to ensure this is provided for in the Proposed District Plan.</p> <p>Delete the definition of 'relocatable buildings' so relocatable buildings are included in the definition of 'building'.</p> <p>"Delete the definition of 'relocatable buildings'.</p> <p>Amend the definition of 'construction work' to include: <u>"for the avoidance of doubt, installation of a building includes the relocation and resiting of a building"</u> or words to that effect."</p>	3.3.2 & 3.8.4	Rejected	See the relevant section of the report.	Yes
221.5	House Movers Section of New Zealand Heavy Haulage Association	Definition of construction work	<p>Ensure relocatable buildings are included in construction work activities by amending the definition of 'construction work' to add "for the avoidance of doubt, installation of a building includes the relocation and resiting of a building" or words to that effect.</p> <p>Amend the definition of 'construction work': "...</p>	3.3.2	Rejected	See the relevant section of the report.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<u>for the avoidance of doubt, installation of a building includes the relocation and resiting of a building."</u>				
284.30	Clampett Investments	Definition of temporary activity	Support definition of 'temporary activity'. Retain definition of 'temporary activity' as notified.	3.3.1	Accepted in part	This submission supports this definition.	No
303.7	Fire and Emergency NZ	Definition of temporary activity	Seeks to exclude emergency services training activities from the 'temporary activity' definition to avoid doubt. Fire and Emergency often require outdoor temporary training events and has proposed a new definition for 'emergency services training activities'. Amend the definition of 'temporary activity': "Temporary activity excludes markets and other activities held on a regular basis such as daily, weekly, fortnightly, or monthly, and temporary events ancillary to domestic scale residential activities. <u>Temporary activity also excludes emergency services training activities.</u> "	3.3.1	Rejected	See the relevant section of the report.	No
326.31	Rolleston Industrial Developments	Definition of temporary activity	Support definition of temporary activity. Retain definition of temporary activity as notified.	3.3.1	Accepted in part	This submission supports this definition.	No
General							
400.1	Helen & Peter Walker	General	Do not allow relocatable homes on empty sections unless there are clear guidelines for tidy up and placement on foundations and inform neighbours of the plan. Before placing relocatable homes on empty sections provide clear guidelines for tidy up and placement on foundations. 6 months is a reasonable time frame for placement on foundations.	3.8.4	Rejected	See the relevant section of the report.	No
Temporary activities – General							
147.21	Kaiapoi-Tuahiwi Community Board	General	Support General District Wide Matters provisions. Support General District Wide Matters provisions as notified.	N/A	N/A	The submitter noted general support for the General District Wide Matters section of the plan. No changes were requested to the Temporary Activities Chapter.	No
325.147	Kainga Ora	General	Generally support the Temporary Activities Chapter. Retain the Temporary Activities Chapter as notified.	N/A	Accepted in part	This submission supports this Chapter.	No
Temporary activities - Introduction							
195.110	Transpower New Zealand Limited	Introduction - General	Seeks amendment to rule guidance in the 'other potentially relevant District Plan provisions' part of the Temporary Activities Chapter introduction to include clear direction that rules relating to activities in National Grid Yard apply to temporary activities and to give effect to the National Policy Statement on Electricity Transmission Policies 10 and 11. Amend 'Other potentially relevant District Plan provisions' part of the Temporary Activities Chapter introduction: "As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to temporary activities include: ...	3.4.1	Accepted in part	See the relevant section of the report.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			- Energy and Infrastructure: this chapter applies for temporary infrastructure <u>and Rules EI-R51, EI-R52 and EI-R53 apply to temporary activities in the National Grid Yard</u> .				
Temporary activities - Objectives							
166.22	NZDF	Objectives – General	Requests temporary military training activities (TMTA) be specifically excluded from the definition of 'temporary activities' for clarity. Requests a specific objective for TMTA as they are not included in the objective and policy framework for temporary activities, although there are specific rules. Add new objective TEMP-O2: "Temporary military training activities contribute to local and national security and provide for the health, safety and wellbeing of the community, and are enabled'."	3.3.1	Rejected	See the relevant section of the report.	No
FS 80	CIAL		<i>CIAL is neutral to this relief provided it does not enable noise sensitive activities (such as long periods of overnight stays) in areas subject to airport noise of 50dB Ldn or greater.</i>	3.5.1	Rejected	<i>See the relevant section of the report.</i>	No
358.8	Jet Boating New Zealand	TEMP-O1	Supports enabling of recreational jet boating events - being events and activities promoted by Jet Boating New Zealand. Retain TEMP-O1 as notified.	N/A	Accepted	This submission supports this objective.	No
Temporary activities - Policies							
166.23	NZDF	Policies – General	Supports that temporary military training activities (TMTA) are not included in the definition of 'temporary activities' and requests that it is specifically excluded for clarity. There is no objective and policy framework for TMTA to support specific rules, and requests the addition of a specific policy. Insert new policy TEMP-P6: "Enable temporary military training activities to be undertaken within the District where adverse effects on amenity values are avoided, remedied or mitigated."	3.7.2	Accepted in part	See the relevant section of the report.	Yes
FS 80	CIAL		<i>CIAL is neutral to this relief provided it does not enable noise sensitive activities (such as long periods of overnight stays) in areas subject to airport noise of 50dB Ldn or greater.</i>	3.7.2	Rejected	<i>See the relevant section of the report.</i>	No
166.24	NZDF	TEMP-P3	Requests TEMP-P3 reference temporary structures associated with temporary military training activities (TMTA). NZDF must undertake training in order to fulfil its statutory obligations under the Defence Act and at times, TMTA require the placement and use of a temporary building or structure which are completely removed after the TMTA exercise. Amend TEMP-P3: "Enable temporary structures required for construction or demolition and temporary military training activities, and temporary storage of relocatable buildings where potential	3.7.1	Accepted in part	See the relevant section of the report.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<u>effects on the transport system, and amenity values of the surrounding environment are mitigated by limiting the duration, and in the case of any relocatable building, the location and connection to services."</u>				
358.9	Jet Boating New Zealand	TEMP-P1	Supports this policy and considers controls on recreational jet boating events are appropriate. Retain TEMP-P1 as notified.	N/A	Accepted in part	This submission supports this policy.	No
Temporary activities - Rules							
16.5	Drucilla Kingi-Patterson	TEMP-R4	Seeks that the Council encourages film productions in the district by linking with other councils and professional and artistic individuals. The Council needs to encourage film production in the district linking with councils and professional and artistic individuals.	3.8.1	Rejected	The submission is out of scope of the RMA. See the relevant section of the report.	No
28.1	Clayton Tikao	TEMP-R4	Seek the number of vehicle movements per day for filming increases from 250 to 500, as the size of filming projects can vary and this would cover most projects and there can be an excess of 250 vehicle movements for large projects. Increase vehicle movements from 250 to 500 per day for filming activities.	3.8.1	Rejected	See the relevant section of the report.	
FS 110	Waka Kotahi		<i>Waka Kotahi opposes the changes sought by the submitter as this would double the number of vehicle movements permitted under this rule. The number of vehicle movements sought by the submitter is significant and the effects of this number of vehicle movements from a site onto a state highway could significantly adversely impact the safe, efficient and effective functioning of the highway.</i>	3.8.1	Accepted	See the relevant section of the report.	No
166.25	NZDF	TEMP-R5	Supports permitted activity status of temporary military training activities (TMTA) across all zones but requests changes to rule and standards. Seeks TMTA buildings or structures, which are completely removed after the exercise has concluded, be permitted across all zones as buildings associated with construction have been. Considers 31 days/year shall not include set-up and pack-down activities and that requiring site to be restored to the condition prior to the TMTA activity is unnecessary. The standard that TMTA is not located in any Significant Natural Area applies is unclear and overly restrictive as other plan rules apply and effects are similar to other regular activities. Seeks matters of control be limited to character and amenity values only. Sites may be used more than once and are carefully selected, with landowner agreements, taking into account the management of effects. New Zealand Defence Force (NZDF) undertakes training to fulfil statutory obligations and controlled activity status provides certainty of activities proceeding with control of effects. TMTA generate few vehicle movements, sites	3.8.2	Accepted in part	See the relevant section of the report.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>are restored to good condition, and there are strict safety protocols including noise standards which NZDF seeks to include in the plan.</p> <p>Amend TEMP-R5: "Temporary Activities TEMP-R5 Temporary Military Training Activity <u>including associated buildings and structures.</u> Activity status permitted where: 1. the maximum duration of the activity is 31 consecutive days <u>(excluding set up and pack down activities)</u> at any one site; 2. the activity is not located in any SNA; 3. the site is restored to the same condition as prior to the temporary activity within seven days of that activity ceasing. Activity status when compliance with TEMP-R5 (1) and TEMP-R5 (2) not achieved: CON Activity status when compliance with TEMP-R5 (2) or (3) not achieved: RDIS Matters of control or discretion are restricted to: - TEMP-MD1 - Character and amenity values - TEMP-MD2 - Transport - TEMP-MD3 - Site alteration, disturbance and remediation - TEMP-MD4 - Public safety and security"</p>				
FS 110	Waka Kotahi		<p>Waka Kotahi seeks to ensure that any effects on the state highway arising from a temporary military training activity extending beyond 31 days duration are appropriately managed, which the notified provision sought to do and for this reason it should be retained (deletion of MD2 - Transport).</p>	3.8.2	Accepted	See the relevant section of the report.	No
221.2	House Movers Section of New Zealand Heavy Haulage Association	TEMP-R6	<p>Delete definition of 'relocatable building' from the Proposed District Plan and replace 'relocatable building' with 'buildings' in TEMP-R6 to apply generally to all buildings.</p> <p>Amend TEMP-R6 to delete reference to 'relocatable buildings' and to apply to all Zones:</p> <p>"TEMP-R6 Temporary storage of a relocatable building <u>All zones Except Commercial and Mixed Use Zones and the Pines Beach and Kairaki Regeneration Zone</u> Activity status: PER Where: 1. the building is temporarily being stored prior to <u>permanent siting</u> or transfer to another site; 2. in all zones apart from Industrial Zones a maximum of one relocatable building is stored on-site for a maximum of six months within any 24 month period and;</p>	3.8.4	Accepted in part	See the relevant section of the report.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			3. during the storage period, the relocatable building is not connected to any water, wastewater, or electricity supply, and is not to be fixed to the ground; and 4. the relocatable building meets the setback, building coverage and height rules for the zone in which the site is located."				
221.3	House Movers Section of New Zealand Heavy Haulage Association	TEMP-R6	<p>Request new temporary activity rule to permit temporary storage of a building in the Pines Beach and Kairaki Regeneration Zone, subject to standards that are currently part of the definition of 'relocatable building' (as the current definition of relocatable building includes specific standards applicable to Pines Beach and the Kairaki Regeneration Zone, this will retain those provisions even though the definition is deleted and will create a new temporary building storage rule specific to that zone). The permitted activity standards sought at Schedule 1 provide that the building shall be located on permanent foundation no later than [2] months of the building being moved to the site. Submitter recognises that this presents a difference between the proposed permitted activity standards and the proposed TEMP-R6 rule (at Schedule 3) where a relocatable building in any zone apart from Industrial Zones, can be stored up to 6 months. However this does not create a conflict, as it is two different rules pertaining to different activities; temporary storage of relocatable buildings, and installation of relocatable buildings.</p> <p>Insert new TEMP-R6A: <u>"Temporary Storage of a Building</u> <u>Pines Beach and Kairaki Regeneration Zone</u> <u>Activity status: PER</u> <u>Where:</u> <u>1. the standards in Rule TEMP-R6 are met;</u> <u>2. the building shall be generally of timber or metal framing and exclude any structures that have cast in situ concrete walls, concrete block walls, brick and stone walls (including brick veneer), unless such structures are certified by a qualified structural engineer to be of a specific design which would enable at least the greater part of the building to be relocated if required;</u> <u>3. the building can be removed from the site in less than seven consecutive days;</u> <u>4. the building is fully self-contained or able to disconnect from Council reticulated services in less than two days; and a statement of professional opinion is provided which confirms that the proposed building is relocatable and is suitable to be established on the site. This shall be provided by a suitably qualified and experienced Structural Engineer, Architect,</u></p>	3.8.4	Rejected	See the relevant section of the report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<u>Architectural Designer or similar</u> <u>Activity status when compliance not achieved: RDIS</u> <u>Matters of discretion are restricted to:</u> <u>TEMP-MD1 - Character and amenity values</u> <u>TEMP-MD2 - Transport</u> <u>TEMP-MD3 - Site alteration, disturbance and remediation</u> <u>TEMP-MD4 - Public safety and security</u> <u>SPZ-PBKR-MD1 –Development design and scale"</u>				
275.74	Waka Kotahi NZ Transport Agency	TEMP-R9	Supports the exemption that TEMP-R9 (1), (2), and (4) does not apply to activities within the road reserve. Retain TEMP-R9 as notified.	N/A	Accepted	This submission supports this rule.	No
303.49	Fire and Emergency NZ	Activity Rules - General	<p>Seeks a new provision which would enable temporary emergency management training activities, as these should be recognised and enabled through the higher threshold of tolerance for temporary adverse amenity affects. Emergency services often require training in various areas and, while these are temporary activities, the catch all rules should not need to include emergency management training activities, as these are different to what may typically be included in this catch all rule.</p> <p>Adopt new provision as below: <u>"TEMP-RX – Emergency Services Training Activities</u> <u>All Zones</u> <u>Activity status: PER</u> <u>Where:</u> <u>1. the maximum duration of the activity is 31 consecutive days at any one site;</u> <u>2. the activity is not located in any SNA;</u> <u>3. the site is restored to the same condition as prior to the temporary activity within seven days of that activity ceasing.</u></p> <p><u>Activity status when compliance with TEMP-R5 (1) not achieved: CON</u> <u>Activity status when compliance with TEMP-R5 (2) or (3) not achieved: RDIS</u></p> <p><u>Matters of control or discretion are restricted to:</u> <u>TEMP-MD1 - Character and amenity values</u> <u>TEMP-MD2 - Transport</u> <u>TEMP-MD3 - Site alteration, disturbance and remediation</u> <u>TEMP-MD4 - Public safety and security"</u></p>	3.8.3	Accepted in part	Accepted in part, subject to amendments made in response to another submission point.	Yes
FS 110	Waka Kotahi		Waka Kotahi is not generally opposed to the new permitted activity rule sought by the submitter, but would seek to ensure that the vehicle movements were restricted to 250 per day	3.8.3	Accepted	See the relevant section of the report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<i>beyond which a requirement for resource consent would be triggered. This threshold for vehicle movements aligns with the limit imposed in other TEMP rules.</i>				
221.3	House Movers Section of New Zealand Heavy Haulage Association	TEMP-R6	<p>Request new temporary activity rule to permit temporary storage of a building in the Pines Beach and Kairaki Regeneration Zone, subject to standards that are currently part of the definition of 'relocatable building' (as the current definition of relocatable building includes specific standards applicable to Pines Beach and the Kairaki Regeneration Zone, this will retain those provisions even though the definition is deleted and will create a new temporary building storage rule specific to that zone). The permitted activity standards sought at Schedule 1 provide that the building shall be located on permanent foundation no later than [2] months of the building being moved to the site. Submitter recognises that this presents a difference between the proposed permitted activity standards and the proposed TEMP-R6 rule (at Schedule 3) where a relocatable building in any zone apart from Industrial Zones, can be stored up to 6 months. However this does not create a conflict, as it is two different rules pertaining to different activities; temporary storage of relocatable buildings, and installation of relocatable buildings.</p> <p>Insert new TEMP-R6A: <u>"Temporary Storage of a Building</u> <u>Pines Beach and Kairaki Regeneration Zone</u> <u>Activity status: PER</u> <u>Where:</u> <u>1. the standards in Rule TEMP-R6 are met;</u> <u>2. the building shall be generally of timber or metal framing and exclude any structures that have cast in situ concrete walls, concrete block walls, brick and stone walls (including brick veneer), unless such structures are certified by a qualified structural engineer to be of a specific design which would enable at least the greater part of the building to be relocated if required;</u> <u>3. the building can be removed from the site in less than seven consecutive days;</u> <u>4. the building is fully self-contained or able to disconnect from Council reticulated services in less than two days; and a statement of professional opinion is provided which confirms that the proposed building is relocatable and is suitable to be established on the site. This shall be provided by a suitably qualified and experienced Structural Engineer, Architect, Architectural Designer or similar</u></p>	3.8.4	Rejected	See the relevant section of the report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<u>Activity status when compliance not achieved: RDIS</u> <u>Matters of discretion are restricted to:</u> <u>TEMP-MD1 - Character and amenity values</u> <u>TEMP-MD2 - Transport</u> <u>TEMP-MD3 - Site alteration, disturbance and remediation</u> <u>TEMP-MD4 - Public safety and security</u> <u>SPZ-PBKR-MD1 –Development design and scale"</u>				
358.10	Jet Boating New Zealand	TEMP-R9	Supports as considers recreational jet boating events need to be permitted where the activity standards are met and restricted discretionary with matters of discretion when not. Retain TEMP-R9 as notified.	N/A	Accepted	This submission supports this rule.	No
Temporary activities – Matters of discretion							
178.55	Heritage New Zealand Pouhere Taonga	TEMP-MD1	Supports the consideration of adverse effects on historic heritage and sites of significance to Māori. Retain TEMP-MD1 as notified.	N/A	Accepted	The submission is in support of the matter of discretion.	No

Appendix C. Statement of evidence of Shane Binder on behalf of Waimakariri District Council in relation to Vehicle Movements for Filming

WAIMAKARIRI DISTRICT COUNCIL

MEMO

FILE NO AND TRIM NO: DDS-06-10-02-05-12 / 240103000238

DATE: 14 March 2024

MEMO TO: Brooke Benny – Intermediate Planner

FROM: Shane Binder – Senior Transportation Engineer

SUBJECT: Proposed District Plan – Responses to Temporary Activities Chapter Submissions

1. Introduction

My name is Shane Isaac Binder, and I am the Senior Transportation Engineer for Waimakariri District Council, a position I have held for more than three years. In this role I manage the district's transport planning, strategy, and engineering functions, including road safety, traffic modelling, parking, and public transport elements.

My qualifications include a Bachelor of Science degree in Civil Engineering from the Pennsylvania State University (USA), and a Master of Science degree in Civil Engineering from the University of Colorado (USA), both with specialisations in transport. I am a Chartered Professional Engineer (CPEng), a Professional Engineer (Colorado and Washington State, USA), and a Road Safety Professional (Level 1) certified by the Institute of Transportation Engineers.

I am a Chartered Member of Engineering New Zealand. I am also a member of the Transportation Group of Engineering New Zealand and am on the steering committee of the Safety Practitioners Sub-group. I have more than 21 years' experience in traffic engineering and road safety, both in New Zealand and abroad.

2. Submission One – Clayton Tikao (TEMP-R4)

Clayton Tikao has made a submission on the proposed District Plan Temporary Activities chapter. The submitter requests that TEMP-R4 be amended to increase the allowable vehicle movement to 500 vehicles per day, noting that the proposed plan currently allows a maximum of 250 vehicle movements per day. The basis for this increase is as follows:

"Film sets or filming locations and their crew sizes can vary in size. Their can be upwards of 250 crew on the larger projects. We would exceed 250 vehicle movements by mid morning on a normal day.

The majority of traffic movements are at the beginning and end of the day but we do service the film set throughout the day. 500 traffic movements a day would cover most projects."

I consider that the amendment proposed by the submitter could have significant ramifications on the safety and operation of the roading network in Waimakariri. I note that throughout the district, there are many unsealed and narrow rural roads which are not designed to accommodate the number of vehicle movements proposed by the submitter. Doubling the allowable vehicle movements could therefore induce road safety concerns (e.g., vehicle-to-vehicle conflicts), maintenance issues (e.g., dust suppression, edge break), and operational issues (e.g., delay at intersections).

Further to this, the likelihood of pedestrian/non-motorised-to-vehicle and vehicle-to-vehicle conflicts at the site access will increase as vehicle movements increase. This poses additional safety risks, particularly for vulnerable road users. Given the temporary nature of the covered activities, I consider that the safety, operational, and maintenance effects listed above may be amplified, given general users of the roading network and residents along the roads would not expect this type of activity.

In conclusion, I consider that this proposed change would make TEMP-R4 too permissive, allowing higher-impact filming activities to be undertaken as permitted activities. I would also highlight that exceeding the 250 vehicle movements per day does not prevent any temporary activity from being undertaken. It does however allow the Council to utilise traffic control methods to reduce the magnitude of the above effects, such as, but not limited to, requiring traffic management plans, temporary access upgrades, maintenance to be undertaken (e.g., dust suppression on unsealed roads), and notifying the community. As such, I consider that TEMP-R4 should remain as notified.

3. **Submission Two – Waka Kotahi New Zealand Transport Agency (TEMP-R3)**

Waka Kotahi New Zealand Transport Agency (Waka Kotahi), as a submitter, has requested that TEMP-R3 be amended to ensure public trading on State Highway road corridor is not a permitted activity. This amendment is sought via an amendment to the rule or by including a definition of public land which excludes State Highway road corridor.

In reading Waka Kotahi's submission, I have assumed that the activity change to discretionary for mobile trading on State Highway road reserve is strictly to ensure that there are little to no effects on State Highway traffic operations and safety, and that Waka Kotahi remains aware of what is happening on their road corridor. In my experience, I would not consider that these traffic operations and safety effects (or their magnitude) are limited to the State Highway road corridor, with some local Strategic and Arterial Road corridors within the District providing similar functionality and operating conditions. For example, I would consider urban Woodend (SH1) and Southbrook Road to be similar environments, with the same effects for mobile trading needing to be considered.

For the reason stated above, I consider requiring a consent for mobile trading on the State Highway to be too restrictive. I do however acknowledge that Waka Kotahi should have some oversight of the mobile trading activities occurring on their road corridor and that this can be achieved through less restrictive means. Waka Kotahi has an existing bylaw, the *Bylaw Regulating Roadside Vendors on State Highways*, which requires vendors to obtain a licence to trade on the State Highway, thus enabling Waka Kotahi oversight. As such, I recommend that TEMP-R3 be amended to reference to this bylaw as follows:

TEMP-R3	Mobile trading on public land	
All Zones	Activity status: PER	Activity status when compliance not achieved: N/A
	<p>Where:</p> <ol style="list-style-type: none"> Any mobile trading located within any state highway road reserve has a licence from Waka Kotahi New Zealand Transport Agency. 	
	<p>Advisory Note</p> <ul style="list-style-type: none"> A Mobile Trading Licence may be required for the occupation of public spaces 	

4. **Submission Three – Waka Kotahi New Zealand Transport Agency (TEMP-AN1)**

Waka Kotahi, as a submitter, has requested that TEMP-AN1 be amended to clarify that temporary activities within the State Highway road reserve require permission from Waka Kotahi.

TEMP-AN1 as it stands, requires permission to be obtained from Council for all temporary activities on a public space (roads and reserves). In the process of giving permission, it is my understanding that Council would notify Waka Kotahi if the activity were to be occurring on the State Highway. Notwithstanding, I consider there is no issue in amending TEMP-AN1 as requested by Waka Kotahi. As such, I recommend that TEMP-AN1 be amended as follows:

TEMP-AN1	<p>Activities and structures may also be subject to controls outside the District Plan such as controls within other legislation, bylaws, or landowner requirements. Please note that the following may apply:</p> <p>Temporary activities within a public space:</p> <ul style="list-style-type: none">• Permission from the District Council must be obtained for all temporary activities on a public space including on reserves and roads. In addition, temporary activities on reserves must comply with any management or concept plan prepared under the Reserves Act 1977, and may require a health and safety plan, traffic management plan and a booking to hold an event. The District Council's Greenspace Unit can be contacted for more information.• For any temporary activity within the state highway road reserve, permission is required from Waka Kotahi New Zealand Transport Agency. <p>Sale of food and alcohol:</p> <ul style="list-style-type: none">• The sale of food requires approval or registration under the Food Act 2014 and Food Hygiene Regulations 1974.• Activities that involve the sale or provision of alcohol may require a licence, under the Sale and Supply of Alcohol Act 2012.• The District Council Environmental Services Unit can be contacted for more information. <p>Temporary structures:</p> <ul style="list-style-type: none">• Building consent may be required for structures.• The District Council Building Unit can be contacted for more information.• Built form standards for the applicable zone may also apply. <p>Other controls:</p> <ul style="list-style-type: none">• Regulations and bylaws that may also apply include the Camping-Grounds Regulations 1985, Amusement Devices Regulations 1978, Civil Aviation Act 1990; and bylaws e.g. Alcohol Control Bylaw 2018, Signage Bylaw 2019, Waimakariri District Council Parking Bylaw 2019, and Solid Waste and Waste Handling Licensing Bylaw 2016.
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Appendix D. Report Author's Qualifications and Experience

I hold a Bachelor of Environmental Management from Lincoln University. I am an Associate member of the New Zealand Planning Institute. I have approximately four years' experience in working as a planner for local government, including Hurunui District Council and Waimakariri District Council.

My work experience at Waimakariri District Council includes processing a variety of land use and subdivision resource consents, and other matters. My work experience at Hurunui District Council includes resource consent processing, review of Council policies and strategies presented to Council, road naming reports to relevant Ward committees and Council, temporary activities, events and planning certificates compliance assessor, monitoring of activities for compliance with resource consent conditions, planning checks for building consents, and other matters.

I have been employed by the Waimakariri District Council since January 2023 as an Intermediate Planner within the Plan Implementation Unit.