

Gore Proposed District Plan

Hearing Stream 5 – Temporary Activities

Section 42A of the Resource Management Act 1991

Section 42A Report – Temporary Activities

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Appendix A – Track Changed Amendments to Temporary Activities chapter

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Interpretation

Abbreviations

Resource Management Act 1991	RMA or ‘the Act’
Gore District Council	GDC or ‘the Council’
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	RPS
National Policy Statements	NPS
National Policy Statement on Highly Productive Land	NPS-HPL
National Policy Statement for Freshwater Management	NPS-FM
National Policy Statement for Urban Development	NPS-UD
National Environmental Standards	NES
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	NES-CS
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA

Submitters and Further Submitters Names Abbreviations

Chorus New Zealand Limited	Chorus
Contact Energy Limited	Contact Energy
Department of Conservation	DOC
Environment Southland	ES
Fire and Emergency New Zealand	FENZ
Groundswell New Zealand	Groundswell
Heritage New Zealand Pouhere Taonga	Heritage NZ
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Jet Boating New Zealand	JBNZ
Kāinga Ora – Homes and Communities	Kāinga Ora
KiwiRail Holdings Limited	KiwiRail
Mercury New Zealand Limited	Mercury
Ministry of Education	MOE
New Zealand Agricultural Aviation Association	NZAAA
New Zealand Defence Force	NZDF
New Zealand Heavy Haulage Association	NZ Heavy Haulage
New Zealand Helicopter Association	NZHA
New Zealand Transport Agency Waka Kotahi	NZTA
Royal Forest and Bird Protection Society of New Zealand inc	Forest & Bird
Southland District Council	SDC
Southland Federated Farmers of New Zealand	Federated Farmers
Spark New Zealand Trading Limited	Spark
Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower
Woolworths New Zealand Limited	Woolworths

List of Submitters and Further Submitters

Submitter No.	Submitter Name
S60	Ronald Crispin
S63	New Zealand Helicopter Association
S64	Jet Boating NZ
S68	John Baynes
S95	PowerNet Limited
S112	Waka Kotahi NZ Transport Agency
S115	Kevin Robertson
S124	Fire and Emergency NZ
S126	Southland Federated Farmers of New Zealand
S139	Hokonui Rūnanga Inc
S143	Rural Ratepayers Group
S146	Southland District Council
S147	New Zealand Defence Force
S148	Alistair & Bernadette Hunt
FS4	New Zealand Agricultural Aviation Association
FS18	New Zealand Helicopter Association

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes the Temporary Activities (TEMP) Chapter.
2. The TEMP Chapter seeks to manage activities that are of a short-term duration. The plan recognises these activities, such as temporary events, contribute to the social, economic and cultural well-being of communities and to the vitality of the District. Temporary activities incorporate both the activity and structures required and seeks to manage potential adverse effects such as traffic and noise.
3. There were 34 submissions and 7 further submissions received for the TEMP Chapter. They were generally in support of the provisions and are summarised as follows:
 - The definition of ‘temporary activity’ and the definition of ‘temporary military training activity’ are supported with no requests for changes.
 - TEMP-O2, TEMP-O3 and TEMP-O4 are supported with no requests for changes.
 - TEMP-P3, TEMP-P4, TEMP-P6 and TMEP-P8 are supported with no requests for changes.
 - TEMP-R5 and TEMP-R7 are supported with no requests for changes.
 - Hokonui Runanga seek changes to the wording of selected objective and policies.
 - PowerNet Ltd seek an additional provision for temporary substations.
 - NZTA seek further matters of discretion to ensure the safe and efficient use of the state highway transport network.
 - New Zealand Helicopter Association and New Zealand Agricultural Aviation Association (NZAAA) seek various changes to exempt helicopter movements.
 - Southland Federated Farmers of New Zealand along with other submitters seek provision for TEMP-R3 to include coverage, storage and stacking of farming goods.
 - New Zealand Helicopter Association and NZAAA seek TEMP-R9 includes the demolition of plants, trees and structures along with buildings
4. The report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

5. As a result of submissions, a range of recommended changes have been made which are broadly summarised as follows:
- Amendments to TEMP-O1 and TEMP-P1 to provide greater specificity for mana whenua values.
 - A new rule and supporting policy is recommended to provide for Temporary Network Utilities in cases of emergency or where they are associated with other temporary activities.
 - An amendment to TEMP-R3 to remove reference to storage for farming purposes.
 - Inclusion of the demolition of structures and vegetation in TEMP-R9.
 - Changes to Note 1 to clarify when the TEMP chapters take precedence over other PDP provisions with exceptions for Ecosystems and Indigenous Biodiversity (ECO); Historic Heritage (HH), Notable Trees (TREE) and Sites and Areas of Significant to Māori (SASM); and General District-wide Matters: Activities on the Surface of Water (ASW), Noise (NOISE) and Signs (SIGNS).

2. Introduction

2.1 Author and qualifications

6. My name is Joanne Skuse. I am employed as a Senior Planner at The Property Group. I am the author of this report.
7. I hold the qualifications of a Bachelor of Law (LLB) from the University of Exeter, United Kingdom. I am an associate member of the New Zealand Planning Institute (NZPI), which brings with it obligations for continued professional development.
8. I have been engaged as a contractor by Gore District Council to assist in the District Plan review and prepare the draft and proposed District Plans.
9. I have seven years of resource consent management experience working in local government and private consultancy. Prior to joining The Property Group, I was a Resource Consents Planner at Queenstown Lakes District Council.
10. My experience includes the preparation and processing of applications for resource consents as well as the preparation of submissions to District Plans across Aotearoa.

2.2 Code of Conduct

11. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another my evidence will acknowledge that position.

12. I am authorised to give this evidence on the Council’s behalf to the Proposed District Plan hearing commissioners (“Hearings Panel”).

3. Scope of report and topic overview

13. This report considers the submissions and further submissions that were received by the Council in relation to the Temporary Activities chapter of the PDP. In addition, the provisions in the following chapters are also addressed:

- Part 1: Interpretation – Definitions

14. The assessment of submissions will generally follow this format:

- Submission information
- Analysis of submissions
- Recommendation and any amendments
- Where an amendment is recommended a section 32AA assessment is provided.

15. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions are shown by way of ~~strikeout~~ and underlining in red. **Appendix A** of this report contains a copy of the Temporary Activities chapter with all recommended amendments are shown by way of ~~strikeout~~ and underlining in red.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

16. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- Section 74 – Matters to be considered by territorial authorities; and
 - Section 75 – Content of District Plans.
17. As set out in the Section 32 Evaluation Report for Temporary Activities, higher order planning documents and other relevant plans have provided some direction and guidance for the preparation of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in that Section 32 Report. The Section 42A Report: Introduction, General Provisions and Strategic Direction also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.
18. It is not considered necessary to repeat the detail of the relevant RMA sections and higher order documents in this report as these are covered within the relevant Section 32 Evaluation Report.

4.2 National Planning Instruments and other Relevant Plans and Policies

19. There are no National Policy Statements which are of relevance to the Temporary Activities Chapter. However, the National Policy Statement for Urban Development (NPS-UD) which has a focus of creating well-functioning environments has indirect relevance. Increased urban intensification, which is encouraged through the NPS-UD, would by default potentially increase some temporary activities within an urban environment, as a result of increased density.
20. There are no National Environmental Standards of relevance to the Temporary Activities Chapter.
21. The National Planning Standards require that Temporary Activities be included in Part 2 District Wide Matters – General District Wide Matters and that provision to manage temporary activities, buildings and events are addressed in the chapter.

4.3 Section 32AA evaluation

22. Any recommended amendments to provisions since the initial section 32 evaluation was undertaken are evaluated in accordance with section 32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) 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) 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).

(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.

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

24. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

5. Background

25. The Section 42A Introduction, General Provisions and Strategic Direction Report, prepared for Hearing Stream 1, includes details of the PDP notification, submission statistics and a general overview of the background to the PDP. In addition, the report provides an overview of National Planning Instruments and other Policies and Plans relevant to the PDP as a whole.
26. The Section 32 Evaluation Report¹ for the Temporary Activities Chapter is relevant to this Section 42a Report. The Section 32 Evaluation Report assesses and considers the relevant higher order planning documents and any strategic plans which provide direction and guidance for the preparation and content of these chapters. Where relevant these documents are considered in more detail in the assessment of submission points.

6. Consideration of submissions

6.1 Structure of the report

27. Submissions on the Temporary Activities Chapter have been grouped as follows:
- Submissions in support of provisions
 - Definitions
 - General submissions
 - Submissions specific to provisions

¹ [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](https://www.goredc.govt.nz/section-32-reports/)

28. 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. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
29. Specific recommendations on each submission / further submission point are contained in **Appendix B**.
30. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as **Appendix A**.
31. This report only addresses definitions specifically relevant to this topic. Definitions that relate to more than one topic have been addressed in the Section 42A Introduction, General Provisions and Strategic Direction Report.

6.2 Overview of submissions

32. The submission period ran from 31 August to 26 October 2023 and was then extended to 27 November 2023 by Council resolution. Council received 130 submissions containing 5542 submission points.
33. Some submissions were received after the 27 November 2023 5:00pm deadline, however these submissions were accepted and are not considered late as they were received up until midnight 27 November 2023.
34. A total of 34 submissions and 7 further submissions are addressed in this report. A list of submitters on the Temporary Activities chapter is provided at the start of the report. A summary of the submissions is provided in the Executive Summary of this report.
35. Submissions in support of provisions are addressed at Section 6.4, Definitions are addressed at Section 6.5, General submissions are at Section 6.6 and Specific Provisions are at Section 6.7.

6.3 Format for consideration of submissions

36. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
 - Matters raised by submitters;
 - Assessment;
 - Summary of recommendations; and

- Section 32AA assessment.

37. The recommended amendments to the relevant chapters are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

6.4 Submissions in Support

6.4.1 Matters raised by submitters

38. The following provisions are supported by submitters and no amendments are proposed.
39. JBNZ (s64.017) support TEMP-O2 as they recognize jet boating events will contribute to the objective.
40. NZHA (s63.013) support TEMP-O3 as helicopters are often used for building and construction activities. NZHAA (FS4.86) and NZHA (FS18.26) further support this submission.
41. NZDF (s147.019) supports TEMP-O4 as it appropriately recognizes the benefits of temporary activities.
42. JBNZ (s64.025) supports TEMP-P3 as JBNZ events incorporate the use of private land.
43. TEMP-P4 is supported by JBNZ (s64.019) as JBNZ events will comply with the policy.
44. NZTA (s112.135) support TEMP-P6 as it recognizes that temporary activities can adversely affect State Highways and it is important that these activities have appropriate traffic management in place.
45. NZDF (s147.021) support TEMP-P8 as it recognizes that Temporary Military Training Activity (TMTA) can occur across the district.
46. TEMP-R5 is supported by the NZDF (s147.022) and seek it is retained as notified.
47. FENZ (s124.038) support TEMP-R7 and seek it is retained as notified.

Assessment

48. Support for the provisions above are acknowledged and are accepted.

Recommendation

49. No amendments are recommended.
50. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.5 General Submissions – Definitions

6.5.1 Matters raised by submitters – Interpretation - Definitions

51. FENZ (s124.010) support the definition for ‘temporary activity’ as drafted as it provides for emergency services training.
52. NZDF (s147.003) support the definition of ‘temporary event’ as it excludes TMTA in the definition.
53. NZDF (s147.004) supports the interpretation for ‘temporary military training activity’ as it has the same meaning as the National Planning Standards.
54. FENZ (s124.004) support the definition of ‘emergency service training facility’ and seek it is retained as notified.
55. NZDF (s147.006) seek changes to ‘emergency service training facility’ to read:

Means emergency response training exercises. It includes, but is not limited to, training for first aid, civil defence and emergency management and response, firefighting, search and rescue, police response

Assessment

56. Support for definitions are acknowledged.
57. Support for the definition of ‘emergency service training facility’ is acknowledged.
58. In relation to the submission from NZDF, I consider the additions to the definition provide additional examples of activities the definition would include. The proposed changes adds clarity to the definition without changing its intent. I therefore recommend the changes are accepted.

Recommendation

59. I recommend, for the reasons given above, that the definition of ‘emergency service training facility’ is amended as follows:

Means emergency response training exercises. It includes, but is not limited to, training for first aid, civil defence and emergency management and response, firefighting, search and rescue, police response.

60. It is recommended that submissions and further submissions are accepted as shown in Appendix B.

Section 32AA Evaluation

61. The following evaluates the recommendation to amend the definition under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The benefits of the proposal are that it is clear what activities the definition encompasses. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the Objectives of the Temporary Activities chapter than the notified version of the PDP.

6.6 General Submissions

6.6.1 Matters raised by submitters- General & Additional Provisions sought

62. SDC (s146.070) supports the Temporary Activities chapter.
63. NZDF (s147.025) seek clarification on the application of the various district-wide rules as it is not clear if they apply in isolation or if zone rules apply also.
64. PowerNet Ltd (s95.024) seek to include the following rule as mobile substation units are required as a back-up to permanent substations. The unit is used during emergency events where the permanent substation is damaged or when routine maintenance is undertaken on a permanent substation.

TEMP-R10 Temporary Substation All Zones Activity Status: Permitted

Assessment

65. Support from SDC on the temporary activities chapter is acknowledged.
66. Regarding the NZDF submission requesting clarification on how the district-wide rules apply, I have considered the implications of 'Note 1 – Provisions in other Chapters'. The activities provided for in this chapter are temporary in nature. Therefore, providing compliance with the entirety of the plan may lead to unnecessary consents or unforeseen complication in determining compliance. I recommend Note 1 is amended to direct that the provisions in the TEMP chapter take precedence over any other provisions of the PDP, with the exception of Ecosystems and Indigenous Biodiversity (ECO); Historical & Cultural Values Chapters: Historic Heritage (HH), Notable Trees (TREE) and Sites and Areas of Significant to Māori (SASM); and General District-wide Matters: Activities on the Surface of Water (ASW), Noise (NOISE) and Signs (SIGNS). These chapters either take precedence due to the matters they seek to manage, for example the demolition of heritage buildings, or contain provisions applicable to temporary activities.
67. I have considered the submission from PowerNet requesting an additional rule to enable Temporary Substations for use in emergency situations. I agree with the importance of temporary substations for the continuation of electricity supply. The PDP does not contain a definition of substation but does contain a definition for 'network utilities' which includes activities for the transformation, transmission, or distribution of electricity. I recommend a new rule enabling Temporary Network Utilities that are either required to provide an emergency service; or are related to, and required in respect of, a permitted temporary activity specified in

this chapter of the District Plan. In support of this rule, I recommend a new policy to enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.

Recommendation

68. I recommend, for the reasons given above, that Note 1 for the TEMP chapter is amended as follows:

Note 1 Provisions in Other Chapters

The provisions in this chapter take precedence over any other provisions of the Proposed District Plan, with the exception of Ecosystems and Indigenous Biodiversity; Historical & Cultural Values Chapters: Historic Heritage, Notable Trees and Sites and Areas of Significant to Māori; and General District-wide Matters: Activities on the Surface of Water, Noise and Signs. ~~apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.~~ For Temporary Events within the Special Purpose Zones and the Mandeville Aviation and Rail Precinct (Settlement Zone) see the respective zone chapter.

69. I recommend a new policy as follows:

TEMP-P10 Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.

70. I recommend a new rule as follows:

TEMP-R10 Temporary Network Utilities		
All zones	<u>Activity Status: Permitted</u> <u>Any temporary network utilities that:</u> <u>are required to provide an emergency service; or</u> <u>are related to, and required in respect of, a permitted temporary activity specified in this chapter of the District Plan.</u>	<u>Activity status where compliance is not achieved:</u> <u>Restricted Discretionary</u> <u>Matters of discretion:</u> <u>The extent and effect of the duration of the operation on the amenity values of the surrounding properties.</u> <u>The extent of adverse effects arising from parking of vehicles and traffic generated by the activity.</u> <u>The extent of adverse effects arising from noise.</u> <u>Waste minimisation and management measures.</u> <u>Health and safety.</u>

6. Impacts on Ngāi Tahu cultural values, including those listed in the MW2.3.

71. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

72. The following evaluates the recommendation to amend Note 1 and add additional provisions under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendments to Note 1 clearly advise plan users of the applicable provisions for temporary activities. The plan is therefore more effective. Efficiency of the plan is improved as the activities will not trigger unnecessary consents required by other chapters. This is in recognition of the temporary nature of the activities and therefore the temporary effects.

Costs and benefits

The benefits of the proposal are that consents will not be required for temporary non-compliance with other rules in the plan reducing consenting costs. There are potential costs in relation to effects generated by activities not comply with standards such as setbacks or building coverage, but given the temporary nature of the activity, this is considered acceptable.

Risk of acting or not acting

There is the potential for unnecessary consenting requirements if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP by providing provision for temporary utilities in emergency situations which will provide for the communities social, economic, and cultural well-being and for their health and safety.

6.7 Specific Provisions

6.7.1 Matters raised by submitters- TEMP-O1

73. Hokonui Rūnanga (s139.065) seek amendments to TEMP-O1 to specify the particular effects of concern to mana whenua. Amend TEMP-O1 as follows:

Temporary activities are planned, located and managed to minimise adverse effects on amenity values, people and their activities communities and the natural environment, and the

underlying relationship Ngāi Tahu hold with the natural environment and the relationship of mana whenua with the Whenua (land), Wai (Water), wāhi tapu and mahinga kai."

74. NZDF (s147.018) and JBNZ (s64.016) support TEMP-O1 as drafted.

Assessment

75. Support for TEMP-O1 is acknowledged.
76. Through the plan review process and hearings held on the Mana Whenua chapter, amendments have been conferenced between the Council's s42a reporting officer and the Hokonui Runanga representative. In relation to Ngāi Tahu cultural values I agree that improvements to cross referencing and specific wording would better reflect the way mana whenua wish to manage their relationship and that of their culture and traditions with their ancestral lands, waters, sites, wāhi tapu and other taonga. I therefore propose the following rewording of TEMP-O1, noting that minor amendments may be required following any further discussion with the submitter.

Temporary activities are planned, located and managed to minimise adverse effects on amenity values, ~~people and their activities communities~~ and the natural environment. ~~and the underlying relationship Ngāi Tahu hold with the natural environment~~ The values mana whenua hold regarding mauri of whenua, wai, ecosystems, mahinga kai, their whakapapa connections to place, and the ethic of ki uta ki tai are also recognised and provided for.

Recommendation

77. I recommend, for the reasons given above, that TEMP-O1 is amended as follows:

Temporary activities are planned, located and managed to minimise adverse effects on amenity values, ~~people and their activities communities~~ and the natural environment. ~~and the underlying relationship Ngāi Tahu hold with the natural environment~~ The values mana whenua hold regarding mauri of whenua, wai, ecosystems, mahinga kai, their whakapapa connections to place, and the ethic of ki uta ki tai are also recognised and provided for.

78. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

79. The following evaluates the recommendation to amend TEMP-O1 under section 32AA of the RMA.
80. The proposed amendments will enable the Council to effectively administer the PDP in a clear and consistent manner. The benefits of the proposed amendments are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal. There is the potential for ambiguity in how Ngāi Tahu cultural values and Section 6(e) matters are recognised and provided for if these proposed amendments are not made. The proposed amendments are considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.7.2. Matters raised by submitters – TEMP-P1

81. NZDF (s147.020) and JBNZ (s64.018) support TEMP-P1 as drafted.
82. Hokonui Rūnanga (s139.066) support in part TEMP-P1 but seek it is amended to specify particular effects of concern to Mana Whenua. Amend TEMP-P1 as follows:

Enable temporary activities provided their effects are compatible with the level of amenity anticipated for the site and surrounding environment, ~~will not significantly impact on Ngāi Tahu cultural values~~ and any adverse effects on mauri, mahinga kai or other cultural values are avoided or are within a range that can be tolerated given their short-term nature.

Assessment

83. Support for TEMP-P1 is acknowledged.
84. As discussed above, in relation to Ngāi Tahu cultural values I agree that improvements to cross referencing and specific wording would better reflect the way mana whenua wish to manage their relationship and that of their culture and traditions with their ancestral lands, waters, sites, wāhi tapu and other taonga. I therefore propose the following rewording of TEMP-P1, noting that minor amendments may be required following any further discussion with the submitter.

Enable temporary activities provided their effects are compatible with the level of amenity anticipated for the site and surrounding environment, ~~will not significantly impact on Ngāi Tahu cultural values~~ and any adverse effects on the mauri of the whenua or wai, mahinga kai species or other Ngāi Tahu cultural values are avoided, remedied, or mitigated or are within a range that can be tolerated given their short-term nature.

Recommendation

85. I recommend, for the reasons given above, that TEMP-P1 is amended as follows:

Enable temporary activities provided their effects are compatible with the level of amenity anticipated for the site and surrounding environment, ~~will not significantly impact on Ngāi Tahu cultural values~~ and any adverse effects on the mauri of the whenua or wai, mahinga kai species or other Ngāi Tahu cultural values are avoided, remedied, or mitigated or are within a range that can be tolerated given their short-term nature.

86. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

87. The following evaluates the recommendation to amend TEMP-P1 under section 32AA of the RMA.

88. The proposed amendments will enable the Council to effectively administer the PDP in a clear and consistent manner. The benefits of the proposed amendments are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal. There is the potential for ambiguity in how Ngāi Tahu cultural values and Section 6(e) matters are recognised and provided for if these proposed amendments are not made. The proposed amendments are considered to be a more appropriate way to achieve TEMP-O1 than the notified version of the PDP.

6.7.3. Matters raised by submitters- TEMP-P7

89. NZHA (s63.014) support in part TEMP-P7 but seek recognition for activities where noise effects would be temporary in nature such as helicopters taking off and landing for construction activities. NZHA (FS18.25) further support this submission.

Assessment

90. TEMP-P7 provides support for temporary storage, building and construction activities. I consider the policy is directive in the effects proposed to be managed. Adding addition text to specifically apply to helicopter movements would not be efficient and may suggest that other activities ancillary to storage, building and construction activities should be noted in the policy. Confusion may occur if they are not.

Recommendation

91. I recommend no changes to TEMP-P7.
92. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.7.4 Matters raised by submitters- TEMP-R1

93. JBNZ (s64.020) supports TEMP-R1 as drafted.
94. NZHA (s63.012) supports in part TEMP- R1 but seeks that the use of helicopters is permitted. Further, they seek exemption from NOISE-R9 clause 3 and that clause 2 be removed. NZAAA (FS4.85) and NZHA (FS18.24) support this submission.
95. NZTA (s112.136) support in part TEMP-R1 but seek amendments to the matters of discretion to include an additional matter relating to the extent to which the temporary activity will affect the transport network and outcomes of consultation with NZTA. NZTA request the inclusion of the following:

8. The extent to which the temporary activity will impact on the safety, efficiency and effectiveness of the transport network. This includes the outcome of any consultation with Waka Kotahi New Zealand Transport Agency where the temporary event gains direct access onto the State highway.

Assessment

96. Support for TEMP-R1 is acknowledged.
97. The Noise chapter is applicable to activities managed by the TEMP chapter. NOISE-R9 enables noise from the take-off and landing of helicopters subject to standards. I consider there may be merit in enabling limited helicopter movements associated with Temporary Events but consider they should be managed given the associated nuisance effects. A blanket exemption in my opinion could lead to unacceptable effects. NOISE-R9 provides management of noise and limits the location of take-off and landing areas in relation to sensitive activities and the number of flights. I acknowledge the submitters have submitted extensively on the Noise chapter, including NOISE-R9. I am therefore cautious to recommend changes to this rule without understanding the outcome of that hearing. I further consider there is merit in considering the consequential effects of changes to the Noise chapter on activities managed by the TEMP chapter. I therefore defer this submission point to Hearing Stream 6.
98. In relation to the submission from NZTA, I consider the matters of discretion adequately extend to the safety, efficiency and effectiveness of the transport network. The provision directs decision makers to consider the extent of adverse *effects* arising from traffic generated by the activity. This would include effects on the state highway. The RMA directs consultation with potentially effected parties and therefore I do not consider this inclusion necessary in the matter of discretion.

Recommendation

99. I recommend, for the reasons given above, no changes to TEMP-R1.
100. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.7.5. Matters raised by submitters- TEMP-R3

101. SFF (s126.139), Kevin Robertson (s115.140), Rural Ratepayers Group (s143.151), Alistair & Bernadette Hunt (s148.152), Ronald Crispin (s60.142), John Baynes (s68.260) seek that TEMP-R3 is amended to include cover, storage, or stacking of goods for farming purposes.

Assessment

102. I consider the primary production rule (GRUZ-R1) would encompass and permit storage activities for farming purposes. The inclusion of 'other than for farming purposes' does in fact create some uncertainty as to storage for farming purposes and how this is managed. As such I recommend the phrase is removed from the rule.

Recommendation

103. I recommend, for the reasons given above, TEMP-R3 is amended as follows:

Where:

The temporary storage or stacking of goods or materials, ~~other than for farming purposes,~~ does not remain on the *site* for longer than 3 months and does not exceed 50m² in *gross floor area*

104. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

105. The following evaluates the recommendation to amend TEMP-R3 under section 32AA of the RMA.
106. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Ambiguity in relation to the applicability of the rule is removed by the proposed amendment. Management of storage for farming purposes, if temporary, will be consistent across the district. The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal. The proposed amendment is considered to be a more appropriate way to achieve TEMP-P7 and TEMP-O1 than the notified version of the PDP.

6.7.6. Matters raised by submitters- TEMP-R9

107. NZHA (s63.015) support in part TEMP-R9 but seek the inclusion of demolition of plants and trees, and structures. NZAAA (FS4.87) and NZHA (FS18.23) support this submission.

Assessment

108. The submitter seeks TEMP-R9 include provision to demolish plants, trees, and structures.
109. I consider it is appropriate to include 'vegetation and structures' in the rule text. It is not the intention of the PDP to prevent the demolition or removal of structures or vegetation, unless they are captured by other rules, as outlined in Note 1.
110. The amendments to Note 1 state specific chapters which will also apply to activities and these include Historic Heritage, Notable Trees and the Ecosystems and Indigenous Biodiversity chapters. As such, protection of historic heritage buildings, notable trees and indigenous vegetation will still be maintained.

Recommendation

111. I recommend, for the reasons given above, TEMP-P9 is amended as follows:

TEMP-R9 Demolition of *buildings*, *structures and vegetation*

112. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

113. The following evaluates the recommendation to amend TEMP -R9 under section 32AA of the RMA.
114. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Ambiguity in relation to the applicability of the rule is removed by the proposed amendment. The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal given other chapters of the plan apply. The proposed amendment is considered to be a more appropriate way to achieve TEMP-P9 and TEMP-O1 than the notified version of the PDP.

7. Conclusions and Closing Recommendation

7.1 Conclusions

115. This report has provided an assessment of submissions received on the TEMP Chapter and associated definitions of the PDP.
116. There were 34 submissions and 7 further submissions received for the TEMP Chapter. They were generally in support of the provisions and are summarised as follows:
- The definition of 'temporary activity' and the definition of 'temporary military training activity' are supported with no requests for changes.
 - TEMP-O2, TEMP-O3 and TEMP-O4 are supported with no requests for changes.
 - TEMP-P3, TEMP-P4, TEMP-P6 and TEMP-P8 are supported with no requests for changes.
 - TEMP-R5 and TEMP-R7 are supported with no requests for changes.
 - Hokonui Runanga seek changes to the wording of selected objective and policies.
 - PowerNet Ltd seek an additional provision for temporary substations.
 - NZTA seek further matters of discretion to ensure the safe and efficient use of the state highway transport network.
 - New Zealand Helicopter Association and New Zealand Agricultural Aviation Association (NZAAA) seek various changes to exempt helicopter movements.
 - Southland Federated Farmers of New Zealand along with other submitters seek provision for TEMP-R3 to include coverage, storage and stacking of farming goods.
 - New Zealand Helicopter Association and New Zealand Agricultural Aviation Association (NZAAA) seek TEMP-R9 includes the demolition of plants, trees and structures along with buildings

117. I consider that the submissions on the TEMP Chapter and associated definitions assessed in this report be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations in this report including **Appendix B**.
118. Overall, I recommend that the provisions are amended as shown in Appendix A for the reasons set out in this report. The main changes recommended include:
- Amendments to TEMP-O1 and TEMP-P1 to provide greater specificity for mana whenua values.
 - A new rule and supporting policy is recommended to provide for Temporary Network Utilities in cases of emergency or where they are associated with other temporary activities.
 - An amendment to TEMP-R3 to remove reference to storage for farming purposes.
 - Inclusion of the demolition of structures and vegetation in TEMP-R9.
 - Changes to Note 1 to clarify when the TEMP chapters takes precedence over other PDP provisions with exceptions for Ecosystems and Indigenous Biodiversity (ECO); Historic Heritage (HH), Notable Trees (TREE) and Sites and Areas of Significant to Māori (SASM); and General District-wide Matters: Activities on the Surface of Water (ASW), Noise (NOISE) and Signs (SIGNS).
119. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken throughout this report.

7.2 Closing Recommendation

120. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in **Appendix B** of this report.

Signed:

Name and Title	Signature	Date
Joanne Skuse Consultant Senior Planner		16.08.2024