

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council Officer's Preliminary Response to written questions on TEMP -
Ngā mahi taupua - Temporary Activities on behalf of Waimakariri
District Council**

Date: 12 April 2024

INTRODUCTION:

- 1 My full name is Brooke Benny. I am employed as an Intermediate Planner for Waimakariri District Council.
- 2 The purpose of this document is to respond to the list of questions published from the Hearings Panel in response to my s42A report.
- 3 In preparing these responses, I note that I have not had the benefit of hearing evidence presented to the panel at the hearing. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.
- 4 I also note that given the timing of these questions, my preliminary responses in some instances have not been informed by consideration of evidence or legal submissions lodged with the Council following the issuing of my s42A report. Where I have considered such evidence, I have recorded this within the preliminary answers below.
- 5 Following the conclusion of this hearing, a final right of reply document will be prepared outlining any changes to my recommendations as a result of evidence presented at the hearing, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.
- 6 The format of these responses in the table below follows the format of questions identified in within the Commissioner's minute.

Date: 12 April 2024

Paragraph or Plan reference	Question
Para 33	Can you please confirm that these are the two submission points referenced in Mr Binder's memo.
<p>I can confirm that Submission 2 and 3 in Mr Binder's memo relates to the submissions withdrawn by Waka Kotahi, being points [275.73] and [275.75]. As these submissions have been withdrawn by Waka Kotahi, it is an error that Mr Binders's comments have been provided for these submissions.</p>	
Para 75	<p>The Panel found this a bit difficult to follow. Are we correct to think that your view is that TMTA and ESTA do fall within the definition of temporary activities? If this is the case, would a solution not be to specifically include them in the definition, along with the amendment recommended to clause j? If your intent is that they are not included however, would the alternative be to specifically exclude them from the definition?</p> <p>Notwithstanding your answer to the above question, what is the value of clause j (even as recommended to be amended) as it will essentially repeat what is contained in the chapeau at 1. and 2.</p>
<p>It is my view that TMTA and ESTA fall within the definition of temporary activities. These activities are not specifically listed in the recommended inclusive list of activities within clauses a to i of the temporary activities definition. They are however provided for in clause j, as an activity of a temporary nature and character.</p> <p>I consider that the value of clause j provides for other temporary activities that are not otherwise specifically included in clauses a to i. These include activities within specific rules of the Temporary Activities chapter, for example; TEMP-R6, TEMP-R7 and TEMP-R8. Clause j further provides for activities that may be established as a permitted activity via TEMP-R9, provides clarity to readers that the specifically listed activities contained within the inclusive list are not the only activities intended to be captured by the definition, and provides for the avoidance of an extensive list of temporary activities.</p>	
Para 82	Which submissions are you attributing the recommended amendment to the definition of temporary activity to?
The submissions attributing the recommended amendment are by NZDF [166.22 & 166.7]	

and FENZ [303.49].	
Para 95	Would it not be easier for plan users to just include the relevant rules applying to temporary activities in the National Grid Yard within the Temporary Activities rules section?
<p>In my view, providing other potentially relevant rules at the top of the Temporary Activities chapter provides clear directive to readers that there are a number of additional rules within the Proposed Plan that may be relevant to the activity. I consider that it provides clarity to readers that there is no hierarchy within the Plan where the Temporary Activities chapter is of greater importance than other chapters, rather the Temporary Activities chapter sits alongside other chapters that are all of the same importance level.</p> <p>To provide consistency in the Introduction, which does not include specific rules for other chapters of the Plan, rather rule numbers, it is not recommended to include the rules written in full for temporary activities in the National Grid Yard (EI-R9, EI-R51 and EI-R52 and EI-R52A).</p> <p>In my view, duplicating the EI chapter rules in the temporary activities rules section (Activity Rules) would create duplication and potentially result in inconsistencies between the rules in the two chapters, and inconsistency with the approach in other plan chapters.</p>	
Para 101	Is the recommendation to reject, or accept in part, given your assessment that the requested change is already covered by the objective.
I recommend to reject submission 166.22 by NZDF. I consider that there are no changes required to the objectives of the Proposed Plan to address this submission as per my reasoning in paragraph 99.	
Para 104, 3 rd paragraph	Does the recent Port Otago case have any bearing on the need for plans to resolve conflicts?
<p>I am aware of the Port Otago case and how it supports a contextual analysis of policy provisions in higher order documents, particularly where there might be conflict or tension. I am aware that this case does not override the King Salmon case, and the case provides some context to how to apply King Salmon which highlights that directive policies are influenced by the words in the policies surrounding them.</p> <p>Given that the Temporary Activities chapter does not include any objectives or policies that include the word 'avoid', I consider that the issues identified within these cases are not contained within the chapter and the RPS (as well as other higher order documents) are not directive on the chapter. Given the focus of activities in the chapter being of a transient nature in terms of the effects they generate, I also consider that there are not likely to be</p>	

<p>significant conflicts generated by the provisions in the plan (noting that other rules may still be relevant in a relatively small number of circumstances as per my answer in paragraph 139 below).</p>	
<p>Para 124</p>	<p>Please explain why you reference Mr Binder and then reference Ms Mace-Cochrane.</p>
<p>This is an error. This paragraph should solely refer to Mr Binder. Ms Mace-Cochrane originally provided comment; however, she no longer works for Council and therefore final comments were later sought from Mr Binder.</p>	
<p>Para 124 – 125</p>	<p>Given the rule is for a temporary activity, why can the effects referred to not be managed by an approved traffic management plan for activities over 250 vmpd?</p> <p>Also, what would 'temporary access upgrades' involve, and could they not also be part of a TMP?</p>
<p>Advice has been sought from Mr Shane Binder who provided initial advice within the s42A report.</p> <p>Mr Binder notes that he has conferred with Council's Roading Compliance Officer, whose responsibility includes evaluating and approving all temporary traffic management on the District's roading network, in drafting these answers.</p> <p>Mr Binder considers that a Traffic Management Plan (TMP) would, in most cases, be an appropriate mechanism to customise appropriate mitigation of traffic effects from a temporary activity such as filming. Mr Binder notes that TMPs are not a requirement in the Temporary Activities chapter of the Proposed District Plan, although they are included as an Advice Note under TEMP-AN1.</p> <p>Mr Binder considers that TMPs are generally addressed by the Code of Practice for Temporary Traffic Management (CoPTTM), which as a guidance document, does not have the same legal status as the District Plan. Mr Binder refers to the most recent February 2019 edition of the Code of Practice for Temporary Traffic Management in which Chapter A7 outlines that TMPs are;</p> <ul style="list-style-type: none"> • <i>required</i> for all activities that vary the normal operating conditions of a road • <i>needed</i> for activities outside the road reserve, which will affect the normal operating conditions of the road <p>Given that a TMP is <i>not required</i> for activities outside the road reserve, Mr Binder considers that there is a risk that without a resource consent requirement for a TMP for a temporary activity that generates 250 vehicle movements per day or above, there is no statutory mechanism to require appropriate traffic management to mitigate temporary effects.</p>	

Mr Binder notes that an approved TMP could often include temporary changes to road layouts and operations to mitigate for temporary effects. These temporary upgrades would be site specific and depend on the type and level of impacts from traffic generated by the temporary activity.

I agree with Mr Binder's advice and consider that the requirement of a TMP as part of a resource consent is appropriate to ensure appropriate traffic management to mitigate temporary effects on the roading network.

Para 133

By including buildings and structures into this Activity rule can you please clarify if there are any rules that will apply to the size and height of those buildings (and if there aren't any, are such restrictions necessary)?

There are other rules in the Temporary Activities chapter including mobile trading, filming, a temporary building or structure incidental to construction work and disaster management accommodation that provides for buildings and structures as part of each activity that does not include design requirements for buildings and structures.

In my view, to provide consistency within the Temporary Activities chapter, not including built form requirements related to size and height for buildings and structures is appropriate. I consider buildings and structures for TMTA and ESTA to be essential to the operation and functioning of these activities, and including built form requirements would be overly onerous for activities that are of national importance.

Furthermore, I do not consider there to be sufficient scope within the submissions received on Rule TEMP-R5 to include a new provision relating to built form.

Paras 134 to 137

At para 137 you refer to 'the 31 days duration' requirement. Please explain your understanding of how this condition works. Is it restricting the activity to 31 days total, or just 31 consecutive days at any one site? Does it restrict the activity to 'one site' only, bearing in mind the definition of site in the plan, or can it operate across multiple sites?

My understanding of TEMP-R5 is that the rule allows activities to be undertaken as a permitted activity on the same site (one site), on multiple occasions, for a maximum period of 31 consecutive days (at each time) over the period of one year. Therefore, the activity can occur on multiple occasions across the period of one year on a single site.

Owing to the specific word 'consecutive' within the rule, I consider the rule restricts the activity to a total of 31 consecutive days, and not 31 days which would provide for an unspecified time period across different months or years.

Owing to the definition of site in the Proposed Plan, the rule allows for the activity to occur on an area of land comprised in a single record of title or an area of land that comprises two or more adjoining legally defined allotments. Therefore, this allows for the activity to occur across a number of properties that are legally bound together. In my view, the intention of the rule is to restrict potential adverse effects to one legally bound area for appropriate retainment of potential adverse effects within one contained area to avoid the spread of activities across the district.

Para 139

You refer to other 'district wide matters' that may affect the site. What are the implications of these 'other matters' for the activities listed as permitted in this section? As with the question in relation to the National Grid yard above, is it not easier for plan users to reference these in this section?

There may not be any implications for an activity in relation to other District wide matters, such as indigenous vegetation clearance rules. If an activity is permitted in the Temporary Activities chapter and can comply with all of the applicable standards within all other relevant chapters of the Proposed Plan, then there would not be any implications in terms of a resource consent being required, as the activity would be permitted.

In my view, outlining that there may be other District wide matters that may affect or relate to the site provides clear directive to readers that there are a number of additional rules within the Proposed Plan that may be relevant to the activity, beyond the Temporary Activities chapter. I further consider this provides clarity to readers that there is no hierarchy within the Plan where the Temporary Activities chapter is of greater importance than other chapters, rather the Temporary Activities chapter sits alongside other chapters that are all of the same importance.

To provide consistency in the Introduction, which does not include specific rules for other chapters of the Plan, rather rule numbers, it is not recommended to include all of the rules written in full that may apply. In my view, including the fully written rules within the Temporary Activities chapter would create an unnecessarily lengthy chapter owing to the large number of rules contained within other chapters not specifically listed.

Para 140 - 142

The Panel assumes that TMTA may involve explosives training. How would this type of activity 'restore to the same condition'? And why is this necessary in all environments, particularly when land owner agreement is required for private land?

Upon reflection, I consider that requiring restoration of a site to be the same as prior to the activity occurring would be overly onerous for TMTA. Given the use of explosives is an

integral part of training, such restriction, I consider restricts the ability for the military to undertake training without obtaining a resource consent. In my view, explosives inherently affect a site which is likely to be highly difficult to restore within the required timeline. Also, TMTA includes other activities that may be highly difficult to restore within the notified timeline such as the restoration of removed grass from the tracking of vehicles across land.

TMTA are subject to other permitted standards in a range of chapters in the Plan, including the ecosystems and indigenous biodiversity, earthworks chapters and the underlying zone for any buildings and structures not intended to be temporary. Therefore, I consider this recommended amendment ensures restoration of a site is appropriate and achieves the overall purpose of the Plan relating to matters such as the protection of indigenous vegetation, the disturbance of land and visual amenity.

I consider this approach is also appropriate given that any training on private land would require approval from the landowners. Also, any training on Council owned public spaces is required to comply with any management or concept plan prepared under the Reserves Act 1977.

Therefore, I recommend amending TEMP-R5(2) to read as *“the site is restored to the same condition as prior to the temporary activity within seven days of that activity ceasing, unless otherwise permitted by the Plan”*. This amendment is shown in the amended Appendix A.

Given this amendment which may not require restoration in all cases, I further recommend amending TEMP-P6 to not *require* restoration and amending the structure of this policy. This amendment is shown in the amended Appendix A.

I note that NZDF sought the retainment of a rule in the Selwyn District Plan, which seeks the same purpose for restoration of a site. Although, the Proposed Waimakariri District Plan provides for an additional two days for restoration in comparison to the rule within the Partially Operative Selwyn District Plan.

Para 183

Is there a problem caused by a new definition and inclusion of the term ESTA in a rule if there is no policy support specifically for ESTA like there is for TMTA?

I consider that there is insufficient scope within the submissions received on the Temporary Activities chapter to create an additional policy especially for ESTA.

Further, I note that the definition of temporary activities is recommended to include the recommended clause j which captures ESTA. Therefore, I consider this definition to adequately capture ESTA within the objectives and policies of the Proposed Plan that

include the wording '*Temporary activities*'.

However, should the panel wish to include a new policy specifically for ESTA, I would support this amendment to the chapter, subject to particular wording.

Para 194

Please explain why it matters if a building is relocatable or not, when the rule specifically talks to temporary buildings.

I consider reference to a relocatable building provides a clear distinction between two types of buildings that are fundamentally for different purposes owing to the definitions of a building and a relocatable building. The definition of relocatable building specifies that the building is temporarily stored and is *easily capable of and designed for* relocation (excluding within the Pines Beach and Kairaki Regeneration Zone which means a building that is *intended for* relocation). This underlying purpose is not included in the definition of building.

I note that the definition of relocatable building includes specific design standards for a relocatable building within the Pines Beach and Kairaki Regeneration Zone which the definition of building does not include. Therefore, if TEMP-R6 was only applicable to a building then the specific design standards would not be required for any building in this zone.

I consider TEMP-R6 is intended to address buildings capable of and designed for relocation, such as tiny homes. Through my experience as a Planner, I recognise Council receives many enquiries and community concerns about tiny homes and buildings alike and their management of them under the District Plan. Therefore, in my view, the retainment of 'relocatable building' provides clarity to readers, without having to read the details of any definition, that a building designed to be relocated is captured in this rule.

Owing to my recommendation of TEMP-R6 in my s.42A report, a building would be subject to a resource consent. The purpose of a relocatable building is included in the definition, unlike a building which does not include any underlying purpose, and therefore a building not designed and capable of relocation would require resource consent.

Upon reflection, I consider that the temporary storage of a building would not be inappropriate within the zones permitted. I consider that a range of buildings are common to be located on properties and restricting the design and capability of a building would be overly and unnecessarily constraining.

I note that Residential and Rural zoned sites permit accessory buildings. I consider that the inclusion of a building further provides for any building that does not meet the definition of an accessory building in the underlying zones. Therefore, on Residential and Rural zoned sites, a building temporarily stored on a site that does not contain an existing

activity on site for a building to be ancillary to would be provided for (i.e. first building on site is a portacom building).

In my view, a building would have similar visual and amenity effects to a relocatable building and any potential visual and amenity adverse effects would be appropriately managed with standards 1 to 4 to be suitable to the underlying zone.

Therefore, I recommend amending the heading of TEMP-R6 to read as *“Temporary storage of a building or relocatable building”*. This amendment is shown in the amended Appendix A.

Para 207

Why is temporary storage of a relocatable building acceptable in Open Space and Recreation Zones but not in Residential Zones, taking into account the Zones’ underlying purpose and function.

I consider that Residential zoned properties are anticipated to be generally smaller sized properties, in comparison to other zones, which may restrict the ability for a permitted building to be located on a property particularly in relation to building coverage and setbacks. However, I note that the Large Lot Residential Zone provides for open, spacious character. The Settlement and General Residential zones are anticipated to be of moderate proportions providing opportunities for some open space for housing and ancillary buildings. The Medium Density Residential zones I consider are anticipated to contain a greater level of housing density, and therefore a higher level of built form is anticipated to occur on these zoned properties. As such, in my view, these Residential zones are anticipated to provide for a differing range of built form associated with residential activities. This includes buildings ancillary to the main residential activity on site such as a temporary building for the storage of firewood.

I note that any building is required to comply with the setback, building coverage and height rules for the underlying zone. Therefore, upon reflection, given the temporary nature that this rule provides for, I consider that permitting a single building or a single relocatable building (given my response to the preceding question) within these Residential zones will not result in a dominance of buildings and can result in minimal visual, character and amenity adverse effects.

As such, owing to the intended underlying purpose of the Residential zones, I seek to amend TEMP-R6 to include Residential Zones. This amendment is shown in the amended Appendix A.

Para 210 and 213

Again, wouldn’t it be better to include these rules in this section?

To provide consistency in the Introduction, which does not include specific rules for other chapters of the Plan, rather rule numbers, it is not recommended to include all of the rules written in full that may apply. In my view, including the fully written rules within the Temporary Activities chapter relating to noise and signs would create an unnecessarily lengthy chapter owing to the large number of rules contained not specifically listed.

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;¹*

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.*²

¹ Clampt Investment Limited [284.30] and Rolleston Industrial Developments Limited [326.31]

² FENZ [303.49]

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.](#)³
- 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

³ Transpower [195.110]

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	<p>Temporary activities and public spaces</p> <p>For public spaces:</p> <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	<p>Temporary structures</p> <p>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.</p>
TEMP-P4	<p>Disaster management accommodation</p> <p>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.</p>
TEMP-P5	<p>Mobile trading</p> <p>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.</p>
<u>TEMP-P6</u> ⁴	<p><u>Temporary Military Training Activity</u></p> <p><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:</u></p> <ol style="list-style-type: none"> <u>1. limiting their duration; and</u> <u>2. ensuring restoration of the site is consistent with the quality of the environment anticipated by the objectives and policies of any relevant zone or overlay.</u>⁴

Activity Rules

TEMP-R1	Mobile trading ancillary to a temporary activity
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⁴ NZDF [166.23] and [166.24]

All Zones	Activity status: PER	Activity status when compliance not achieved: N/A
TEMP-R2	Mobile trading	
<i>This rule does not apply to mobile trading provided for under TEMP-R1 and TEMP-R3.</i>		
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; and mobile 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 values TEMP-MD2 - Transport TEMP-MD3 - Site alteration, disturbance and remediation TEMP-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	

<p>All Zones</p>	<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
<p>TEMP-R5 Temporary military training activity <u>(including ancillary buildings and structures)</u>⁵ <u>and emergency service training activity</u>⁶</p>		
<p>All Zones</p>	<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</u>⁷; <u>and</u> 	<p>Activity status when compliance with TEMP-R5 (1) not achieved: CON</p> <p>Activity status when compliance with TEMP-R5 (2) or (3)¹⁰ 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

⁵ NZDF [166.25]

⁶ FENZ [303.49]

⁷ Waka Kotahi [FS110]

¹⁰ NZDF [166.25]

	<p>2. the activity is not located in any SNA;⁸</p> <p>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, <u>unless otherwise permitted by the Plan</u>⁹.</p>	<ul style="list-style-type: none">• TEMP-MD4 - Public safety and security
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⁸ NZDF [166.25]

⁹ NZDF [166.25]

TEMP-R6	Temporary storage of a <u>building or</u>¹¹ relocatable building	
General Rural Zone Rural Lifestyle Zone <u>Residential Zones</u> ¹² <u>Open Space and Recreation Zones</u> ¹¹ <u>Commercial and Mixed Use Zones</u> ¹¹ <u>Industrial Zones</u> ¹¹	Activity status: PER Where: <ol style="list-style-type: none"> 1. the <u>building or relocatable building</u>¹⁰ is temporarily being stored prior to <u>permanent siting on site or</u>¹³ transfer to another site; 2. a maximum of one <u>building or</u>¹⁰ relocatable building is stored on- site for a maximum of six months within any 24 month period; and; 3. during the storage period, the <u>building or</u>¹⁰ relocatable building is not connected to any water, wastewater, or electricity supply, and is not be fixed to the ground; and 4. the <u>building or</u>¹⁰ 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	

¹¹ House Movers [221.1, 221.2 and 221.3]

¹² House Movers [221.1]

¹³ House Movers [221.2]

<p>All Zones</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 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
<p>TEMP-R8 Disaster management accommodation</p>		
<p>All Zones</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> the activity is required by the District Council or an emergency service, including when a state of emergency has not been declared; and 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

	<p>Advisory Note</p> <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	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. 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; 2. 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; 3. the site is restored to the same condition as prior to the temporary activity within seven days of that activity ceasing; <u>and</u> 4. there is a total maximum of 250 vehicle movements per day for any temporary activity. 	<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
	<p>Exemption</p> <p>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.</p>	
	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 Ashley River / Rakahuri SAL	Activity status: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> • NFL-MD2 - Motorised activities 	Activity status when compliance not achieved: N/A
Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: NC	Activity status when compliance not achieved: N/A

Advice Notes

<p>TEMP-AN1</p>	<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.
<p>TEMP-AN2</p>	<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

including to any:

- a. land, including grassed areas, trees or other vegetation; and
- b. biodiversity, ecosystem or habitat.

**TEMP-
MD4** **Public safety and security**

1. The extent to which the proposal maximises personal safety and security, including:
 - 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. 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 / 240410055888

DATE: 10 April 2024

MEMO TO: Brooke Benny – Intermediate Planner

FROM: Shane Binder – Senior Transportation Engineer

SUBJECT: Proposed District Plan – Response to Temporary Activities
Chapter Hearings Panel Query

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. My qualifications have been set out previously.

I have previously prepared a memo to address submissions on the Proposed District Plan Temporary Activities chapter (TRIM 240103000238). The Hearing Panel has responded to the s.42A report with the following two questions on the TEMP chapter:

Given the rule is for a temporary activity, why can the effects referred to not be managed by an approved traffic management plan for activities over 250 vmpd?

Also, what would 'temporary access upgrades' involve, and could they not also be part of a TMP?

I note I have conferred with Council's Rooding Compliance Officer, whose responsibility includes evaluating and approving all temporary traffic management on the District's rooding network, in drafting these answers.

I consider that a traffic management plan (TMP) would, in most cases, be an appropriate mechanism to customise appropriate mitigation of traffic effects from a temporary activity such as filming. I note that TMPs are not a requirement in the TEMP chapter of the proposed District Plan (although they are included as a reference under Advice Note TEMP-AN1).

TMPs are generally covered by the Code of Practice for Temporary Traffic Management (CoPTTM), which as a guidance document does not have the same legal status as the District Plan. In this memo, I refer to the most recent February 2019 edition of the CoPTTM. Chapter A7 of the CoPTTM calls out that TMPs are (with my emphasis added):

- **required** for all activities that vary the normal operating conditions of a road
- **needed** for activities outside the road reserve, which will affect the normal operating conditions of the road

I consider that there is a risk that without a resource consent requirement for a TMP for a temporary activity that generates between 250 vmpd or above, there is no statutory mechanism to require appropriate traffic management to mitigate temporary effects.

I note that an approved TMP could often include temporary changes to road layouts and operations to mitigate for temporary effects. These temporary upgrades would be site specific and depend on the type and level of impacts from traffic generated by the temporary activity.